



ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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## Cap. xlii.

An Act to continue and amend an Act for more effectually repairing several Roads in and through His Majesty's Forest of *Dean* in the County of *Gloucester*, and to convert certain Highways in the Parishes of *Staunton* and *Newland*, in the said County, into Turnpike Roads. [2d August 1831.]

**W**HEREAS an Act was passed in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for more effectually repairing several Roads in and through His Majesty's Forest of Dean, and the Waste Lands thereto belonging, in the County of Gloucester, and in the Parishes of Newland, Awre, and Llydney, in the said County; and for making and maintaining several new Roads in and adjoining the said Forest*: And whereas the Trustees appointed by the said Act have proceeded in execution thereof, and have completed several of the Roads thereby authorized to be made and maintained: And whereas it would be of advantage to the Inhabitants of the adjoining Country, and also to the Public in general, and would tend to the Improvement of the said Roads, and prevent the Evasion of Toll thereon, if the said Trustees were authorized to repair and maintain, as a Part of the Turnpike Roads under their Care and Management, a certain Highway from a Place in the Turnpike Road leading from *Colford's Lane End* otherwise *Dark Stile Lane End*, to and through the Town of *Colford* to *Highmeadow* (being one of the Turnpike Roads in the said recited Act mentioned, called the *Crossways*) in the Parish of *Newland*, to a certain Lane called *Smith's Lane*, in the Parish of *Staunton*, being Part of the Highway leading from the Town and Borough of *Monmouth* to and through the Village of *Staunton* to the said Town of *Colford*; and also a certain other Highway in the said Parish of *Newland*, from the Termination of the Turnpike Road at *Berry Hill* (being one other of the Turnpike Roads in the said recited Act mentioned) to the said Town of *Colford*: May it therefore please Your Majesty that it may be enacted;

[Local.] 7 R and



Extending  
Powers of  
former Acts  
to this Act.

and be it enacted by the King'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, That all and every the Powers, Provisions, Limitations, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things contained in the said recited Act (except such as are expressly varied, altered, or provided for,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been respectively repeated and re-enacted in the Body of this Act.

Description  
of Road to  
be made  
Turnpike.

II. And be it further enacted, That from and immediately after the passing of this Act the said Highway from the *Crossways* in the Parish of *Newland* to *Smith's Lane* in the Parish of *Staunton*, and the said Highway in the said Parish of *Newland*, from the Termination of the said Turnpike Road at *Berry Hill* to the Town of *Colford*, shall be placed as Turnpike Roads under the Care and Management of the Trustees of the said recited Act, and shall be repaired and maintained by them as fully and effectually, to all Intents and Purposes, as if the said Highways had been particularly mentioned and described and included in the said recited Act.

Trustees  
may erect  
Toll Gates.

III. And be it further enacted, That the said Trustees under the said recited Act shall have full Power and Authority to erect or set up, or cause to be erected or set up, One or more Turnpike or Turnpikes, Toll Gate or Toll Gates, across or upon the said several Highways hereby placed under their Care and Management as Turnpike Roads, and to take and demand, or cause to be taken and demanded, all such and the like Tolls at such Turnpike or Turnpikes, Toll Gate or Toll Gates, as are authorized to be taken and received at the Turnpikes or Toll Gates erected and set up under the Authority of the said recited Act.

Tolls under  
this Act to  
be applied as  
those under  
former Act.

IV. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, and disposed of in the Manner directed by the said recited Act, except as herein-after is otherwise expressly provided.

Trustees not  
to mortgage  
Tolls with-  
out Consent  
of the Lords  
of the  
Treasury.

V. And be it further enacted, That it shall not be lawful for the said Trustees to mortgage or assign or lessen or reduce the said Tolls, or any of them or any Part thereof, to any Person or Persons whomsoever, without the Approbation and Consent of the Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, for the Time being, in Writing under his or their Hand or Hands, first had and obtained, except as in the said recited Act and this Act is mentioned, and except for raising so much Money as shall be necessary for paying and defraying the Charges and Expences incident to and attending the obtaining and passing this Act, with lawful Interest for any Money which shall have been advanced for that Purpose, and for erecting Turnpikes and Toll Houses, and making, amending, widening, and repairing the said Roads, and all necessary Costs, Charges, and Expences attending the same and the Execution of this Act, and the several Powers and Authorities hereby granted; any thing herein-before contained to the contrary notwithstanding.

Application  
of Monies.

VI. And be it further enacted, That out of the first Money arising by the Tolls which shall after the passing of this Act be



be collected by virtue of the said recited Act or of this Act, or out of the first Money which shall be received by virtue of the said recited Act or of this Act, the said Trustees shall, in the first place, pay and defray the Charges and Expences incident to and attending the obtaining and passing of this Act, with lawful Interest for any Money which shall have been advanced for that Purpose, and after Payment thereof all the Money which shall arise or come to the Hands, Custody, or Power of the said Trustees or their Treasurer, by virtue of the said recited Act or of this Act, shall from Time to Time be applied in erecting, altering, and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, and in making, amending, widening, and repairing the said Roads in the said recited Act and in this Act mentioned, and in defraying all necessary Costs, Charges, and Expences attending the same, and the Execution of the said recited Act and of this Act, and the several Powers and Authorities by the said recited Act and this Act hereby granted; and after the said Roads shall have been completely made, amended, and repaired, and the Costs, Charges, and Expences attending the same, and also all Sums of Money which have been or may hereafter be borrowed on Security of the Tolls payable under the said recited Act or this Act, with the Interest of all such Sums respectively, shall have been fully paid and discharged, (which Sums of Money so to be borrowed the said Trustees are hereby required to pay off and discharge, so soon as a sufficient Sum for that Purpose shall be in their Hands, out of the Monies arising by virtue of the said recited Act and of this Act,) the said Trustees shall, in the next place, set apart and reserve the Sum of Five hundred Pounds to be retained by them as a Fund to answer such Exigencies as may arise or happen in the Execution of the said recited Act or of this Act; and the Surplus and Residue of all such Monies arising as aforesaid shall from Time to Time be paid to such Person or Persons as shall be appointed and authorized to receive the same by the Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, for the Time being, to be applied and disposed of as the said Lord High Treasurer or Commissioners of the Treasury shall direct, and the said Trustees are hereby required to pay or cause the same to be paid accordingly, upon Requisition to them made for that Purpose, or to their Treasurer for the Time being, by or by the Order of the said Lord High Treasurer or Commissioners of the Treasury as aforesaid, so often as the same shall amount to the Sum of One hundred Pounds over and above the Sum of Five hundred Pounds directed to be set apart and retained as aforesaid: Provided nevertheless, that no Part of such surplus Monies shall be so paid or payable until after the Expiration of Six Years from and after the passing of this Act: Provided always, that the said Trustees, or the Treasurer or Treasurers appointed or hereafter to be appointed by virtue of the said recited Act, shall, and he and they is and are hereby required, in every Year, to discharge, out of the Monies that shall come into his or their Hands by virtue of the said recited Act or of this Act, the Interest that shall be then due upon all Mortgages made or secured by virtue of the said recited Act or of this Act, if the same shall be demanded, in preference to any other Payment whatsoever.

Interest on  
Mortgages  
to be paid  
in prefer-  
ence.

VII. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum

No Prefer-  
ence to  
Mortgagees.



Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act, or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act and this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment, Mortgages or Assignments, or other Security or Securities, shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment, Mortgages or Assignments, or other Security or Securities, hath or have heretofore been made or given, shall (in proportion to the Sum or Sums therein respectively mentioned) be Creditors under the said recited Act and this Act in equal Degree one with another, without any Preference or Priority, save only as to the said Sum of Ten thousand six hundred and forty-five Pounds advanced out of the Land Revenues of the Crown, the Payment whereof is appointed to be postponed as herein and in the said recited Act is mentioned; provided also, that it shall and may be lawful for any Person or Persons appointed by the Lord High Treasurer or Commissioners of the Treasury for the Time being, at any Time or Times hereafter, to inspect the Accounts of the Treasurer or Treasurers to be appointed by virtue of the said recited Act and this Act, and to take Copies or Extracts thereof; and such Treasurer and Treasurers, or his or their Clerk, or the Clerk to the said Trustees, or other Person or Persons in whose Custody the same may happen to be, is and are hereby required to produce such Accounts to such Person or Persons, and to permit Copies or Extracts to be taken thereof, upon reasonable Application to him or them made for that Purpose.

Exception.

Inspection  
of Accounts.First  
Meeting of  
Trustees.

VIII. And be it further enacted, That the said Trustees shall hold their First Meeting for the Execution of this Act at the *Angel* Inn in the Town of *Colford* aforesaid, or at some other convenient Place on or near the said Roads, upon the Seventh Day of *September* One thousand eight hundred and thirty-one, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to put the said recited Act and this Act into execution.

Public Act.

IX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commence-  
ment and  
Continuance  
of Act.

X. And be it further enacted, That the Term granted by the said recited Act shall from and after the passing of this Act cease and determine; and that the said recited Act and this Act shall from thenceforth continue and be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1831.