



ANNO DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap. xxi.*

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Kingswood* District of Turnpike Roads in the County of *Gloucester*. [12th *May* 1854.]

**W**HEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from Wotton-under-Edge, through Kingswood, to Wickwar, and Branch Roads therefrom, all in the Counties of Gloucester and Wilts*: 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-four: And whereas considerable Sums of Money have been advanced or are now due upon the Credit of the Tolls authorized to be taken by the said Act, and such Sums cannot be paid off, or the future Interest thereof discharged, unless further Powers are granted, and the Term of the said Act further continued:

7 & 8 Geo. 4.  
c. c.

[*Local.*]

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And

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And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the same cannot be done without the Authority of Parliament: May it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:

Recited Act  
repealed.

I. Upon the Fourth *Tuesday* next after the passing of this Act the recited Act of the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Monies, &c.,  
to vest in the  
new Trus-  
tees.

II. All Money due to, and all Property, Books, Accounts, Papers, Writings, and other Things, and all Choses in Action vested in or belonging to the Trustees under the 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 recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof, except such as may be hereby barred or extinguished.

Appoint-  
ment of  
Trustees.

III. All Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Gloucester*, together with *Anthony Adey*, the Reverend *John Southgate Austin*, *Edward Austin*, *William Austin*, *George Isaac Austin*, *Robert Dean Bailey*, *John Bailey*, *Stephen John Barber*, *William Barnard*, *Thomas Biddle*, *John Bird*, the Reverend *William Henry Boothby*, *Edward Cooper*, *Edward Cooper* the younger, *Robert Cooper*, *Henry Cooper*, the Reverend *Thomas Roupel Everest*, *John Griffiths*, the Venerable *Mathew Blagden Hale*, *Edward Blagden Hale*, *John Blagden Hale* the elder, *John Blagden Hale* the younger, *Richard Blagden Hale*, *Thomas Hungerford Blagden Hale*, *Charles Matthew Blagden Hale*, *Walter Blagden Hale*, *Robert Hale*, *Matthew Holford Hale*, *Richard Hattersley*, the Reverend *William Winstone Curtis Hayward*, *William Hobbs*, *William Hobbs* the younger, *John Dutton Hunt*, the Reverend *Thomas Le Quesne Jones*, *Charles Le Gros*, *Philip Le Gros*, *William Alexander Long*, *William Alexander Long* the younger, *Rufus Long*, *Samuel Long*, *George Bousfield Long*, *Paul Long*, *Samuel Clark Long*, *Rowland Nathaniel Long*, *Rowland Long*, *John Millman*, *Josiah Overbury*, *Daniel Esbury Partridge*, *Thomas Esbury*

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*Esbury Partridge*, the Reverend *Benjamin Robert Perkins*, *William Perrin*, *William Perrin* the younger, *James Perrin*, *Llewellyn Perrin*, the Reverend Sir *George Prevost* Baronet, *George Phipps Prevost*, *Charles Prevost*, *William Stoner*, *Ambrose Lewis Stoner*, *William Stoner* the younger, *John Salter Strange*, *William Strange* the younger, *Henry Vizard*, the Reverend *George Stockling Weidmann*, *Joseph Wheeler*, the Reverend *Martin Henry Whish*, 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. 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 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. The Trustees shall hold their First Meeting at the *New Inn* in the Parish of *Kingswood* in the County of *Gloucester*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Fourth *Wednesday* next after the passing of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Places in the Neighbourhood of the said Roads and at such Times as they shall think proper.

First Meeting of Trustees.

VI. This Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the several Roads herein-after mentioned; (that is to say,)

Roads to which this Act is applicable.

First, the Roads from or from near *Wotton-under-Edge*, through *Kingswood*, to *Wickwar* :

Secondly, the Branch Road from *Kingswood* to the Road leading from *Wotton-under-Edge* to *Bristol* :

Thirdly, the Branch Road from *Kingswood* to join the Road leading from *Wotton-under-Edge* to *Bath*, at or near *Hillsley*.

VII. Upon and after the First Day of *November* One thousand eight hundred and fifty-four, it shall be lawful for the 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 and Branch Road, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Powers to take Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Caravan, Curricule, Chair, Gig, Hearse, Litter, or other such like Carriage, any Sum not exceeding Sixpence :

For

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For every Horse or other Beast drawing any Cart, when drawn by only One Horse or other Beast, any Sum not exceeding Sixpence :

For every Horse or other Beast drawing any Waggon, Wain, Van, Cart, Dray, Sledge, Slide, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Width or Gauge of Six Inches or upwards (except Horses or other Beasts drawing any Cart, when drawn by only One Horse or other Beast as aforesaid), any Sum not exceeding Fourpence :

For every Horse or other Beast drawing any Waggon, Wain, Van, Cart, Dray, Sledge, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Four and a Half Inches, and less than Six Inches (except Horses or other Beasts of Burden drawing any Cart, when drawn by only One Horse or other Beast as aforesaid), any Sum not exceeding Fivepence :

For every Horse or other Beast drawing any Waggon, Wain, Van, Cart, Dray, Sledge, Slide, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of less Breadth or Gauge than Four and a Half Inches, any Sum not exceeding Sixpence :

For every Dog or Goat drawing any Vehicle whatever, any Sum not exceeding One Penny :

For every Carriage with Four Wheels affixed to any Waggon, Wain, Van, Cart, or other Carriage, the Sum of Two Shillings ; and for every Carriage with Three or Two Wheels so affixed, the Sum of One Shilling :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Twopence :

For every Score of Cows or Neat Cattle, any Sum not exceeding Tenpence, and so in proportion for any greater or less Number :

For every Score of Calves, Hogs, Swine, Goats, Sheep, or Lambs, any Sum not exceeding Fivepence, and so in proportion for any greater or less Number :

For every Carriage moved or propelled by Steam or Machinery, or by any Power other than Human or Animal Power, One Shilling *per* Wheel.

As to the Fraction of a Halfpenny in Tol's.

VIII. In all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once a Day.

IX. In case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse or Beast drawing or not drawing, or of any Cattle, through any One such Toll Gate or Turnpike

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pike, or any Side Gate or Side Bar or Chain, upon or across the said Roads, such Horse or other Beast drawing or not drawing, and such Cattle, shall, upon a Ticket denoting the Payment of such Toll on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, Side Gate, Side Bar or Chain, and also through such other Toll Gates, Turnpikes, Side Gates, Side Bars and Chains on the said Roads, or on the Sides thereof, as the Ticket for such Payment shall free, at any Time or Times during the same Day, except such Horses or Beasts as shall be employed in drawing a different Carriage from that which they were employed in drawing when the Payment was made, in which Case such Horses or other Beasts so drawing shall be again liable to Toll.

X. 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 drawing the same Carriage, or of the same 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, Side Gates, Side Bars or Chains along the whole Line of the said Roads between the Towns of *Wotton-under-Edge* and *Wickwar* aforesaid more than One full Toll, or between *Hillsley* aforesaid and the Termination of the said Line of Roads at the Road leading from *Wotton-under-Edge* to *Bristol* aforesaid more than One full Toll.

Limiting the Number of Tolls on the whole Line of Roads.

XI. One Moiety or Half Part of the Tolls hereby made payable shall be paid in addition to such Tolls for and in respect of every Horse or other Beast drawing any Waggon, Wain, Van, Cart, Sledge, Slide, or other such like Carriage laden with Coals, between the Thirty-first Day of *October* and the First Day of *April* following within the Period of each and every Year.

Coal Waggon to pay an additional Half Toll between 31st Oct. and 1st April.

XII. The Tolls by this Act made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan or 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, or any of them.

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

XIII. The Tolls by this Act made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

Horses drawing Post Chaises on every new Hiring.

XIV. All Carts passing along the said Roads, or any of them, drawn by One Horse only, shall and may be weighed at any Weighing Machine

One Horse Carts may be weighed.

[Local.]

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Machine

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Machine erected or to be erected on the said Roads, or any of them, and the like additional Toll demanded, received, and recovered for the Overweight thereof as is by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties for the Time being in force relating to the weighing of Waggon, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads, or any of them, drawn by One Horse only, and to Drivers, Masters, and Owners thereof.

Present Tolls may be continued for a Term.

XV. Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates belonging to the Trustees until and inclusive of the Thirty-first Day of *October* One thousand eight hundred and fifty-four.

Respecting Toll Gates.

9. G. 4. c. 77.

XVI. The several Toll Gates and Toll Houses now standing or being upon the said Roads, or on the Sides thereof, shall be continued until removed by an Order of the Trustees; and it shall be lawful for the 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 on or across the said Roads, or on the Sides thereof, any Toll Gates or Toll Houses, and to remove the present or any future Toll Gates or Toll Houses: Provided always, that no such Toll Gate or Toll House shall be so removed or set up except the same shall be ordered to be removed 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 Public General Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven.

Exemption from Toll.

XVII. None of the Tolls hereby authorized to be taken shall be demanded, taken, or received for any Horse, Beast, or other Cattle or Carriage used or employed only in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying having been employed only in carrying or conveying, on the same Day, any Dung, Soil, Lime, Compost, or Manure for improving Lands, or any Implements of Husbandry (unless laden also with some other Thing not exempted from Toll), or any Agricultural Produce or Milk which has been produced on Land or Ground in the Occupation of the Owner of such Produce or Milk, and which has not been bought, sold, or disposed of, or is going to be sold or disposed of.

Power to enter into Contracts with Trustees

XVIII. And whereas an Act was passed in the Second Year of the Reign of King *George* the Fourth, intituled *An Act for repairing Part of the great Road from Gloucester to Bristol, and certain Roads through*

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*through and near the Towns of Berkeley, Dursley, Wootton-under-Edge, and Stroud, and other Roads therein mentioned, in the Counties of Gloucester and Wilts: And whereas the herein-before referred to Road between Wootton-under-Edge and Kingswood (being in Length Three Quarters of a Mile or thereabouts) will lead from and into a certain Part of the Wootton-under-Edge Division of Roads comprised in the lastly-recited Act, near the Town of Wootton-under-Edge aforesaid, whereby Persons travelling to or from Wootton-under-Edge with Horses or other Beasts or Cattle and Carriages along such Roads between Wootton-under-Edge and Kingswood will pass over and along such Part of the said Wootton-under-Edge Division of Roads, and may thereby become liable to the Payment of Tolls upon such Division, as well as to the Payment of the Tolls by this Act authorized: And whereas it is expedient that the Trustees acting in execution of this Act should, for the Purpose of avoiding such double Toll in so short a Distance of Road, be empowered to contract and agree with the Trustees acting for the said Wootton-under-Edge Division of Roads to contribute to the Repair of such Part of the said Division of Roads, as Horses, Beasts, or other Cattle and Carriages travelling as aforesaid to or from Wootton-under-Edge from or to the Roads between Wootton-under-Edge and Kingswood aforesaid will pass over and along, or otherwise to compound for such Repairs, upon having Permission granted by such other Trustees for Horses, Beasts, or other Cattle, and Carriages, to travel to and from the said lastly mentioned Line of Roads from and to Wootton-under-Edge aforesaid free from any Toll for or in respect of the said Division of Roads: Be it therefore enacted, That it shall be lawful for the Trustees acting in execution of this Act, and they are hereby fully authorized and empowered, at any of their Meetings, to enter into any Contract, Agreement, or Arrangement with the Trustees acting in execution of the Act for the said Wootton-under-Edge Division of Roads for the Payment of any annual or other Sum or Sums of Money to the said Trustees acting for the said Division of Roads, or for the Performance of any other Matter or Thing whatsoever, as and by way of Composition and as a Satisfaction for the travelling over the said Part of the said Division of Roads which lies between the said Town of Wootton-under-Edge and the Commencement of the Line of Road to Kingswood by Horses or other Beasts or Cattle and Carriages passing from or to Wootton-under-Edge to or from Kingswood, and the Repair of such Part of the said Division of Roads, and for any Tolls which might be otherwise demanded or payable.*

acting under  
2 G. 4. c.  
lxxxii. as to  
Repair of  
Roads &c.

XIX. Whenever and so long as the Interest by this Act authorized upon the Mortgages made under the Powers of the recited Act shall be duly paid within Three Calendar Months next after the same shall become due, the Holder of such Mortgage of the Tolls collected upon

Mortgagees  
to take Pos-  
session of  
Toll-houses  
for Payment  
of Interest  
only.

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upon the said Roads shall not 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 if such Mortgagee shall enter into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, he may reimburse himself any Costs to which he may be entitled; and such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such Mortgage shall be payable, render to the Clerk to 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 Account that the Interest due on such Mortgage up to the last of such 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.

Arrears of  
Interest ex-  
tinguished.

XX. All Arrears of Interest upon Monies borrowed on Mortgage of the Tolls authorized to be levied by the recited Act at the Time when this Act shall come into operation shall be and are hereby barred and extinguished.

Application  
of Monies.

XXI. All Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows:

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

Secondly, in defraying the necessary Expenses of erecting, altering, repairing and renting Toll Gates and Toll Houses, and the necessary Expenses of Management of the said Roads, and the Salaries of Officers, not exceeding in the whole, exclusive of Law Expenses, Thirty Pounds *per Annum*:

Thirdly, in paying Interest, after the rate of Two Pounds *per Centum per Annum*, upon the Principal Sum of Four thousand three hundred and fifty-three Pounds, or other the Principal Sum or Sums for the Time being owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken by this or the repealed Act, such Interest to accrue due from the Time when the Expenses of obtaining and passing this Act, or incident thereto, shall have been discharged:

Fourthly,



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Fourthly, in reducing, paying off, and discharging, in manner herein-after mentioned, the Principal Sum or Sums for the Time being owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken by this and the repealed Act:

Fifthly, in paying the Expenses of maintaining and repairing the said Roads.

XXII. It shall not be lawful for the Trustees, at any Time after the passing of this Act, to borrow Money on Mortgage of the Tolls by this Act authorized to be levied or taken, any Law or Statute to the contrary notwithstanding.

No Money to be raised by Mortgage.

XXIII. When and so often as the Sum applicable to the Discharge of the Principal Monies for the time being owing on Mortgage 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 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*; 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 Principal Monies owing on Mortgage of the said Tolls to the Mortgagee, 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 Mortgagee 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 Principal Monies owing on Mortgage of the said Tolls to the Mortgagee 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 Mortgagees by such Proposal 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 Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees 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 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 Mortgagees 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.

As to Mode of discharging Debt.

[*Local.*]

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XXIV. Nothing

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*The Kingswood District of Roads Act, 1854.*


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Roads not  
exempt from  
Provisions of  
future General  
Acts.

XXIV. Nothing in this Act 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.

XXV. This Act shall commence on the Fourth *Wednesday* 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.

Interpreta-  
tion of  
Terms.

XXVI. 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" shall mean the Trustees for the Time being acting in execution of this Act ; and

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

Short Title.

XXVII. This Act shall for all Purposes be sufficiently described or referred to as "The *Kingswood District of Roads Act, 1854.*"

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LONDON :

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