ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. xc.

An Act for continuing the Term of "The *Birmingham and Pershore* Turnpike Road Act," and for other Purposes. [5th *August* 1850.]

WHEREAS an Act was passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for* (6 G. 4. c. 142.) *making and maintaining a Turnpike Road from the Town of* Birmingham *to or near the Town of* Pershore: And whereas by an Act passed in the Thirteenth Year of the Reign of Her present Majesty, intituled *An Act to continue certain Turnpike Acts in* Great (12 & 13 Vict. c. 87.) Britain *for limited Periods, and to make certain Provisions respecting Turnpike Roads in* England, it was enacted, that the Acts mentioned in the Schedule to that Act annexed should continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament should in the meantime continue the same respectively, and the first-recited Act was mentioned in that Schedule: And whereas divers Sums of Money have been borrowed on the Credit of the Tolls by the first-recited Act authorized to be taken on the Road thereby authorized to be made and maintained, and an aggregate Principal Sum so borrowed exceeding Ten thousand Pounds, with a large Arrear of Interest

thereon, is now owing: And whereas it is expedient that the first-recited Act be continued for a further Period; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted, 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 in citing the first-recited Act for any Purpose it shall be sufficient to use the Expression "The *Birmingham and Pershore* Turnpike Road Act, 1825," and in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Birmingham and Pershore* Turnpike Road Continuation Act, 1850."

Short Titles of first-recited Act and this Act.

Construction of Terms.

II. And be it enacted, That in this Act the following Words and Expressions have the several Meanings respectively hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (to wit,)

Words importing the Singular Number include the Plural Number:
Words importing the Plural Number include the Singular Number:
Words importing the Masculine Gender include Females:
The Expression "the Trustees" means the Trustees for carrying the first-recited Act into execution:
The Expression "the Road" means the Turnpike Road authorized by the first-recited Act to be made and maintained:
The Word "Creditor" means a Person entitled to any Part of the Principal Monies secured on the Tolls arising on the Road:
The Word "Person" includes Corporation.

Recited Act 6 G. 4. c. 142. continued for 21 Years.

III. And be it enacted, That, subject to the Provisions of this Act, the first-recited Act, and all the Tolls, Duties, Powers, Authorities, Privileges, Provisions, and Clauses respectively granted and contained in and by that Act, shall continue and be in full Force and Effect for and during the Term of Twenty-one Years from the passing of this Act, and thence to the End of the then next Session of Parliament, and that in as full and ample Manner, and as effectually in all respects, and to all Intents and Purposes, as if the same respectively were in this Act expressly repeated and re-enacted.

Tolls.

IV. And be it enacted, That, in addition to the Tolls granted and contained in the said first-recited Act, it shall be lawful for the Trustees to demand and take, or cause to be demanded and taken, at any Toll Gate on the said Road, or to be erected by virtue of any Act for regulating Turnpike Roads in *England*, the Tolls or Sums of Money following; (that is to say,)

For every Dog or Goat drawing any Cart or Vehicle, the Sum of One Penny.

V. And

The Birmingham and Pershore Turnpike Road Continuation Act, 1850.

Extinction of Arrears of Interest on Debt due 31st Dec. 1849.

V. And whereas the Tolls by the first-recited Act authorized to be raised are insufficient for the Payment to the existing Creditors of the Principal Monies now remaining on the Security of those Tolls, or the Interest thereon, and it is expedient, on the continuing by this Act of the first-recited Act, to make further Provision for the Payment of the Debt on the Road, and in consideration of securing the Payment of those Principal Monies to modify the Rights to the Interest thereon: Be it therefore enacted, That all Claims in respect of the Arrears of Interest up to the Thirty-first Day of *December* One thousand eight hundred and forty-nine inclusive, on those Principal Monies and every Part thereof, shall on the Commencement of this Act be absolutely extinguished.

Extinction of Interest other than as authorized by this Act on the Debt.

VI. And be it enacted, That all Claims in respect of Interest from the Thirty-first Day of *December* One thousand eight hundred and forty-nine, after any other Rate than such Rate as is by this Act authorized, on the Principal Monies now remaining on the Credit of the Tolls to be raised under the Authority of the first-recited Act, shall on the Commencement of this Act be absolutely extinguished.

Tolls to continue liable to Debts.

VII. And be it enacted, That the additional Term, and the Tolls, Duties, Powers, Authorities, Privileges, Provisions, and Clauses in and by this Act respectively granted and contained, are hereby made subject and liable to the Payment of all Monies now owing on the Credit of the Tolls to be raised under the Authority of the first-recited Act, and all Interest thereon, after the Rate by this Act authorized, from the Thirty-first Day of *December* One thousand eight hundred and forty-nine, and to the Rights and Remedies of the several Creditors for the Recovery of the said Principal Monies, with such Interest thereon.

Application of Tolls.

VIII. And be it enacted, That all the Tolls and Monies which shall be received by the Trustees of the said Road by virtue of this or the first-recited Act shall be applied as follows; that is to say,

First, in paying and discharging the Expenses of obtaining and passing this Act or incidental thereto:

Secondly, in paying and discharging by annual Instalments of Fifty Pounds the Sum of Two hundred and forty-eight Pounds, Part of a Debt of Six hundred and forty-eight Pounds due and owing to *Edward Gale*, Contractor, for Work done upon the said Road, and Materials for the same provided:

Thirdly, in paying the Officers to be employed in the Execution of this and the first-recited Act, and the Expenses necessary for and incidental to the Management of the said Road, such

Payment

Payment to Officers and Expenses not to exceed in the whole in any One Year the Sum of One hundred and six Pounds:

Fourthly, in paying and discharging the several Rent-charges now payable in respect of Land taken by the Trustees of the first-recited Act, in the Execution of the Powers of the said Act, amounting in the whole to the annual Sum of Twelve Pounds:

Fifthly, in paying and discharging the Interest upon or in respect of the Principal Sums which now are or which may for the Time being be owing or secured on the Credit of the Tolls authorized to be taken by the first-recited Act, at and after the yearly Rate of Three Pounds in the Hundred Pounds on the said Principal Sums:

Sixthly, in paying the Expense of improving, maintaining, and keeping in a State of good and sufficient Repair and Condition the said Road, and putting this and the first-recited Act into execution with reference thereto, and in paying the Expense of erecting, providing, and keeping in repair Toll Gates, Toll Bars, and Toll Houses, such Expenses not to exceed in the whole in any One Year the Sum of Four hundred Pounds:

Seventhly, in setting apart in every Year a Sum after the Rate of Twenty Pounds in the Hundred of the gross Amount of the Tolls received in or for the Year, as a Sinking Fund for the Payment of the Debt now due, or which may for the Time being be owing or secured on the Credit of the said Tolls:

Eighthly, in every Year in which there shall be, after making the several Payments herein-before provided to be made, any Surplus of the Tolls received in that Year, then the same shall be applied in paying a further and additional Interest, not exceeding One Pound in the Hundred Pounds, on the Principal Monies for the Time being remaining on the Security of the said Tolls, and the Residue of such Surplus, if any, shall be carried to the Credit and Increase of the Sinking Fund herein-before provided for.

Trustees to execute Mortgages for securing Debts due on Road.

IX. And whereas it is expedient to make further Provision for securing the Principal Monies now due on the said Road, and the Interest to become due thereon from the Thirty-first Day of *December* One thousand eight hundred and forty-nine, and also for securing the Sum of Four hundred Pounds, the Residue of the said Debt due to the said *Edward Gale*: Be it enacted, That upon receiving, at any Time after the passing of this Act, from any Creditor, or from the said *Edward Gale*, or from his or their Executors, Administrators, or Assigns, an Application in Writing desiring that a Mortgage or Mortgages of the Tolls by this and the said recited Act granted may be executed, for the Purpose of securing the Sum due and owing

to him or them, it shall be lawful for the Trustees and they are hereby required, at any of their Meetings, at the Expense of the Party requiring the same, to demise and mortgage the Tolls by this and the first-recited Act granted or authorized to be collected upon the said Road or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, as a Security to such Person or Persons for the Sum or Sums mentioned in such Mortgage or Mortgages, with Interest thereon at the Rate and according to the Stipulations herein-before contained, and the said Trustees or any Three or more of them shall accordingly make and execute a Mortgage of the said Tolls, Turnpikes, and Toll Houses accordingly; and such Mortgage, or any Assignment or Transfer thereof, may be made in the Words, or as near thereto as may be convenient, and in such Manner, as is directed by any Law or Statute relating to Turnpike Roads in *England:* Provided always, that the Mortgage or Mortgages that may be executed under the Provisions herein-before contained shall be made in Sums of One hundred Pounds each.

Further Monies not to be borrowed without Consent of Secretary of State.

X. And be it enacted, 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 collected and received by virtue of this and the first-recited Act, or on any other Security, or to make any Mortgage, or give any Security for Arrears of Interest, Purchase Money of Land, or other Monies owing, without the Consent in Writing of One of Her Majesty's Principal Secretaries of State first obtained: Provided nevertheless, that a Recital of such Consent which shall be inserted in any Mortgage for securing any Money so borrowed shall, so far as respects any Person claiming under such Mortgage or any Transfer thereof, be sufficient Evidence of such Consent; and in case any such Trustees shall make any such Mortgage with such Recital without first having obtained such Consent, the Trustees executing such Mortgage shall be jointly and severally liable to indemnify the Tolls or other Monies out of which the Monies secured by such Mortgage shall be paid, and it shall be lawful for the Treasurer of such Road to sue for and recover such Money so paid by Action of Debt in any of Her Majesty's Courts of Record, with Costs of Suit.

For paying off the Sum of 200*l.* as a Composition for certain Securities on the Tolls.

XI. And be it enacted, That it shall be lawful for the said Trustees and they are hereby required, when the Sinking Fund shall amount to Two hundred Pounds, to pay thereout such Sum and Sums of Money as shall or may be agreed to be accepted by any Person or Persons, being a Creditor or Creditors on the said Tolls, as a Composition or Compositions on and in satisfaction of his, her, or their Security or Securities to the Amount of Two hundred Pounds, according to the Stipulation after mentioned; (that is to say,)

say,) the said Trustees shall, Twenty-one Days at least before any Meeting for such Purpose, cause public Notice to be given in some One or more *Birmingham* Newspaper or Newspapers, that a Composition or Compositions will be paid to such Creditor or Creditors on the said Tolls as shall be willing to accept the smallest Composition for his, her, or their Share or Shares, and requiring such Creditors to transmit Proposals in Writing, sealed up, to the Trustees of the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor or Creditors will accept and take for each and every Share of One hundred Pounds, not exceeding Two, which he, she, or they may have due and owing on the said Road, which said Proposals shall, as soon after the Hour of One of the Clock in the Afternoon of the Day of the said Meeting as convenient, be publicly opened by the Clerk to the Trustees at the said Meeting, and the Creditor or Creditors whose Proposal or Proposals shall specify the lowest Rate *per Centum* which he, she, or they will accept and take shall have the Preference, and be paid such Sum or Sums of Money as he, she, or they may be willing to accept for the same, by the Treasurer to the said Trustees, at the Expiration of One Calendar Month next after such Meeting, with all Interest then due for the same; and if Two or more of the said Creditors shall deliver in Proposals at the same Meeting for accepting a Composition at an equal Rate *per Centum*, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the Clerk to the said Trustees, to which of the said Creditors Preference shall be given in Payment of such Composition or Compositions, and the Creditor or Creditors having the casting Lot shall be paid his, her, or their Composition or Compositions at the Time and in manner herein-before mentioned; but if there shall not be any Proposals delivered in at the said Meetings or any of them by any of the Creditors for accepting any such Composition or Compositions as aforesaid for his, her, or their Share or Shares, to the Amount of Two hundred Pounds, or any Part of that Sum, at a less Rate than the full Amount of the Principal Monies due to him, her, or them on the said Tolls, then and in such Case, but not otherwise, the said Trustees shall and may and they are hereby required, in each and every Year in which such Proposal or Proposals shall not be delivered in as aforesaid, to set apart by and out of the said Monies and Tolls the full Sum of Two hundred Pounds, or such Part of the same Sum as shall be requisite, to be applied for and towards Payment of the Principal Monies then due and owing on the said Tolls, and the said Trustees shall then cause the Numbers of the respective Securities, with the several Sums for which they are given, to be separately set down in Writing, and put together into a Box or Wheel, and immediately afterwards cause to be drawn the Numbers of so many of the said Securities as

as shall be equal in Value or Amount to the Sum so set apart and intended to be paid off; and in One Calendar Month next after such Numbers shall be respectively drawn the Treasurer to the said Trustees shall pay to the Person or Persons who shall be entitled to the respective Securities the Numbers of which shall be drawn as aforesaid, or to the Trustee or Trustees, Guardian or Guardians of such of the Persons so entitled as shall be under Age, such Sum or Sums of Money as shall be due by virtue thereof, which they are hereby required to accept and take accordingly, in discharge of such Securities, or of such Part of the same as shall be thereby satisfied and paid.

Road not exempt from Provisions of future general Acts.

XII. And be it enacted, That this Act, or anything therein contained, shall not exempt the Road from the Provisions of any general Act relating to the Consolidation or other improved Management of Turnpike Roads which may pass during the present or any future Session of Parliament.

Public Act.

XIII. And be it enacted, That this Act is a Public Act, and shall be judicially taken notice of as such.

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