



ANNO PRIMO

GULIELMI IV REGIS.

Cap. xviii.

An Act for more effectually repairing the Road from *Albion Street*, in the Town of *Cheltenham* in the County of *Gloucester*, to *Bunch Lane* in or near the Village of *Bishop's Cleeve* in the said County, to join the Turnpike Road leading from the Town of *Evesham* in the County of *Worcester* to the said Town of *Cheltenham*.

[15th March 1831.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from Albion Street, in the Town of Cheltenham in the County of Gloucester, to Bunch Lane in or near the Village of Bishop's Cleeve in the said County, to join the Turnpike Road leading from the Town of Evesham in the County of Worcester to the said Town of Cheltenham*: And whereas the Trustees appointed under or by virtue of the said recited Act have proceeded to put the same into execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be repaid, or the Interest thereof discharged, nor can the said Road be sufficiently and effectually amended or kept in repair, unless the Powers and Provisions of the said recited Act be continued; and it would be more convenient to the said Trustees,

[Local.] T t and

Recited Act
repealed.

and the said Road might be better and more effectually repaired, maintained, and improved, if the said recited Act was repealed, and further and more effectual Powers were granted in lieu thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; 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same, That on the Second Monday next after the passing of this Act the said recited Act shall be and the same is hereby repealed to all Intents and Purposes whatsoever.

Purposes of
this Act.

II. And be it further enacted, That this Act shall, on the said Second Monday after the passing thereof, commence and take effect, and be put into execution for the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, altering, and improving the said Road from Albion Street, in the Town of Cheltenham aforesaid, to Bunch Lane in or near the said Village of Bishop's Cleeve in the said County of Gloucester, to join the said Turnpike Road leading from the said Town of Evesham to the said Town of Cheltenham.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County of Gloucester, together with William John Agg, Thomas Agg, James Agg, John Allen, James Arkell, Thomas Askew, Thomas Josephus Baines, Charles Baker, William Barnett, Robert Baylis, Robert Baylis the younger, William Baylis, William Hicks Beach, William Hicks Beach the younger, Michael Hicks Beach, John Bedford, John Blagden, Thomas Blayney, George Brisae, Henry Bromfield, Joseph Brooks, John Bubb, William Buckle, Richard Butler, John Byrch, Thomas Byrch, William Maisey Byrch, the Reverend George Caldwell Clerk, the Reverend Christopher Capel Clerk, the Reverend Samuel Richard Capel Clerk, Daniel Capel, the Reverend Daniel Capper Clerk, John Carr, George Chalmer, John Cox, the Reverend William Hayward Cox Clerk, John Surman Cox, the Reverend Charles Corwell Clerk, Edward Rogers Corwell, the Honourable Henry Augustus Berkeley Craven, Richard Critchett, James Fielder Croome, Thomas Croome, Thomas Davis, John William Dawson, Charles Francis Julin Durell, William Sealé Evans, James Fisher, Richard Forster, Henry Fowler, James Fowler, Peter Frost, Samuel Gale, John Gardner, Thomas Gittos, Philip Lake Godsal, Thomas Gray, William Griffith, Thomas Griffiths, William Henry Gwinnett, the Reverend John Harwood Clerk, the Reverend Thomas Hamward Clerk, Edward Hatch, Abraham Haythrell, James Haylins, the Reverend William Hatkins Clerk, John Henley, John Hewson, Charles Cooke Higgs, John Hughes, William Ingledew, Peter Radley Jackson, Sir James Jelf Knight, Robert William Johnrad, John Jones, Gilbert Jones, Thomas Jones, Charles William Jones, Baynham Jones, Baynham Jones the younger, Brook Kay, Sir Anthony Lechmere Baronet, Alexander Limond, Francis Longworth, George Madegon, Thomas Minster, Peter Ryder Minster, John Lewis Mortimer, Thomas Newman, Edmund Lambert Newman, Benjamin Newmarch, George Newmarch, Charles Francis Newmarch, Frederick Phelps, William

Law Phelps, John Phillpotts, George Bragge Prowse Prinn, Joseph Pitt the younger, William Gregson Pitt, John Preston, the Reverend Thomas Pruen Clerk, Richard Pruen, Edward Pruen, Henry William Ramus, William Read, Joseph Read, Sir Robert Tristram Ricketts Baronet, John Roughton, John Somerset Russell, William Russell, George Russell, the Reverend James Hays Sadler Clerk, Charles Salt, Charles Seager, Richard Crosier Sherwood, the Reverend Richard Skillicorne Skillicorne Clerk, Thomas Smith, Charles Lesingham Smith, Thomas Spencer, Edward Gresley Stone, Joseph Cooper Straford, Thomas Lenox Napier Sturt, Charles Sheldon Timins, Robert Lawrence Townsend, the Reverend William Lawrence Townsend Clerk, Theyer Lawrence Townsend, Daniel Trinder, John Ward, George Wathen, George Asser White Welch, John Gregory Welch the younger, Thomas James Weller, the Reverend Richard Wetherell Clerk, the Reverend Henry Wetherell Clerk, Hugh Hughes Williams, William Wills, Robert Younghusband, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be and they are hereby appointed Trustees for putting this Act and the several Acts relating to Turnpike Roads in England into execution.

IV. And be it enacted, That it shall be lawful for the said Trustees, from Time to Time, at any Meeting to be holden for that Purpose, to elect, nominate, and appoint 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 appointed; and such Trustees to be from Time to Time so elected, nominated, and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been respectively herein named and appointed.

Power to
appoint ad-
ditional
Trustees.

V. And be it further enacted, That the said Trustees shall meet at the House or Building called or known by the Name of the *Masonic Hall*, in the said Town of *Cheltenham*, or at some other convenient Place in *Cheltenham* aforesaid, on the Second *Monday* next after the passing of this Act, or as soon afterwards as conveniently may be, and shall and may then and there proceed to put this Act into execution, and shall and may then, and at all subsequent Meetings to be holden for the Purposes of this Act, from Time to Time adjourn to and meet at such Times and at such Places respectively contiguous to the said Road as they shall think proper; and if at any of the said Meetings the Trustees present shall not adjourn such Meeting to another Day, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, or for their Clerk by their Order, to call a Meeting of the said Trustees, at the Place aforesaid, or at some other convenient Place contiguous to the said Road, to transact general Business, such Meeting to be called by Public Notice to be inserted in some One or more Newspaper or Newspapers usually circulated in the County of *Gloucester*, and to be holden not sooner than Fourteen Days from the Time of such Notice being first inserted.

First and
other Meet-
ings of Trus-
tees.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons being a Lessee or Farmer, Les-

Power to
take Tolls.
sees

sees or Farmers, or appointed or continued to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take every Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night), at the several and respective Toll Gates, Toll Houses, Side Gates, Side Bars, or Chains upon, across, or on the Side or Sides of the said Road or any Part or Parts thereof, the several and respective Tolls or Sums of Money herein-after mentioned ; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Carriage whatsoever, the Sum of Nine-pence :

For every Horse, Mule, or Ass, not drawing, the Sum of Three-pence :

For every Drove of Oxen, Cows, 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 Four-wheeled Carriage in any Manner fixed to and drawn by any Waggon, Wain, Cart, or Carriage, the Sum of One Shilling and Sixpence :

For every Two-wheeled Carriage in any Manner fixed to and drawn by any Waggon, Wain, Cart, or Carriage, the Sum of Nine-pence :

For every Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Steam, Gas, or Mechanism, the Sum of Three Shillings :

For every Two-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Steam, Gas, or Mechanism, the Sum of One Shilling and Sixpence.

Carriages
laden with
Timber, &c.
to pay Double
Toll in the
Winter
Months.

VII. And be it further enacted, That Double the Tolls hereby granted on every Horse, Mule, or other Beast drawing any Carriage, and on every Carriage propelled or moved by Steam, Gas, or Mechanism, shall be chargeable and paid on every Horse, Mule, or other Beast, drawing any Carriage, and on every Carriage propelled or moved as aforesaid, laden with Timber, Timber in Boards, Plank, or Scantling, Iron, Bricks, Tiles, Sand, Stone, Gravel, Marl, Coals, Firewood, or Faggots, passing through any of the Turnpikes or Toll Houses, Side Bars or Chains, to be continued, erected, or set up upon or on the Sides of the said Road, between the First Day of November and the First Day of March in every Year during the Continuance of this Act ; any thing in this or any other Act, relating to Turnpike Roads contained to the contrary thereof notwithstanding.

Tolls to be
paid but once
a Day.

VIII. And be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid at any of the Toll Gates, Turnpikes, Side Bars, or Chains, for the passing of any Horse, Ass, Beast, Cattle, or Carriage, such Horse, Ass, Beast, Cattle, or Carriage shall, upon a Ticket denoting the Payment of Toll that Day being produced, be permitted to pass and repass Toll-free (except as herein-after particularly mentioned) through all the Toll Gates, Turnpikes, Side Bars, and Chains continued, erected, or provided by virtue of this Act, at any Time during the same Day, such Day to be computed

computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night, any thing herein contained to the contrary thereof in anywise notwithstanding.

IX. Provided also, and be it further enacted, That for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Carriage carrying Passengers or Goods for Pay or Reward, and for and in respect of any Carriage propelled or moved by Steam, Gas, or Machinery, conveying Passengers or Goods for Pay or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Toll Gate, Turnpike, Side Bar, or Chain, the Tolls hereby made payable shall be paid every Time of passing and repassing along the said Road: Provided always, that no further or additional Toll shall be payable in respect of any Stage Coach, Diligence, Van, Caravan, Stage Waggon or other Carriage, on account only of the Horses drawing the same having been changed.

Stage Coaches to pay every Time of passing.

X. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage, each Time of passing along the said Road, whenever any new Hiring thereof shall take place.

Post Chaises to pay on each new Hiring.

XI. And be it further enacted, That if the Tire or Tires of any Wheel or Wheels of any Waggon, Wain, Cart, or any such like Carriage, or any other such Carriage, which shall be used or drawn on the said Road, and which shall be of the Breadth of Four Inches and a Half and under Nine Inches, shall not be so made or constructed as to bear Five Parts in Six of their Breadth on the Road or on any level Surface, then and in such Case the Horse or Beast, Horses or Beasts, drawing every such Waggon, Cart, or Carriage, shall be liable to and be charged with Toll as drawing a Waggon, Wain, Cart, or other such Carriage having Wheels of less Breadth than Four Inches and a Half.

Construction of Wheels.

XII. Provided always, and be it further enacted, That before any Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, or any other such Carriage not drawn by a Horse or Horses or other Beast or Beasts, but impelled or set and kept in motion by or by means of Steam, Gas, or Mechanism, shall pass a Third Time in any one Day through any Toll Gate, Bar, or Chain in, upon, across, or by the Side of the said Turnpike Road, the same Toll shall and may be demanded and taken for every such Horse or other Beast, and for every such Carriage impelled or set and kept in motion by or by the Means last aforesaid, as may be demanded or taken under or by virtue of this Act for the same respectively upon first passing; and so also the same Toll as aforesaid shall and may be demanded and taken in case and before any Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, and in case and before any such Waggon, Wain, Cart, or other such Carriage used for such Purposes as last aforesaid, not drawn by a Horse or Horses or other Beast or Beasts, but impelled or set and kept in motion

Tolls to be taken for a Third and Fifth Time of passing, and so for every alternate Time afterwards.

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motion

motion as aforesaid, shall pass a Fifth Time in any one Day through any Toll Gate, Bar, or Chain upon, across, or by the Side of the said Turnpike Road; and so also the same Toll as last aforesaid shall and may be demanded and taken for and before every alternate Time of passing in any one Day after the Fifth Time of passing.

Carts drawn by One Horse to be liable to Toll for Overweight.

XIII. And whereas it frequently happens, that Carts or other such like Carriages, each drawn by One Horse, passing along the said Road, carry a greater Weight than is allowed by Law for Carts drawn by Two or more Horses; be it therefore enacted, That every Cart or other such like Carriage passing along the said Road, though drawn by One Horse only, shall and may be weighed at any Weighing Machine now erected or to be erected on or by the Side of the said Turnpike Road, 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 or such like Carriages drawn by Two or more Horses.

Imposing additional Toll for Overweight on Steam Carriages.

XIV. And be it further enacted, That every Waggon, Wain, Cart, or other such like Carriage, or any such Carriage not drawn by any Horse or other Beast, but impelled or set and kept in motion by or by means of Steam, Gas, or Mechanism, shall and may be weighed at any Weighing Machine erected or to be erected on or by the Side of the said Turnpike Road, and that all and every the Clauses and Provisions contained in any Act now in force and regulating the Weights of Waggons, Wains, Carts, or other Carriages in *England*, and imposing additional Tolls for Overweight, shall, from and after the passing of this Act, be and be deemed to apply to Waggons, Wains, Carts, or other such Carriages as last aforesaid, not drawn by any Horse or Beast, but impelled or set and kept in motion by Steam, Gas, or Mechanism; and that all the Powers, Regulations, and Penalties in force relating to the weighing of Waggons, Carts, and other such Carriages drawn by more than One Horse, and to the Drivers, Masters, and Owners thereof, shall be applicable to Carts or such like Carriages though drawn by One Horse only, and also to Waggons, Wains, Carts, or such like Carriages not drawn by any Horse or Beast, but impelled or set and kept in motion by or by means of Steam, Gas, or Mechanism, and to the Drivers, Masters, and Owners thereof respectively.

Manure and Road Materials not exempted from Toll.

XV. And be it further enacted, That no Exemption from Toll for Overweight, in respect of any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage laden with Manure, shall be claimed or allowed, unless the Tires of the Wheels of such Waggon, Wain, Cart, or other Carriage shall actually press the Breadth of Six Inches upon a flat Surface; and no Exemption from the Tolls hereby granted shall be allowed or claimed in respect of any Horse or Beast drawing any Waggons, Carts, or other Carriages laden with Materials for making or repairing any Roads not included in this Act; any thing contained in any Act relating to Turnpike Roads in *England* to the contrary notwithstanding.

Exemption for watering Carts, &c.

XVI. And be it further enacted, That no Toll shall be demanded and taken at any of the Toll Gates, Bars, or Chains erected or to

be erected upon, across, or by the Side of the said Road, for or in respect of any Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage whatsoever, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, or having been employed only in carrying or conveying, on the same Day, any Water for watering any Turnpike Road or public Highway.

XVII. Provided also, and be it further enacted, That as well the Monies which before the Commencement of this Act shall have been raised or produced by virtue of the said Act hereby repealed, and which remain undisposed of, as also all other Monies which shall arise or be produced by virtue of this Act, shall be applied to and for the several Purposes and in the Order and Manner following; (that is to say,) in the first place, in Payment of all Expences which have been incurred in or about the applying for and obtaining and passing this Act; in the second place, in paying the Arrears of Interest now due, and the future Interest to become due, in respect of the Sum of Eight hundred and forty Pounds now remaining due and owing on the Credit of the Tolls granted by the said Act hereby repealed, to *John Gardner* Esquire, (as Assignee of *Edward Simmonds*, the Contractor for making the said Road) which said Sum of Eight hundred and forty Pounds originally became due to the said *Edward Simmonds* in respect of his Contract for making the said Road, and for which he agreed to accept and afterwards did accept a Security on the said Tolls, under an express Stipulation and Agreement, acquiesced in and consented to by all the other Mortgagees of the said Tolls, that the same and the Interest thereof should be paid prior and in preference to any other Sum due and owing on Security of the said Tolls; in the third place, in paying off the said Principal Sum of Eight hundred and forty Pounds so as aforesaid remaining due and owing to the said *John Gardner*; in the fourth place, in paying all Arrears of Interest or any other Sums of Money which have been borrowed and remain due on the Credit of the Tolls granted by the said Act hereby repealed, and the Interest which shall from Time to Time become due in respect thereof, or in respect of any other Sum or Sums which shall be hereafter borrowed or taken up at Interest on Security of the Tolls by this Act granted, equally, and without Preference on account of the Priority of the Securities in point of Time or otherwise; in the fifth place, in defraying the Expences of making, erecting, and keeping in repair the Toll Gates, Toll Bars, Toll Houses, Weighing Machines, and other Buildings already or hereafter to be erected under the Authority of this Act, and altering, widening, repairing, and improving the said Road by this Act directed to be kept in repair as aforesaid; and lastly, in paying off the other Sums of Money which shall have been or may be borrowed on the Credit of the Tolls granted by the said recited Act or this Act.

Application
of Money
and Tolls.

XVIII. Provided also, and be it further enacted, That no Person shall hereafter erect, set up, or use, or cause to be erected, set up, or used, any Limekiln or Brick-kiln, or any other Erection, Matter, or Thing whatsoever, with the Intention or for the Purpose of burning Lime, Bricks, Tiles, or Clay, within the Distance of One hundred Yards

Penalty for
burning
Bricks with-
in 100 Yards
of any of
the Roads.

Yards from any Part of the said Road by this Act directed to be repaired, under the Penalty of Five Pounds for each and every Day such Limekiln, Brick-kiln, or other Erection, Matter, or Thing aforesaid, shall continue; such Penalty to be recovered in the like Manner as any Penalty not exceeding that Amount, imposed by the Acts passed in the Third and Fourth Years of His late Majesty's Reign for regulating Turnpike Roads in that Part of Great Britain called *England*, or either of them, or by any other Act relating thereto, is authorized to be recovered.

Penalty for
exercising
Horses or
hanging out
Linen.

XIX. And be it further enacted, That if any Person shall exercise Three Horses at the same Time upon any Part of the said Roads, by riding one of them and leading the others abreast, or by leading the whole of them abreast, or if any Person shall hang out any Linen or other Cloaths within Fifteen Feet of either Side of the said Road or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered in like Manner as herein before mentioned or referred to.

Trustees not
to expend
Money in
Repair of
Streets.

XX. And be it further enacted, That it shall not be lawful for the said Trustees to lay out or expend any Money to be received under or vested in them by virtue of the said recited Act or of this Act, in the Repair or Improvement of any of the Streets, Squares, or Places within the said Town of *Cheltenham*, or to collect any Toll therein.

Public Act.

XXI. 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.

Continuance
of Act.

XXII. And be it further enacted, That this Act shall commence upon and have Continuance from the Second *Monday* after the passing thereof for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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