



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cvi.

An Act to repeal the Acts relating to the Road from *Lightpill* to *Birdlip*, and make other Provisions in lieu thereof. [2d July 1855.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from or from near Lightpill Gate, on the Road leading from Bath to Dudbridge in the Parish of Rodborough, to join the Turnpike Road from Painswick to Cheltenham at or near to Birdlip in the Parishes of Brimpsfield and Cowley, or One of them, all in the County of Gloucester:* 40 G. 3. c. xliii.
 And whereas by the Local and Personal Act of the First Year of the Reign of His Majesty King *George* the Fourth, Chapter Twenty, the Term and Powers of the before-mentioned Act were continued, extended, and enlarged: 1 G. 4. c. xx.
 And whereas the Powers granted by the said Acts, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Acts relating to Turnpike Roads, will expire on the First Day of *November* One thousand eight hundred and fifty-five, unless the same be in the meantime further continued by Parliament: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be
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taken on the said Roads, which Money still remains owing, and is now due or reputed to be due to the several Persons named in the Schedule to this Act, in the Proportions or Sums set opposite to their respective Names in that Schedule, and cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Acts should be repealed, and that other and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Acts repealed.

I. Upon the Third *Friday* next after the passing of this Act the said recited Acts of the Fortieth Year of the Reign of His Majesty King *George* the Third and the First Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.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. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Lightpill and Birdlip Road Act, 1855.*"

Interpretation of Terms.

III. 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 Word "Person" shall be understood to include Corporation: The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Expression "the Road" or "the said Road" shall mean the Road comprised in this Act:

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates.

Road to which this Act is applicable.

IV. This Act shall be put into execution for the Purpose of improving, maintaining, and keeping in repair the present Turnpike Road leading from the Turnpike Road leading from *Bath* to *Dudbridge*, at or near *Lightpill* Mill in the Parish of *Rodborough*, to join the Turnpike Road leading from *Cirencester* to *Stroud* at or near the *Anchor* Inn, in the Parish of *Rodborough* aforesaid, and from a certain Brook called *Badbrook* in the Parish of *Painswick* to the old Turnpike Road leading from *Painswick* to *Cheltenham* near the Six Mile Stone

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Stone on that Road leading to *Birdlip*, all in the County of *Gloucester*: Provided always, that when and so soon as the Principal Monies due and owing on the Credit of the Tolls hereby authorized to be taken shall have been paid off and discharged, so much of the Roads as is situate in the Parish of *Rodborough* aforesaid shall cease to be Part of the Roads, and thereafter no Money shall be laid out, nor any Toll collected by the Trustees thereon.

V. All Monies 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 Acts, 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 Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Acts were liable at the Repeal thereof, except such Debts and Engagements as are by this Act extinguished.

Monies and Property to vest in the new Trustees.

VI. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Gloucester*, together with *Edward Archer Norris Burgh, John Garlick Ball, John Biddle, William Capel, Arthur Capel, Richard Capel, Henry Daniel Chomoley*, the Reverend *John Colborne Clerk, Daniel Davis, Robert Stephens Davies, William Davies, Robert Spry Davies, George Edwards, George Joseph Saunders Edwards, William Antony Freston, Paul Hawkins Fisher, Charles Hawkins Fisher, Joseph Timbrell Fisher the younger, Charles Goddard, William Henry Hyett, Joseph Watts Hallewell, James Charles Hallewell, Charles Hawker, John Dutton Hunt, Thomas Harries, John Mills*, the Reverend *William Yarnton Mills Clerk, Daniel Yarnton Mills, Nathaniel Samuel Marling, Charles Mansfield*, the Reverend *Edward Mansfield Clerk, James Mander*, the Reverend *Frederick Morgan Clerk, the Reverend George Proctor Clerk, Nathaniel Partridge, Joseph Partridge, John Paine, William Henry Paine Doctor of Medicine, David Ricardo, Frederick Roberts, James White Roach, John Young Sandys, James Sandys Doctor of Medicine, William Henry Stanton, Walter John Stanton, Charles Stanton, Arthur Stanton, Charles Holbrow Stanton, Alfred John Stanton, Thomas Shill, Robert Lawrence Townsend the elder, Robert Lawrence Townsend the younger*, the Reverend *John Williams Doctor in Divinity, Richard Wyatt, Joseph Watts, Ralph Radcliffe Whitehead, William Henry Withey*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Appointment of new Trustees.

VII. It

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Power to
appoint ad-
ditional
Trustees.

VII. It shall be lawful for the Trustees from Time to Time, at any Meeting under this Act, to elect any Number of Persons, duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of
Trustees.

VIII. The 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, on the Fourth *Friday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper.

Present Tolls
continued
for a Term.

IX. Notwithstanding the Repeal of the said recited Acts, 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 Twenty-fourth Day of *May* One thousand eight hundred and fifty-six.

Power to
take Tolls.

X. Upon and after the said Twenty-fourth Day of *May* One thousand eight hundred and fifty-six it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Road such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

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

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

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

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

For every Carriage, of whatever Kind, propelled or drawn by Steam or Machinery, or any Power other than Animal Power, the Sum of One Shilling for each Wheel thereof:

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, or of any Public General Act relating to Turnpike Roads in *England*, upon or across the said Roads or on the Sides thereof.

XI. In

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XI. 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.

As to the Fraction of a Halfpenny in Tolls.

XII. Except as in this Act otherwise provided for passing or re-passing any Number of Times on the same Day with the same Horses or other Beasts, Carriages and Cattle, along the said Road, not more than One full Toll shall be taken.

Number of Tolls limited.

XIII. All Horses and Cattle (except as herein-after otherwise provided) 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 through the same Toll Gate, and in going and in returning through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass and repass Toll-free at all Times on the same Day.

Persons having paid Toll to return free.

XIV. Provided always, That Tolls shall be paid for every Time during the same Day that any Horse or other Beast shall pass through any Toll Gate on the Road drawing any laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage, other than that which such Horse or other Beast shall have been employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse or other Beast.

Tolls on Horses, &c. drawing different Waggons, &c.

XV. The Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing and re-passing along the said Road on the same Day, after a fresh Hiring shall have taken place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Postchaises, &c. to pay every fresh Hiring.

XVI. For and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, or other Stage Waggon, Omnibus, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Fourth Time of passing in the same Direction along the said Road.

Horses drawing Stage Coaches, &c. to pay every Fourth Time of passing Toll Gate.

XVII. All Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, Van, Caravan, Cart, or other Stage Carriage conveying Passengers or Goods for Payment, Hire, or Reward, in respect whereof the Toll by this Act authorized to be taken shall have been paid at any Toll Gate on the said Road, shall, upon a Ticket denoting such

Regulations as to Stage Coaches.

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Payment being produced, be permitted to pass and repass Three Times 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 its conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Trustees to repair Part of Cirencester and Stroud Road.

XVIII. The Trustees shall, until the said Principal Monies shall be paid off and discharged, repair, amend, and keep in repair the Part of the *Cirencester and Stroud* Turnpike Road leading from the Junction of the Roads comprised in this Act, at or near the *Anchor* Inn in the said Parish of *Rodborough* to the Bridge called *Walbridge* in the same Parish; and the Trustees of the said Turnpike Road from *Cirencester* to *Stroud* shall not during such Time collect any Toll at any Gate now erected or hereafter to be erected at the Crossing of the *Cirencester and Dudbridge* Road, or at and between the Junction of the Roads comprised in this Act, near the *Anchor* Inn aforesaid and the Termination of the *Cirencester and Stroud* Turnpike Road at the End of the Town of *Stroud* aforesaid.

Respecting Toll Gates.

XIX. Subject to the Provisions of this Act, the several Toll Gates and Weighing Machines now standing or being upon the said Roads or any of them, or on and by the Sides thereof, shall be continued until removed by an Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up upon, in, or across the said Roads by this Act directed or authorized to be maintained, and upon and by the Sides thereof, or any Part thereof respectively, any Toll Gate, Toll Bar, and any Weighing Machine, and from Time to Time to remove the present or any future Toll Gates, Toll Bars, or Weighing Machines, as they shall think proper: Provided always, that no Toll Gate or Toll Bar which by this Act is authorized to be maintained or set up upon the said Roads, or by the Sides thereof, shall be removed or set up upon or across the said Roads or by the Sides thereof 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 Act of Ninth *George* the Fourth, Chapter Seventy-seven.

Arrears of Interest to be extinguished.

XX. All Arrears of Interest now due and owing in respect of the Principal Monies now due and owing on the Credit of the Tolls authorized to be taken on the said Roads shall be and the same are hereby extinguished.

XXI. All

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

First, 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, Salaries of Officers, and the necessary Expenses of and incidental to the Management of the said Road, but so that the Amount of such Expenses shall not exceed the Sum of Forty Pounds *per Annum*, exclusive of the Costs of prosecuting and defending Actions at Law, Suits, or Indictments:

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

Fourthly, in repairing and maintaining the Road, but so that the Amount expended for this Purpose shall not exceed One hundred and fifty Pounds *per Annum*:

Fifthly, in paying off, in manner herein-after mentioned, the Principal Sums for the Time being remaining due on the Credit of the said Tolls:

Lastly, in defraying the further Expenses of managing, maintaining, repairing, and improving the Road.

XXII. Provided always, That no Interest shall accrue due on the said Principal Debt until the Trustees shall have received sufficient Sums to defray the Expenses of obtaining and passing this Act. Interest not to accrue due until Expenses of Act are paid.

XXIII. Whenever and as long as the Interest upon all existing Mortgages made under the Powers of the said recited Acts shall be duly paid, at the Rate herein-before mentioned, within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon 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-before 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 of the said Trustees for the Time being a full and true Account of his Receipts and Expenditure Mortgagees to take possession for Payment of Interest only.

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

As to the
Mode of dis-
charging
Debt.

XXIV. 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 same Principal Monies to 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, either by Letter under the Hand of the Clerk to the Trustees for the Time being given to each of the Persons entitled to any Part of the same Principal Monies which may then remain unsatisfied, or left at his usual or last known Place of Abode, or sent by Post addressed to him thereat, or 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 to 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 such 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 think fit;

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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 entitled to the said Principal Sums, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit: Provided always, that the Trustees may from Time to Time, if they think fit, apply, in manner aforesaid, any Sum less than One hundred Pounds applicable as aforesaid, or, with the Consent of One of Her Majesty's Principal Secretaries of State, in Writing under his Hand, postpone the Application of any Sum so applicable until the same amount to any Sum exceeding One hundred Pounds, which they with such Consent may determine.

XXV. No Money shall be laid out by the Trustees on the said Road within the Town of *Stroud*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected therein by them. Trustees not to take or lay out Money in Towns.

XXVI. Nothing herein contained shall be deemed to exempt the said Road from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament. Road not exempted from General Acts.

XXVII. This Act shall commence on the Third *Friday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow. Commencement and Term of Act.

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SCHEDULE to which the foregoing Act refers.

Names of the Persons to whom or to whose Representatives the Principal Sums mentioned in this Act are due or reputed to be due.	Proportion due to each.		
	£	s.	d.
Paul Hawkins Fisher, Executor of the late Henry Wyatt	399	0	0
Arthur Capel	133	0	0
William Capel	133	0	0
The County of Gloucester Banking Company	437	0	0
Mary Holbrow, and Charles Stanton and Martha his Wife	399	0	0
John Dutton Hunt	997	10	0
Thomas Harris	313	10	0
Representatives of William Hodges	133	0	0
Hester Mansfield	950	0	0
Representatives of the late Thomas Mills	133	0	0
Representatives of the late John Mills, Hazle Mill	494	0	0
James White Roach	133	0	0
The Reverend Frederick Morgan, Clerk	133	0	0
Opie Rodway	190	0	0
Robert Lawrence Townsend	551	0	0
Joseph Watts	133	0	0

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