ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xv.

An Act to amend and extend the Provisions of an Act for widening and improving the Road leading from the Turnpike Road in the Town of *Tenterden*, through *Woodchurch*, to *Warehorne*, and the Road leading out of the Turnpike Road in the Parish of *Bethersden*, through *Woodchurch*, to *Appledore*, in the County of *Kent*; and to create a further Term therein.

[20th *May* 1851.]

WHEREAS an Act was passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for widening and improving the Road leading from the Turnpike Road in the Town of* Tenterden, *through* Woodchurch, *to* Warehorne, *and the Road leading out of the Turnpike Road in the Parish of* Bethersden, *through* Woodchurch, *to* Appledore *in the County of* Kent: And whereas the Term granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited 1 G. 4. c. 46.

Periods, and the Powers granted by the said Act, will expire on the First Day of *November* One thousand eight hundred and fifty-one, unless the same be further continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with certain Interest thereon, and such Money cannot be paid off, unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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, as follows; (that is to say,)

Recited Act repealed.

I. That upon the First Day of *September* next after the passing of this Act the said recited Act of the First Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. In citing this Act in other Acts of Parliament, and in legal Instruments and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Woodchurch* Turnpike Road Act, 1851."

Monies, &c. vested in Trustees under recited Act to vest in Trustees under this Act.

III. All Rents, Arrears of Tolls, and other Monies due to, and all Property and all Choses in Action vested in, the Trustees under the said recited Act, 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 as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, save and except such of the same Debts and Engagements as are by this Act virtually extinguished.

Appointment of Trustees.

IV. All Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Kent*, and the Mayor of *Tenterden* for the Time being, together with *Seaman Beale*, the Reverend *Richard Burnett* Clerk, *John Bird*, *Anthony John Canham*, the Reverend *William Cobb* Clerk, the Reverend *John Riche Coombe* Clerk, *William Cork*, *William Peel Croughton*, *William Curteis*, *William Curteis* the younger, the Reverend *John Dufton* Clerk, *Thomas East*, *Thomas Elphicke*, *William Grisbrook*, *William Hilder*, *John*

John Hope, *Thomas Hope*, *Thomas Kingsnorth*, *John Ellis Mace*, *Joseph Mann*, *John Parton*, *Charles Simmons Pilcher*, *Virgil Pomfret*, the Reverend *Charles Rolfe* Clerk, *John Charles Schreiber*, *Thomas Buss Shoobridge*, *Richard Spicer*, the Reverend *Joseph Weld* Clerk, the Reverend *Francis Ballard Wells* Clerk, *Stringer Weston*, *William Worger*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. It shall be lawful for the said Trustees from Time to Time, 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.

VI. The said Trustees shall hold their First Meeting at the *Bonny Cravat* Inn in the said Parish of *Woodchurch*, or at some other convenient Place in the Neighbourhood of the said Roads, at Noon on the Fifteenth Day of *September* One thousand eight hundred and fifty-one, or as soon thereafter as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to Trustees to appoint Committees.

VII. The said 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 said Trustees at any General or Special 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.

Roads to which this Act is applicable.

VIII. This Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from the Turnpike Road in the Town of *Tenterden* at *Golden Square*, through the Parish of *Woodchurch*, up to the Boundary of the Parish of *Warehorne* near *Kenardington Cross*, and also the present Turnpike Road leading out of the Turnpike Road in the Parish of *Bethersden* at *Maylam's Corner*, through *Woodchurch*, up to the Boundary of the Parish of *Appledore* in the County of *Kent*.

Tolls payable under recited Act con-

IX. Notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the

tinued for a certain Term.

the Toll Gates to be continued or erected on or on the Sides of the said Roads until the First Day of *November* One thousand eight hundred and fifty-one.

Power to take new Tolls.

X. Upon and after the First Day of *November* One thousand eight hundred and fifty-one it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or hereafter shall 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,)

For every Horse, Mule, or other Beast (except an Ass) drawing any Coach, Sociable, Berlin, Calash, Vis-à-vis, Chariot, Landau, Barouche, Chaise, Phaeton, Diligence, Caravan, Curricle, Chair, Gig, Whiskey, Litter, Hearse, Waggon, Wain, Cart, or other such Carriage, the Sum of Fourpence Halfpenny; and for every Dog drawing any such Carriage, the Sum of One Penny:

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

For every Ass drawing any kind of Carriage, the Sum of Threepence:

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

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, Hogs, Sheep, or Lambs, the Sum of Threepence *per* Score, and so in proportion for any greater or less Number:

For every Horse, Mule, Ass, or other Beast drawing any Carriage laden with Timber Plank or rough converted Timber, Wood, Cordwood, Faggots, or Hop-poles, Stone, Bricks, Building Tiles, Charcoal, Coal, or Iron, along the said Roads, between the First Day of *October* in any Year and the First Day of *March* in the next succeeding Year, double the Tolls to which such Horse, Mule, or Ass would under the Provisions herein-before contained be liable:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other 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 Roads or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

XI. 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.

XII. And

Power to Trustees to levy Toll on certain Articles during the Winter Months.

XII. And whereas Stones and other Materials used for the Repair of Highways might be carried with much less Prejudice to the Roads over which the same are conveyed in the Summer Months than in the Winter Months: Be it therefore enacted, That the Trustees may at all Times between the Thirty-first Day of *October* in each Year and the First Day of *March* in the next succeeding Year, at the several and respective Toll Gates aforesaid, demand and take, for or in respect of every Horse, Mule, or other Beast drawing any Waggon, Cart, or other Carriage laden only with Stones, Bricks, or other Materials for the Repair of any Highway in any Parish other than that in which the same Stones, Bricks, or other Materials shall have been dug, taken, or made, such and the same Tolls as may under the Provisions of this Act be taken for or in respect of any Horses, Mules, or other Beasts drawing any Waggon, and not exempted from Toll; and such Tolls shall be demanded, collected, received, and paid for every Time of passing so laden, but not for passing empty to fetch any such Stones, Bricks, or Materials, nor for returning empty after having been employed only in carrying such Stones, Bricks, or other Materials.

Horses fetching Lime or Marsh Mould may return Toll-free within 36 Hours.

XIII. That where the Tolls hereby made payable shall have been paid at any of the said Toll Gates in respect of any Horse, Mule, or Ass or other Beast drawing any unladen and empty Carriage for the Purpose only of fetching any Lime or Marsh Mould for manuring Land, such Horse, Mule, or other Beast shall be permitted (on Production of a Ticket denoting such Payment), in returning with the same Carriage laden only with such Lime or Marsh Mould through the same Toll Gates at any Time within Thirty-six Hours after the said Tolls shall have been so paid thereat as aforesaid, to pass Toll-free; and where such Tolls shall have been paid at any of the said Toll Gates in respect of any Horse, Mule, Ass, or other Beast drawing any Carriage laden only with Lime for manuring Lands, such Horse, Mule, or other Beast shall be permitted (on Production of a Ticket denoting such Payment), in returning with the same Carriage unladen through the same Toll Gates at any Time within Thirty-six Hours after the said Tolls shall have been so paid thereat as aforesaid, to pass Toll-free.

Limiting Number of Tolls to be payable on the Roads.

XIV. No more than Two full Tolls shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll through all the Toll Gates erected or to be erected or continued on the said Road from *Tenterden*, through *Woodchurch*, up to the Boundary of the Parish of *Warehorne* near to *Kenardington Cross;* and no more than Two full Tolls shall be taken for passing and

repassing once only in the same Day (to be computed as aforesaid) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll through all the Toll Gates erected or to be erected or continued on the said Road from *Maylam's Corner* up to the Boundary of the Parish of *Appledore*.

Persons having paid Tolls to return free on the same Day.

XV. 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 on any of the said Roads or on the Sides thereof, shall (upon a Ticket denoting such Payment being produced) be permitted (in returning through the same Toll Gate, and in going and returning through such other Toll Gate, if any, as the Ticket for such Payment shall free,) to pass Toll-free the same Day, but the Tolls hereby authorized to be taken shall be payable in respect of all Horses and Cattle for every Third Time of passing through any of the said Toll Gates: Provided always, that when any Horses or Cattle shall have paid the Tolls hereby made payable at any Toll Gate erected or continued upon or on the Sides of the said Roads, such Horses or Cattle shall not be liable to any further Toll or increased Charge on account only of their passing on the same Day through any Side Gate, Side Bar, or Chain erected or continued by virtue of this Act upon or across any Lane or Road leading into or out of the said Roads.

Postchaises, &c. to pay on every fresh Hiring.

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

Regulation as to Stage Coaches.

XVII. All Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

XVIII. Whenever

Mortgagees not to take possession of Toll Gates except for Arrears of Interest.

XVIII. Whenever and so long as Interest at the Rate herein-after mentioned upon all existing Mortgages made under the Powers of the said recited Act shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon or of the Rent payable upon the letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay Interest at the Rate herein-after mentioned from Time to Time becoming due upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Accounts that the Interest due on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

As to Amount of Principal Debt.

XIX. And whereas there is due and owing on the Credit of the Tolls authorized to be taken by the said repealed Act the Principal Sum of Three thousand four hundred and ninety-three Pounds Eighteen Shillings and Threepence, exclusive of all Arrears of Interest thereon, whether converted into Principal Debt or otherwise: Be it enacted, That from and after the passing of this Act the said Sum of Three thousand four hundred and ninety-three Pounds Eighteen Shillings and Threepence shall be deemed and taken to be the total Sum due and owing on the Credit of the Tolls authorized to be taken on the said Roads.

Trustees may grant new Mortgages.

XX. The Trustees may, if they shall think fit, make and deliver to the several Parties now entitled to the said Principal Sum of Three thousand four hundred and ninety-three Pounds Eighteen Shillings and Threepence new Mortgages of the Tolls authorized to be taken by this Act

Act for securing such Proportions of the said Principal Sum as may be due to each such Party; and such Mortgages, or any Assignment or Transfer thereof, may be made in the Form, as far as the same may be applicable, and in such Manner, as is directed by any Law or Statute relating to Turnpike Roads in *England*; and such Mortgages, when so granted and delivered, shall be deemed to be substituted for the same Portion of the said Principal Sum as is comprised in the existing Securities in the Hands of the several Parties; and the Expenses of and attending the granting of such Mortgages may be paid by the Trustees out of any Monies in their Hands, as Part of the Expenses of managing the said Roads.

Application of Monies.

XXI. All Monies which shall come to the Hands of the said Trustees by virtue 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 defraying the Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, and of managing the said Roads:

Thirdly, in paying Interest at the Rate of Two Pounds *per Centum per Annum* upon the said Principal Sum of Three thousand four hundred and ninety-three Pounds Eighteen Shillings and Threepence now due on the Credit of the Tolls authorized to be taken by the said repealed Act, or upon such Part of the said Principal Sum as shall for the Time being remain unsatisfied:

Fourthly, in paying the Expenses of maintaining and repairing the said Roads; but subject to the Proviso herein-after contained, limiting the Amount to be paid in any One Year under this Provision out of the Monies received by virtue of this Act:

Fifthly, in reducing, paying off, and discharging the said Principal Sum of Three thousand four hundred and ninety-three Pounds Eighteen Shillings and Threepence, or such Part thereof as shall for the Time being remain unsatisfied:

Sixthly, in repairing, maintaining, and improving the said Roads:

Provided, always that, until the Purposes fifthly herein-before mentioned shall be fully performed and satisfied, no greater Sum than Seventy Pounds in any One Year shall be applied out of the Monies received by virtue of this Act in maintaining and repairing the said Roads.

As to Mode of discharging Debt.

XXII. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at any General, Annual, or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal

Monies to the Persons entitled thereto, 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 such Sum, in some Newspaper published in the County of *Kent*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, and at such Meeting the Trustees 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 said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other 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 the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No more Money to be borrowed.

XXIII. That no more Money shall be borrowed on the Credit of the Tolls arising on the said Roads.

No Money to be taken or laid out in Towns.

XXIV. No Money shall be laid out on the said Roads within the Town of *Tenterden*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

Trustee and Clerk not to be deemed incompetent Witnesses.

XXV. No Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other 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 other Proceeding.

XXVI. Nothing

Roads not exempt from Provisions of future General Acts.

XXVI. Nothing herein contained shall be deemed to exempt the said Roads 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.

XXVII. This Act shall commence on the First Day of *September* 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.

Interpretation of certain Terms.

XXVIII. 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,)

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

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Expression "the Roads" or "the said Roads" shall mean the Roads to which this Act applies:

The Expression "Toll Gate" or "Toll Gates" shall include Turnpikes, Bars, and Chains.

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