



ANNO .DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xii.

An Act to amend and extend the Provisions of the Acts relating to the *Cheltenham and Gloucester* District of Turnpike Roads in the County of *Gloucester*, and to create a further Term therein.

[20th May 1851.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving so much of the Road leading from the Town of Cheltenham in the County of Gloucester towards the City of Gloucester as lies within the Cheltenham District, and for opening new Communications with such Road*: And whereas another Act was passed in the Ninth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to enable the Trustees of the Road leading from the Town of Cheltenham in the County of Gloucester towards the City of Gloucester to form a new Branch to communicate with the said Road in the Parish of Cheltenham*: And whereas another Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His Majesty King *William* the Fourth, intituled

[Local.] 3 B

6 G. 4. c. 147.

9 G. 4. c. 9.

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c. 90.

intituled *An Act to amend so much of Two Acts for repairing the Road leading from Cheltenham towards the City of Gloucester, and for making a new Branch to communicate with the same, as relates to the Priority of certain Mortgages granted on the Tolls thereof*: And whereas the Term for which the said recited Acts were respectively granted, and which hath been continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, and the Powers granted by the said Acts, will expire on the First Day of *November* One thousand eight hundred and fifty-one, unless the same be further continued: And whereas the Trustees acting in execution of the said recited Acts have, in pursuance and exercise of the Powers and Authorities thereby respectively given to them, repaired and improved the Road thereby authorized to be repaired and improved, and have also made and repaired the several new Branches of Road thereby also authorized: And whereas the said Trustees have borrowed considerable Sums of Money on the Credit of the Tolls by the said recited Acts, and by a certain Act by the said firstly-recited Act repealed, respectively granted, which still remain due and owing, and the said Money cannot be paid off, nor can the said Road and Branches of Road be effectually kept in repair, unless the Term granted by the said recited Acts, and so continued as aforesaid, be further continued, and further Powers be granted: And whereas it is considered expedient that the said recited Acts should be repealed, and that further and more effectual Powers should be granted; but these 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 Acts
repealed, and
this Act to
take effect.

I. That from and after the Twentieth Day of *October* next after the passing of this Act the said herein-before recited Acts shall be respectively repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Monies and
Property
vested in new
Trustees.

II. That all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in, the Trustees under the Acts hereby repealed, shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as fully and effectually as if the same had been vested in them under the said Acts hereby repealed, and they shall be liable to all the Debts and Engagements to which the

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the Trustees acting under the said recited Acts were liable at the Time of the Repeal thereof.

III. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Gloucester*, together with *John Nash Belcher, James Hinton Bowly, John Bubb, Thomas William Packer Butt, Thomas Byrch, Francis Day Chalmer, John Clunes, John Surman Cox, John Cozins, Thomas Davis, George Delmar, George Dinsdale, John Dowling, James Fisher, Edward Frampton, John Barke Gustavus Ferryman, James Agg Gardner, Lewis Griffiths, William Henry Gwinnett, the Reverend Thomas Harward, John Heath, Cheseldon Henson, Charles Cooke Higgs, Robert William Jearrad, Baynham Jones, Thomas Jones, James Leighton, Richard Liddell, Thomas Hayter Longden, John Lovesy, Conway Whithorn Lovesy, Edward Lloyd, Rowley Young Lloyd, Richard Masters, Edmund Lambert Newman, George Newmarch, William Pearce, the Reverend Robert Bathurst Plumptre, Joseph Read, William Ridler, Richard Roy, George Russell, Joseph Cooper Straford, Robert Cooper Straford, Robert Lawrence Townsend, Thomas Turner, the Reverend Alfred William Ellis Viner, Houstoun Patterson Wallace, Thomas James Welles, Hugh Hughes Williams, George Edmunds Williams, Robert Younghusband, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.*

Appoint-
ment of
Trustees.

IV. That it shall be lawful for the said Trustees 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. That the said Trustees shall hold their First Meeting at the *Masonic Hall* in the Town of *Cheltenham* aforesaid, or at some other convenient Place in the Neighbourhood of the said Roads, on the Day of the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Roads as they shall think proper.

First Meet-
ing of Trus-
tees.

VI. That the said Trustees may appoint a Committee or Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Roads, or to execute any of the Purposes of this Act, according to such Rules, Instructions, and

Power to
Trustees to
appoint
Committees.

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and Regulations as shall be made or laid down by the said Trustees at any General or Special Meeting; and the said Committee or Committees, and their Surveyor or Surveyors, may proceed and act according to such Appointment, but shall always be accountable according to the Rules, Instructions, and Regulations so to be made or laid down.

Roads to which this Act is applicable.

VII. That this Act shall be put into execution for the Purpose of more effectually repairing and improving so much of the Turnpike Road leading from the Town of *Cheltenham* towards the City of *Gloucester* as lies between the first small Bridge or Culvert which crosses the said Turnpike Road on the *Gloucester* Side of *Staverton Bridge* and the said Town of *Cheltenham*, and also Three several Roads or Branches of Road respectively communicating with the said Turnpike Road, One commencing at or near to a House by the Side of the said Turnpike Road called the *Golden Pheasant*, and extending across or near to an Inclosure called *Great Pease Hill*, and from thence to the said Turnpike Road in the Parish of *Churchdowne*; another commencing at or near to a Cottage called *Lane's Cottage* in the Parish of *Staverton*, and extending into and through the Township of *Badgworth* unto and into the Turnpike Road leading from *Cheltenham* to *Painswick*; and another commencing at or near to a Building called the *Montpelier Rotunda* in the Parish of *Cheltenham* aforesaid, and extending unto and into the said Turnpike Road at or near to a Cottage called *Haines's Cottage*, also in the said Parish of *Cheltenham*.

Tolls payable under recited Acts continued for a certain Time.

VIII. That, notwithstanding the Repeal of the said Three several herein-before recited Acts, the several Tolls thereby respectively granted and made payable shall continue to be paid at the Toll Gates, Turnpikes, or Toll Bars to be continued or erected on or on the Sides of the said Roads until the Fifth *Monday* next after the Commencement of this Act.

Tolls to be taken.

IX. That upon and after the Fifth *Monday* next after the Commencement of this Act, and at all Times thereafter, it shall be lawful for the said Trustees to demand and take or cause to be demanded and taken at the several and respective Toll Gates, Turnpikes, and Toll Bars which shall be upon or on the Sides of the said Roads, other than the Toll Gate on the Road authorized to be made by the secondly-recited Act, known as the *Montpelier* or *Lansdowne Road*, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, Ass, or other Beast of Burden drawing any Coach, Chariot, Landau, Barouche, Sociable, Curricule, Phaeton, Chaise, Hearse, Break, Whiskey, Gig, Fly, Chair, Car, Taxed Cart,

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other Animal or Thing liable to Toll Duty, through all or any of the Turnpikes, Toll Gates, or Bars to be continued or erected upon, across, or on the Sides of the said Roads.

Persons
having paid
Toll to
return Toll-
free the same
Day.

XII. That all Horses, Beasts, Animals, and Cattle, (except Horses, Beasts, Animals, or Cattle drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage as herein-after mentioned,) in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate, Turnpike, or Bar on the said Roads or on the Side thereof, shall, upon the Production of a Ticket or Tickets denoting such Payment, in passing and repassing on the same Day through the same Toll Gate, Turnpike, or Bar, or any other Toll Gates, Turnpikes, or Bars (if any) as the Tickets for such Payments shall free, be permitted to pass Toll-free the same Day, except as herein-after mentioned.

Fresh Toll
to be payable
on every
Change of
Carriage.

XIII. That the Tolls hereby made payable shall be paid for all Horses, Beasts, Animals, or Cattle drawing any Carriage as often as such Carriage shall be changed, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, Animals, or Cattle had been made on the same Day.

Postchaises,
&c. to pay
every new
Hiring.

XIV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts or Animals not drawing which shall be let out to Hire, and for all Horses and other Beasts or Animals drawing any Postchaise or other Carriage let out to Hire, as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Animals had been made on the same Day.

Regulations
as to Stage
Coaches, &c.

XV. That the Tolls hereby made payable for or in respect of all Horses or other Beasts or Animals drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, shall be payable and paid for every Time of passing or repassing through any of the said Turnpikes, Toll Gates, or Toll Bars respectively.

Respecting
Toll Gates.

XVI. That, subject to the Provisions of an Act, 9th *George* the Fourth, Chapter 77, with respect to setting up and maintaining Toll Gates, Turnpikes, Bars, or Toll Houses, it shall be lawful for the said Trustees to set up, in, upon, or across the said Roads, and across any Lane or Way leading into, from, and out of the same, or on the Sides thereof, any Toll Gate, Turnpike, Bar, or Toll House, so as to prevent an Evasion of Payment of Tolls, and to remove the present or any future Toll Gate, Turnpike, Bar, or Toll House, as they shall think proper.

XVII. That

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XVII. That no Toll Gate, Bar, or Chain shall be set up on any Part of the said Roads nearer to the Parish Church of *Cheltenham* than the present Turnpike or Toll Gate called the *Montpelier* or *Lansdowne Gate*, or the present Turnpike or Toll Gate called the *Junction Gate*, adjoining the said first-mentioned Gate.

No Toll Gate to be erected on a certain Part of Road.

XVIII. That whenever and so long as the Interest upon all existing Mortgages upon the Tolls of the said Road shall be duly paid at the Rate herein-after mentioned, within Three Calendar Months next after the same shall become due, no Holder of any Mortgage shall be entitled to enter into possession of the Toll Gates, Bars, Chains, 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, Bars, Chains, 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-after 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 to the said 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 at the Rate herein-after 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 Possession of the said Toll Gates, Bars, Chains, 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.

Mortgagee not to take possession of Toll Gates, &c. except for Arrears of Interest.

XIX. And whereas the Mortgage Debt upon the Tolls under the said recited Acts now amounts to the Sum of Eighteen thousand seven hundred and eighty-six Pounds Eight Shillings, and there is a large Arrear of Interest due thereon: Be it enacted, That all such Arrears, and all Interest on the said Debt which may accrue up to the Time of the Commencement of this Act, shall be considered as satisfied and discharged, and that from thenceforth Interest at the Rate

As to Interest on Money borrowed.

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Rate of One Pound *per Centum per Annum* shall be payable on the said Debt.

Application
of Monies.

XX. That all Monies which shall come to the Hands of the said Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto:

Secondly, in paying the necessary Expenses of erecting or providing, altering and repairing, Toll Gates and Toll Houses, the Salaries of Officers employed by the said Trustees, and the Costs attending the Management of the said Roads:

Thirdly, in paying Interest at the Rate of One Pound *per Centum per Annum* upon the Principal Sums for the Time being due and owing on the Credit of the Tolls authorized to be taken on the said Roads:

Fourthly, in reducing, paying off, and discharging the several Principal Sums for the Time being due and owing on the Credit of the Tolls authorized to be taken on the said Roads:

Fifthly, in maintaining and keeping in repair the said Roads, and in putting this Act into execution with reference thereto.

As to Mode
of discharg-
ing Debt.

XXI. That 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 Two hundred Pounds, the Trustees shall, at any General, Annual, or other Meeting, apply such Sum in the 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 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 *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 of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditors 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 Security 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 Prin-
cipal

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cipal 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 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 amongst the Creditors 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.

XXII. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Trustees not to borrow Monies on Credit of this Act.

XXIII. That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence or be disqualified from giving Evidence in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk by reason of his being Plaintiff or Defendant in such Action, Suit, or other Proceeding.

Trustee and Clerk to be deemed competent Witnesses.

XXIV. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provision 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.

Roads not exempted from Provisions of future General Acts.

XXV. That nothing herein contained shall extend or be construed to extend to interfere with the Powers of the Commissioners named and appointed under and by virtue of an Act, 1st and 2nd *George the Fourth*, Chapter 121, (Local and Personal,) or any Act to be passed in the present or any future Session of Parliament repealing the same, anything herein contained to the contrary notwithstanding.

Act not to interfere with the Powers of Commissioners appointed under 1 & 2 G. 4. c. 121.

XXVI. That this Act shall commence and take effect on the Twenty-first Day of *October* 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.

Term of Act.

[*Local.*]

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XXVII. That

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Interpreta-
tion of
certain
Terms.

XXVII. 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,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

The Word " Person " shall be understood to include " Corporation :"

Words importing the Masculine Gender shall include Females :

The Expression " the Trustees " or " the said Trustees " shall mean the Trustees for the Time being acting in execution of this Act :

The Expression " the Roads " or " the said Roads " shall mean the Roads to which this Act applies :

The Expression " Toll Gate " or " Toll Gates " shall include Turnpikes, Bars, and Chains.

Short Title.

XXVIII. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression " The *Cheltenham and Gloucester Turnpike Road Act, 1851.*"

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