

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

CAP. LXXXVII.

An Act to continue certain Turnpike Acts in *Great Britain* for limited Periods, and to make certain Provisions respecting Turnpike Roads in *England*. [1st *August* 1849.]

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified, and to amend the general Laws in *England* relating to Turnpike Roads: 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 every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* in the Year One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, except an Act of the Sixth Year of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* Brompton *and* Earles Court *in the Parish of* Saint Mary Abbotts Kensington *in the County of* Middlesex, *to communicate with the Road called* Fulham Fields Road *at* North End *in the same County, and for making* 6 G. 4. c. clx.

another Turnpike Road to communicate therewith from the High Road from London *to* Fulham *in the said County*, and an Act passed
9 G. 4. c. ciii. in the Ninth Year of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* North End *to* Hammersmith Bridge, *both in the County of* Middlesex, and an Act of the
7 & 8 G. 4. c. liii. Eighth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining the Road from* Whitby *to* Middleton *in the County of* York, and an Act of the Ninth Year
9 G. 4. c. cvii. of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining several Roads leading from* Lymington *in the County of* Southampton, *and the Road to* Wilverley Post *in the* New Forest, and except as herein-after mentioned.

Acts in Schedule to this Act continued till 1st Nov. 1850.

II. And be it enacted, That the Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament shall in the meantime continue the same respectively.

Sinking Fund for Discharge of Money hereafter borrowed.

III. And be it enacted, That in every Case in which the Trustees or Commissioners of any Turnpike Road shall hereafter borrow, charge, or secure any Sum or Sums of Money on the Credit of the Tolls arising on such Road, such Trustees or Commissioners shall, out of the Tolls of such Road, and in priority to all other Payments thereout, except the Interest on any such Monies as aforesaid, and on any other Monies remaining owing on the Security of the said Tolls, set apart a Sum of Five Pounds *per Centum per Annum* on

When Fund amounts to 200*l.* it may be applied to reduce Debt.

the Amount of Money so borrowed, charged, or secured; and when and so often as the Sums so set apart as aforesaid shall amount to the Sum of Two hundred Pounds, the Trustees or Commissioners of the Road out of the Tolls of which such Sum has arisen shall, at any General Annual or other Meeting of such Trustees or Commissioners, apply such Sum in the Payment of a proportionate Part of the Monies borrowed, charged, or secured as aforesaid, and then remaining unpaid, to the Creditors on the Tolls of such Road, 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 the said Sum, in some Newspaper usually circulated in the County or Counties in which such Road is situate; and at such Meeting such Trustees or Commissioners shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the Tolls of such Road, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of such Trustees or Commissioners before such Meeting, have offered to accept the lowest Composition in respect of such

Monies,

Monies, and shall apply the Surplus (if any) of such Sum, after Payment to such Creditor as aforesaid, or a Portion of such Sum, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the said Tolls, to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of such Monies, and so in like Manner until the Sum shall be exhausted; and if Two or more Creditors by Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for such Trustees or Commissioners to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as such Trustees or Commissioners think fit; and if there be no such Proposal as aforesaid, or there be any Surplus of the Sum after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, such Trustees or Commissioners may apply the said Sum rateably amongst the Creditors, or may pay the same to such of them as may be determined by Lot, as such Trustees or Commissioners think fit.

Mortgagee in possession may let Tolls.

IV. And be it enacted, That it shall be lawful for a Mortgagee in possession of any Toll Gate or Bar set up or erected on any Turnpike Road to let to farm the Tolls of such Gate or Bar, in like Manner as the Trustees or Commissioners of any Turnpike Road may let to farm the Tolls of the Gates on such Road, and for that Purpose to exercise all the like Powers as such Trustees or Commissioners might exercise for a like Purpose; and all Contracts and Agreements to be made or entered into for the farming or letting the Tolls of such Road, signed by such Mortgagee, shall be as good, valid, and effectual as a Contract or Agreement for farming or letting the Tolls of any Turnpike Road signed by the Trustees or Commissioners of such Road or Two or more of them.

3 & 4 W. 4. c. 80.

V. And whereas an Act was passed in the Fourth Year of King *William* the Fourth, intituled *An Act requiring the annual Statements of Trustees or Commissioners of Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament;* but by reason of the Failure of Trustees to hold their Annual Meetings such annual Statements are in many Cases not made and transmitted as by the said Act directed: Be it enacted, That

Clerk to Trustees, &c. to transmit Statement to Secretary of State, where General Annual Meeting not held.

where in any Year the Trustees or Commissioners of any Turnpike Road shall not hold their General Annual Meeting on or before the Twenty-fifth Day of *March*, according to the Directions of the said Act, the Clerk to such Trustees or Commissioners shall make out such Statement of the Debts, Revenues, and Expenditure of the Trust as should have been submitted to the Trustees or Commissioners

sioners at such General Annual Meeting in case the same had been holden, and transmit a Copy thereof to One of Her Majesty's Principal Secretaries of State, on or before the Twenty-fourth Day of *April* in such Year; and, save as herein-after provided, every such Clerk who shall neglect to make out such annual Statement, or to transmit a Copy thereof, within the Time herein-before prescribed for that Purpose, shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made: Provided always, that it shall not be requisite for such Clerk to make out such Statement or transmit such Copy as aforesaid for or in respect of any Period during which the Tolls of such Road are received by any Mortgagee, Agent, or Person other than such Trustees or Commissioners or their Lessees or Farmers.

Mortgagees in possession to transmit Accounts.

VI. And be it enacted, That every Mortgagee, Agent, or other Person in possession of any Toll Gate or Bar set up or erected on any Turnpike Road shall, on or before the Twenty-fifth Day of *March* in every Year, make, and transmit to One of Her Majesty's Principal Secretaries of State, an annual Statement of the Revenue of such Road received by such Mortgagee, Agent, or other Person during the Year ending the Thirty-first Day of *December* then preceding, and of the Expenditure or Application thereof, in the Form contained in the Schedule (A.) to the said Act of the Fourth Year of King *William* the Fourth annexed, or as near thereto as Circumstances will admit; and every Mortgagee, Agent, or other Person in possession as aforesaid who shall neglect to make out and transmit such annual Statement within the Time herein-before prescribed for that Purpose shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made.

Penalties how to be recovered.

VII. And be it enacted, That the Penalties hereby imposed shall be recovered and applied in the same Manner as Penalties imposed by an Act of the Third Year of King *George* the Fourth, intituled 3 G. 4. c. 126. *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England.

As to Extension of Act.

VIII. And be it enacted, That this Act shall not apply to *Ireland*, nor, except in respect of the Continuance of the Acts hereby continued, to *Scotland*.

SCHE-

SCHEDULE to which this Act refers.

SCHEDULE.

An Act passed in the Fiftieth Year of the Reign of King George the Third, intituled "An Act for enlarging the Terms and Powers of "an Act of His present Majesty, for repairing the Road from Buck- "ingham, through Brackley, to join the Daventry Turnpike Road "near Banbury." 50 G. 3. c. cxxxiii.

An Act passed in the Fifty-third Year of the Reign of King George the Third, intituled "An Act for repairing the Road from the City "of Coventry to the Rugby Turnpike Road in the Parish of Wolvey "in the County of Warwick." 53 G. 3. c. vi.

An Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled "An Act for more effectually repairing the Road "leading from Heron Syke to Kirkby in Kendal, and from thence, "through Shap, to Eamont Bridge in the County of Westmorland; "and for making a new Road from the said Road at a Place called "Far Cross Bank, near Kirkby in Kendal, to communicate with the "intended Canal from Lancaster to Kirkby in Kendal, and to join "said Road at or near a Place called The Lound, near Kirkby in "Kendal aforesaid." 55 G. 3. c. xxxvii.

An Act passed in the Fifty-sixth Year of the Reign of King George the Third, intituled "An Act for making and maintaining a Road "from near Gatton Lodge in the County of Surrey to Povey Cross "in the said County." 56 G. 3. c. xxx.

An Act passed in the Fifty-eighth Year of the Reign of King George the Third, intituled "An Act for making and maintaining a "Turnpike Road from the Turnpike Road leading from Ulverstone "to Kendal into the Turnpike Road leading from Millthorp to Ken- "dal, and a Continuation of the said Road from the last-mentioned "Turnpike Road to join the Turnpike Road leading from Lancaster "to Kendal." 58 G. 3. c. lxx.

An Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled "An Act for further continuing the Term and "enlarging 59 G. 3. c. xcviii.

" enlarging the Powers of Two Acts passed in the Seventeenth and " Thirty-sixth Years of His present Majesty's Reign, for repairing " and widening several Roads leading to, through, and from the Towns " of Bala and Dolgelly in the County of Merioneth, and other Roads " therein mentioned, in the Counties of Montgomery, Denbigh, and " Salop; and for repairing several other Roads in the Counties of " Merioneth and Denbigh."

1 G. 4. c. lxxiii. An Act passed in the First Year of the Reign of King George the Fourth, intituled "An Act for repairing the Road from Towcester, " through Brackley in the County of Northampton, to Western Gate " in the Parish of Weston on the Green in the County of Oxford."

4 G. 4. c. ii. An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled " An Act for building a Bridge over the River " Severn at or near to the Mythe Hill within the Parish and near to " the Town of Tewkesbury in the County of Gloucester to the oppo- " site Side of the said River in the Parish of Bushley in the County of " Worcester, and for making convenient Roads and Avenues to com- " municate with such Bridge within the Counties of Gloucester and " Worcester."

4 G. 4. c. xxiv. An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled " An Act for more effectually repairing and im- " proving the Road from the Town of Garstang to the Town of " Lancaster, and from thence to a Place called Heiring Syke, and " the Road from the Guide Post in the Township of Slyne with Hest " to Hest Bank, all in the County Palatine of Lancaster."

4 G. 4. c. xliii. An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled " An Act for making and maintaining a Turnpike " Road from the Turnpike Road between the Town of Mold in the " County of Flint and the Town of Wrexham in the County of Den- " bigh to the Turnpike Road between the Town of Ruthin in the " said County of Denbigh and the Town of Wrexham aforesaid, and " also Two several Branches of Road therefrom."

6 G. 4. c. lxxxix. An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled "An Act for amending and maintaining the " Road from the Market Place in Cromford to the Guide Post on " Hopton Moor, and Two Branch Roads to Newhaven House and " Wirksworth, all in the County of Derby."

6 G. 4. c. cxlii. An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled " An Act for making and maintaining a Turn- " pike Road from the Town of Birmingham to or near the Town of " Pershore."

Turnpike Acts Continuance.

An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled "An Act for repairing, widening, improving, and maintaining in repair the Turnpike Roads from Leeds to Halifax, and the several Branches and Roads therein mentioned, in the West Riding of the County of York." — 6 G. 4. c. cxlix.

An Act passed in the Seventh Year of the Reign of King George the Fourth, intituled "An Act for altering, amending, and enlarging the Powers and Provisions of an Act relating to the Tewkesbury Severn Bridge and Roads." — 7 G. 4. c. lxi.

An Act passed in the Seventh Year of the Reign of King George the Fourth, intituled "An Act for making and maintaining a Turnpike Road from a Place called Coxbridge, near Farnham in the County of Surrey, to Ramshill near Petersfield in the County of Southampton." — 7 G. 4. c. lxxx.

An Act passed in the Eighth Year of King George the Fourth, intituled "An Act for more effectually repairing and maintaining the Road from Foxley Hatch in the Parish of Croydon into the Town of Reigate in the County of Surrey." — 7 & 8 G. 4. c. xiii.

An Act passed in the Eighth Year of the Reign of King George the Fourth, intituled "An Act for more effectually repairing the Road from Rochdale, through Bamford and Birtle, to Bury, and several other Roads therein mentioned, all in the County Palatine of Lancaster." — 7 & 8 G. 4. c. lxiii.

An Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled "An Act for continuing and amending an Act of His present Majesty, for repairing several Roads leading from Shenfield to Harwich and Rochford, and other Places in the County of Essex, and for extending the said Act to the Road from Great Hallingbury to Hockerill, in the County of Hertford." — 55 G. 3. c. xc.

And the Acts continued by any of the Acts in this Schedule mentioned.

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