



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 146.

An Act for enabling *The Highgate Archway Company* to raise a further Sum of Money, to complete their Works. [9th June 1812.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road, partly by an Archway, through the East Side of Highgate Hill, communicating with the present Turnpike Road from London to Barnet, at Upper Holloway, in the Parish of Saint Mary Islington, and near the Brook below the Fifth Milestone, in the Parish of Hornsey, in the County of Middlesex*, whereby certain Persons therein named, together with such Person or Persons, Bodies Politic, Corporate, or Collegiate, and their several and respective Successors, Executors, Administrators, and Assigns, being Proprietors of any Share or Shares in the Road and Archway thereby authorized to be made, were united into a Company for making and maintaining the said Road and Archway, by the Name and Style of "*The Highgate Archway Company*;" and the said Company were by the said Act authorized to raise and contribute amongst themselves, in Shares of Fifty Pounds each, a Sum of Money for the Purpose of making and maintaining the said Road and Archway, and the several Works and Conveniences belonging and requisite thereto, not exceeding the Sum of Forty thousand Pounds (save and except as therein mentioned); and if that Sum should be found insufficient for those Purposes, the said Company

[Loc. & Per.] 36 D were

50 G. 3. c. 38.

were also authorized to raise and contribute amongst themselves in Manner aforefaid, or by the Admission of New Subscribers, any further Sum of Money for completing the faid Undertaking, not exceeding the Sum of Twenty thousand Pounds, or to borrow and take up at Interest, all or any Part of the faid Sum of Twenty thousand Pounds on Mortgage of the faid Undertaking, and the Tolls arising from the same, and to assign the Property thereof, and the Tolls to arise to the faid Company by virtue of the faid Act, or any Part thereof, as a Security for the Sums so borrowed, with Interest, to the Persons advancing the same: And whereas the faid Company have raised amongst themselves, and paid upon Shares which have been issued, the Sum of Forty-six thousand four hundred and thirty-one Pounds, under and by virtue of the faid Act, and there still remains to be paid on account of such Shares the Sum of Four thousand eight hundred and forty-four Pounds, which, when paid, will amount together to the Sum of Fifty-one thousand two hundred and seventy-five Pounds: And whereas the principal Part of the faid Road is completed, and considerable Progress has been made in the Excavation, and in the Building and Formation of the faid Archway, and other the Works by the faid Act authorized to be made, but for the greater Accommodation and Security of the Public, the faid Works have been so proceeded in as greatly to increase the Expenditure requisite for completing the same; and the faid Company have incurred sundry Debts in the Prosecution of the faid Undertaking, amounting to the Sum of Eighteen thousand Pounds, which they are at present unable to discharge: And whereas in order to complete the faid Works, and to pay off their faid Debts, it is necessary that the faid Company should be empowered to raise a further Sum of Money; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 it shall and may be lawful to and for the faid Company, and they are hereby authorized and empowered, to raise by any of the Ways and Means hereinafter mentioned, any Sum or Sums of Money, not exceeding in the whole the Sum of Seventy thousand Pounds, although the whole of the Money authorized and intended to be raised by the Authority of the faid recited Act may not have been raised and paid; and the Money so to be raised, after defraying the Expences of obtaining and passing this Act, shall be applied and disposed of in the Discharge of the several Sums of Money now due and owing by the faid Company, and in defraying the Costs, Charges, and Expences of making, completing, and maintaining the faid Road and Archway, and other the Works authorized to be made by the faid recited Act.

Company of
Proprietors
empowered
to raise
70,000l.

By creating
new Shares.

II. And be it further enacted, That it shall and may be lawful to and for the faid Company to raise the whole of the faid Sum of Seventy thousand Pounds, or any Part or Parts thereof, as to them shall seem right and proper, by creating new or additional Shares of Fifty Pounds each, or at such other Rate or Value *per* Share as the faid Company shall from Time to Time think proper, and to dispose of the same at such Price or Prices as to the faid Company shall from Time to Time seem meet and convenient.

III. Pro-

III. Provided always, and be it enacted, That it shall and may be lawful to and for any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, possessed of any Share or Shares in the present Capital Stock of the said Company, to accept and take so many of the said new or additional Shares to be created by virtue of this Act, as shall be in Proportion to the Number of Shares already holden by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in the present Capital Stock, if he, she, or they shall think proper, within One Calendar Month after Notice shall have been given in any Two or more of the *London* Newspapers, or in such other Manner as the said Company, at any General or Special Assembly, shall think proper, of the Intention to create such new or additional Shares, at such Rate or Value as shall be fixed by the said Company, pursuant to the Power herein-before for that Purpose given; and in case any such Share or Shares shall remain undisposed of after such Notice as aforesaid, it shall and may be lawful to and for the Directors of the said Company to sell or dispose of the same to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, in such Manner, and at such Price or Prices as shall have been fixed by the said Company.

Holders of Shares may take the new Shares; if not, to be disposed of by the Company.

IV. And be it further enacted, That each and every Proprietor of each and every Share which shall or may be created by virtue of this Act, shall be entitled to such and the same Powers, Privileges, and Advantages, and shall be subject to such and the same Rules, Regulations, Restrictions, Penalties, and Forfeitures, as if the Share or Shares so holden by him, her, or them, were Part of the Shares already created by virtue of the said recited Act, and now vested in the several and respective Proprietors of the said Undertaking; and the Admission of all and every Person and Persons to any such new Share or Shares, by any Order or Resolution of the said Company, or of their Directors, shall be and be deemed to be a good and effectual Title to such Person or Persons, and his, her, or their respective Executors, Administrators, and Assigns, on his or their paying to the said Company, or their Treasurer or Treasurers, the Purchase Money or Price agreed to be paid for such Shares respectively.

Proprietors of new Shares to have the same Privileges as Proprietors of old Shares;

V. And be it further enacted, That all such new or additional Shares in the said Undertaking, which shall be created by virtue of this Act, shall be and be deemed to be Personal Estate, and shall be transmissible as such, and shall not be of the Nature of Real Property.

and to be deemed Personal Estate.

VI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company, in case they shall think it meet and expedient, to borrow the whole of the said Sum of Seventy thousand Pounds, or any Part or Parts thereof, upon Promissory Notes, under the Common Seal of the said Company; and all such Notes shall be made payable in such Manner, and at such Time or Times, and with such legal Rate of Interest, as the Directors of the said Company shall think proper; and such Notes shall be made either with or without a Power in the respective Holders thereof, to have an Option of becoming a Proprietor of One Share of Fifty Pounds in the said Undertaking, in lieu of the Principal Money by such several Promissory Notes to be secured, or so much or such Part thereof as the said Company, or their Directors

Company may borrow upon Promissory Notes.

tors for the Time being, and the Person or Persons advancing such Money on the Security of the said Notes, shall jointly agree upon: Provided always, that no Person shall in any case be admitted to be a Proprietor of any Share in the said Undertaking, in lieu of a less Principal Sum of Money than Fifty Pounds advanced on the Security of such Notes; and the Terms and Particulars upon which the respective Holders of such Notes shall be entitled to such Option of becoming a Proprietor or Proprietors in the said Undertaking, shall be fully expressed and set forth in the said several and respective Notes.

Tolls to be a Security for Money borrowed.

VII. And be it further enacted, That the several Rates and Tolls authorized to be demanded and taken by virtue of the said recited Act, and all other the Property and Revenue of the said Company, shall be a Security for each and every Sum and Sums of Money so to be borrowed as aforesaid, with Interest, to the Person or Persons who shall from Time to Time be entitled to such Securities; and all Persons to whom any such Securities shall be given, shall be equally entitled to a Claim or Lien on the same Rates, Property, and Revenue, in proportion to the respective Sums of Money advanced and lent by them respectively on the Credit of the said Rates, Property, and Revenue, without any Preference by reason of the Priority of the Date of any such Notes, in like Manner as if the Sums of Money had been advanced and lent upon Mortgage or Assignment of the said Rates, Property, and Revenue, in pursuance or by virtue of the said recited Act.

Company may raise Money by Mortgage, or granting Annuities.

VIII. Provided always, and be it further enacted, That in case the said Company shall think it more adviseable and proper to raise the whole of the said Sum of Seventy thousand Pounds, or any Part or Parts thereof, by Mortgage of the Rates and Tolls authorized to be collected by virtue of the said recited Act, or of any Property or Revenue of the said Company, or by granting Annuities payable out of the said Rates and Tolls and other Revenue, then and in every such Case it shall and may be lawful to and for the said Company, either to borrow and take up at legal Interest by any such Mortgage as aforesaid, from any Person or Persons, upon the Credit of the said Rates and Tolls, Property or Revenue, or any of them, the whole of the said Sum of Seventy thousand Pounds, or any Part or Parts thereof, or to raise any such Sum by the granting of any such Annuity or Annuities as aforesaid, to or for the Use of the Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers to the said Company, any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, such Annuity or Annuities to be paid and payable for any Term or Number of Years, or for and during the natural Life of any such Contributor, or such other Person as shall be nominated by or on Behalf of such Contributor at the Time of Payment of his or her Contribution and Purchase Money, and either with or without Benefit of Survivorship; and the said Company are hereby authorized and empowered to assign and make over their Interest and Property in the said Undertaking, and the Rates and Tolls or other Revenue to arise by virtue of the said recited Act, or any Part thereof, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage, in like Manner and Form, or to the Effect, and with and subject to

the like Powers and Directions for transferring every such Mortgage and registering the same, and with and subject to the like Remedies, Regulations, and Provisions, touching and concerning the same, and the Interest arising therefrom, as are mentioned and contained in and by the said recited Act respecting the borrowing of Money, and the Securities to be made for the same; and the said Company are also hereby authorized and empowered to grant all and every such Annuity or Annuities so to be purchased as aforesaid, out of the Rates and Tolls or other Revenue to arise as last mentioned, to the Person or Persons who shall agree to purchase the same, or to his, her, or their Trustee or Trustees.

IX. And be it further enacted, That the Grant of every such Annuity as aforesaid shall be by Deed, under the Common Seal of the said Company, according to the Form or to the Effect following; (that is to say), Form of Grant of Annuity.

WE, the *Highgate Archway Company*, in Consideration of the Sum of _____ to us paid by *A.B.* of _____
 [or, if intended to be granted with Benefit of Survivorship, by *E. F., G. H., &c.*] do hereby, by virtue of an Act of Parliament, passed in the Fifty-second Year of the Reign of King George the Third, intituled [set forth the Title of this Act] grant unto the said *A. B.* and his [or her] Assigns, [or, if by Survivorship, unto the said *E. F., G. H., &c.* and to the Survivors and Survivor of them] One Annuity or Yearly Sum of _____ to be issuing out of all and singular the Rates arising by virtue of an Act of Parliament made in the Fiftieth Year of the Reign of His present Majesty [set forth the Title of that Act], and of all other the Revenue of the said Company, to hold unto the said *A. B.* Executors, Administrators, and Assigns, for the Term of _____ Years [or, as the Case shall be], to hold unto the said *A. B.* and Assigns, during natural Life [or, to hold unto the said *A. B.*] Executors, Administrators, and Assigns, for and during the natural Life of *C. D.* [or, if by Survivorship, unto and amongst them the said *E. F., G. H., &c.* and the Survivors or Survivor of them]; and such Annuity or Yearly Sum shall be payable and paid at _____ upon the _____ Day of _____ Yearly, and the First Payment thereof to be made upon the _____ Day of _____
 Given under our Common Seal, this _____ Day of _____

And every such Grant shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, without any Inrolment or Registry of the Memorial thereof in the High Court of Chancery, or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and all the Grantees of such Annuities, and all the Persons to whom any Money shall be due on any Mortgage of the said Undertaking and Property, shall be equally entitled one with another to the Rates and Property thereby assigned, in proportion to the Interest of the Sum or Sums for which such Mortgage or Mortgages shall have been executed, and such Annuity or Annuities shall be granted, without any Preference by reason of the Priority of Date of any such Mortgage or Grant of Annuity, or on any Account whatsoever; and an Entry or Memorial of every such Grant of Annuity, containing

aining the Date thereof, and an Account of the Name or Names of the Party or Parties to whom the same shall have been made, with their respective proper Additions, and of the Consideration of such Grant, and of the Annuity granted, and the Duration thereof; shall, within Twenty-one Days next after the Date thereof, be written and inserted in a Book to be kept for that Purpose by the Clerk to the said Company; and all and every Person and Persons to whom any such Grant shall have been made, or who shall be entitled to the Annuity thereby secured, may from Time to Time assign or transfer his, her, or their Right and Title therein to any Person or Persons, according to the Form following; (that is to say),

Form of Transfer of Annuity.

‘ I *A. B.* of _____ in Consideration of the Sum of _____ do
 ‘ _____ to me paid by *C. D.* of _____
 ‘ hereby transfer unto the said *C. D.* a certain Grant, made by
 ‘ *The Highgate Archway Company*, bearing Date the _____ Day of
 ‘ _____ of an Annuity of _____ payable [*here mention*
 ‘ *the Duration of the Annuity*], and all my Right, Title, and Interest in
 ‘ and to the said Annuity thereby secured, to hold the same unto the said
 ‘ *C. D.* _____ Executors, Administrators, and Assigns. In
 ‘ Witness whereof I have hereunto set my Hand and Seal, this
 ‘ Day of _____ in the Year of our Lord _____

And every such Transfer shall, within Twenty-one Days after the Date thereof, be produced and notified to the Clerk to the said Company, who shall thereupon cause an Entry or Memorial to be made thereof in the said Book, containing the Date and Names of the Parties, and the Annuities thereby transferred, for which Entry such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Grant; and it shall not be in the Power of the Person or Persons who shall have made any such Transfer, at any Time afterwards, to make void, release, or discharge the said Annuity, or any Part thereof; and the said Annuities so to be granted as aforesaid shall be paid to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of the said recited Act to the said Company.

Company empowered to buy up Shares.

X. Provided also, and be it further enacted, That if the said Company, or their Directors for the Time being, shall deem it expedient, out of any Surplus Monies or otherwise, to buy up any Share or Shares in the said Undertaking which shall be offered for Sale, then and in every such Case it shall be lawful for any General Assembly of the said Company, either to direct that any such Share or Shares so bought shall merge the said Undertaking, or that the same shall be transferred to the Clerk of the said Company, in Trust for the said Company, and that such Share or Shares may, in such last-mentioned Case, at any Time thereafter, be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing of any Buildings or Works belonging to the said Undertaking, or any other Purpose necessary for carrying on the same.

XI. And be it further enacted, That the said recited Act, and all and every the Rates, Tolls, Duties, Clauses, Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained (save and except such Parts of the same as are hereby varied or altered), shall be and the same is and are hereby declared to be in full Force and Effect, and shall be as good, valid, and effectual, for carrying this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act. Powers of
recited Act
confirmed.

XII. 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, without being specially pleaded. Public Act.

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Printers to the King's most Excellent Majesty. 1819.

1870
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