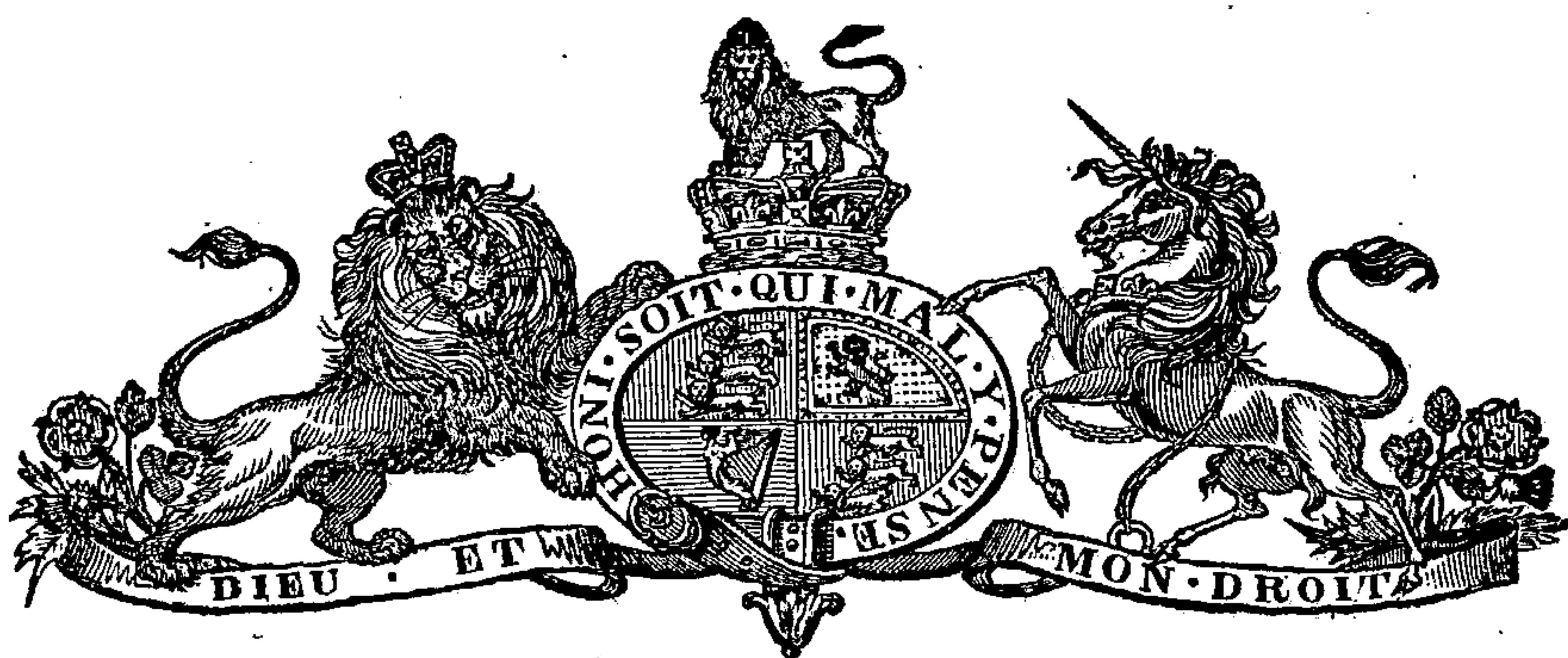




ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxi.

An Act for continuing the Term of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for continuing certain Powers to the Trustees of the New North Road, leading from the South End of Highbury Place, Islington, to Haberdashers Walk in the Parish of Saint Leonard Shoreditch in the County of Middlesex*, and for vesting the Management of the said Road in the Metropolis Roads Commissioners, for the Purpose of paying off the Debt due thereon. [28th July 1849.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for continuing certain Powers to the Trustees of the New North Road, leading from the South End of Highbury* 3 & 4 W. 4.
c. 85.
[*Local.*] 11 C Place,

Recited Act repealed, and this Act to be put in force.

Place, Islington, to Haberdashers Walk in the Parish of Saint Leonard Shoreditch in the County of Middlesex: And whereas a considerable Sum of Money or Capital Stock has been raised by Subscription upon the Credit of the Tolls authorized to be taken on the said Road, and the Principal Sum of Eleven thousand two hundred and eighty-six Pounds Eight Shillings and Nine-pence still remains due and owing thereon: And whereas the said recited Act would have expired upon the Second Day of *September* One thousand eight hundred and forty-eight, but the same was, by an Act passed in the last Session of Parliament, intituled *An Act to continue certain Turnpike Acts for limited Periods*, continued in force until the First Day of *November* One thousand eight hundred and forty-nine: And whereas for the Purpose of making Provision towards the Repair of the said Road, and also for the Satisfaction of the Debt so due thereon, it is expedient that the Term of the said recited Act should be continued for a further Period of Ten Years, and no longer; 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 from and after the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Third Year of the Reign of His late Majesty King *William* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "*The New North Road Act, 1849.*"

Management of the Trust to be vested in the Metropolis Roads Commissioners acting under 7 G. 4. c. cxlii. and 10 G. 4. c. 59.

III. And whereas an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of the Metropolis, North of the River Thames*: And whereas another Act was passed in the Tenth Year of the Reign of His said Majesty, intituled *An Act to amend an Act of the Seventh Year of His present Majesty, for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of the Metropolis, North of the River Thames, and to make and maintain Two new or Branch Roads to communicate with the said Metropolis Roads*; which said Two last-mentioned Acts are herein-after called the Metropolis Roads Acts: And whereas it would be of public Advantage if the Trusts hereby continued were placed under the Management of the Commissioners appointed or to be appointed by or under the said Metropolis Roads Acts or either of them, which Commissioners are styled and known as the

the Commissioners of the Metropolis Turnpike Roads North of the *Thames*: Be it therefore enacted, That all the Powers and Provisions of the said Metropolis Roads Acts, except such of the said Powers and Provisions as shall have been repealed or altered, and except so far as the same or any of them have been repealed and altered, and also except such of them as are, and so far as the same or any of them are, inconsistent with any of the Provisions of this Act, or relate to Matters specially provided for by this Act, shall from and after the Thirty-first Day of *October* next be applicable to the said *New North Road* herein-after described, in as full and ample a Manner as if the said Road had been specially named, and the special Provisions in this Act applicable thereto had been inserted in the said Metropolis Roads Acts, and that the said Road shall form a separate District, and the Tolls thereon shall be those authorized by this Act, and shall be applicable as herein-after is mentioned, and that the Tolls and Income receivable by the said Commissioners under the said Metropolis Roads Acts or either of them shall continue to be applicable as by the same Acts directed, and shall not be applied in or towards the Maintenance or Repair of the said Road hereby placed under the Management of the said Commissioners, and the said Commissioners are hereby authorized and directed to take the Management of the said Road, according to the Powers and Provisions hereby vested in them, and the Liquidation of the Debts thereon, according to the Provisions herein-after contained.

IV. And be it enacted, That all Monies which at the Time of the Commencement of this Act shall be due to, and all Property and all Choses in Action which at the Time of the Commencement of this Act shall be vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the said Commissioners, and such last-mentioned Commissioners may sue for and recover the same, and act in respect thereof, as fully and effectually as if the same had been vested in them under the said last-recited Acts; and the Tolls hereby granted and to be received upon the said Road shall be and the same are hereby made subject and liable to the Payment of the Principal Monies specified in the Schedule hereto, which at the Time of the Commencement of this Act shall be due and owing on the Credit of the Tolls authorized to be taken and collected upon the said Road by virtue of the said first-recited Act, so far as the same will extend, subject to the Provisions herein-after contained.

All Monies,
&c. vested in
Trustees
under recited
Act to be
vested in
Metropolis
Roads Com-
missioners.

V. And be it enacted, That the said Commissioners shall cause a distinct Account to be kept of their Income from or in respect of the Road of which the Management is hereby transferred to them, and such Account shall be made out by the said Commissioners annually,
and

Commis-
sioners to
keep distinct
Accounts in
respect of
the Road

transferred
to them by
this Act.

and a Copy of such annual Account shall be kept at the Office of the said Commissioners, and shall be at all reasonable Times open to the Inspection of any of the Creditors on the said Tolls, and the said Commissioners shall furnish any such Creditor with a Copy or Copies of such Account or Accounts, on being paid therefor at the Rate of Sixpence for every One hundred Words copied therefrom.

As to Trans-
fer of Monies
advanced or
subscribed
towards the
Construction
of the Road.

3 G. 4. c. 126.

VI. And be it enacted, That it shall be lawful for the several Persons who have advanced or subscribed, or who have or shall become entitled to any Sum or Sums of Money advanced or subscribed and remaining due upon the Credit of the Tolls by the said recited Act authorized to be taken, to sell and dispose thereof or of any Part or Parts thereof; and all the Provisions contained in an Act passed in the Third Year of the Reign of His 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*, with reference to the Assignment of Mortgages, and the Form of such Assignment, and the Registry thereof, so far as the same will apply, shall be applicable to all Assignments and Transfers of Money advanced or subscribed and remaining due as aforesaid.

Road to
which this
Act is
applicable.

VII. And be it enacted, That the Road comprised in this Act shall commence from the South End of *Highbury Place, Islington*, and shall terminate at or near to *Haberdashers Walk* in the Parish of *Saint Leonard Shoreditch* in the County of *Middlesex*.

Power to
take Tolls.

VIII. And be it enacted, That from and after the Thirty-first Day of *October* next after the passing of this Act it shall be lawful for the said Commissioners to demand and take at the several and respective Toll Gates which are or shall by virtue of this Act be upon or across or on the Sides of the said Road such Tolls as the said Commissioners shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, Ass, or other Beast drawing any Carriage or attending the same, the Sum of Three-pence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number than a Score ;

For every Drove of Swine, Sheep, or Lambs, the Sum of Three-pence *per* Score, and so in proportion for any less Number than a Score :

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, having the Wheels of the Breadth
of

of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Three-pence Halfpenny :

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, having the Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Four-pence :

For every Carriage propelled or drawn by Steam or any Power other than Animal Power, the Sum of Two Shillings and Six-pence :

Which said respective Tolls shall be taken before any Horse or other Beast or Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

IX. And be it enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of any of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

As to the Fraction of a Halfpenny in Tolls.

X. And be it enacted, That in case any Person shall have paid the Tolls for or in respect of the passing of any Horse or Horses, Cattle or Carriages, through any Toll Gate, Bar, or Turnpike to be continued or erected by virtue of this Act, such Person shall on the same Day, on producing a Ticket denoting such Payment, be permitted to pass and repass any Time or Times as often as he or they shall think proper through the same Toll Gates, Bars, or Turnpikes, or any other Toll Gate, Bar, or Turnpike which shall be continued or erected by virtue of this Act, for or in respect of the passing of the same Horse or Horses, Cattle or Carriages, for which such Tolls shall have been so paid (except as by this Act is otherwise directed); and no Person passing any of the said Toll Gates or Bars or Turnpikes, with any Horse not drawing a Carriage, and paying the Toll for such Horses, and returning the same Day with the same Horse drawing a Carriage, shall be subject or liable to pay any greater Toll than will, with what shall have been paid for the passing of such Horses as aforesaid, make up the complete Toll authorized to be collected by virtue of this Act; and no Person passing any of the said Toll Gates or Turnpikes with any Horses drawing a Carriage, and paying the Toll for or in respect of the same, and returning on the same Day with the same Horses not drawing any Carriage, shall be subject or liable to pay any Toll in respect of the Horses for returning; such Person respectively producing a Note or Ticket denoting such respective Payments.

Tolls to be paid but once a Day.

XI. And be it enacted, That, subject to the Payment of any Debt which shall be incurred in the due Repair of the said Road, all
[Local.] 11 D

Application of Monies in hand on Commencement of this Act.
Monies

Monies which shall on the passing of this Act be in the Hands of the Trustees under the said recited Act hereby repealed, and all further Monies which may be received by or become due to them prior to the Commencement of this Act, shall be applied as follows; that is to say,

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto;

Secondly, in paying and discharging any Debts due by the said Trustees, other than the Debts due on the Credit of the Tolls on the said Road specified in the Schedule to this Act; and,

Thirdly, in paying and distributing the Surplus among the respective Creditors mentioned in the Schedule hereto, or their Assigns, in lieu and satisfaction of all Arrears of Interest, up to the Commencement of this Act, claimed by such Creditors or their Assigns to be due to them respectively, by an equal Pound Rate upon the Principal Monies due to such Creditors or their Assigns respectively.

Application
of Tolls after
Commence-
ment of this
Act.

XII. And be it enacted, That the Tolls to be received by the Commissioners on the Road whereof the Management is transferred to the said Commissioners by this Act shall be applied as follows:

Firstly, the said Commissioners shall apply a Sum not exceeding One Third of the annual Receipts from the Tolls to be collected on the said Road towards the Expenses of the Repair and Maintenance of the said Road (including as a Part of such Expenses such Proportion as in the Judgment of the said Commissioners such Road ought to bear of the Expenses of the said Commissioners in Salaries to Officers and other Expenses incurred on account of the Roads now under their Care, and also of the said Road,) in manner following; (that is to say,) Two Thirds of such Sum shall be applied towards the Expenses of the Repair and Maintenance of that Part of the Road which is situate in the Parish of *Islington*, and One Third of such Sum shall be applied towards the Expenses of the Repair and Maintenance of that Part of the Road which is situate in the Parish of *Saint Leonard Shoreditch*; and

Secondly, the said Commissioners shall apply the remaining Two Thirds of such annual Receipts from the said Tolls in liquidation (so far as the same will extend) of the said Principal Monies specified in the Schedule hereto, and which now remain due, or so much thereof as may from Time to Time remain due upon the Credit of the Tolls on the said Road, such Payment to be made to the respective Creditors in proportion to their respective Debts, and without Priority of Payment, the first Payment to be made at the Expiration of Twelve Calendar Months after the

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Commencement of this Act; provided always, that no Interest shall accrue or be payable by the said Commissioners to the respective Creditors in respect of their several Debts after the Commencement of this Act.

XIII. And be it enacted, That if the Parties to whom any of such Principal Monies shall belong cannot be found, or a valid Discharge for any Part or Parts thereof cannot be given to the Commissioners, then and in every such Case the Commissioners shall and they are hereby required from Time to Time to pay all such Principal Monies, with the Privy of the Accountant General of the High Court of Chancery, into the Bank of *England*, to the Account of such Accountant General, in the Matter of "*The New North Road Trust*," and the Person or Persons to whom such Principal Monies shall belong (describing such Person or Persons as he or they may be described in the Register or Books of the said Trust), in trust to attend the Orders of the said Court; and it shall be lawful for the said Court from Time to Time to make such Orders for the Payment of such Monies to the Parties entitled thereto, or otherwise, as to such Court shall seem proper; and all the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, whether with respect to the Mode of applying for the Order of the said Court or otherwise howsoever, shall be applicable to all Monies paid into the said Bank pursuant to this Act, in like Manner as such Provisions would be applicable if such Monies had been paid into the said Bank under the said Act; and all Monies so paid into the said Bank pursuant to the Provisions of this Act shall, as and from the Time of such Payment, and for the Purposes of this Act, be considered as paid off and discharged by the said Commissioners.

Provision for Payment of Monies for which a valid Discharge cannot be given.

10 & 11 Vict. c. 96.

XIV. And be it enacted, That in case the said Commissioners, in removing or making any Gates or Buildings, or otherwise, shall in any way interfere with any Sewer, Drain, or Watercourse under the Management or Control of the Metropolitan Commissioners of Sewers, the said Commissioners shall not proceed therein until they shall have given to the said Metropolitan Commissioners of Sewers Notice in Writing, Seven clear Days before the holding of an Ordinary Court of Sewers, of their Desire, and a full Particular and Plan of the Works as affecting any Sewers, Drains, or Watercourses; and when any new, altered, or substituted Sewers, or any other Works connected with Sewage, shall be completed by the same Commissioners, the same shall thereafter be as fully and completely under the Direction, Control, and Management of the said Metropolitan Commissioners of Sewers as any other Sewers, Drains, and Watercourses are or may be, and

For the Protection of the Metropolitan Commissioners of Sewers.

and all the Rights, Powers, and Privileges of the said Metropolitan Commissioners of Sewers shall remain in full force and virtue for all Purposes, and shall not be prejudiced or affected by this Act; provided always, that if the said Commissioners shall give Notice and Plans to the said Metropolitan Commissioners of Sewers of their proposed Operations connected with Sewers, Drains, or Watercourses as aforesaid, Seven clear Days before the holding of an Ordinary Court of Sewers, and if the said Metropolitan Commissioners of Sewers shall not within Twenty-one Days from the first Ordinary Court after such Seven Days Notice shall have been given, dissent from or make any Order with reference thereto, the said Commissioners may, at the Expiration of the said Twenty-one Days, proceed in their Operations according to their said Notice and Plans, subject nevertheless to the Execution thereof being superintended and controlled by the said Metropolitan Commissioners of Sewers, or their Surveyor for the Time being.

Nothing to
exempt Road
from Pro-
visions of
any future
general Act.

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

Commence-
ment and
Continuance
of Act.

XVI. And be it enacted, That this Act shall commence upon the First Day of *November* next after the passing thereof, and shall continue in force for the Term of Ten Years, and no longer; and that thereafter the said Road shall be free from the Payment of all Toll, and that all the Powers and Provisions of this Act shall at the Expiration of the said Ten Years then absolutely cease and determine.

Interpre-
tation of
Terms.

XVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the "Masculine Gender" shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments:

The Word "Toll-gate" shall be understood to include Toll-gates, Toll-bars, Side Gates, Side Bars, and Chains set up, upon, or across or on the Sides of the Road comprised in this Act.

XVIII. And

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

The SCHEDULE to which the foregoing Act refers.

Present Creditors of the Trust.	Amount due.		
	£	s.	d.
Layton, James	407	8	0
Walker, Thomas	354	1	0
Brook, Caleb Harvey	305	11	0
Chapman, Thory	183	6	11
Chatfield, Charles	388	0	0
Ellis, Elizabeth, Administrator of	122	4	5
English, William	356	9	6
Grimshaw, Agnes	61	2	2
Gainsborough, Thomas, Executors of	497	2	6
Hunter, Walter	305	11	0
Chalmers, Robert	913	5	2
Law, David	254	12	6
Topping, Samuel Robert	254	12	6
Sebbon, Elizabeth	305	11	0
Maclaurin, Daniel	242	10	0
Percival, Richard	733	6	5
Peppercorn, Thomas	122	4	5
Rush, Reverend John	339	10	0
Rivett, Sarah	122	4	5
Sharp, Ann	97	0	0
Cowell, Henry Bridge	97	0	0
Steers, William, Executors of	249	15	6
Spencer, John	116	8	0
Stonard, Susannah	305	11	0
Sutton, Robert	3,218	9	2
Stansfield, George, Executors of	388	0	0
Izod, James	97	0	0
Thompson, James Swallow, Executors of	254	12	6
Tibson, Misses R., C., and H.	194	0	0
	11,286	8	9

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