ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. xvi.

An Act for more effectually repairing and improving several Roads leading into and from the Town of *Cheltenham* in the County of *Gloucester*, and for making new Branches of Roads to communicate therewith. [30th *July* 1831.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from* Piff's Elm *in the Parish of* Boddington, *through* Cheltenham, *to* Shipton Lane *near* Frogmill *Inn, and certain other Roads therein mentioned, in the County of* Gloucester: And whereas the Trustees acting in the Execution of the said Act have proceeded to put the same into execution, and they have borrowed considerable Sums of Money on the Credit of the Tolls granted by the same Act, which Money, or the greater Part thereof, still remains due: And whereas the Tolls payable at several of the Toll Gates erected on the said Roads are much evaded, and a certain Part of the said Roads between the Town of *Cheltenham* aforesaid and the Town of *Tewkesbury* in the said County of *Gloucester* is circuitous, and by reason of the short Turnings therein is dangerous, and it would materially tend to prevent such Evasion of Tolls, and would be beneficial to the Public, if the Trustees of the said Roads were authorized and empowered to make Turnpike, set out, and complete the several new Lines of Road, and the several Alterations and Deviations from the present Roads hereinafter mentioned and described, and to receive

5 G. 4. c. 100.

and collect Tolls thereon, but such new Lines of Road, Alterations, Deviations, and Purposes respectively cannot be effected without the Authority of Parliament; and in order to effect the same, and the better to secure the Money so as aforesaid borrowed by the said Trustees, and now remaining due, it is expedient that the Term granted by the said recited Act be extended, and that the Powers of the Trustees be altered and enlarged: 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 and from the first *Friday* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of His said late Majesty King *George* the Fourth shall be and the same is hereby repealed.

Recited Act repealed.

Roads to be kept in repair, &c.

II. And be it further enacted, That this Act shall thenceforth commence and take effect, and be put in execution during the Term hereinafter mentioned, for the Purpose of more effectually making, repairing, amending, widening, diverting, improving, and keeping in repair the Roads hereinafter mentioned; (that is to say,) from the said Place called *Piff's Elm*, in the *Tewkesbury* Road, to the Toll Gate on the same Road at the Bottom or Western End of the *High Street* in the Town of *Cheltenham* aforesaid, from the Toll Gate at the Top or Eastern End of the *High Street* in the same Town of *Cheltenham* unto and through the Parishes of *Charlton Kings*, *Withington*, *Dowdeswell*, *Wittington*, and *Shipton Sollars*, to the *London* Turnpike Road at or near the End of *Shipton Lane*, and also from the Extremity of the Parish of *Cheltenham*, on the Road called the *Bath Road*, leading from *Cheltenham* towards *Birdlip*, to *Birdlip* aforesaid, and from thence to the Turnpike Road leading through *Stroud* towards *Bath*, and also from the Top or Northern End of *Hewlett Street* in *Cheltenham* aforesaid to the Extremity of the Parish of *Cheltenham* aforesaid at or near to a Place called *Hewletts*.

Trustees.

III. And be it enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Gloucester*, together with *Simpson Anderson*, *Edward Armitage*, *James Arkell*, *William John Agg*, *Thomas Agg*, *James Agg*, *Thomas Byrch*, *John Byrch*, *William Buckle*, *Henry Bromfield*, *George Brisac*, *Samuel Beale*, *Charles Beard*, *Richard Butler*, *Joseph Brookes*, *John Blagdon*, *John Buckle*, *Henry Charles Boysragan* M.D., *William Baylis*, *Walter Balfour*, Sir *William Burdett* Baronet, *Thomas Rogers Baylis*, *Charles Baker*, *John Bubb*, the Reverend *Christopher Cupel*, *William Cupel*, *Daniel Capel*, the Reverend *Charles Coxwell*, *John Clarke*, the Reverend *George Caldwell*, *William Chisholme Chisholme*, *Corfield*, *John Cox*, *Thomas Croome*, *Frind Gregoe*, *John Surman Cox*, *Richard Critchett*, *Daniel Capper* Clerk, *Edward Draper*, the Honourable *James Henry Legge Dutton*, *Thomas Edwards*, *William Seale Evans*, *Richard Foster*, *John Barke Gustavus Ferryman*, *Henry Fowler*, *James Fisher*, *John Gardner*, *Thomas Gray*, *Thomas Griffiths*, *Charles Gyde*, *William Gyde*, *William Henry Gwinnett*, *John Higgs*, *James Hawkins*, the Reverend *John Harward*, the Reverend *Thomas Harward*, *William Hawkins* Clerk, *Edward Howell*, *Abraham Hatherell*, *Weston Hicks*, *John*

John Phillimore Hicks, *Charles Cooke Higgs*, *Thomas Henney*, *John Henson*, *John Henley*, *John Jones*, *Gilbert Jones*, *Baynham Jones*, Sir *James Jelf* Knight, *Thomas Jones*, *Robert William Jearrad*, *Charles William Jones*, Sir *Anthony Lechmere* Baronet, *Robert Lambert*, *Walter Caulfield Lennon*, *Conway Whithorne Lovesy*, *Walter Lawrence Lawrence*, *Francis Longworth*, the Reverend *Saunders Miller*, *James Mathews*, *William Morris*, *Thomas Minster*, *Hugh Hanmer Morgan*, *William Morris*, the Honourable *Robert Moore*, *Hamlet Millett*, *Robert Morris*, *Edward Moss*, *Thomas Newman*, *Thomas Newell* M. D., *Benjamin Newmarch*, *Thomas Nettleshipp*, the Reverend *Edward Henry Neale*, *Thomas Neale*, *Alexander Nicholson*, *Edmund Lambert Newman*, *George Newmarch*, the Reverend *T. B. Newell*, *John Harvey Ollney*, *Thomas Pruen* Clerk, *Richard Pruen*, *George Bragge Prouse*, *John Parsons*, *William Gregson Pitt*, the Reverend *Charles Pitt*, *John Prince*, *Frederick Phelps*, *John Packwood*, *Edward Pruen*, *Joseph Pitt*, *John Phillpotts*, *John Rogers*, *William Russell*, *Anthony Rogers*, *William Rogers*, *William Roberts*, Sir *Tristram Robert Ricketts* Baronet, *Edward Coxwell Rogers*, *John Roebuck*, *John Roughton*, *George Russell*, *Francis Paul Stratford*, *Charles Seager*, *Richard Skillicorne Skillicorne*, *Thomas Smith*, *James Robert Scott*, *Charles Stephens*, *Joseph Cooper Straford*, the Reverend *Edward Tatham* D. D., *James Trecothick*, *Pearson Thompson*, *Charles Sheldon Timmins*, *Henry Teshmaker Thompson*, *Tatlow*, *Henry Norwood Trye*, *Joseph Ellis Viner*, the Reverend *Reginald Wynniatt*, *Cornelius Woolly*, *James Wood*, *William Wood*, *John Wall*, *John Gregory Welch*, Sir *Nathaniel William Wraxall* Baronet, *John Winning*, *John Ward*, *John Clark Wallop*, *Joseph Watts*, *George Wathen*, *John Wight*, *Robert Wight*, *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.

Power to appoint additional Trustees not exceeding Three.

IV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any Meeting to be holden for that Purpose, to 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 such Trustees so to be appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby expressly and by Name nominated and appointed.

First Meeting of Trustees.

V. And be it further enacted, That the said Trustees shall meet at the *Fleece* Hotel in the Town of *Cheltenham* aforesaid, or at some other convenient Place in the said Town, on the first *Friday* after the passing of this Act, or as soon afterwards as conveniently may be, and shall then and there proceed to put the same 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 Roads as they shall think proper; and if at any

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, though not assembled at a Meeting, or for their Clerk by the Order of any Three of the said Trustees, and though not assembled at a Meeting, to call a Meeting of the said Trustees at any such Place as aforesaid, to transact general Business, such Meetings to be called by public Notice to be inserted in some Newspaper usually circulated in *Cheltenham* or in the County of *Gloucester*, and to be holden not sooner than Fourteen Days from the Time of such Notice being inserted, considering the Day of Insertion as one of the said Fourteen Days.

Tolls.

VI. And be it further enacted, That the respective Tolls following may be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate, Bar and Chain, which is now or which shall hereafter be set up or continued upon, across, or by the Side of the Roads by this Act directed to be made, improved, and kept in repair by the said Trustees, and by each and every Person authorized by them to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, and before any such Carriage as hereinafter mentioned, shall be permitted to pass through the same; (that is to say,)

For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught drawing any Carriage, any Sum not exceeding Eight-pence:

For every Horse, Mule, or Ass not drawing, any Sum not exceeding Three-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number:

For every Carriage of whatever Description, and for whatever Purpose used, not drawn by any Horse or other Beast, but impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, any Sum not exceeding Three Shillings:

For every Carriage of whatever Description, and for whatever Purpose used, linked or fastened to any other Carriage whatsoever, and drawn by means of its being so linked or fastened, any Sum not exceeding Two Shillings and Sixpence.

Construction of Wheels.

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

or

or kept in motion by or by means of Steam, Gas, or Mechanism, then the same Waggon, Wain, Cart, or Carriage shall be liable to and charged with a Toll more in Amount by One Third than the Toll herein-before authorized to be taken for such last-mentioned Waggon, Wain, Cart, or Carriage.

Additional Tolls to be paid in the Winter Months for Carriages laden with Timber, &c.

VIII. And be it further enacted, That any Sum or Sums not exceeding the Amount of Double the Tolls herein-before authorized to be taken shall and may, if the said Trustees shall think fit and order the same, be demanded, received, and taken for every Horse, Mule, Ass, or other Beast drawing any Carriage, and for every Carriage impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, which shall be laden with Timber, Boards, Planks, Scantlings, Iron, Bricks, Tiles, Sand, Stone, Gravel, Marl, Coals, Firewood, or Faggots, before any such Horse, Mule, Ass, or other Beast, or any such Carriage impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, shall pass through any Turnpike, Toll Gate, Side Bar, or Chain erected or set up on or on the Side of the said Roads, between the First Day of *November* and the First Day of *March* in each Year; any thing in this Act, or in any Act relating to Turnpike Roads in *England*, contained to the contrary notwithstanding.

Tolls to be paid only once in a Day.

IX. Provided always, and be it enacted, That in case the Toll hereby authorized to be taken shall have been paid at any of the Toll Gates, Turnpikes, Side Gates, Bars, or Chains, for the passing of any Horse, Mule, Ass, or other Beast or Carriage, such Horse, Mule, Ass, or other Beast or Carriage shall, on a Ticket being produced denoting that Toll has been paid for the same on that Day, be permitted to pass Toll-free (except as hereinafter particularly mentioned) through the same Toll Gate, Turnpike, Side Gate, Bar, or Chain, during the same Day, such Day (and the Day for the Purposes of this Act generally) to be computed from Twelve o'Clock at Night to Twelve o'Clock of the next following Night.

Horses, &c. drawing different Carriages to pay each Time of passing.

X. And be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, Side Gates, Bars, or Chains, and which shall go, return, or pass on the same Day through the same Turnpike, Toll Gate, Side Gate, Bar, or Chain, drawing another or different Waggon, Cart, or such like Carriage, shall pass through the same Turnpike, Toll Gate, or Side Gate, Bar or Chain, on the same Day, without paying Toll again, and in the same Manner as on a first Time of passing; any thing herein contained to the contrary thereof notwithstanding.

Stage Coaches, &c. to pay each Time of passing.

XI. Provided also, and be it further enacted, That for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Waggon, Van, Caravan, Cart, or Stage Carriage whatsoever, carrying Passengers or Goods for Payment, Hire, or Reward, and for and in respect of all Carriages whatsoever impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll

shall have been paid, and which shall go, return, or pass on the same Day through the same Turnpike, Toll Gate, or Side Gate, Bar or Chain, the Tolls hereby made payable shall be paid for every Time of passing and repassing through the same Turnpike, Toll Gate, or Side Gate, Bar or Chain, in like Manner as if no Toll had before been paid thereat on the same Day: Provided always, that no further or additional Toll shall be payable in respect of any Stage Coach, Waggon, Van, Caravan, Cart, or Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises to pay Toll on every new Hiring.

XII. And be it [illegible] enacted, That the Tolls hereby made payable shall be paid for [illegible] in respect of all Horses or Beasts of Draught drawing any Post Chaise or Carriage for Hire, for each and every Time of passing through any Turnpike, Toll Gate, or Side Gate, Bar or Chain, in, on, across, or on the Side of the said Turnpike Roads, as often as a new or fresh Hiring thereof shall be made or take place.

Waggons, &c. to pay again on passing a Third Time, and for every alternate Time afterwards.

XIII. Provided always, and be it further enacted, That before any Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, and before any Waggon, [illegible], Cart, or such like Carriage not drawn by a Horse or other Beast, but impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, shall pass a Third Time in any One Day through any Turnpike, Toll Gate, Bar, or Chain upon, across, or by the Side of the said Turnpike Roads, 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 or kept in motion as last aforesaid, as may be demanded and taken for the same resepctively upon first passing, and so also the same Toll shall and may be demanded and taken in case and before any Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, and in case and before any Waggon, Wain, Cart, or other such like Carriage not drawn by a Horse or other Beast, but impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, shall pass a Fifth Time in any One Day through any Turnpike, Toll Gate, Bar, or Chain upon, across, or by the Side of the said Turnpike Roads, and so also the same Toll as last aforesaid shall and may be demanded and taken [illegible] and before every alternate Time of passing in any One Day after the Fifth Time of passing.

Water Carts to be exempt from Tolls.

XIV. And be it further enacted, That no Toll shall be demanded or taken at any of the Turnpikes, Toll Gates, Bars, or Chains upon, across, or on the Side of any of the said Roads, for or in respect of any Horse or Horses, or other Beast or Beasts, or for any Waggon, Wain, Cart, or Carriage whatsoever, employed in carrying or conveying, or in going empty to fetch, carry, or convey, or returning empty from carrying or conveying, or having been employed only on the same Day in carrying or conveying Water for watering any Turnpike Road or public Highway.

One-Horse Carts, or Steam Carriages, &c.

XV. And whereas it frequently happens that Carts or other such Carriages, each drawn by One Horse, passing along the said Roads, carry a greater Weight than is allowed by Law for Carts drawn by

Two or more Horses; be it further enacted, That every Cart or other such Carriage passing along the said Roads, 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 Roads, 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; and every Waggon, Wain, Cart, or other such Carriage not drawn by any Horse or Beast, but impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, shall and may also be weighed at any such Weighing Machine; and all and every the Clauses and Provisions contained in any Act now in force for 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, and other such Carriages not drawn by any Horse or Beast, but impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, and 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 other Beast, but impelled or set or kept in motion by or by means of Steam, Gas, or Mechanism, and to the Drivers, Masters, and Owners thereof respectively. may be weighed.

XVI. And be it further enacted, That no Person shall hereafter erect, set up, continue, or use, or cause to be erected, set up, continued, or used, any Lime-kiln or Brick-kiln, or any other Erection, Matter, or Thing whatsoever, for burning Lime, Bricks, Tiles, or Clay, within the Distance of One hundred Yards from any Part of the said Roads, under the Penalty of Five Pounds for each and every Day every such Lime-kiln, Brick-kiln, Erection, Matter, or Thing shall be or remain so erected, set up, continued, or used. Penalty for erecting or continuing Brick-kilns, &c. within 100 Yards from the Turnpike Roads.

XVII. And be it further enacted, That if any Person shall exercise Three Horses at the same Time on any Part of the said Turnpike Roads respectively, by riding One of them and leading the others, so that all Three of them shall be abreast or alongside of each other, or otherwise by leading or having all Three of them abreast or alongside of each other, or if any Person shall hang out any Linen or other Clothes within Fifteen Feet of either Side of the said Roads, or any or either of them, every Person so exercising Horses, or hanging out Linen or Clothes as aforesaid, shall for every such Act or Offence forfeit and pay any Sum not exceeding Forty Shillings. Penalty for exercising Three Horses abreast on, or hanging Linen near, the Turnpike Roads.

XVIII. And whereas the Commissioners acting in execution of an Act made and passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, Turnpike at the Bottom of Dowdeswell Hill to be continued, and the Tolls

there received to be applied, first in Payment of the Debt to the Exchequer Bill Commissioners, and the Residue of the same Tolls only to the general Purposes of this Act.

Britain, *in manner therein mentioned*, which said Act was amended by an Act made in the same Session of Parliament, and the said Two Acts have been further amended, and the Powers of the Commissioners under the same extended, by certain other Acts made and passed in the First, Third, and Fifth Years of the Reign of His late Majesty King *George* the Fourth, and other Acts subsequently passed for amending the same, did, on or about the Twenty-third Day of *August* One thousand eight hundred and twenty-five, under the Provisions of the said Acts or some or One of them, advance and lend to the Trustees acting under and in pursuance of the said Act of the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, hereby repealed or intended so to be, the Sum of Ten thousand Pounds in Exchequer Bills, for the Purpose of purchasing Land and making sundry Alterations and Improvements authorized by the said last-mentioned Act, which Sum was secured to the said Commissioners by a certain Indenture of Mortgage under the Hands and Seals of certain of the Trustees acting under the same Act, and bearing Date the Twenty-third Day of *August* One thousand eight hundred and twenty-five, whereby, for the Considerations therein mentioned, they the said Trustees did assign unto *William Holden*, the Secretary of the said Commissioners, all and every the Rates, Tolls, and Receipts whatsoever accruing or which should or might thereafter accrue, arise, be taken, collected, or received from or by virtue of the said last-mentioned Act of the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, or any other Act or Acts therein recited, mentioned, or referred to, or any other Act or Acts relating to the said Roads, and the Turnpikes, Toll Gates, Side Gates, and Toll Houses then already made and erected, or thereafter to be made and erected, for collecting the same Tolls, to secure Repayment of the said Advance by an annual Instalment of Five hundred Pounds on account of the Principal, with Interest at the Rate of Four Pounds *per Centum per Annum* on the Principal Sum from Time to Time remaining due, as in the said Indenture is particularly expressed: And whereas a great Part of the said Sum of Ten thousand Pounds still remains due; be it therefore enacted, That all and every the Rates, Tolls, and Receipts which shall accrue, arise, be taken, or received under or by virtue of this Act shall be liable for and applicable to the Repayment of the said Sum of Ten thousand Pounds, with Interest at the Rate aforesaid, in such and the like Manner, to all Intents and Purposes, as the Rates, Tolls, and Receipts receivable under the said Act of the Fifth Year of the Reign of His said late Majesty, intended to be hereby repealed, were applicable to the Repayment of the same, and as if this Act had been expressly mentioned and referred to in and by the said Indenture; and the Trustees acting in the Execution of this Act shall and they are hereby authorized and required to continue during the Term of this Act the Turnpike or Toll Gates directed by the said Act hereby repealed to be set up and continued at the Bottom of *Dowdeswell Hill*, and to take Tolls thereat, and to apply and appropriate all the Tolls to be from Time to Time received at such Turnpike or Toll Gate, or so much thereof as may be necessary for that Purpose, in or towards the Payment of such Part of the said Sum of Ten thousand Pounds, and the Interest thereof, as now remains due, and the Interest to grow due for the same, at such Times and

by

by such Instalments as are mentioned in the said Indenture; and until full Payment of the said Instalments and Interest the Residue only of the Tolls to be received at such last-mentioned Turnpike or Toll Gate shall be applied by the Trustees from Time to Time to the general Purposes of this Act; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Tolls to be taken.

XIX. Provided also, and be it enacted, That no more than Three full Tolls shall be demanded and taken (except at the said Turnpike or Toll Gate at the Bottom of *Dowdeswell Hill* aforesaid) for passing on the same Day throughout the several Lines of Roads by this Act respectively authorized to be made, improved, and kept in repair.

Power to make Deviations.

XX. And whereas, besides the making of such new Line of Road from the Bottom of *Dowdeswell Hill* aforesaid, and a certain new Line of Road in the Parish of *Charlton Kings*, and which said new Lines of Road respectively have been made accordingly, the Trustees acting in the Execution of the said Act hereby repealed were thereby authorized and empowered to make, execute, and complete Two other Deviations or Diversions from the then present Line of the said Turnpike Roads, at or near a Place called the *Moors*, in the Parish of *Cheltenham*, for the Purpose of avoiding the dangerous Turnings in the Road there, and from Time to Time, if necessary, to widen, divert, shorten, vary, turn, and alter, within the Distance thereinafter mentioned, the Line of such respective Deviations or Diversions, or any Part or Parts thereof respectively, and such Deviations or Diversions, or any Part or Parts thereof respectively, and every Variation or Diversion thereof respectively, might be of any Width not exceeding Sixty Feet, exclusive of the Ditches and Fences on each Side thereof, they the said Trustees first making Satisfaction to the Owners and Occupiers of and any other Persons interested in the Lands, Hereditaments, and Premises over and through which such respective Deviations or Diversions, or any Variations thereof respectively, should be carried, for the Damages they should respectively sustain thereby: And whereas a Map or Plan describing the respective Lines of the said Deviations or Diversions so intended to be made as aforesaid, and the Lands over and through which the same were respectively intended to be carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, were deposited with the Clerk of the Peace for the County of *Gloucester* before the passing of the said Act, and the same Map or Plan and Book of Reference are now in the Custody of the Clerk of the Peace for the said County of *Gloucester*: And whereas the said Deviations or Diversions authorized to be made by the said Act hereby repealed at or near the said Place called the *Moors*, as aforesaid, have not yet been made; be it further enacted, That it shall be lawful for the Trustees acting in the Execution of this Act, at any Time or Times after the passing of the same, to make, execute, and complete, according to and in the Lines described in the said Map or Plan and Book of Reference deposited with the Clerk of the Peace for the said County of *Gloucester* as aforesaid, the said Two last-mentioned Deviations or Diversions from the present Line of Turnpike Road

at or near the said Place called the *Moors*, in the Parish of *Cheltenham* aforesaid, which were authorized to be made, executed, and completed by the said Act hereby repealed, and from Time to Time, if necessary, to widen, divert, shorten, vary, turn, and alter, within the Distance hereinafter mentioned, the Line of such respective Deviations or Diversions, or any Part or Parts thereof respectively, and that such Deviations or Diversions respectively, and every Variation or Diversion thereof respectively, may be of any Width not exceeding Sixty Feet, exclusive of the Ditches and Fences on each Side thereof, they the said Trustees first making Satisfaction to the Owners and Occupiers of or other Persons interested in the Lands, Hereditaments, and Premises over and through which such respective Deviations or Diversions, or any Variations thereof respectively, shall be carried, for the Damage they shall respectively sustain thereby.

Trustees may make Turnpike a Road herein described, and also set out a new Branch.

XXI. And be it further enacted, That it shall be lawful for the said Trustees to make Turnpike, improve, complete, and maintain a certain public Road leading from or near to the Turnpike Gate at the Top or Eastern End of the Town and in the Parish of *Cheltenham* aforesaid, called the *London Gate*, to the Turnpike Road leading from *Cheltenham* towards *Birdlip* (such Turnpike Road leading from *Cheltenham* towards *Birdlip* being one of the Turnpike Roads comprised in this Act) at a Place in the Parish of *Leckhampton* in the County of *Gloucester* aforesaid near to or opposite a Road or Highway leading to the Village of *Leckhampton* aforesaid, and which described public Road passes through or into the several Parishes of *Cheltenham* and *Leckhampton* aforesaid; and also to make, set out, complete, and maintain a Road from the present Turnpike Road leading from *Cheltenham* aforesaid towards *Cleeve* in the said County, near to the *Trinity* Church in *Cheltenham* aforesaid, to join the present Turnpike Road leading from *Cheltenham* aforesaid towards *Tewkesbury* (such Turnpike Road leading from *Cheltenham* towards *Tewkesbury* being also one of the Turnpike Roads comprised in this Act) at or near to the said Place called the *Moors*, and which last-described Road passes or is intended to pass through or into the several Parishes of *Cheltenham* and *Swindon* aforesaid; and also to erect, set up, maintain, and keep a Toll House or Toll Houses, and Toll Gate or Toll Gates, Bar or Chain, Bars or Chains, upon, across, or on the Sides of such Deviations or Diversions as last aforesaid, and on, across, or on the Sides of the said Roads so to be made Turnpike, set out, and completed as last aforesaid, and to collect and receive Tolls at such last-mentioned Toll Gates, Bars, and Chains respectively.

Map to remain with the Clerk of the Peace, and be open to Inspection.

XXII. And whereas a Map or Plan describing the Lines of the said several new Lines of Turnpike Road, and the Lands to be taken for making the same, or for making some Part or Parts thereof respectively, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, hath been deposited with the Clerk of the Peace for the County of *Gloucester*; be it enacted, That the said last-mentioned Map or Plan and Book of Reference, and also the said Map or Plan and Book of Reference herein-before recited to have been deposited with the said Clerk of

the Peace before the passing of the said Act hereby repealed, shall remain in the Custody of the same Clerk of the Peace, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and take Copies of or Extracts therefrom respectively, at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of or from the said Maps or Plans and Books of Reference respectively; and the said Trustees, in making such Deviations or Diversions and the said new Lines of Turnpike Road, or any or either of them, shall not deviate more than One hundred Yards from the respective Deviations or Diversions and Lines respectively described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations or Diversions or new Lines of Road respectively shall be made.

Lands may be used, notwithstanding Errors in Books of Reference.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to take and use the Lands, Hereditaments, and Premises described in the said several Maps or Plans as aforesaid, for making the said several Deviations or Diversions and new Lines of Road respectively hereby authorized to be made, although the Name or Names of the Person or Persons being the Owner or Owners, Occupier or Occupiers thereof may happen to be erroneously described or to be omitted in the said Books of Reference respectively, and although the said Lands, Hereditaments, and Premises respectively may happen to be improperly described in the said Maps or Plans and Books of Reference respectively, in case it shall appear to any Two or more Justices of the Peace for the County of *Gloucester*, and shall be certified in Writing under their Hands, that such Error or Omission respectively proceeded only from Mistake.

Houses, &c. not to be pulled down, or Orchards, &c. made use of, without Consent.

XXIV. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, other than and except such as are mentioned in the Schedule of this Act, and in the said Book of Reference delivered to the Clerk of the Peace before the passing of the said Act hereby repealed, respectively.

Power of purchasing limited to Five Years.

XXV. Provided always, and be it further enacted, That unless the Lands, Hereditaments, and Premises hereby authorized to be purchased for the Purposes of this Act shall be so purchased or agreed to be purchased, or the Value thereof assessed or ascertained by a Jury in the Manner directed by any Act or Acts for regulating Turnpike Roads in *England*, within Five Years next after the passing of this Act, it shall not be lawful for the said Trustees to take or use any of the same Lands, Hereditaments, and Premises, without

without the Consent in Writing of the Owners or Proprietors thereof first had and obtained.

Trustees not to expend Money in Repair of Streets.

XXVI. 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.

Application of Tolls and Money borrowed.

XXVII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Act hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, in paying and discharging all the Interest which shall at the Commencement of this Act be owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore payable on the Roads by this Act directed to be improved and kept in repair; thirdly, in paying and discharging all Interest which shall hereafter accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls and Duties which shall hereafter be payable on the Roads hereby authorized to be made Turnpike, diverted, improved and kept in repair; fourthly, in defraying the Expences of diverting, altering, widening, improving, repairing, and preserving the same Roads, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and lastly in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Act hereby as aforesaid repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing by or on account of this Trust.

No Priority of Mortgages.

XXVIII. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act hereby as aforesaid repealed, or any of them, or who shall

shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assigns, 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, except as herein-before mentioned, but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assigns, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall, in proportion to the Sum or Sums therein mentioned, be Creditors under this Act in equal Degree one with another, without any Preference or Priority, except only as to the Tolls herein-before directed to be primarily appropriated for the Payment to the Commissioners for the Issue of Exchequer Bills and the Advance of Money for the carrying on of Public Works.

Public Act.

XXIX. 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.

Term of Act.

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

The SCHEDULE referred to by the foregoing Act.

Line from the Cleeve Road near the Trinity Church to join the Tewkesbury Road at a Place called the Moors.

No. on the Plan deposited with the Clerk of the Peace.	Names of Owners or reputed Owners.	Names of Occupiers.	Description of Property.
1	Trustees of the Cheltenham and Cleeve Road -	- - -	Turnpike Road from Cheltenham to Cleeve.
2	Joseph Pitt Esquire -	In hand - -	Private Carriage Roads.
3	Miss Cook and the Reverend Dr. Tatham -	Edward Lewis -	Garden.
4	Joseph Pitt Esquire -	Wear - - -	Land.
5	- - - - -	- - -	Public Footpath.
6	Mr. Edward Leighton -	James Short -	Garden.
7	John Gardner Esquire -	In hand - -	Land.
8	Ditto - -	Ditto - -	Ditto.
9	- - - - -	- - -	Road.
10	Mr. John Morris -	William Bluster -	Garden and Orchard.
11	Ditto - -	Ditto - -	Building.
12	Mrs. Sarah Broad and Miss Emma H. Barnard -	Messrs. Newman and Langbridge -	Orchard.
13	Mr. Joseph Hughes -	Harriot Wood -	Gardens.
	Mr. William Matthews -	Thomas Ingram -	
	Mr. Matthew Matthews -	Richard Webb -	
		Richard Barnard -	
14	Lord Dunally - -	In hand - -	Garden.
15	John Bennett - -	In hand - -	Garden.
16	Mr. Collett - -	In hand - -	Garden.
17	Joseph Pitt Esquire -	John Bennett -	Garden.
		Harris -	
18	George May - -	Thornton -	Garden.
19	Joseph Pitt Esquire -	In hand - -	Land.
20	Thomas Overbury -	In hand - -	Garden.
21	James Matthews - -	In hand - -	Garden.
22	Thomas Cox - -	Ditto - -	Ditto.
23	Joseph Pitt Esquire -	James Matthews -	Gosditch Gardens.
		Edwards -	
		Dangerfield -	
		Palmer -	
		Birt -	
		Abraham Cooper -	
		Thomas Butt -	
24	Miss Cook and the Reverend Dr. Tatham -	Mr. Shipton - -	Orchard.
25	Ditto - -	Ditto - -	Cottage.
26	The Reverend Mr. Sergeant - -	Mr. Neyler -	Garden.
27	Ditto - -	Mr. Thomas Hurlstone	Land.
28	- - - - -	- - -	Lane.

No. on the Plan deposited with the Clerk of the Peace.	Names of Owners or reputed Owners.	Names of Occupiers.	Description of Property.
29	Mrs. King - -	John Champion -	Garden.
30	Miss Cook and the Reverend Dr. Tatham -	Brunsdon -	Land.
31	- - - -	- - - -	Lane.
32	Joseph Pitt Esquire -	John Gardner Esquire	Land.
33	Mr. Bartlett - -	Andrews - Cook -	Garden.
34	- - - -	- - - -	Malvern Place.
35	Mrs. Hurlstone - -	In hand - -	Garden.
36	The Rev. Mr. Sergeant -	Mrs. Hurlstone -	Cottage.
37	Ditto - -	Ditto - -	Garden.
38	Mr. John Turk senior -	In hand - -	Garden.
39	Francis Pym Esquire -	John Dovey - -	Garden.
40	The Reverend Mr. Sergeant - -	Mr. Thomas Hurlstone	Land.
41	Devereux Bowley and Sam. Sadler Esquires, Executors and Trustees of the late T. P. Butt Esq.re -	Charles Arkell -	Land.
42	Thomas Perry Esquire -	Mr. Thomas Hurlstone -	Land.
43	William Young - -	In hand - -	Land.
44	- - - -	- - - -	Swindon Lane.

Line from the London Gate to join the Cheltenham and Birdlip Road near to or opposite a Road leading to the Village of Leckhampton,

1	- - - -	- - -	Old Road.
2	- - - -	- - -	Ditto.

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