ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XXXVIII.

An Act to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls.

[24th *July* 1851.]

WHEREAS it is expedient to facilitate Arrangements with the Creditors of Turnpike Trusts where the Revenues are insufficient to keep down the Interest on the Debts charged thereon: 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, as follows:

Trustees of insolvent Turnpike Trusts, with Consent of Two Thirds in Value of the Creditors, may apply for a Provisional Order for Reduction of Rate of Interest,

I. Where the Revenues of any Turnpike Road in *England* applicable to the Payment of the Interest upon the Principal Money for the Time being charged or secured on the Tolls or Revenues of such Road are insufficient for the Payment in full of such Interest, it shall be lawful for the Trustees or Commissioners of such Road, at any General Annual or other Meeting, Notice being given of such Meeting Twenty-one Days at the least before holding the same, and of the Purpose thereof (so far as the same relates to the Powers of this Act), in some Newspaper usually circulated in the County or Counties in which such Road is situate, to resolve that in case such

Consents

or Extinguishment of Arrears.

Consents as herein-after mentioned of the Mortgagees be obtained, an Application be made to One of Her Majesty's Principal Secretaries of State for a Provisional Order to reduce the Rate of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of such Road, to such Amount as may be resolved on at such Meeting, and for extinguishing in whole or in part the Arrears of the Interest on such Debts, or for either of such Purposes; and where any such Resolution as aforesaid is made, such Trustees or Commissioners shall cause Notice to be given, by Advertisement or otherwise, of such Resolution, with such Information in relation to the Matter of the proposed Application, and the Consents required by this Act, as such Trustees or Commissioners may think fit; and in case it appear to such Trustees or Commissioners at any General Annual or other Meeting, that the Persons entitled to Two Thirds of the Money charged or secured on the Tolls or Revenues of such Road, and remaining unpaid, have signified in Writing under their Hands their Consent to the proposed Application, it shall be lawful for such Trustees or Commissioners to make an Application accordingly to One of Her Majesty's Principal Secretaries of State for a Provisional Order for such Reduction as aforesaid of the Rate of Interest on the said Debts, and for extinguishing in whole or in part the Arrears of Interest thereon, or for either of such Purposes; and such Application shall be signed by Three or more of such Trustees or Commissioners, who shall therein certify that the Consents required by this Act to such Application have been given.

Power to Executors, &c. to consent.

II. All Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who, as such, are for the Time being entitled to any Money charged or secured on the Tolls or Revenues of any such Road, may consent to any such Application as aforesaid, as fully as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

Secretary of State may make a Provisional Order in pursuance of the Application;

III. It shall be lawful for such Secretary of State, if he think fit, after Receipt of any such Application as aforesaid, to make a Provisional Order under his Hand in pursuance of such Application; and such Secretary of State shall cause such Provisional Order to be published in such Manner as he may think fit; and in case it be enacted by any Act of Parliament that such Provisional Order shall be confirmed and be absolute, such Provisional Order shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament; and every such Act shall be deemed a Public General Act.

which Order to be binding if confirmed by Parliament.

IV. The

IV. The Words "Implements of Husbandry," in Section Thirty-six of Chapter One hundred and twenty-six of the Statute of the Third Year of King *George* the Fourth, shall be deemed to include Threshing Machines; and the Word "Constable," in Section One of Chapter Eighty-eight of the Statute of the Third and Fourth Years of Her present Majesty, shall be deemed to include Superintending Constables appointed under the Statute of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Twenty. Construction of Terms.

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