



ANNO DECIMO QUARTO

# VICTORIÆ REGINÆ.

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## Cap. i.

An Act for repairing and managing the Roads from the *Brighthelmston Road at Pyecombe to Hand Cross*, and from *Pyecombe to the Henfield Road at Poynings Common*, in the County of *Sussex*.

[20th May 1851.]

**W**HEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for more effectually repairing and improving the Road from the Brighthelmston Road at Pyecombe to Warninglid Cross in the Parish of Cuckfield, and from Pyecombe to the Henfield Road at Poynings Common, in the County of Sussex, and for making a new Road from Warninglid Cross to Hand Cross in the said County*: And whereas the Term granted by the said Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November One thousand eight hundred and fifty-one*: And whereas considerable Sums of Money have been advanced upon Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with divers Sums of Money expended in respect of the said Road, and such Money cannot be paid off, and the

[Local.]

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Interest

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Interest thereof discharged, unless further Powers are granted, and the Term of the said Act be further continued, and the Tolls thereby authorized to be taken be altered: And whereas it is just and expedient that due Provision should be made for the Payment of the Debts due by the said Trustees: And whereas a Mortgagee of the said Roads has for some Years past been in possession of the Toll Gates and Receipt of the Tolls upon the said Roads, and it is expedient that Provision should be made for the letting of the Tolls arising on the said Roads, and for the better Management and Regulation of the Affairs of the Trust and Maintenance of the said Roads: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof, but the Purposes aforesaid cannot be effected without the Authority of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, in manner following; (that is to say,)

Recited Act repealed and this Act to be put in force.

I. That upon the Fourth *Friday* next after the passing of this Act the said recited Act of the Seventh Year of the Reign of His said late Majesty King *George* 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. That in reciting this Act in other Acts of Parliament or in legal Instruments it shall be sufficient to use the Expression "The *Pyecombe and Hicksted Turnpike Roads Act, 1851.*"

Arrears of Tolls and Monies due under recited Act vested in Trustees under this Act.

III. That all Monies due to, and all Property and all Choses in Action vested in, the Trustees under the Act hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually, to all Intents and Purposes, as if the same had been vested in them under this Act; and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

Mortgagee in possession to account.

IV. That within Twenty-one Days after the passing of this Act the Mortgagee in possession of the Toll Gates, Bars, Chains, Toll Houses, and Buildings upon the said Roads shall render an exact Account in Writing to *Robert Upperton*, the Clerk to the said Trustees, at his Office at *Brighton* in the said County of *Sussex*, or to such other Person as the said Trustees in Meeting shall direct, of all Monies received

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received by such Mortgagee or other Person for his Benefit or by his Authority at such Toll Gates, Bars, Chains, and Toll Houses, or otherwise, and what he shall have expended in keeping or repairing the same, and the Manner in which he shall have disposed of the Residue of such Monies, and shall produce all Vouchers and Receipts relating to such Accounts; and the said Mortgagee shall pay over the Monies which at the Time of his delivering up Possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings as herein-after provided shall be in his Hands as such Mortgagee as aforesaid to the Treasurer of the said Trustees, or to the Person whom the Trustees shall at their First Meeting to be held after the passing of this Act direct, within Two Months after the passing of this Act.

V. That, except as in this Act expressly directed, this Act and the Term and Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies now due and owing or secured upon or made payable out of the Tolls authorized to be taken by virtue of the said recited Act hereby repealed, or any of the Acts therein recited, and of all Interest to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of the Tolls hereby authorized to be taken.

New Terms  
and Tolls  
liable to former  
Debts.

VI. That, except as in this Act expressly provided to the contrary, all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by, or entered into by, any Person or Persons to or with the Trustees for executing the said recited Act hereby repealed, or any of the Acts therein recited, or to or with their Clerk or Treasurer or any other Person or Persons on behalf of the said Trustees, according to the Provisions of such Act, shall remain in full force and effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices duly made, entered into, or given by the Trustees for executing the said recited Act hereby repealed, or any of the Acts therein recited, or their Clerk or Treasurer or other Person or Persons on their Behalf as aforesaid, for any Purpose or Purposes relating to the said Roads or to the Execution of such Acts, shall remain in full force and effect, and be observed and kept by the Trustees for executing this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Act.

Bonds, Con-  
tracts, &c. to  
remain in  
force.

VII. That all and every the Books and Book containing the Accounts or Proceedings of the Trustees for executing the said recited

Books under  
former Acts  
to be Evi-

[*Local.*]

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Act

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dence under  
this Act.

Act hereby repealed, or any of the Acts therein recited and made Evidence thereby, shall and may be admitted as Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, and in all Courts and by all Judges, Justices, and others, in such and the same Manner as if the said recited Act hereby repealed had not been so repealed.

Appointment  
of Trustees.

VIII. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Sussex*, together with *William Borrer*, *William Borrer* the younger, *John Borrer*, *Nathaniel Borrer*, *John Hamlin Borrer*, *William Boxall*, *William Percival Boxall*, the Reverend *Carey Hampton Borrer* Clerk, *William John Champion*, *William Champion*, *Thomas Coppard*, *John Leighton Wade Dennett*, the Reverend *Joseph Dale* Clerk, *William Furner*, the Reverend *William Gordon* Clerk, *Charles Gordon*, the Reverend *Charles Goring* Clerk, the Reverend *John Goring* Clerk, *Henry Holman*, the Reverend *Thomas Agar Holland* Clerk, *George Harrington*, *William Marshall*, *John Mills*, the Reverend *John Morgan* Clerk, *Avery Roberts*, the Reverend *John Rich* Clerk, *Lawrence Dennett Smith*, *Lawrence Smith*, *Thomas Scrase*, *William Stanford*, *Edward Stanford*, the Reverend *William Sergisson* Clerk, *William Tanner*, *Hampton Weekes*, *Richard Weekes*, *James Wood of Ockley*, *Frederick Weekes*, *George Weekes*, *John Wood of Hicksted*, and *Thomas West*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for executing this Act.

Power to  
appoint  
additional  
Trustees.

IX. That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting  
of Trustees.

X. That the Trustees shall hold their First Meeting on the Fourth *Friday* next after the passing of this Act, or as soon after as conveniently may be, at the Town Hall in the Town of *Brighton*, or at some other convenient Place in the Neighbourhood of the said Roads, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to  
appoint  
Committees.

XI. That the Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees

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tees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

XII. That the Powers of the Trustees shall extend to the Turnpike Roads herein-after described; (that is to say,) the Road leading from and out of the *Brighthelmston and Cuckfield* Turnpike Road near *Pyecombe* Church in the Parish of *Pyecombe* in the County of *Sussex* to the present Turnpike Road leading from *Cuckfield* to *Crawley* at or near a certain House by the Side of such last-mentioned Turnpike Road at *Handcross* in the said County of *Sussex*, formerly in the Occupation of *John Kelsey*, and the Road leading out of the said last-mentioned Road at or near a certain Place called *Dale Hill* in the Parish of *Pyecombe* aforesaid to the *Henfield* Turnpike Road at or near *Poynings Common* in the said County of *Sussex*, which said Roads pass out of, from, through, or into the several Parishes of *Pyecombe*, *Newtimber*, *Poynings*, *Albourne Hurstperpoint*, *Bolney*, *Cuckfield*, and *Slangham*, in the said County of *Sussex*.

Roads to which Act is applicable.

XIII. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates, Toll Bars, or Chains to be continued or erected on or on the Side of the said Road to the Collectors then being at such Gates, Bars, or Chains until the Expiration of Fourteen Days from the Commencement of this Act, and the Tolls so collected shall be applied as herein-after mentioned.

Present Tolls continued for Fourteen Days.

XIV. That upon and after the Expiration of the said Fourteen Days it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates, Toll Bars, or Chains which shall by virtue of this Act be upon or on the Sides of the said Roads such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Power to take Tolls.

For every Horse, Mule, Ass, or other Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chaise-marine, Hearse, Machine, Caravan, Car, Fly, Fly Chaise, Chair, Barouche, Curricule, Phaeton, taxed Cart, or other such Carriage with Springs, of any Denomination, the Sum of Sixpence:

For every Horse, Mule, Ass, or Pair of Oxen, Bullocks, or other Beasts of Draught drawing any Waggon, Wain, Cart, or other Carriage of the like Nature having the Soles or Bottoms of the Fellies of the Wheels thereof of less Breadth than Six Inches, the Sum of Sixpence:

For every Horse, Mule, Ass, or Pair of Oxen, Bullocks, or other Beasts of Draught drawing any Waggon, Wain, Cart, or other Carriage of the like Nature having the Soles or Bottoms of the Fellies

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Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Fourpence :

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, the Sum of Twopence :

For every Dog or Goat drawing any Cart or other Carriage whatsoever, the Sum of One Penny :

For every Waggon, Wain, Cart, or other Carriage whatsoever propelled or moved by Steam, Gas, or Machinery, the Sum of One Shilling *per* Wheel :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number :

For every Beast of Draught employed in drawing any Carriage or Carriages laden with Timber, Plank, Boards, Wood, Fagots, Bricks, Slates or Roof Tiles, Hop Poles, Marl, Chalk-marl, Chalk, Sand, Stone, Gravel, Coals, Coke, or Culme, between the Twentieth Day of *October* and the First Day of *April* in every Year, double the respective Tolls or Duties herein-before directed to be demanded or taken for Beasts of Draught drawing such like Carriages :

Which said Tolls shall be paid before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted or authorized to pass through any Toll Gate, Bar, or Chain which shall be by virtue of this Act upon or across the said Roads, or on the Side thereof.

As to the fractional Part of a Halfpenny in Tolls.

XV. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Only One full Toll to be payable on certain Parts of the Road.

XVI. That no more than One full Toll shall be demanded or taken for once passing and repassing on the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night, through all the said Toll Gates, Toll Bars, or Chains erected or to be erected or continued on any of the said Roads between the said Turnpike Road leading from *Brighthelmston* to *Cuckfield* in the Parish of *Pyecombe* aforesaid and *Hicksted Place*, or between the said Turnpike Road leading from *Brighthelmston* to *Cuckfield* in the Parish of *Pyecombe* aforesaid and the *Henfield* Turnpike Road at or near *Poynings Common*, or between *Hicksted Place* aforesaid and the Turnpike Road leading from *Cuckfield* to *Crawley*, at or near a certain House by the Side of the last-mentioned Road at *Hand Cross*, formerly in the Occupation of *John Kelsey*.

XVII. That

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XVII. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Bar, or Chain now erected or hereafter to be erected and continued by virtue of this Act shall, upon a Ticket denoting such Payment being produced, be permitted to re-pass once Toll-free on the same Day (before Twelve of the Clock at Night) through the same Toll Gate, Toll Bar, or Chain, and through such other Gate, Bar, or Chain (if any) as the Ticket for such Payment shall free.

Persons having paid Toll to re-pass Toll-free the same Day.

XVIII. That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Postchaises to pay on every fresh Hiring.

XIX. Provided always, That all Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Bar, or Chain, shall, upon a Ticket denoting such Payment being produced, be permitted to re-pass once Toll-free on the same Day through the same Toll Gate, Bar, or Chain, and to pass and re-pass once Toll-free through any other Gate, Bar, or Chain which such Ticket shall free in the Case of Horses or Cattle drawing any other Carriage, and no further additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate, Bar, or Chain, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers: Provided always, that no additional Toll shall be charged on re-passing by reason or in consequence of the Carriage drawn by the same Horses or Cattle having been changed.

Regulations as to Stage Coaches, &c.

XX. That on the Expiration of Fourteen Days from the Commencement of this Act the Mortgagee in possession of any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Roads, or on the Sides thereof, shall deliver up the same to the Trustees; and the Trustees, their Collectors and Servants, shall enter into possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, and shall thenceforth receive the Tolls which can be collected thereat; and if any Collector, Receiver, or other Person shall refuse or neglect to deliver up Possession as aforesaid of any of the said Toll Gates, Bars, Chains, Toll Houses, or Buildings, then such Collector, Receiver, or other Person may be removed therefrom in

Mortgagee to deliver up Possession of Gates.

[Local.]

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manner

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manner provided by any Law or Statute in force relating to Turnpike Roads in *England*.

Mortgagees  
to take pos-  
session for  
Payment of  
Interest only.

XXI. That whenever and so long as the Interest due to the Thirty-first Day of *December* then last past shall be duly paid upon the Mortgage Debt within One Month thereafter, no Holder of a Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of all or any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Roads; and when any Mortgagee entering into possession shall have fully paid all Interest due to the Thirty-first Day of *December* in the preceding Year upon the Mortgages then subsisting, together with the Costs to which he may be entitled, he shall, within Twenty-one Days thereafter, render an Account to the Clerk to the Trustees, with proper Vouchers, and pay over any Balance to the Treasurer, and deliver up Possession of the said Toll Gates, Bars, Chains, Toll Houses, or Buildings to the Trustees, or to some Person appointed by them, anything in this Act, or in any Law or Statute in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Arrears of  
Interest ex-  
tinguished.

XXII. And whereas the Mortgage Debt upon the Tolls under the said recited Act amounted on the Thirty-first Day of *December* last to the Sum of Thirteen thousand six hundred and ninety-nine Pounds Ten Shillings, together with an Arrear of Interest thereon: Be it enacted, That all Arrears of Interest due upon the said Debt of Thirteen thousand six hundred and ninety-nine Pounds Ten Shillings up to the said Thirty-first Day of *December* last shall be and the same are hereby extinguished, and shall cease to be a Charge or Charges upon the said Roads or upon the Tolls thereof, and from thenceforth Interest at the Rate of One Pound *per Centum per Annum* only shall be payable upon the said Debt.

Trustees may  
let Tolls when  
Mortgagees  
in possession,  
and Rent to  
be paid to  
Mortgagees.

XXIII. Provided always, That whenever any Mortgagee of the Tolls of the said Turnpike Roads shall in pursuance of an Ejectment take possession of the Toll Gates on the said Turnpike Roads, the said Trustees shall and they are hereby authorized and empowered to let to farm the Tolls arising at such Gates in such and the same Manner as they are by Law authorized in Cases where the Toll Gates are in possession of the said Trustees; and in such Case the Rent under the said Letting shall be paid to the Mortgagee so in possession of the Toll Gates, and such Security for Payment thereof to the said Mortgagee shall be taken as the said Trustees may direct: Provided also, that on the Thirty-first Day of *December*, or within Fourteen Days thereafter, in every Year, so long as such Mortgagee is in receipt of such Tolls or the Rents thereof, such Mortgagee shall render an Account in Writing of all Receipts and Payments on  
account



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account thereof to the Clerk of the said Trustees, or to such other Person as they may from Time to Time direct, and produce to such Clerk or other Person as aforesaid all Vouchers and Receipts relating to the same, and shall pay to the Treasurer of the Trustees, or as they shall direct, the Balance of the Tolls or Rents in lieu thereof collected by or for him, after paying and apportioning so much thereof as may be necessary for the Payment of Interest then due to all the Mortgagees *pari passu*, and for paying to the Treasurer of the said Trustees such Sinking Fund as is hereby directed to be provided.

XXIV. That all Monies which shall be received by the said Trustees by virtue of this Act shall, after paying and discharging in the first place the Expenses of obtaining and passing this Act and incident thereto, as herein-after mentioned, and any Debt or Debts owing by the said Trustees for executing the said recited Act hereby repealed by Simple Contract, and of erecting and repairing Toll Gates and Toll Houses, Posts and Fences, and the Expense of Books, Advertisements, Salaries of Officers, and other Expenses incidental to the Execution of this Act, be divided as follows; that is to say, One Third Part of the Monies so divisible shall form a Repairing Fund, and the Remainder of such Monies so divisible shall form a Creditors Fund: Provided always, that if any Mortgagee shall enter into the Receipt of all or any of the Tolls arising upon the said Roads, such Mortgagee shall, in the first place, (and from Time to Time before applying any Part thereof in satisfaction of any Monies due for Interest upon his Mortgage or any other Mortgage thereout,) pay to the Trustees the Expenses of obtaining and passing this Act and incident thereto, and such Debt or Debts due by Simple Contract as aforesaid, and also the other Expenses herein-before made payable in the first place, and also One Third of the Receipts of such Mortgagee (subject to such Deductions as aforesaid) from Time to Time during the Period for which he shall be in receipt of the Tolls, such One Third to be carried by the Trustees to the Credit of the said Repairing Fund, and applied in manner herein-after directed.

Division of  
Monies re-  
ceived on the  
Roads.

XXV. That such Repairing Fund shall be applied in maintaining and keeping in repair the said Roads: Provided always, that at the End of the first Three Years next after the passing of this Act, and of every subsequent Three Years, the said Trustees shall cause the Accounts of the said Repairing Fund to be made up; and if upon the making up of such Accounts there shall be a Balance in hand to the Credit of the said Repairing Fund, the said Trustees shall transfer such Balance to the Creditors Fund.

Application  
of Repairing  
Fund.

XXVI. That

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Application  
of Creditors  
Fund.

XXVI. That such Creditors Fund shall be applied as follows; that is to say,

Firstly, in paying and discharging Interest after the Rate of One Pound *per Centum per Annum*, from the Thirty-first Day of *December* last, upon or in respect of so much of the said Principal Sum of Thirteen thousand six hundred and ninety-nine Pounds Ten Shillings as may for the Time being be owing or secured on the Credit of the Tolls authorized to be taken by the said recited Act hereby repealed:

Secondly, that the Residue of all such Monies shall be applied in forming a Sinking Fund for paying off and discharging any Principal Sums of Money which may be owing on the Credit of the Tolls of the said Roads.

For paying  
off Sums of  
Principal  
Monies ten-  
dered by Cre-  
ditors to be  
received as  
Compositions  
for Secu-  
rities.

XXVII. That whenever the Sinking Fund shall amount to the Sum of Two hundred Pounds it shall be lawful for the Trustees acting under and by virtue of this Act, and they are hereby required, to pay out of such Sinking Fund such Sum and Sums of Money as shall or may be agreed to be accepted by any Person or Persons, being a Creditor or Creditors on the said Tolls, as a Composition or Compositions on and in satisfaction of his, her, or their Security or Securities, according to the Stipulation after mentioned; 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 by Advertisement, to be inserted in some Newspaper which shall be published in the County of *Sussex*, that a Composition or Compositions will be paid, to the Amounts aforesaid, to such Creditor or Creditors on the said Tolls as shall be willing to accept the smallest Composition for his, her, or their Security or Securities, and requiring such Creditors 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 such Security of which he, she, or they may be possessed (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* which shall in the Judgment of the said Trustees render it most advantageous to the Interest of the said Trust that the Security in respect of which such Proposal shall be made shall be paid off (due regard being had to the Amount of Interest payable on the Security or Securities in respect of which such Proposal or Proposals shall respectively be made), and which he, she, or they will accept and take for all or any of the said Securities or for any Portion of any such Security, shall have the Preference, and be paid such Sum or Sums of Money as he, she, or they may be willing to accept for  
the

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the same, if the Amount due upon such Security shall not exceed the Amount of the Sinking Fund to be disposed of, or such Portion of the same as that Sum shall extend to satisfy if the Amount due thereon shall exceed the Amount of such disposable Sinking Fund, by the Treasurer to the said Trustees, at the Expiration of One Calendar Month next after such Meeting, with all Interest then due upon such Security; 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, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the Clerk to 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 his, her, or their Composition or Compositions, or such Part of the same as the respective Sums to be disposed of shall extend to satisfy, at the Time and in the Manner herein-before mentioned; but if there shall not be any Proposals delivered in at the said Annual General Meetings, or any of them, by any of the Creditors, for accepting any such Composition or Compositions as aforesaid to the Amount to be disposed of, or any Part of that Sum, at a less Rate than the full Amount of the Principal Monies due to him, her, or them on the said Tolls, then and in such Case, but not otherwise, the said Sinking Fund shall be applied in Payment, *pari passu*, to all the Creditors of an equal Amount of the Principal Money owing to them respectively at the Expiration of One Month from such Meeting.

XXVIII. Provided always, That if at any Time during the Continuance of the Term hereby granted the whole of the Principal Sum of Money owing on the Credit of the Tolls of the said Roads, together with all Interest payable thereon by virtue of this Act, shall be paid off and discharged, it shall be lawful for the Trustees to demand and take One Half only of the Tolls herein-before authorized to be taken, and such One Half shall be wholly applied as a Repairing Fund in maintaining and keeping in repair the said Roads as herein-before mentioned, and also in Payment and Discharge of the Expenses of erecting, repairing, and maintaining Toll Gates, Bars, Chains, and Toll Houses, Posts, and Fences, and of Books, Advertisements, Salaries of Officers, and other Expenses incidental to the Execution of this Act.

One Half only of the Tolls to be taken if Debt and Interest paid off.

XXIX. That the Trustees shall not raise any further Sum of Money by way of Mortgage, anything in any Act relating to Turnpike Roads in *England* to the contrary notwithstanding.

No more Money to be raised by Mortgage.

[Local.]

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XXX. That

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Trustee  
or Clerk  
deemed com-  
petent Wit-  
nesses in  
Actions.

XXX. That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Nothing to  
exempt Road  
from Provi-  
sions of any  
future Gene-  
ral Act.

XXXI. That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXXII. That this Act shall commence on the Fourth *Friday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpreta-  
tion of Terms.

XXXIII. 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 Construc-  
tion; that is to say,

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

The Word "Roads" shall mean the Roads intended to be main-  
tained and repaired by virtue of this Act:

The Word "Trustees" shall mean the Trustees acting under or by  
virtue of this Act.

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