

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xlvii.

An Act to alter and amend an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually amending the Road leading from the* Stones End *in* Blackman Street *in the Borough of* Southwark *in the County of* Surrey *to* Highgate *in the County of* Sussex, *and several other Roads therein mentioned, and for other Purposes relating thereto.* [13th *July* 1849.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually amending the Road* 9 G. 4. c. 120. *leading from the* Stones End *in* Blackman Street *in the Borough of* Southwark *in the County of* Surrey *to* Highgate *in the County of* Sussex, *and several other Roads therein mentioned, and for other Purposes relating thereto:* And whereas the Trustees acting under and by virtue of the said recited Act have proceeded to carry the

 Powers

Powers and Provisions thereof into execution, and considerable Sums of Money have been advanced and still remain due and owing upon the Credit of the Tolls thereby authorized to be taken or collected upon the said Roads: And whereas Doubts have been entertained whether under the said recited Act and the Acts therein referred to the said Trustees have Power to levy the additional Tolls for narrow Wheels imposed by an Act passed in the Third Year of the Reign of 3 G. 4. c. 126. His said late Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, and it is expedient that such Doubts should be removed, and that the said Trustees should be empowered to levy such additional Tolls as herein-after mentioned; but such Purposes 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

Provisions of recited Act extended to this Act.

of the same, That all the Provisions, Matters, and Things contained in the said recited Act, so far as the same are in force, and except so far as they may be altered or affected by the Provisions of this Act, shall extend to this Act and to the several Purposes thereof as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act, and the said recited Act and this Act shall be construed and read together as forming One Act.

Power to take additional Tolls in respect of narrow Wheels, notwithstanding Provisions of 4 G. 4. c. 95., &c.

II. And be it enacted, That on all the Roads comprised in the said recited Act One Half more than the Toll by such Act made payable for every Horse or other Beast drawing any Waggon, Caravan, Cart, Dray, or such like Carriage, by whatever Name the same may be called, shall be demanded and taken for every Horse or other Beast drawing any such Carriage having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottoms or Soles thereof, or having the Tires of the Wheels convex or in any other respect not of a flat Surface, or not having the Nails thereof countersunk so as to form a flat Surface, and One Fourth more than the said Toll shall be demanded and taken for every Horse or other Beast drawing any such Carriage having the Bottoms or Soles of the Fellies of the Wheels of the Breadth of Four and a Half Inches, but of less Breadth than Six Inches, anything in an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, or in any other Act, to the contrary notwithstanding: Provided always, that nothing herein contained shall extend or be construed to extend to charge additional Toll for any Cart not drawn by more than One Horse or Two Oxen.

Money not to be borrowed without Consent

III. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to borrow any Sum or Sums of Money on the Credit of the Tolls collected and received by virtue of the recited Act and

and this 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 or Statement 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 such Trustees shall make any such Mortgage with such Recital or Statement therein without having first obtained such Consent, they 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 full Costs of Suit, to be taxed as between Attorney and Client.

of Secretary of State.

IV. And be it enacted, That it shall be lawful for the Trustees acting under and by virtue of the said recited Act and this Act, and they are hereby required, to reserve and set apart Five Pounds *per Centum* at least yearly of the Monies and Tolls collected and received by virtue of the said recited Act and this Act, and to apply the Sum so set apart in or towards Satisfaction of the Monies from Time to Time due on the Security of the said Tolls in manner following; (that is to say,) the said Trustees shall, Twenty-one Days at least before the annual General Meeting in each Year, cause public Notice to be given in some One or more Newspaper or Newspapers which shall be published in *London* at least Six Days in the Week that a Composition or Compositions to an Amount to be specified in the Notice, not exceeding the Sum for the Time being reserved and set apart, will be paid to such Creditor or Creditors on the said Tolls as shall be willing to accept the smallest Composition for or for any Portion of his, her, or their Security or Securities, and that such Creditors are required to transmit Proposals in Writing sealed up to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor or Creditors will accept and take for each and every or any Security of which he, she, or they may be possessed, or for any Portion thereof (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 Rate *per Centum*, being less than the full Amount due, which shall in the Judgment of the said Trustees (due Regard being had to the Rate of Interest payable on the respective Securities) render it most advantageous that the Security in respect of which such Proposal or Proposals shall be made should be paid, shall have the Preference, and be paid by the Treasurer of the said Trustees at the Expiration of Six Calendar Months next after such Meeting, or sooner if such Creditor or Creditors shall be willing to accept the same, such Sum or Sums of Money as he, she, or they may have proposed to accept (if the Amount proposed to be accepted shall not exceed the Sum for the Time being reserved and set apart, or otherwise such

For paying off a certain Sum yearly as a Composition for certain Securities on the Tolls.

Portion

Portion of the same Amount as the Sum reserved and set apart shall extend to satisfy); and if Two or more of the said Creditors shall deliver in Proposals for accepting a Composition for any such Security or Securities, or for any Portion of any such Security, at a Rate *per Centum* which shall in the Judgment of the said Trustees be equally advantageous to the Interests of the said Trust, and the Sum reserved and set apart shall not be sufficient to satisfy the whole of the Compositions proposed to be taken, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the Clerk of 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, at the Time and in manner herein-before mentioned, his, her, or their Composition or Compositions, or such Part of the same as the Sum reserved and set apart shall extend to satisfy; and the Money paid shall go and be in or towards Satisfaction of the Security or Securities according to the Rate of Composition mentioned in the Proposal or Proposals in respect thereof; but if at any annual General Meeting there shall not be any Proposals delivered in by any of the Creditors for accepting any such Composition or Compositions, or if the Proposal or Proposals delivered in shall not exhaust the Sum for the Time being reserved and set apart, then and in any of such Cases, but not otherwise, the said Trustees shall and may and they are hereby required at such annual General Meeting to cause the Numbers of such Securities, if more than One, as they shall think proper, to be first paid off (regard being had as aforesaid to the Amount of Interest payable on the same) with the several Sums for which they were given, to be separately set down in Writing, and put together into a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Numbers of so many of the said Securities as shall be equal, as nearly as may be, in Amount to the Sum reserved and set apart as aforesaid, or to so much of the same Sum as shall not be exhausted by the Payment of any Composition or Compositions, the Proposal or Proposals for which shall have been delivered to such Meeting; and immediately after such Meeting the Clerk to the said Trustees shall transmit by Post to the respective Creditor or Creditors entitled to the Security or Securities the Numbers of which shall be drawn, addressed to him, her, or them by such Address as shall be last known to the said Trustees, a Notice in Writing of the Amount intended to be paid by the said Trustees in or towards Satisfaction of the Security or Securities, and that the same will be payable at the Expiration of Six Calendar Months from the Date of the Notice at some Office to be specified in the Notice; and the Trustees shall cause their Treasurer or other Officer to attend at the Office or Place and at the Time specified in such Notice, and to pay the Amount specified therein to the Person or Persons entitled to and applying for the same, with all Interest due on the Security in respect of which the same shall be paid; and if Default shall be made in such Payment by reason of Neglect to apply for the same on the Part of the Person or Persons entitled thereto, Interest shall nevertheless thenceforth cease on the Amount of the Security or Securities which would have been paid off, but the Person or Persons for the Time being entitled to the Security shall

shall be entitled, on Application afterwards to the Treasurer of the said Trustees, to be paid the Amount of the Principal Money which, on Application in pursuance of such Notice as aforesaid, would have been paid off: Provided always, that if the Amount due on any Security of which the Number shall be drawn as aforesaid shall exceed the Sum for the Time being reserved and set apart as aforesaid, or shall exceed such Part of the same Sum as shall remain after Payment of any Security which shall previously have been drawn out, then the said Trustees shall pay or cause to be paid to the Person or Persons entitled to the Security so exceeding the Sum reserved and set apart, or so exceeding the Remainder thereof as aforesaid, such Portion of the said Amount due on such Security as the Sum reserved and set apart, or such Remainder thereof, will extend to satisfy: Provided also, that no Creditor on the said Tolls shall be obliged to receive, nor shall the Trustees be entitled to pay to any Creditor, unless with Consent of such Creditor, a less Sum than One hundred Pounds in part of his or her Security, unless such less Sum will satisfy the same Security, nor shall any Creditor be obliged to receive, nor shall the Trustees be entitled to pay to any Creditor, unless with Consent of such Creditor, any Sum in part of his or her Security which shall leave a less Sum than One hundred Pounds due on such Security; provided further, that if and whenever by reason of the Provision last aforesaid, or for any other Cause, any of the Monies so to be reserved and set apart as aforesaid shall not for the Time being be applicable to the Payment of any of the Securities in pursuance of the Provisions aforesaid, it shall be lawful for the said Trustees to permit the same to remain in the Hands of their Treasurer, or, if they shall think fit, to invest the same in Exchequer Bills on account of the said Trustees, and to add thereto any Interest received on account thereof.

Roads not to be exempt from Provisions of any future general Act.

V. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this and the said recited Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement or Management of Turnpike Roads which may pass during the present or any future Session of Parliament.

Expenses of Act.

VI. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act or incident thereto shall be paid by the Trustees acting under and by virtue of the said recited Act out of any Money already raised and received, or out of the first Money to be raised and received by virtue of the said recited Act and this Act, in preference to all other Payments whatsoever.

Continuance of Act.

VII. And be it enacted, That this Act shall commence from and after the passing thereof, and this Act and the recited Act shall continue in force for and during the Remainder of the Term granted by the said recited Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth.

Public Act.

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

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