



ANNO DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## Cap. lxi.

An Act to repeal the Act relating to the *Leominster and Ledbury Turnpike Trust*, and to make other Provisions in lieu thereof. [15th June 1855.]

**W**HEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making a Turnpike Road from the Hope Turnpike in the Leominster and Hereford Road to or near Burley Gate in the Hereford and Bromyard Turnpike Road, and from thence to a Place called the Trumpet in the Ledbury and Hereford Turnpike Road, all in the County of Hereford*: And whereas the Powers 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-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 taken by the said recited Act: And whereas considerable Sums of Money, amounting in the whole to Two thousand four hundred and fifty Pounds or thereabouts, have also been subscribed by various Persons, for the Purpose of making the said Road, which also remain owing, with Interest thereon, but no Mortgages, Bonds, or other legal Securities have been granted in respect thereof, nor has any Interest

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thereon ever been paid to any of the Persons so subscribing as aforesaid: And whereas the several before-mentioned Sums of Money cannot be paid off, nor can the said Road be maintained or kept in repair, 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and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Act  
repealed.

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of this Act the said recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Leominster and Ledbury Road Act, 1855.*"

Interpreta-  
tion of  
Terms.

III. 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 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.

Monies and  
Property to  
vest in the  
new Trus-  
tees.

IV. That all Monies 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 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



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were liable at the Repeal thereof, except such of them as are by this Act extinguished or reduced.

V. That this Act shall be put in execution for the Purpose of improving, maintaining, and keeping in repair the present Turnpike Road leading from the *Hope* Turnpike in the *Leominster and Hereford* Road to or near *Burley Gate* in the *Hereford and Bromyard* Turnpike Road, and from thence to a Place called the *Trumpet* in the *Ledbury and Hereford* Turnpike Road, all in the County of *Hereford*. Road to which this Act is applicable.

VI. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Hereford*, together with *John Arkwright, John Hungerford Arkwright, Henry Arkwright, Bonham Caldwell, Thomas Dunne, Edward Charles Evans, Richard Weaver Evans, John Hopton Clerk, John Hopton the younger, John Graves Clerk, William Parsons Hopton Clerk, William Poole Clerk*, the Honourable and Reverend *Henry Rodney*, Sir *Edwin Stanhope* Baronet, *John Southall, Francis Henry Thomas, Richard Davies Evans Clerk, James King King M.P., John Henry Burchall, Henry Thomas Hill Clerk*, and *William Burchall Peren*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be the Trustees for putting this Act into execution. Appointment of Trustees.

VII. That 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. Power to appoint additional Trustees.

VIII. That the said Trustees shall hold their First Meeting at "*England's Gate Inn*" in the Parish of *Bodenham* in the County of *Hereford*, or at some other convenient Place in the Neighbourhood of the said Road, on the Fourth *Thursday* next after the passing of this Act, 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. Meetings of Trustees.

IX. That upon and after the said Fourth *Thursday* next after the passing of this Act 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 Power to take Tolls.



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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 Coach, Berlin, Landau, Hearse, Chariot, Chaise, or Chair, the Sum of Sixpence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Car, or other such Carriage, with Wheels of less Breadth than Six Inches, between the First Day of *March* and the First Day of *November* in every Year, the Sum of Sixpence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Car, or other such Carriage, with Wheels of less Breadth than Six Inches, between the First Day of *November* and the First Day of *March* in every Year, the Sum of Ninepence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Car, or other such Carriage, with Wheels of the Breadth of Six Inches and upwards, between the First Day of *March* and the First Day of *November* in every Year, the Sum of Fourpence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Car, or other such Carriage, with Wheels of the Breadth of Six Inches and upwards, between the First Day of *November* and the First Day of *March* in every Year, the Sum of Sixpence :

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

For every Ox, Neat Cattle, or Ass drawing any Waggon, Wain, Cart, Car, or other such Carriage, the Sum of Threepence :

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Three Halfpence :

For every Ass, laden or unladen, and not drawing, the Sum of One Penny :

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

For every Carriage not drawn by any Horse or other Beast, but propelled or moved along the Road by Machinery or otherwise than by Animal Power, the Sum of One Shilling for each Wheel of such Carriage :

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 Road or on the Sides thereof.

As to the  
Fraction of

X. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected

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collected the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part. a Halfpenny in Tolls.

XI. That all Horses and Cattle (except as herein-after otherwise provided) in respect whereof any 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 Toll-free at all Times on the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night. Persons having paid Toll to return Toll-free.

XII. Provided always, That no more than Three full Tolls shall be demanded or taken for or in respect of the same Horses, Beasts, Cattle, Animals, or Carriages for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates along the whole Line of the said Road, nor shall any Second Toll for passing through any Gate be taken within a less Distance than Two Miles from that at which such previous Toll shall have been paid. Limiting the Number of Tolls on the whole Line of Road.

XIII. 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.

XIV. That the Tolls hereby 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 Road. Stage Coaches, &c. to pay every Time of passing.

XV. That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Postchaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place. Horses drawing Post-chaises, &c. on every new Hiring.

XVI. That the said Trustees may continue or remove all or any of the Toll Gates and Toll Houses now standing upon or across the said Road, or at the Side or Sides thereof, and erect and set up, or cause to be erected and set up, any other Gates, Toll Gates, Weighing Respecting Toll Gates.

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Machines, and Toll Houses, with Outhouses and Conveniences suitable thereto, across or by the Side of the said Road, or across any common Highway at the Entrance thereof into the said Turnpike Road, and take in and enclose suitable Garden Spots for the said Houses respectively, not exceeding One Eighth Part of a Statute Acre each, and from Time to Time take down and remove or alter the same or any of them as they shall think proper: Provided always, that no Toll Gates or Toll Houses shall be removed, erected, or set up on or across the said Road or on the Sides thereof, unless the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose, in conformity with and after such Notices as are required to be given by the 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*.

As to Debt.

XVII. And whereas the Mortgage Debt charged upon the Tolls arising under the said recited Act now amounts to the Sum of Three thousand six hundred and eighty-five Pounds Eight Shillings and Fivepence (exclusive of a Sum of Three hundred and fourteen Pounds Eleven Shillings and Sevenpence in respect of Arrears of Interest, and for which, together with certain Advances, a Mortgage for Eight hundred Pounds was granted by the Trustees of the said Road on the Twenty-ninth Day of *September* One thousand eight hundred and thirty-eight): Be it enacted, That the Sum of Three thousand six hundred and eighty-five Pounds Eight Shillings and Fivepence, and no more, shall be and be deemed to be the whole Principal Sum due on the Credit of the Tolls arising on the Road; and that the said Debt of Three hundred and fourteen Pounds Eleven Shillings and Sevenpence, forming Part of the said Sum of Eight hundred Pounds, and that Portion of the said Mortgage for Eight hundred Pounds so granted in respect of such Arrears of Interest, shall be and the same are hereby extinguished.

Interest and Principal of original Subscriptions to be extinguished.

XVIII. And whereas it appears that no Interest has been paid on the said Sum of Two thousand four hundred and fifty Pounds or thereabouts, subscribed for the Purpose of making the said Road, since the passing of the said recited Act, and it also appears that there is no reasonable Probability of the aforesaid Sum of Two thousand four hundred and fifty Pounds so subscribed or any Part thereof being paid off pending the Duration of this Act, and it appearing that nearly all the Parties subscribing to the said Sum of Two thousand four hundred and fifty Pounds were Landowners, or otherwise interested in Property in the Neighbourhood of the said Road, and whose Property has been thereby much benefited by the making of the said Road: It is declared that the said Debt of Two thousand four hundred and fifty Pounds, together with all Interest now in arrear or hereafter

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hereafter to accrue due thereon, is hereby for ever barred and extinguished.

XIX. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows : Application of Monies.

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

Secondly, in defraying the necessary Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, Salaries of Officers, and in the Repair of that small Portion of the Road which lies in the Parish of *Stoke Edith*, but so that the Amount of such Expenses shall not exceed the Sum of Sixty-five Pounds *per Annum*, exclusive of any Payment to Toll Collectors for collecting Toll, and of the Costs of prosecuting and defending Actions at Law, Suits, or Indictments :

Thirdly, in or towards paying off and discharging, without Interest, the Principal Sum of Two hundred Pounds due and owing to Mr. *Henry Milnes*, his Executors, Administrators, and Assigns, in respect of his Mortgage Debt for that Amount, being for Professional Services rendered to the said Trustees in relation to their Trust, and afterwards in or towards paying off and discharging, without Interest, in manner herein-after provided, the Residue of the said Principal Sum of Three thousand six hundred and eighty-five Pounds Eight Shillings and Fivepence, or so much thereof as shall for the Time being be due on the Credit of the Tolls arising on the said Road :

Lastly, in maintaining, repairing, and improving the said Road, and putting this Act in execution with reference thereto.

XX. That it shall not be lawful for the Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken. No more Money to be borrowed on the Tolls.

XXI. That (after full Payment and Satisfaction of the said Sum of Two hundred Pounds so due and owing to the said *Henry Milnes*, his Executors, Administrators, and Assigns, as aforesaid,) when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of 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 Person or Persons then entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Object or the Purpose thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Hereford*, or by Letters addressed to each As to the Mode of discharging Debt.



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each Mortgagee ; 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 Credit of the said Tolls to the Creditor who shall by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of other Monies owing on the Credit 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 Money 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 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 Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit ; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably among the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, or otherwise as the Trustees shall think fit.

No Money to  
be laid out  
in Towns.

XXII. That no Money shall be laid out on any Part of the Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Money be collected therein.

Road not  
exempt from  
Provisions of  
General  
Acts.

XXIII. 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.

Term of Act.

XXIV. That this Act shall commence on the Fourth *Thursday* 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.

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