



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. clvi.

An Act to renew the Term and continue the Powers of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from Wadhurst to the Turnpike Road on Lamberhurst Down, both in the County of Sussex, and from the Turnpike Road on Pullen's Hill to West Farleigh Street, both in the County of Kent.* [16th July 1855.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from Wadhurst to the Turnpike Road at Lamberhurst Down, both in the County of Sussex, and from the Turnpike Road at Pullen's Hill to West Farleigh Street, both in the County of Kent:* And whereas the Trustees acting by virtue of the said Act have proceeded to carry the same into execution, and have borrowed considerable

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Sums of Money on the Credit of the Tolls thereby authorized to be taken on the Road therein mentioned, a considerable Portion of which Money still remains due and owing, and the same cannot be paid off, nor can the said Roads be effectually amended, widened, altered, improved, and kept in repair, unless further Powers are granted, and the Term of the said Act be further continued and extended: And whereas by "The Annual Turnpike Acts Continuance Act, 1854," the said recited Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth was continued in force until the First Day of *November* One thousand eight hundred and fifty-five, and no longer, unless Parliament should in the meantime continue the same: And whereas it is expedient that the said first-recited Act should be repealed, and that other and more effectual Powers should be granted in lieu thereof; but the same cannot be effected without the Authority of Parliament: May it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,

Recited Act repealed, and this Act to be put in force.

I. That from and after the passing of this Act the said recited Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed; and this Act shall thereafter be put in execution for and during the Term herein-after mentioned, for the Purpose of improving, maintaining, and keeping in repair the Roads herein-after described; (that is to say,)

The Road from the Town of *Wadhurst* in the County of *Sussex* to the Turnpike Road on *Lamberhurst Down* in the Parish of *Lamberhurst* in the said County of *Sussex*, and from the End of the Turnpike Road at the Top of *Pullen's Hill* in the Parish of *Horsmonden* in the County of *Kent*, through the Parishes of *Horsmonden*, *Marden*, *Yalding*, and *West Farleigh*, to *West Farleigh Street* in the said County of *Kent*.

Tolls, &c. under former Act vested in Trustees under this Act.

II. That this Act, and the Tolls hereby granted and to be received, shall be liable to the Payment of all Monies which at the Commencement of this Act shall be owing on the Credit of the Tolls authorized to be taken by virtue of the said Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth, hereby repealed, and 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 as are by this Act extinguished or reduced, and that all Rents and Arrears of Tolls and other Monies due to and all Property and Choses in Action vested in or belonging to the Trustees under the said Act hereby repealed shall immediately on the passing of this Act be vested in and belong to the Trustees for executing this Act, and such

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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 and belonged to them under the said recited Act.

III. That in citing this Act for any Purpose it shall be sufficient to use the Expression “*The Wadhurst and West Farleigh Road Act, 1855.*” Short Title.

IV. 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,) the Word “Person” shall include Corporation; the Expression “the Trustees” shall mean the Trustees for the Time being for executing this Act; the Expression “the Road” shall mean the Road to which this Act applies; the Expression “Turnpike” shall include Toll Gate, Bar, and Chain. Construction of Terms.

V. That all Her Majesty’s Justices of the Peace for the Time being acting for the respective Counties of *Sussex* and *Kent*, together with *Thomas Barton, George Campion Courthope, the Reverend Julius Deedes, Robert Ridge Ellis, Francis Barham Elvy, the Reverend John Foley, Edward Hussey, the Reverend Robert Hawkins, Stephen Hooker, William Courtenay Morland, the Reverend William Marriott Smith Marriott, William Manwaring, John Osborne, Henry Pout, Richard Springett, John Shoobridge, Edward Watson Smith, Frederick Smith, Richard Tyler Twort, William Tomkin, Thomas Wickham, Stephen Walter of Marden, Stephen Walter of West Farleigh, William Walter, Thomas White, the Reverend Richard Ramsay Warde, the Reverend Richard Henry Wace, Thomas Martyr Wild,* and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution. Trustees.

VI. That it shall be lawful for the said Trustees, at any Meeting to be holden in pursuance of this Act, to elect any Number of Persons, being 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 Persons so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed. Power to appoint additional Trustees.

VII. That the said Trustees shall hold their First Meeting at the *Gun Inn, Horsmonden*, or at some other convenient House or Place in the Parish of *Horsmonden*, on the Second *Wednesday* after the passing of this Act, and shall then and from Time to Time adjourn to and meet at such Times and Places as they shall think proper. First Meeting of Trustees.

VIII. That

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Power to
take Tolls.

VIII. That upon and after the passing of this Act it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Side Gates which shall by virtue of this Act be standing upon, across, or at the Side of the several Roads included in this Act, on every Day (such Day to be computed from Twelve of the Clock at Night till Twelve of the Clock in the succeeding Night), the Tolls following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Carriage, the Sum of Fourpence:

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

For every Ox, Cow, or other Neat Cattle, the Sum of One Halfpenny; and for every Hog, Sheep, or Lamb, the Sum of One Farthing:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding One Shilling *per* Wheel:

All which Sums of Money shall be demanded and taken as Toll before any Horse, Mule, Ass, or other Beast, Coach, Waggon, Cart, Truck, or other Carriage, shall be permitted to pass through any of the Toll Gates or Side Gates erected or to be erected across or by the Side or Sides of the said Roads; and such Tolls are hereby vested in the said Trustees, and shall be applied in the Manner herein-after directed.

Limiting the
Number of
Tolls to be
taken.

IX. That no more than Four full Tolls shall be demanded and taken in the same Day, to be computed as aforesaid, (except as herein-after is mentioned,) in respect of the passing and repassing of the same Horses, Beasts, Cattle, or Carriages through the several Toll Gates between *Pullen's Hill* and *West Farleigh Street*, nor more than One full Toll on that Part of the Road which lies in *Wadhurst* and *Lamberhurst*.

Tolls to be
paid but
once a Day,
except for
Horses, &c.
drawing
between
10th Oct. and
1st April.

X. That no Toll shall be demanded or taken for or in respect of any Horse, Beast, or other Cattle, whether drawing or not drawing, for passing or repassing through any Toll Gate during the same Day, when the full Tolls authorized to be taken by virtue of this Act shall have been paid for the same Gate, and on a Ticket being produced denoting such Payment, except as herein-after mentioned; (that is to say,) that no Horse, Beast, or other Cattle drawing any Carriage shall be permitted to pass or repass through any of the said Gates a Third Time in any One Day, to be computed as aforesaid, between the Tenth Day of *October* and the First Day of *April* in every Year, until a Second full Toll shall have been paid in respect of the same; and so, *toties quoties*, for every Third Time that the same Horse, Beast, or other Cattle drawing any Carriage shall pass or repass through

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through any of the said Gates on the same Day, the like Toll shall be demanded and taken as if it had been the First Time that such Horse, Beast, or other Cattle had passed through such Gate.

XI. 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. As to the Fraction of a Halfpenny in Tolls.

XII. That the Tolls hereby made payable shall be paid in respect of the Horses or Beasts drawing any Postchaise or other Carriage conveying Passengers for Hire or Reward, every Time of passing or repassing through the said Gates when a new Hiring thereof has taken place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day. Postchaises to pay each Time of passing.

XIII. That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other such Carriage carrying Goods or Passengers for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day, carrying Goods or Passengers for Payment, Hire, or Reward, through any Turnpike or Toll Gate on the said Roads, the Tolls hereby made payable shall be again paid for repassing through such Turnpike or Toll Gate, in like Manner as if no Toll had been before paid. Regulations as to Stage Coaches.

XIV. That in case the Toll in this Act mentioned shall have been paid in respect of any Horses, Beasts, or Cattle drawing any Waggon, Wain, Cart, or other Carriage, at any Toll Gate or Bar upon or on the Side of the said Roads, and any such Horses, Beasts, or Cattle shall be afterwards employed on the said Roads during the same Day in drawing a different laden Waggon, Wain, Cart, or other Carriage from that which they were employed in drawing when such Payment was made, all such Horses, Beasts, and Cattle so drawing shall, notwithstanding such Payment, be again liable to Toll, in the same Manner as if no previous Payment of Toll in respect of the same had been made. Horses, &c. drawing different Waggon, &c. to pay for every Time of passing.

XV. That between the Tenth Day of *October* and the First Day of *April* in every Year double the Tolls herein-before made payable shall be paid at each Gate in respect of every Horse or other Beast drawing any Carriage laden with Timber, Wood (except for Firing), Hop Poles, or Iron. Double Tolls to be taken for Carriages laden with Timber and Hop Poles, &c.

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XVI. And

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Limitations
of Exemp-
tions.

XVI. And whereas the said Roads lead from divers Parts of the Counties of *Kent* and *Sussex* to *Coxheath* and other Places, where great Quantities of Stone are obtained for repairing Roads situate a considerable Distance therefrom, and also to several Wharves upon the River *Medway*, and also to several Stations on the *South-eastern* Railway, where Sprats, Rags, Rape Dust, Guano, and other artificial Manures are sold, and much of the heaviest Traffic upon the said Roads at all Seasons of the Year (and more especially in Winter) consists of Waggon and Carts laden with the several Matters and Things aforesaid, to the great Injury of the said Roads: And whereas it is expedient that all Horses and other Beasts drawing such Waggon and Carts should be subject and liable to the Payment of Tolls for passing along the said Roads: Be it therefore enacted, That from and after the passing of this Act, between the Tenth Day of *October* and the First Day of *April* in every Year, the Tolls hereby made payable may be demanded and taken on the said Roads for every Horse or other Beast drawing any Carriage laden with Stones, Bricks, Wood, Timber, or other Materials to be used in the making or repairing of any Turnpike Road whatsoever, or for making or repairing any public Highway, or for building or repairing any present or future Bridge or Bridges, such public Highways, Bridge or Bridges, not being situate in any of the Parishes in which the Roads comprised in this Act, or of any Part thereof, do lie; and for every Horse or other Beast drawing any Carriage laden with Dung, Soil, Compost, or Manure for improving Lands, (save and except where such Dung, Soil, Compost, or Manure shall be made or produced on any Farms or Lands in the Occupation of the Owner of such Dung, Soil, Compost, or Manure, and shall be carried to the Farms or Lands in the Occupation of the Owner of such Dung, Soil, Compost, or Manure, such Farms or Lands being situate in any of the Parishes in which the said Roads or any Part thereof do lie,) anything in the General Turnpike Acts to the contrary thereof in anywise notwithstanding; and if any Person shall claim or take the Benefit of the Exemptions given by the General Turnpike Acts, not being legally entitled thereto, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of the Exemption shall lie on the Person claiming the same.

Extinguish-
ment of
Arrears of
Interest.

XVII. And whereas the Mortgage Debt upon the Tolls now amounts to the Principal Sum of Three thousand and eight hundred Pounds, and there is a large Arrear of Interest due thereon, (that is to say,) the Sum of Two thousand and fifty-four Pounds: Be it enacted, That from and after the passing of this Act such Arrear of Interest shall be and the same is hereby extinguished.

XVIII. And

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XVIII. And whereas the said Mortgage Debt of Three thousand and eight hundred Pounds includes the several Sums of Two hundred Pounds standing in the Name of *Henry Playsted*, Fifty Pounds standing in the Name of *Philadelphia Playsted*, Two hundred Pounds standing in the Name of *Robert Brattle's* Representatives, and Fifty Pounds standing in the Name of *Mrs. Luck*: And whereas no Interest has been paid in respect of any of the said several Sums for many Years past: Be it enacted, That, unless the Parties now respectively entitled to the said several Sums shall, within Two Years next after the passing of this Act, make claim, and substantiate the same, to the said several Sums respectively, pursuant to Notices to be published by the Trustees of the said Road to that Effect in some public Newspaper circulated in that Part of the Country in which the Parties entitled to the said several Sums are known or are supposed to be living, or by Letter sent by Post addressed to the Parties at their last known Place of Residence, (such Notices being published by the said Trustees twice in each Year, and the last of such Notices not less than Six Calendar Months previous to the Expiration of the said Term of Two Years,) then the said several Sums of Two hundred Pounds, Fifty Pounds, Two hundred Pounds, and Fifty Pounds, or such of them as shall not have been claimed, and such Claim substantiated as aforesaid, together with all Arrears of Interest due thereon, shall cease to be any Portion of the said Mortgage Debt, and all Claims and Demands in respect thereof shall be thereafter barred and extinguished.

Determining
Amount of
existing
Debt, and
providing for
Extinguish-
ment of Part
of Principal.

XIX. That all Monies which shall be received by virtue of this Act shall be applied as follows; (that is to say,) Application
of Monies.

First, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in defraying the necessary Expenses of maintaining and repairing Toll Gates and Toll Houses, and the necessary and incidental Expenses of Management of the said Roads, including Salaries, but exclusive of Salaries of Toll Collectors, and of the Costs of prosecuting and defending Actions at Law or in Equity, not exceeding the annual Sum of Fifty Pounds:

Thirdly, in paying Interest, at the Rate of Two Pounds and Fifteen Shillings *per Centum per Annum*, upon the Principal Sum of Three thousand and eight hundred Pounds, or such Part thereof as shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken upon the said Roads, such Interest not to accrue due until the Expenses of obtaining and passing this Act, or incident thereto, shall have been duly paid:

Fourthly, in paying the Expenses of maintaining and keeping in repair the said Roads, the Amount of such Expenses not to exceed

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exceed in any One Year the Sum of One hundred and twenty Pounds:

Fifthly, in reducing, paying off, and discharging, according to the Provision herein-after contained, the said Principal Sum of Three thousand and eight hundred Pounds, or such Part thereof as shall for the Time being be due and owing on the Credit of the Tolls:

Lastly, in further maintaining, repairing, and improving the said Roads.

As to Mode
of dis-
charging
Debt.

XX. That when and so often as the Sums applicable to the Discharge of the said Principal Moneys for the Time being due on the Credit of the Tolls shall amount to the Sum of Fifty Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sums in the Payment of a proportionate Part of the said Principal Moneys 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 Object or Purpose thereof, so far as the same shall relate to the Application of such Sums, by Letter sent by Post to each Mortgagee, directed to his usual Place of Residence or last Place of Abode; and at such Meeting the Trustees shall apply such Sums or Portions thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Mortgagee 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 Mortgagee as aforesaid shall apply the Surplus (if any) of such Sums or Portions thereof (as the Case may require) in or towards the Payment of other Monies owing on the Security of the said Tolls to the Mortgagee 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 Sums applicable to such Payments shall be exhausted; and if and whenever Two or more Mortgagees 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 Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the same applicable to such Payment, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sums applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Mortgagees on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

XXI. That

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XXI. That whenever and so long as the Interest by this Act allowed upon all existing Mortgages shall be duly paid within Three Calendar Months 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 therefrom, or of the Rent payable on any Letting of such Tolls; and every Mortgagee entering into the Possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time due and becoming due upon the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee, being so 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 or Clerks of the said Trustees for the Time being a full and true Account of his Accounts, 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 Account that the Interest due, at the Rate herein-before mentioned, on such Mortgages, up to the last half-yearly Days, and all such Costs as aforesaid, shall 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 of such Rent as aforesaid, to the 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.

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

XXII. That when and so soon as the said Principal Debt due and owing on the Credit of the Tolls shall have been paid off and discharged, no Tolls shall be paid or collected for or in respect of any Horse or other Beast drawing or not drawing, passing along the said Roads during the same Day, at any Gate within a less Distance than Three Miles from any other Gate on the said Road at which Toll shall have been previously paid or collected.

As to Tolls
to be col-
lected at
Gates when
Principal
Debt paid
off.

XXIII. That no Money shall be laid out on any Part of the Roads comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

No Money
to be taken
or laid out
in Towns.

XXIV. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provisions of
[*Local.*] 28 L any

Roads not
exempt from

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General
Acts.

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.

Commence-
ment and
Term of
Act.

XXV. That this Act shall commence on the Day of 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.

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