CHAPTER xcv.

An Act to free Maidenhead Bridge from tolls to enable the Corporation of Maidenhead to borrow money for discharging the mortgage debt on the bridge for vesting the Bridge Estates in the Corporation and for other purposes in connection therewith. A.D. 1904.

[22nd July 1904.]

WHEREAS the mayor aldermen and burgesses of the borough of Maidenhead in the county of Berks (hereinafter referred to as "the Corporation") or their predecessors the mayor bridgemasters and burgesses of the town of Maidenheth otherwise Maidenhead in the said county were by virtue of several ancient charters invested with the sole ownership of and the duty of maintaining a timber bridge over the Thames in the borough of Maidenhead aforesaid (hereinafter referred to as "the borough") and empowered to levy certain tolls for portage and passage over and under the said bridge:

And whereas the Corporation were also by the same charters invested with the duty of maintaining an ancient chapel since rebuilt and converted into the district church of Saint Andrew and Saint Mary Magdalene:

And whereas by an Act passed in the twelfth year of the reign of King George the Third intituled "An Act for Building a "Bridge over the River Thames near the Town of Maidenhead in "the County of Berks" (hereinafter referred to as "the Act of 1772") the Corporation or their said predecessors were authorised to build and maintain a new bridge of stone called Maidenhead Bridge in place of the said timber bridge and to erect gates and toll-houses and to purchase lands required for the said new bridge and the approaches thereto and were also for the purpose of providing the expenditure necessary for the purposes of the said Act

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authorised to take the tolls in the said Act particularly mentioned and to borrow and take up at interest upon the credit of the said tolls such sum or sums of money as they should think fit:

And whereas the said new bridge was duly built and opened and the Corporation and their said predecessors have heretofore taken tolls in connection therewith:

And whereas the Corporation or their said predecessors have purchased and the Corporation now hold lands which they have utilised for the purposes of the said timber bridge and new bridge and the approaches thereto and the works connected therewith:

And whereas the Corporation and their said predecessors in former years derived considerable surplus revenues from the said tolls over and above the amount of the payments made by them for maintenance of the said new bridge and for interest and repayment of principal in respect of moneys borrowed by them upon mortgage of the said tolls and such surplus revenues were applied for rebuilding and maintaining the said chapel and church and for other purposes including the purchase of the lands mentioned in the Schedule to this Act the rents and profits whereof have heretofore been carried to the Corporation account and appropriated for the general purposes of the Corporation:

And whereas in recent years the revenue from the said tolls has become greatly reduced and has proved insufficient to meet in full the said interest and the expenditure required for maintenance and other purposes in relation to the said new bridge and the payment of the said interest is now in arrear to an amount of four thousand three hundred and fifty pounds or thereabouts:

And whereas the Corporation now owe in respect of moneys borrowed upon mortgage of the said tolls the following sums (that is to say):—

	£	s.	d.
(A) In respect of moneys borrowed to an amount of £19,000 in the years from 1772 to 1778 (inclusive) at interest at the rate of four per centum per annum for provision of land for and construction of the said new bridge and approaches the sum of - -	11,146	13	4
(B) In respect of moneys borrowed to an amount of £1,500 in the year 1826 at interest at the rate of five per centum per annum for reduction of the debt on rebuilding the said chapel as aforesaid the sum of - - -	1,366	13	4

	£ s. d.	A.D. 1904.
(c) In respect of moneys borrowed to an amount of £1,000 in the year 1829 at interest at the rate of five per centum per annum for the acquisition of land in Maidenhead High Street included in the Schedule to this Act the sum of - - - - -	466 13 4	
Making in all the sum of - -	£12,980 0 0	

And whereas in respect of the said moneys amounting to nineteen thousand pounds borrowed in the years from 1772 to 1778 there is a further sum of five hundred and eighty-six pounds thirteen shillings and fourpence which has not been paid off but the liability for which is believed to have lapsed through default by the lenders in claiming the interest thereon and in respect of the annual interest upon the said sum of five hundred and eighty-six pounds thirteen shillings and fourpence the Corporation have in hand upon a suspense account the sum of two hundred and fourteen pounds:

And whereas the road over the said new bridge is now maintained by the Corporation not out of the moneys arising from the said tolls but partly out of a grant made for main road purposes by the Berkshire County Council and partly out of the general district rate:

And whereas in recent years the Corporation have found it necessary to spend only a small amount of money upon the repair of the said new bridge and since the making in the year one thousand eight hundred and eighty-seven of an order of court in an action brought by one of the mortgagees of the said tolls the expense of the said repairs has been provided not out of the moneys arising from the said tolls but out of the borough fund:

And whereas following upon a petition presented to the Charity Commissioners in November one thousand nine hundred and one by certain persons residing or interested in the counties of Berks and Buckingham it was on the twenty-ninth day of July one thousand nine hundred and two resolved by the Charity Commissioners that a charitable trust existed in connection with the said new bridge:

And whereas on the eighteenth day of November one thousand nine hundred and two a public inquiry was held in the Town Hall Maidenhead at the instance of the Charity Commissioners with

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reference to the said new bridge and the endowments of or attached thereto and the Charity Commissioners have since by a letter dated the thirteenth day of May one thousand nine hundred and three addressed to the town clerk intimated that a Bill ought to be introduced into Parliament with the main objects of (*a*) repealing the Act of 1772 with all provisions authorising the levying of tolls (*b*) constituting the bridge endowments part of the corporate property of the Corporation (*c*) rendering the Corporation responsible for the immediate discharge of all liabilities (including all arrears of interest) in respect of the bridge and for its maintenance in the future and (*d*) relieving the Corporation from all liability in respect of any past misapplication of bridge funds:

And whereas it is expedient that the said tolls should be so freed and that the provisions in this Act contained should be made for putting in order the revenues and estates of the Corporation in connection with the said new bridge:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas the borough of Maidenhead is a municipal borough under the government of the Corporation and is subject to the Acts relating to municipal corporations:

And whereas an absolute majority of the whole number of members of the town council at a meeting held on the sixteenth day of November one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Maidenhead Advertiser a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the Maidenhead Argus a local newspaper published and circulating in the borough and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held on the first day of February one thousand nine hundred and four in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

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 as follows (that is to say):—

Short title.

1. This Act may be cited as the Maidenhead Bridge Act 1904.

Interpretation.

2. In this Act unless the subject or context otherwise requires—

"The borough" means the borough of Maidenhead;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The town council" means the town council of the borough;

"The town clerk" means the town clerk of the borough;

"The borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund borough rate district fund and general district rate of the borough;

"The Act of 1772" means the Act passed in the twelfth year of the reign of King George the Third referred to in the preamble to this Act;

"The bridge" means the Maidenhead Bridge vested in the Corporation under the provisions of the Act of 1772;

"The tolls" means the tolls granted and imposed by the Act of 1772;

"Statutory securities" means securities in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other securities (not being annuities rentcharges or securities transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation.

Discharge of mortgage debts.

3. The Corporation shall within two years from the passing of this Act pay off and discharge out of moneys to be borrowed

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by them under the provisions of this Act or out of other moneys applicable for the purpose under the powers of this Act the whole of the moneys now owing by them upon mortgage of the tolls including all interest and arrears of interest due and accruing in respect thereof and any other liabilities of the Corporation in connection with the bridge.

Repeal of Act of 1772.

4. The Act of 1772 shall as from the thirty-first day of October one thousand nine hundred and four be repealed.

Freeing bridge from tolls and constituting it a borough bridge.

5. From and after the thirty-first day of October one thousand nine hundred and four the bridge shall be open to the public free of toll and shall be deemed to be a borough bridge and shall be maintained and repaired by the Corporation and subject to all the provisions of the Municipal Corporations Act 1882 with respect to borough bridges and the neglect by the Corporation as from the thirty-first day of October one thousand nine hundred and three to levy the tolls authorised by the Act of 1772 is hereby sanctioned and confirmed.

Description of "the bridge estates."

6. From and after the thirty-first day of October one thousand nine hundred and four the lands mentioned in the Schedule to this Act any moneys for the time being standing to the credit of the suspense account mentioned in the preamble to this Act or to the credit of any account of the Corporation relating to the bridge and any funds or investments representing such moneys any investments or funds representing the proceeds arising from any disposition of lands under the powers of this Act and any properties estates easements rights privileges revenues profits and advantages held enjoyed or enjoyable by the Corporation or to which they are in any way entitled in connection with the bridge and the said lands (save and except the bridge itself) subject to any mortgages charges or securities thereon shall together constitute and be known as "the bridge estates" of the Corporation and shall be vested in and held and dealt with by the Corporation under and for the purposes of this Act.

Application of bridge estates.

7. The bridge estates shall be held and may be dealt with and applied by the Corporation for public purposes as part of their corporate property and shall be subject to the provisions of the Municipal Corporations Act 1882 with respect to the corporate property of a corporation.

Application of income arising from

8. The Corporation shall carry to the credit of the borough fund any moneys received in respect of income arising from or in

connection with the bridge estates and all expenses of maintaining and managing the bridge estates and any other expenses in connection with the bridge estates properly chargeable against income shall be charged upon and paid out of the borough fund.

bridge estates and payment of expenses in connection therewith.

9. The Corporation and all members of the town council and officers of the Corporation and all persons acting or who may have acted under the authority of the Corporation are hereby discharged and relieved from any liability or responsibility for any misapplication or non-application which may heretofore have been made or taken place by or under the authority or with the assent of the Corporation of any moneys funds or properties vested in or held by or under or subject to the control of the Corporation for the purposes of or in connection with the bridge or acquired with or by means of moneys arising from the tolls or obtained upon the security of the bridge or the tolls or upon the security of any property held or acquired in connection with the bridge or the tolls or otherwise arising in or about the affairs of the bridge.

Discharge of Corporation from liability for past misapplication or non-application of bridge funds.

10. The bridge shall not be deemed a county bridge nor subject the county councils of Berkshire or Buckinghamshire or either of them to any liability to repair or support the same but the bridge shall for all purposes be deemed to be within the borough of Maidenhead.

Bridge not to be deemed a county bridge.

11. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys or are otherwise specifically provided for) shall be paid out of the borough fund and borough rate.

Expenses of executing Act.

12.—(1) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

Power to borrow.

(A) For repayment of the moneys now owing by the Corporation upon mortgage of the tolls and the arrears of interest thereon the sum of seventeen thousand three hundred and thirty pounds;

(B) For paying the costs charges and expenses of this Act including the costs of Joseph Taylor as hereinafter provided the sum necessary for that purpose:

And with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act.

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(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenues of the bridge estates and bridge undertaking of the Corporation and the borough fund and borough rate.

Mode of raising money.

13. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

Certain regulations of Public Health Act as to borrowing not to apply.

14. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act the moneys which the Corporation may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

15. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act (that is to say) :—

Section 236 Form of mortgage :

Section 237 Register of mortgages :

Section 238 Transfer of mortgages :

Section 239 Receiver may be appointed in certain cases.

Periods for payment off of money borrowed.

16. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say) :—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the passing of this Act :

As to moneys borrowed for the purpose (B) in the said section mentioned within five years from the passing of this Act :

And as to moneys borrowed with the approval of the Local Government Board within such period as that Board may approve.

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Mode of payment off of money borrowed.

17. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the passing of this Act.

Regulations as to sinking fund.

18. If the Corporation determine to pay off by means of a sinking fund any money borrowed under the authority of this Act the following regulations shall be observed:—

The Corporation in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security under this Act and repayable by a sinking fund within the prescribed period:

The rate of accumulation on which the amounts paid to the sinking fund are based is hereinafter referred to as "the prescribed rate":

Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund:

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(B) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment whereof the sinking fund was set aside in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum per annum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Return to Local Government Board as to repayment of debt.

19.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the

purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Power to re-borrow.

20. The Corporation shall except as hereinafter provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the same time of the repayment it was intended to re-borrow:

Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose:

Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

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Corporation not to regard trusts.

21. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Protection of lender from inquiry.

22. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Saving for existing charges.

23. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Application of borrowed moneys.

24. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Inquiries by Local Government Board.

25.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any of the duties imposed on that Board under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Payment of costs to Joseph Taylor.

26. The Corporation shall pay to Joseph Taylor of Eaton in the county of Buckingham the balance of the actual out-of-pocket expenses incurred by him incidental to and arising from the inquiry held by the Charity Commissioners on the eighteenth November one thousand nine hundred and two after deducting therefrom the sum of thirty-five pounds nineteen shillings received by him from public subscriptions and in case of difference the amount of those expenses shall be taxed by the taxing officer of the House of Lords or of the House of Commons.

Costs of Act.

27. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons and the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds Act 1872 as amended by the Borough Funds Act 1903 with respect to the Bill for this Act shall be paid by the Corporation out of the borough fund and borough rate or out of moneys borrowed under the authority of this Act for that purpose.

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The SCHEDULE referred to in the foregoing Act.

The Bridge Estates of the Corporation.

1. Freehold land situate on the south-east side of Maidenhead Bridge containing one acre and seven perches or thereabouts together with the buildings thereon which said premises were by an indenture dated the 10th April 1860 demised by the Corporation to Jonathan Bond for the term of 60 years from the 25th March 1860 at an annual rent of two pounds.

2. Two pieces of freehold land situate on the north-west side of Maidenhead Bridge which said premises were by an indenture of lease dated the 5th September 1890 demised by the Corporation to Miss Maria Langton for the term of 21 years from the 25th March 1891 at the annual rent of sixty pounds.

3. Freehold land situate on the east side of the River Thames and on the north side of Maidenhead Bridge together with four dry arches under the said bridge adjoining such land and also certain freehold land on the west side of the river lying to the south of Maidenhead Bridge and the London and Bath Road and having a frontage to the said River Thames of thirty-seven feet six inches all which said premises were by an indenture dated the 26th March 1891 demised to Jonathan Bond for the term of twenty-one years from the 25th March 1891 at an annual rent of two hundred and eighty pounds.

4. Freehold land lying on the west side of the River Thames and adjoining Maidenhead Bridge on the south side thereof together with three dry arches under the bridge adjoining such land all of which premises were by an indenture dated the 8th May 1891 demised to William Henry Grenfell Edward Thomas Biggs and James Burnham for the term of twenty-one years from the 25th March 1891 at the annual rent of twenty-five pounds.

5. A dwelling-house with yards gardens stables and outbuildings situate in High Street Maidenhead in the occupation of James Ferguson Simpson and a dwelling-house adjoining the last-mentioned dwelling-house in the occupation of Messrs. Moore and Mason and certain garden ground adjoining the aforesaid gardens and stables and formerly held with Church Gate House all which premises were by an indenture dated the 25th March 1892 demised to James Ferguson Simpson for the term of twenty-one years from the 25th March 1892 at the rent of seventy-five pounds which term was by an indenture dated the 2nd July 1900 extended for the further term of

fourteen years from the 25th March 1913 at an increased annual rent of one hundred and ten pounds.

6. A freehold house and grounds being No. 16 High Street Maidenhead and known as Church Gate House which premises were by an indenture dated the 1st April 1892 demised to Max Fahrmbacher for a term of 21 years from the 25th March 1892 at an annual rent of fifty pounds.

7. Premises at the western end of the north side of High Street in the occupation of Charles Batting as tenant at will at an annual rent of thirty pounds.

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