ANNO PRIMO

VICTORIÆ REGINÆ.

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Cap. iii.

An Act to alter and enlarge some of the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, for better repairing the Roads from *Warminster* and from *Frome* to the *Bath* Road, and other Roads therein mentioned. [30th *March* 1838.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for better preparing the Roads from* Warminster *and from* Frome *to the* Bath *Road, and from* Woolverton *to the* Trowbridge *Road, in the Counties of* Wilts *and* Somerset, *and for making certain new Lines of Road branching out of such Roads to and towards* Bath: And whereas the Trustees acting by virtue of the said Act have proceeded in carrying the Powers and Provisions thereof into execution, and have opened to the Public several of the new Lines of Road thereby authorized to be made, but the Walls and Fences on the Sides thereof are not yet completed, and the Purchase Money agreed to be given for some of the Lands required for the said Roads has not been wholly paid: And whereas in the said Act is contained a Provision, that it should and might be lawful for the said Trustees, in the Manner therein mentioned, to borrow and take up

3 & 4 W. 4. c. 78.

up at Interest upon the Credit of the Tolls arising by virtue of that Act such further Sum or Sums of Money as they should think fit, so as the Monies which were then due and the total Amount of the Monies which might be so borrowed should not exceed in the whole the Sum of Thirty thousand Pounds; and it is by the said Act provided, that after the said Trustees should have borrowed and taken up at Interest such Money as aforesaid they should not borrow or take up at Interest any further or other Sum until the entire Debt due on the Security of the said Tolls should be reduced to the Sum of Twelve thousand Pounds at the least, and then, and not before, it should be lawful for them, in manner therein mentioned, to borrow and take up at Interest such further Sum or Sums of Money as they should think fit, so as the Monies which might be then due, and the total Amount of the Monies which might be so from Time to Time borrowed as last mentioned, should not then exceed in the whole the Sum of Fifteen thousand Pounds: And whereas the said Trustees have borrowed and taken up at Interest, in the Manner prescribed by the said Act, the full Amount of Money they were thereby authorized to borrow as aforesaid, but such Money has not proved sufficient to carry the Provisions of the said Act into full execution: And whereas, in consequence of the Demands made upon the said Trustees for carrying the Purposes of the said Act into execution, the Treasurer to the said Trustees has advanced and paid for the Purposes of the said Trust the Sum of Two thousand five hundred Pounds, or thereabouts: And whereas, to enable the said Trustees to pay off and discharge the Sums of Money for which they have become liable as aforesaid, and for the Purchase of Land, and for the Completion of certain Walls and Fences on the Sides of the said new Lines of Road, it is expedient that Power should be granted to authorize them to borrow and take up at Interest a further limited Sum of Money on the Credit of the Tolls by the said recited Act authorized to be collected, which Tolls, after fulfilling the Purposes of the said Act, will form a very adequate Security for the Payment of the Principal and Interest of such further Sum of Money; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Powers, Authorities, Directions, Limitations, Regulations, Clauses, Matters, and Things whatsoever therein contained, (except so far as the same are by this Act varied or repealed,) shall be good, valid, applicable, and effectual for carrying this Act into execution.

Powers of recited Act extended to this Act.

Repeal of Clause limiting Amount to be borrowed;

II. And be it further enacted, That so much of the said recited Act as enacts, that after the Trustees should have borrowed and taken up at Interest such Sum or Sums of Money as with the Monies then due should amount to the said Sum of Thirty thousand Pounds, they should not borrow or take up at Interest any further or other Sum until the entire Debt due on the Security of the said Tolls should be reduced to the Sum of Twelve thousand Pounds at the least; and as enacts, that the Monies which may be then due, and the total Amount of the Monies which may be so from Time to Time borrowed

as last mentioned, should not then exceed in the whole the Sum of Fifteen thousand Pounds; and as directs the Application of the Tolls and other Monies which should be collected and received under and by virtue of the said Act, shall be and the same is hereby repealed. and Application of Tolls.

III. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, upon the Credit of the Tolls arising by virtue of the said recited Act, such further Sum or Sums of Money as they shall think fit, not exceeding in the whole the Sum of Six thousand Pounds, in addition to the Sum of Thirty thousand Pounds already borrowed by virtue of the said Act, and for that Purpose to assign the Tolls by the said recited Act granted, or any Part or Proportion thereof, to such Person or Persons as shall advance such further Sum or Sums of Money, or to his or their Trustee or Trustees, as a Security for the Principal Money so to be advanced, with such lawful Interest for the same as shall be agreed upon in that Behalf, in the like Manner and Form, and with, under, and subject to the like Powers and Provisions, as are in and by the said recited Act directed concerning the borrowing of Money or securing the same, or the Interest thereof; and the several Persons to whom any Security shall be given under the Authority of this Act shall be equally entitled, one with another, to the Tolls thereby assigned, in proportion to the Sum of Money for which such Security shall be executed, without any Preference by reason of the Priority in Date of any such Security, or otherwise howsoever: Provided always, that any Mortgage or other Security made or given by the Trustees acting in pursuance of the said recited Act, or any Act therein recited or referred to, or any Assignment thereof respectively, shall have Priority over and shall precede all Mortgages or Securities granted under the Provisions of this Act, any thing herein contained to the contrary notwithstanding: Provided always, that after the said Trustees shall have borrowed and taken up at Interest the said Sum of Six thousand Pounds, they shall not borrow or take up at Interest any further or other Sum until the entire Debt due on the Security of the said Tolls shall be reduced to the Sum of Twelve thousand Pounds at the least, and then, and not before, it shall be lawful for them, in manner directed by the said recited Act, to borrow and take up at Interest such further Sum or Sums of Money as they shall think fit, so as the Monies which may be then due, and the total Amount of the Monies which may be so from Time to Time borrowed as last mentioned, shall not then exceed in the whole the Sum of Fifteen thousand Pounds. Power to borrow additional Sum of Money on Security of Tolls.

IV. And be it further enacted, That out of the Monies already received by virtue of the said recited Act, and now remaining unappropriated or undisposed of, or out of the first Money which shall arise and be produced by or from the Tolls by the said Act granted and made payable, the said Trustees shall (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Side Gates, Bars, or Chains, Milestones, Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of the said recited Act,) be applied in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls arising on the said Roads previous to the passing of Application of Tolls.

of the said recited Act, in preference to the Interest of any Monies borrowed on the Credit of the said recited Act; in the next place, in keeping down the Interest of the Principal Monies borrowed under the Authority of the said recited Act, and then the Interest of the Principal Monies borrowed under the Authority of this Act; and afterwards in making, repairing, and keeping in repair, amending, widening, altering, or improving the said several Roads by the said recited Act directed to be made, repaired, and kept in repair, amended, widened, altered, or improved, and otherwise putting the said recited Act and this Act into execution; and then in repaying the said Principal Monies borrowed previous to the passing of the said recited Act, and which have been borrowed under the Authority of the said recited Act, it preference to the Payment of any Principal Money which shall be borrowed under the Authority of this Act; and then in Payment of the said Principal Money which shall be borrowed under the Authority of this Act; and to or for no other Use or Purpose whatsoever.

Expences of Act.

V. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and of carrying the same into effect, shall be defrayed and paid by the said Trustees out of the Monies received or to be received by them under the Authority of the said recited Act and of this Act, or either of them, in preference to any other Payment whatsoever.

Public Act.

VI. 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.

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