



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cix.

An Act to repeal an Act for making and maintaining certain Roads from the Town of *Stroud* and several other Places therein mentioned, all in the County of *Gloucester*, and to make other Provisions in lieu thereof. [2d July 1855.]

WHEREAS an Act was passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining certain Roads from the Town of Stroud and several other Places therein mentioned, all in the County of Gloucester*: 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 Parliament shall in the meantime continue the same: And whereas considerable Sums of Money have been advanced for the Purposes of the said Roads upon the Credit of the Tolls by the said Act authorized to be taken, which Money still remains owing, and cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof;

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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,)

Interpreta-
tion of
Terms.

I. 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 Roads" or "the said Roads" shall mean the Roads to which this Act applies:

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

Recited Act
repealed.

II. Upon the First Day of *November* next after the passing of this Act the said Act of the Fifty-fourth Year of King *George* the Third shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

III. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "*The Stroud and Chalford Turnpike Roads Act, 1855.*"

Roads to
which this
Act is appli-
cable.

IV. This Act shall be put into execution for the Purpose of maintaining the present Turnpike Road from or near the Town of *Stroud* through *Bowbridge* and *Brimscumb* to the *Bourne* in the Parish of *Stroud*, thence through *Chalford* in the Parish of *Bisley* to or near the Seventh Mile Stone in the Parish of *Sapperton*, all in the County of *Gloucester*, there to unite with the present Turnpike Road leading from *Cirencester* to *Stroud*, and also from *Bourne* aforesaid to *Burcomb Bottom* in the Parish of *Bisley*, there to unite with the present Turnpike Road from *Chalford* to *Bisley*; and also from *Brimscumb* aforesaid to the *Cross Ways* on *Hampton Common*, there to unite with the present Turnpike Road leading from *Rodborough* to *Minchinhampton*: Provided always, that when and so soon as the Principal Moneys due and owing on the Credit of the Tolls hereby authorized to be taken shall be paid off and discharged such Parts of the said Roads as may be situate within the Limits of "*The Stroud Improvement Act*" shall cease to be Part of the Roads, and the Trustees shall not collect Tolls or lay out any Money thereon.

V. All

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V. All Moneys due to, and all Property, Lands, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action and Rights vested in or belonging to the Trustees under the said repealed Act or any other Act or 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 repealed Act or any other Act or Acts, and the Trustees acting under this Act shall be liable to all the Debts and Engagements to which the Trustees under those Acts were liable at the Repeal thereof, except such of the same Debts and Engagements as are by this Act extinguished.

Moneys and Property to vest in the new Trustees.

VI. All Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Gloucester*, together with *Charles Ballinger, Henry Ballinger, Robert Bamford, the Reverend Robert Bamford, John Biddle, John Pierce Brisley, Arthur Capel, William Capel, Samuel Clutterbuck, Joseph Cripps, Thomas Clutterbuck Croome, Thomas Myers Croome, Frederick Henry Croome, John James Dalloway, John Edward Dorington, John Edward Dorington the younger, Peter Drew, George Edwards, Frederick Eycott, Paul Hawkins Fisher, Charles Hawkins Fisher, William Anthony Freston, the Reverend William George, the Reverend Solomon Gomperty, Thomas Mills Goodlake, Robert Gordon, Sir John Wright Guise Baronet, Edmund Gilling Hallewell, Joseph Watts Hallewell, Charles Hawker, John Dutton Hunt, William Hunt, Joseph Isles, Nathaniel Jones, Thomas Jones, William Woodruffe Kearsey, Nathaniel Samuel Marling, Samuel Stephens Marling, Thomas Marling, Charles Mansfield, John Mills, William Yarnton Mills, Sir James Musgrave Baronet, Henry Neale, Joseph Partridge, Nathaniel Partridge, Nathaniel Alfred Partridge, William Henry Paine, William Playne, Henry Playne, David Ricardo, John Young Sandys, Peter Smith, John Snowden, William Henry Stanton, Alfred John Stanton, Charles Stanton, Charles Holbrow Stanton, Walter John Stanton, Arthur Henry Stanton, Leonard Maryus Strachey, William Taylor, Robert Lawrence Townsend, Joseph Watts, Ralph Radcliffe Whitehead, the Reverend George Williams, William Henry Withey, Rayner Winterbotham, Richard Wyatt, 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 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

Power to appoint additional Trustees.

elected

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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 *George Inn* in the Town of *Stroud* in the County of *Gloucester*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Second *Wednesday* in the Month of *November* 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 Roads as they shall think proper.

Present Tolls continued for a Term.

IX. Notwithstanding the Repeal of the said recited Act, 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 Roads until the First Day of *June* One thousand eight hundred and fifty-six.

Power to take Tolls.

X. Upon and after the First Day of *June* One thousand eight hundred and fifty-six it shall be lawful for the Trustees, except as herein-after provided, to demand and take, at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Roads, 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, or other Beast (except an Ass) drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chair, Gig, Hearse, Curricule, Whiskey, Taxed Cart, Waggon, Wain, Timber Frame, Cart Frame, Dray, or other Vehicle, of whatsoever Description, the Sum of Sixpence :

For every Ass drawing any Vehicle whatsoever, the Sum of Fourpence :

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

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

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

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

Which said respective Tolls shall be demanded and taken before any Horse, Mule, or other Beast, or other Cattle or Carriage whatsoever, shall be permitted to pass through any Toll Gate erected or to be erected

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erected or continued upon or on the Sides of the said Roads by virtue of this Act.

XI. 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 the Sum of One Halfpenny shall be payable in lieu of such fractional Part. As to the Fraction of a Halfpenny in Tolls.

XII. For passing and repassing any Number of Times on the same Day, with the same Horses, Beasts, Cattle, or Carriage, or Animal or Thing, liable to Toll, through all the Toll Gates erected or to be erected or continued on or on the Sides of any Portion of the said Roads no more than One full Toll shall, except as in this Act otherwise provided, be taken. Limiting Number of Tolls to be taken.

XIII. All Horses, Beasts, Cattle, or other Animals (except Horses or other Animals let for Hire, and Horses or Cattle drawing any Stage Coach, Omnibus, Stage Waggon, or other Stage Carriage, Postchaise, or other Carriage travelling for Hire, as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Roads, 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 returning through such other Toll Gate, if any, as the Ticket denoting such Payment shall free, to pass Toll-free at all Times during the same Day. Persons having paid Toll to return free.

XIV. The Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, and for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads on the same Day, after any 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.

XV. The Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Stage Coach or any Omnibus, Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Third Time of passing in the same Direction along the said Roads. Stage Coaches, &c. to pay each Journey.

XVI. All Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Payment, Hire, or Reward, in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Regulations as to Stage Coaches.

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Gate,

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Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass and repass Twice 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.

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

XVII. The Tolls by this Act made payable in respect of all Horses or other Beasts drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage shall be paid for every Time during the same Day that any such Horse or other Beast shall pass through any Toll Gate on the Roads 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.

Only Half Toll to be taken in certain Cases at Bow-bridge Gate.

XVIII. Provided always, That only One Half of the Tolls by this Act authorized to be taken shall be demanded or taken at the Gate called *Bowbridge Gate* for or in respect of any Horses or any other Beasts or Animals, drawing or not drawing, whenever a Ticket shall be produced denoting that Toll has been paid in respect of such Horses or other Beasts at or whenever such Horses or other Beasts shall be about to pass through a certain Gate called the *Butter Row Gate* on the Turnpike Road leading from *Bowbridge* to *Minchinhampton* on the same Day.

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 remove the present or any future Toll Gates, Toll Bars, or Weighing Machines: 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

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the Act of Ninth *George* the Fourth, Chapter Seventy-seven: Provided also, that the Trustees shall not after the passing of this Act continue or erect any Toll Gate or collect any Toll on any Portion of the Roads to the Westward of the said Gate called *Bowbridge Gate*, or erect any Toll Gate or collect any Toll at the Junction of *Bowbridge Lane* or of the Turnpike Road leading from the said *Butter Row Gate* with the said Road.

XX. Inasmuch as the Principal Sums now due on the Credit of the Tolls arising on the said Roads amount in the whole to the Sum of Fourteen thousand nine hundred and ninety-nine Pounds Five Shillings, which is due or reputed to be due to the several Persons named in the Schedule to this Act or their Representatives, in the respective Proportions or Sums set opposite to their respective Names in that Schedule, with an Arrear of Interest thereon, but Part of such Sum consists of the Sum of Two thousand nine hundred and eighty-three Pounds Arrear of Interest capitalized in or about the Year One thousand eight hundred and thirty-four, and it is expedient that such capitalized Interest and also all Arrears of Interest should be extinguished: Therefore the said Sum of Two thousand nine hundred and eighty-three Pounds and all Arrears of Interest now due and owing on the said Sum of Fourteen thousand nine hundred and ninety-nine Pounds Five Shillings shall be and the same are hereby extinguished.

Amount of Debt, and as to Arrears of Interest.

XXI. All Moneys which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows:

Application of Moneys.

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

Secondly, in defraying the necessary Expenses of Management, including Salaries of Officers and the Repair and Rent of Toll Houses and Gates and incidental Expenses; but so that the Amount so to be expended shall not exceed the Sum of Fifty Pounds *per Annum*, exclusive of the Costs of prosecuting or defending Actions at Law, Suits, and Indictments:

Thirdly, in paying Interest at the Rate of One Pound *per Centum per Annum* upon the Principal Sum of Twelve thousand and sixteen Pounds Five Shillings, or such Part thereof as shall for the Time being be due and owing upon the Credit of the Tolls arising on the said Roads:

Fourthly, in repairing and maintaining the Roads, but so that the Amount so to be expended shall not exceed the Sum of One hundred Pounds *per Annum*:

Fifthly, in paying off and discharging, in manner herein-after provided, the Principal Sum of Twelve thousand and sixteen Pounds Five Shillings, or such Part thereof as shall for the Time being

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being be due and owing upon the Credit of the Tolls arising on the said Roads :

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

Interest not to accrue until Expenses of Act paid.

XXII. Provided always, That no Interest shall accrue due on the said Principal Debt of Twelve thousand and sixteen Pounds Five Shillings until the Trustees shall have received sufficient Sums to defray the Expenses of obtaining and passing this Act.

Mortgagees to take Possession for Arrears of Interest only.

XXIII. Whenever and so long as Interest, at the Rate by this Act authorized, upon all existing Mortgages due on the Credit of the Tolls arising on the Roads shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the said Tolls shall be entitled to enter into possession of any Toll Gate, Toll House, or Building upon the Roads or on the Sides thereof, 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 any such Toll Gate, Toll House, or Building, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due, at the Rate by this Act authorized, upon all the said existing Mortgages without any Preference or Priority, and may also reimburse himself any Costs to which he may be entitled; and every 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 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 when the Interest, at the Rate by this Act authorized, due on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, shall have been fully paid and satisfied or provided for, such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the 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 mode of discharging Debt.

XXIV. When and so often as the Sum applicable to the Discharge of the Principal Sums for the Time being owing on the Credit of the Tolls and made payable according to the Provisions of this Act, 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

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of a proportionate Part of the said Principal Sums 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, 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, or by Letter addressed to each Creditor at his usual Place of Abode; 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 some Part of the said Principal Sums herein-before made payable 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 Moneys, 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 Part of the said Principal Sums herein-before made payable to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Moneys due to him, and so in like Manner until the Sum applicable to such Payments 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; 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 Moneys 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 Sums herein-before made payable, 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 not exceeding One hundred Pounds, which they with such Consent may determine.

XXV. Nothing herein contained shall be deemed to exempt the Roads 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.

Roads not
exempted
from General
Acts.

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XXVI. This

The Stroud and Chalford Turnpike Roads Act, 1855.

Commence-
ment and
Term of Act.

XXVI. This Act shall commence on the First Day of *November* 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.

The Stroud and Chalford Turnpike Roads Act, 1855.

The SCHEDULE referred to in this Act.

Names of Persons to whom or to whose Representatives the Principal Sums mentioned in this Act are due or reputed to be due.	Proportions due or reputed to be due to each.		
	£	s.	d.
The Executors of John Ballinger - - - -	396	4	0
The Executors of John Baker - - - -	338	0	0
The Executors of R. W. Hall - - - -	168	0	0
The Executors of H. F. Brooke - - - -	168	0	0
Bathurst, the Earl - - - -	125	0	0
Beard, Abiah - - - -	341	5	0
Marling, Nathaniel Samuel - - - -	115	0	0
Marling, Samuel Stephens - - - -	28	0	0
Camm, John - - - -	318	0	0
The Executors of John Capel - - - -	306	16	0
Croome, Thomas Clutterbuck - - - -	1,336	0	0
The Executors of W. C. Chambers - - - -	311	0	0
Clutterbuck, Samuel - - - -	490	10	0
Child, Stephen and Samuel - - - -	171	0	0
Creed, Thomas - - - -	50	0	0
Christie, John - - - -	166	0	0
Dallaway, J. J. - - - -	319	0	0
The Executors of W. W. Darke - - - -	170	0	0
Goodhind, Samuel - - - -	170	0	0
The Executrix of J. Grazebrook - - - -	170	0	0
Grant, Edwin - - - -	337	0	0
The Executors of Henry Wyatt - - - -	338	0	0
Jones, Thomas - - - -	171	0	0
Williams, Josiah Dore - - - -	167	0	0
Hill, Lieutenant Colonel - - - -	168	0	0
The Executors of Joseph Hort - - - -	168	0	0
Stanton, Charles - - - -	683	17	6
Jenkins, William - - - -	255	0	0
Lowe, Charles - - - -	322	0	0
Lewis, John and William - - - -	1,068	0	0
Maitland, John - - - -	338	0	0
Mills, John - - - -	1,018	0	0
Hitchings, Richard Selwyn - - - -	135	0	0
Ferrabee, James - - - -	135	0	0
Neale, Caroline Elizabeth - - - -	136	0	0
Neale, William Marsh - - - -	111	0	0
The Executor of John Neale - - - -	175	2	6
Neale, Henry - - - -	134	0	0
The Executor of Henry Neale - - - -	33	0	0
Executors of Charles Newman - - - -	171	0	0

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Names of Persons to whom or to whose Representatives the Principal Sums mentioned in this Act are due or reputed to be due.	Proportions due or reputed to be due to each.		
	£	s.	d.
The Executors of Charles Offley - - - -	168	0	0
Price, Sir Charles, and Company - - - -	335	0	0
Pearce, J. and B. - - - -	333	0	0
The Executors of G. Lindsay - - - -	167	0	0
Pruen, Edward and Williams, George Edward - - - -	65	10	0
The Executors of William Stanton - - - -	163	0	0
Stanton, W. H. - - - -	170	0	0
The Executors of Richard Sandys - - - -	306	0	0
Sheppard, Henry - - - -	341	0	0
The Executors of William Hunt - - - -	216	0	0
Thames and Severn Canal Company - - - -	257	0	0
The Executors of John Thornton - - - -	337	0	0
The Assignees of William Toghill - - - -	86	0	0
Watts, Wyatt, and Company - - - -	333	0	0

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