ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxxxvii.

An Act to repeal the Act for making and maintaining a Turnpike Road from *Stroud* to *Bisley*, and to make other Provisions in relation thereto. [17th *June* 1852.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* Stroud *to* Bisley *in the County of* Gloucester, and the same Road has been duly made accordingly: 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-two, unless the same be in the meantime further continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, and such Money cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority

4 G. 4. c. 14.

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Recited Act repealed, and this Act to be put in force.

I. That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Stroud and Bisley* Road Act, 1852."

Monies and Property vested in new Trustees.

III. That all Monies due to, and all Lands, Property, and all Choses in Action vested in, the Trustees under the said recited Act, shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act; and such last-mentioned Trustees may hold and enjoy, sue for and recover, the same Monies, Lands, Property, and Choses in Action respectively, and act in respect thereof as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, save and except such of the same Debts and Engagements as are by this Act extinguished.

Appointment of Trustees

IV. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Gloucester*, together with *Anthony Austin*, *Samuel Baker*, *Charles Ballinger*, *Henry Ballinger*, *John Biddle*, *Sydney Biddle*, *Alfred Biddle* Clerk, *Thomas Handy Bishop*, *William Capel*, *Charles Capel*, *Richard Capel*, *Thomas Neale Clarke*, *Isaac Allan Cooke*, *Joseph Cripps*, *Samuel Clutterbuck*, *Henry Daubeney*, *Robert Stephens Davies*, *Robert Spry Davies*, *Daniel Davis*, *William Davis*, *John Edward Dorington*, *John Edward Dorington* the younger, *Charles Driver*, *William Driver*, *George Edwards*, *George Joseph Saunders Edwards*, *Paul Hawkins Fisher*, *Joseph Timbrel Fisher*, *Charles Hawkins Fisher*, *Thomas Mills Goodlake*, *Henry Cox Goodlake*, *Charles Goddard*, *Solomon Gompertz* Clerk, *Robert Gordon*, *Charles James Hallewell*, *Joseph Watts Hallewell*, *Thomas Hancox*, *Charles Hawker*, *John Hawkins* Clerk, *Edmund Hopkinson*, *William Henry Hyett*, *Thomas Keble* Clerk, *John Little*, *John Lowe*, *Charles Mansfield*, *Edward Mansfield* Clerk, *Joseph Mansfield* Clerk, *John Mills*, *William Yarnton Mills*, *Daniel Yarnton Mills*, *Henry Wenman Newman*, *John Paine*, *William Henry Paine* Doctor of Medicine, *Nathaniel Partridge*, *George Proctor*

Proctor Clerk, *John Young Sandys*, *James Sandys* Doctor of Medicine, *Thomas Shill*, *William Shill*, *Alfred Smith*, *Christopher Smith*, *Peter Smith*, *William Henry Stanton*, *Alfred John Stanton*, *Charles Stanton*, *Charles Holbrow Stanton*, *Robert Lawrence Townsend*, *Robert Lawrence Townsend* the younger, *William Turner*, *Joseph Watts*, *Lindsey Winterbotham*, *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.

Power to appoint additional Trustees.

V. That 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 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.

Meetings of Trustees.

VI. That the Trustees shall hold their First Meeting at the *George Inn* in *Stroud* in the County of *Gloucester*, or at some other convenient Place in the Neighbourhood of the said Road, at Noon on the First *Friday* next after the Commencement of this Act, 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 Road as they shall think proper.

Power to appoint Committees.

VII. That the Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

VIII. That this Act shall be put in execution for the Purpose of managing and maintaining the present Turnpike Road from the Town of *Stroud* to the Town of *Bisley*, all in the County of *Gloucester*.

Present Tolls continued for a Term.

IX. That 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 Road until the Expiration of Fourteen Days next after the First Meeting of the Trustees.

Power to take new Tolls.

X. That upon and after the Expiration of Fourteen Days next after the First Meeting of the Trustees it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates

which

which now are or hereafter shall be upon or on the Sides of the said Road such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Diligence, Omnibus, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, Waggon, Wain, Cart, or other such like Carriage, the Sum of Sixpence:

For every Dog drawing any Carriage, the Sum of One Penny:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

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

For every Carriage drawn or propelled by Steam or Machinery, the Sum of Two Shillings and Sixpence:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

XI. That in all Cases in which 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.

Only One full Toll to be payable on the Road.

XII. That no more than One full Toll shall be taken for passing and repassing any Number of Times in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, with the same Horses, Beasts, Cattle, or other Animals or Thing liable to Toll or Duty through all the Toll Gates erected or to be erected or continued on the said Road.

Persons having paid Toll to return Toll-free.

XIII. That all Horses and Cattle, except Horses or Cattle let for Hire, or drawing any Stage Coach, Omnibus, Waggon, or other Stage Carriage, Postchaise, or other Carriage travelling for Hire as hereinafter mentioned, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted in returning, passing and repassing, through the same Toll Gates, and in going and returning, passing and repassing, through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

XIV. That

Postchaises, &c. to pay on fresh Hiring.

XIV. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, whether laden or unladen, and for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, and in the same Manner as if no previous Payment of Toll had been made in respect of such Horses, Animals, or Cattle on the same Day.

Stage Coaches to pay every Time of passing.

XV. That the Tolls hereby made payable for or in respect of all Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward shall be paid for every Time of passing and repassing along the said Road.

Further Regulations as to Stage Coaches.

XVI. That all Horses and Cattle drawing any Stage Coach, Waggon, Omnibus, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once 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 their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Mortgagees not to take possession of Toll Houses.

XVII. That no Holder of any Mortgage of the Tolls collected upon the said Road shall hereafter be entitled to enter into possession of the Toll Gates, 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.

As to Amount of Debt.

XVIII. And whereas there is due and owing on the Credit of the Tolls authorized to be taken by the said repealed Act the Principal Sum of One thousand seven hundred Pounds, exclusive of all Arrears of Interest thereon, whether converted into Principal Debt or otherwise; and there is also due and owing to the Executors of *George Wathen* Esquire, of *Stroud*, late the Treasurer of the said Trustees, the Sum of Eight hundred and two Pounds Eighteen Shillings and Eightpence for Monies advanced by him for the necessary Expenses of the said Roads: Be it enacted, That from and after the passing of this Act the said Sums of One thousand seven hundred Pounds and Eight hundred and two Pounds Eighteen Shillings and Eightpence shall be deemed and taken to be the total Sums due and owing on the Credit of the Tolls authorized to be taken on the said Road.

Application of Monies.

XIX. 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,)

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

Secondly, in defraying the Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, and of managing the said Road, but not exceeding in any One Year the Sum of Twenty Pounds;

Thirdly, in paying off and discharging the said Sum of Eight hundred and two Pounds Eighteen Shillings and Eightpence so advanced by the said *George Wathen* as aforesaid, but without any Interest thereon;

Fourthly, in paying off and discharging the said Principal Sum of One thousand seven hundred Pounds, or such Part thereof as shall for the Time being remain unsatisfied, but without any Interest thereon;

Lastly, in repairing, maintaining, and improving the said Road.

As to Mode of discharging Debt.

XX. That when and so often as the Sum applicable to the Discharge of the Principal Monies constituting the said Sum of One thousand seven hundred Pounds, or the Part thereof for the Time being owing on the Credit of the said Tolls, shall amount to the Sum of Fifty 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 Purposes thereof, so far as the same relate to the Application of such Sum, either by Circular under the Hand of their Clerk for the Time being, sent by Post addressed to each Creditor entitled to any Part of the said Sum of One thousand seven hundred Pounds then remaining due at his last known or usual Place of Abode, or 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 such Principal Monies 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 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 such Principal Monies to the Creditor who by Proposal

posal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies 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 Monies 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, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No more Money to be borrowed.

XXI. That no more Money shall be borrowed by the Trustees upon the Credit of the Tolls by this Act authorized to be taken.

No Money to be taken or laid out in Towns.

XXII. That no Money shall be laid out by the Trustees on the said Road within the Town of *Stroud*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

Road not exempted from Provisions of future General Acts.

XXIII. That nothing herein contained shall be deemed to exempt the said Road 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.

Commencement and Term of Act.

XXIV. That this Act shall commence on the Thirty-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.

Interpretation of Terms.

XXV. 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,)

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

The Expression "the Road" or "the said Road" shall mean the Road to which this Act is applicable:

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

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