



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxxi.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Abbey Tintern* and *Bigsweare* Roads.

[17th June 1852.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making a Turnpike Road from Redbrook* 5 G. 4. c. 29. to *Saint Arvans* in the County of *Monmouth*, and for building a Bridge on the Line of the said Road over the River *Wye*, and for making other Turnpike Roads to communicate therewith, in the Counties of *Monmouth* and *Gloucester*: And whereas the Roads and Bridge by the said Act authorized to be made and maintained by the Trustees thereby appointed have long since been completed: And whereas the Powers of the said Act will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless further extended by Parliament: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Sums still remain owing, and such Sums cannot be paid off, or Interest thereof discharged, unless further Powers are granted, and the Term of the said Act be further continued: And whereas it is expedient that the said

[Local.]

12 B

recited

The Abbey Tintern and Bigswear Turnpike Roads Act, 1852.

recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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Recited Act repealed.

I. That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing or referring to this Act in other Acts of Parliament, and in legal Instruments and all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Abbey Tintern and Bigswear Turnpike Roads Act, 1852.*"

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

III. That all Money due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to the Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same and act in respect thereof as effectually as if the same had been vested in and belonged to them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Time of the Repeal thereof, except such as are hereby extinguished.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Monmouth* and *Gloucester*, together with *John Hodges Winsloe, James Gilbert, John Reid, William Addams Williams, Richard Davies Clerk, Thomas Tudor, George Ridout Clerk, Osmond Arthur Wyatt, Fenton Hort, Thomas Langley Clerk, Robert Parker Boyd, Thomas Dyke, William Francis Price, Henry George Talbot Clerk, Robert Coke, Edward Lacon, and Thomas Bullock*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

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

The Abbey Tintern and Bigswear Turnpike Roads Act, 1852.

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 when so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

VI. That the said Trustees shall hold their First Meeting at *Monmouth* or at some other convenient Place in the Neighbourhood of the said Roads on the First *Saturday* 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 Roads as they shall think proper.

First Meeting 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 Instructions and Regulations so to be made.

Power to appoint Committees.

VIII. That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the several Roads and the Bridge herein-after mentioned; that is to say,

Roads to which this Act is applicable.

The Road from *Redbrook* in the County of *Monmouth* to the Village of *St. Arvans* in the same County:

The Bridge over the River *Wye* in the Parishes of *Saint Briavels* in the County of *Gloucester*, and *Landogo* in the County of *Monmouth*:

The Road from the said Bridge to the Village of *Saint Briavels* and the Forest of *Dean* in the County of *Gloucester*:

The Road from the Village of *Landogo* to the Village of *Trelleck* in the County of *Monmouth*:

And the Road from the Village of *Trelleck* to or near to a certain Place called the *Cross and Hand* in the County of *Monmouth*.

IX. That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, Agents, and Workmen, to use and employ any Materials which shall be provided for making or repairing the said Turnpike Roads or any of them in, for, and towards the Maintenance or Repair of the said Bridge, and the Road or Way and the Footpaths and Causeways upon or over the same Bridge, and the Road or Ways, Footpaths, and Causeways upon and over the same Bridge shall be and the same is and are hereby declared to be a Turnpike Road to all Intents and Purposes whatsoever.

Materials provided for Repair of Roads may be used for Bridge.

X. That

The Abbey Tintern and Bigswear Turnpike Roads Act, 1852.

Bridge and
Materials
vested in
Trustees.

X. That the Right and Property of, in, and to the said Bridge over and in the River *Wye*, and the Materials thereof, and all Materials for repairing the same, is hereby vested in the said Trustees; and it shall be lawful for the said Trustees and they are hereby empowered to bring or cause to be brought any Action, or to prefer or cause to be preferred any Bill of Indictment, against any Person or Persons who shall without Right keep Possession of or who shall break down or damage the said Bridge or any Portion thereof, or who shall steal or take away any such Materials, or who shall disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever it shall be sufficient to state the same to be the Property of "the Trustees for making and maintaining the *Abbey Tintern* and *Bigswear* Roads," without naming or otherwise describing the said Trustees.

Power to take
Tolls.

XI. That upon and after the said Thirty-first Day of *October* One thousand eight hundred and fifty-two it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Roads, or upon or adjoining to the said Bridge, any Tolls not exceeding the following; that is to say,

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, Sixpence:

For every Horse or other Beast (except Asses) drawing any Waggon, Wain, Cart, or other such like Carriage, Sixpence:

For every Ass drawing any Waggon, Wain, Cart, or Carriage of any Description, Threepence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Twopence; except for every Horse, Mule, or Ass carrying Charcoal, for which One Penny shall be taken:

For every Drove of Oxen or Neat Cattle, the Sum of Tenpence per Score, and so in proportion for any less Number:

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

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

For every Carriage moved or propelled by Steam or Machinery, or by any Power or Agency other than Human or Animal Power, the Sum of One Shilling *per* Wheel for each Wheel thereof:

Which said respective Tolls or Sums of Money shall be demanded or paid before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage,

The Abbey Tintern and Bigswear Turnpike Roads Act, 1852.

riage, upon which any Toll is by this Act imposed, shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or adjoining to the said Bridge, or upon or across the said Roads or on the Sides thereof:

And for every Foot Passenger or Person on Foot (except the Driver of any Waggon, Wain, Cart, or other Carriage,) who shall pass any Toll Gate now erected or hereafter to be erected upon or adjoining to the said Bridge over the River *Wye*, any Sum not exceeding One Penny, whether he or she shall travel or go more or less than One hundred Yards on the said Roads, any Law or Statute to the contrary notwithstanding, and a like Sum at such Turnpike Gate for every Person who shall ride in or upon any Waggon or Wain, or any Cart or other such like Carriage, (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire,) or who shall ride upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other such like Carriage, whether such Waggon, Wain, Cart, or Carriage shall travel or go more or less than One hundred Yards on the said Roads, such respective Tolls to be paid before any such Person, or any such Waggon, Wain, Cart, or other such like Carriage, or the Horse or Horses, Beast or Beasts, drawing the same, shall be entitled to pass through such Turnpike Gate; and upon Payment of such Toll by any Foot Passenger the Collector shall and he is hereby required to deliver *gratis* to such Foot Passenger a Note or Ticket denoting such Payment; and on Refusal or Neglect of such Collector so to do such Collector shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the same Manner and by the same Ways and Means as any Penalty on any Collector refusing or neglecting to deliver a Ticket on Payment of any other Toll on the said Turnpike Road may by Law be levied or recovered.

XII. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part. As to the fractional Parts of a Halfpenny.

XIII. That if any Foot Passengers or Persons on Foot shall fraudulently or forcibly pass through any Toll Gate now erected or hereafter to be erected upon or adjoining the said Bridge without paying the said Toll hereby imposed, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and such Penalty shall be levied and recovered, together with the necessary Costs and Charges of levying the same, by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for fraudulently To prevent Evasion of Tolls by Foot Passengers.

[Local.] 12 C lently

The Abbey Tintern and Bigsweat Turnpike Roads Act, 1852.

lently or collusively claiming or taking the Benefit of any Exemption from Toll, or other Exemption on any Turnpike Road, may by Law be levied or recovered; and One Moiety of such Penalty shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and be applied or disposed of for the Purposes of this Act.

Tolls to be paid but once a Day.

XIV. That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle, or for himself or herself as a Foot Passenger, through any of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle, and Foot Passenger shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, anything in this Act contained to the contrary thereof in anywise notwithstanding.

No more than Two full Tolls to be paid on the whole Line of Roads.

XV. That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, to demand or take, for or in respect of the same Horse, Beast, or Cattle, for passing or repassing at any Time or Times in any One Day through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Roads, more than Two full Tolls, the Distance between each respective Place of Payment being at least One Mile; and no Foot Passenger shall be liable to Toll by virtue of this Act at more than One Toll Gate.

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

XVI. That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads; and the Tolls hereby made payable in respect of Horses or Beasts let out to Hire, and drawing any Postchaise or other Carriage, shall in like Manner be payable and paid every Time of passing along the said Roads whenever any new hiring thereof shall be made.

Respecting Toll Gates.

XVII. That the several Toll Gates and Toll Houses now standing or being upon the said Roads or on the Sides thereof, or upon or adjoining to the said Bridge, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George the Fourth*, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up in or across the said Roads or the said

9 G. 4. c. 77.

The Abbey Tintern and Bigswear Turnpike Roads Act, 1852.

Bridge or on the Sides thereof any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House.

XVIII. That on or before the Thirty-first Day of *October* in the Year One thousand eight hundred and fifty-two any Mortgagee who may be in possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads or Bridge or upon the Sides thereof shall deliver up the same to the said Trustees, and the said Trustees, their Collectors and Servants, shall enter into possession of the said Toll Gates, Toll Houses, and Buildings, and shall thenceforth receive the Tolls thereat; and if any Collector, Receiver, or other Person shall refuse or neglect to deliver up Possession as aforesaid of any of the said Toll Gates, Toll Houses, or Buildings, then such Receiver, Collector, or other Person may be removed therefrom in manner provided by any Law or Statute then in force relating to Turnpike Roads in *England*.

Mortgagees
to deliver up
Possession of
Gates.

XIX. That whenever and so long as Interest upon all existing Mortgages made under the Powers of the said recited Act 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 of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising 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 Rent, 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 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,

Mortgagees
not to take
possession of
Toll Houses
but for
Arrears of
Tolls.

The Abbey Tintern and Bigsweat Turnpike Roads Act, 1852.

same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Claims in respect of certain Arrears, &c. extinguished.

XX. That all Claims upon the Trustees in respect of any Arrears of Interest which may at the Time of the passing of this Act be due upon the Principal Sums due on Mortgages of the Tolls authorized to be taken by the repealed Act, and also all Claims in respect of Monies which have been advanced by way of Subscription on the Credit of those Tolls, or in respect of Interest or Arrears of Interest upon those Subscriptions, shall be and the same are hereby extinguished: Provided always, that this Enactment shall not prejudice or affect any Guarantee which may have been given by any Person as a collateral Security for Money advanced on Mortgage of the said Tolls.

Application of Monies.

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,

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

Secondly, in defraying, to an Extent not exceeding in the aggregate the Sum of Seventy-five Pounds in any One Year, the necessary Expenses of erecting, altering, and repairing Toll Gates, Toll Bars, and Toll Houses, and the necessary Expenses of Management and Repair of the said Roads, and of paying the Expenses of keeping the said Bridge in repair:

Thirdly, in paying Interest, at the Rate of Three Pounds Five Shillings for the Hundred Pounds by the Year, and at no higher Rate, upon the Principal Sum of Eleven thousand seven hundred and twenty-three Pounds, or such Part thereof as may from Time to Time remain due and owing on Mortgages of the Tolls authorized to be taken by the said repealed Act, such Interest not to commence until all the Expenses of or incidental to the passing of this Act shall have been defrayed:

Fourthly, in reducing, paying off, and discharging the Principal Sums for the Time being owing in respect of Money due on Mortgages of the Tolls authorized to be taken by the said repealed Act:

Fifthly, in paying any Amount beyond the said annual Sum of Seventy-five Pounds which may be necessary or proper for maintaining and keeping the said Roads in repair, and in putting this Act into execution with reference thereto.

As to Mode of discharging Debt.

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

The Abbey Tintern and Bigswear Turnpike Roads Act, 1852.

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 Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the Counties of *Monmouth* or *Gloucester*, 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 or 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.

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

No Money to be taken or laid out in Towns.

XXIV. That it shall not be lawful for the Trustees to borrow any Sum or Sums of Money on the Credit of the Tolls collected and received by virtue of this Act, or on any other Security, nor to make any Mortgage nor to give any Security for Arrears of Interest, Purchase Money of Land, or other Monies owing, without the Consent in Writing of One of Her Majesty's Principal Secretaries of State first obtained: Provided nevertheless, that a Recital or State-

Money not to be borrowed without Consent of Secretary of State.

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12 D

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The Abbey Tintern and Bigswear Turnpike Roads Act, 1852.

ment of such Consent, which shall be inserted in any Mortgage for securing any Money so borrowed, shall, so far as respects any Person claiming under such Mortgage or any Transfer thereof, be sufficient Evidence of such Consent; and in case any such Trustees shall make any such Mortgage, with such Recital or Statement therein, without having first obtained such Consent, the Trustees, executing such Mortgage shall be jointly and severally liable to indemnify the Tolls or other Monies out of which the Monies secured by such Mortgage shall be paid; and it shall be lawful for the Treasurer for the Time being of the Trustees to sue for and recover such Money so paid, by Action of Debt in any of Her Majesty's Courts of Record, with full Costs of Suit, to be taxed as between Attorney and Client.

Roads not exempted from Provisions of future General Act.

XXV. That nothing herein contained shall be deemed to exempt the said Roads 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, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

Term of Act.

XXVI. 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.

Style of the Trust.

XXVII. That the Trustees for executing this Act shall be styled "The Trustees of the *Abbey Tintern and Bigswear Turnpike Roads.*"

Interpretation of Terms.

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,)

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

The Word "Toll-gate" shall mean any Toll-gate, Turnpike, Bar, or Chain set up and erected or to be set up and erected upon or across or by the Side of the Roads or Bridge, or across any Highway or Lane communicating therewith.

LONDON :

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