ANNO TERTIO

GULIELMI IV. REGIS.

****

Cap. xxviii.

An Act for repairing and maintaining the Roads from the Turnpike Road at *Golford Green* in the Parish of *Cranbrooke* to the Turnpike Road in the Parish of *Sandhurst*, and from the Village of *Benenden* to the *Bull* Inn at *Rolvenden Cross* in the County of *Kent*. [20th *April* 1833.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and widening the Roads from the Turnpike Road at* Golford Green *in the Parish of* Cranbrooke *to the Turnpike Road in the Parish of* Sandhurst, *and from the Green near* Benenden *Church to the* Bull *Inn at* Rolvenden Cross *in the County of* Kent: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of the Ninth Year of His present Majesty, for repairing and widening the Roads from the Turnpike Road at* Golford Green *in the Parish of* Cranbrooke *to the Turnpike Road in the Parish of* Sandhurst, *and from the Green near* Benenden *Church to the* Bull *Inn at* Rolvenden Cross *in the County of* Kent: And whereas an Act was passed in the Fifty-first Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for continuing and amending Two Acts of His present Majesty, for repairing the Roads from* Golford Green *in the Parish of* Cranbrooke *to the Turnpike Road in the Parish of* Sandhurst, *and from the Green near* Benenden *Church to* Rolvenden Cross *in the County of* Kent: And whereas

9 G. 3. c. 43.
29 G. 3. c. 84.
51 G. 3. c. 81.

the Trustees acting under or by virtue of the said recited Acts have, in pursuance of the Powers to them thereby given, proceeded in putting the same into execution, and have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby authorized to be taken or collected upon the said Roads, which Money still remains due and owing, and cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless the Term granted and continued by the said Acts be further continued; and it is expedient that the said recited Acts should be repealed, and further and more effectual Powers granted instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May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 from and immediately after the passing of this Act the said recited Acts of the Ninth, Twenty-ninth, and Fifty-first Years of the Reign of His said Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts repealed.

This Act to take effect instead thereof.

II. And be it further enacted, That from thenceforth this Act shall be put into execution for and during the Term herein-after mentioned, for the Purpose of repairing, improving, widening, diverting, and keeping in repair the Road leading from the Turnpike Road at a certain Place called *Golford Green*, in the Parish of *Cranbrooke* in the County of *Kent*, to the Village of *Benenden* in the said County, and from thence to the present Turnpike Road near the Dwelling House formerly of *Richard Humphrey*, and now of *John Humphrey*, in the Parish of *Sandhurst* in the said County; and also the Branch Road leading from and out of the said first-mentioned Road at the Village of *Benenden* aforesaid to the *Bull* Inn at *Rolvenden Cross* in the County of *Kent*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Kent*, together with Sir *Edward William Corry Astley* Knight, *Frederick Adams*, *Daniel Boys* Clerk, *John Ritche Coombe* Clerk, *Daniel Williams Davies* Clerk, *Richard Walter Forbes*, *George French*, *William Goble*, *Thomas Law Hodges*, *Thomas Twisden Hodges*, *John Hague*, *John Samuel Lazonby*, *James Lambert*, *Alfred Charles Lawrence* Clerk, *Robert Monypenny*, *Thomas Monypenny*, *Isaac Mossop* Clerk, *Richard Mills* (of *Walkhurst*), *Robert Joseph Monypenny*, *William Marriott Smith Marriott* Clerk, *Thomas Neve*, *Edward Nares* the elder, Clerk, *Virgil Pomfret*, *John Butler Pomfret*, *Cook Tylden Pattenson*, *Thomas Reeves*, *Thomas Walton Roberts*, *William Allen Taylor*, *John Vignolles*, *Robert Weller*, *Robert Watts*, *Philip Ward* Clerk, *Henry Winchester*, *Francis Wilson*, *George Willock*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for repairing and maintaining in repair the said Roads, and for otherwise putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*,

England, (not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the House known by the Name or Sign of the *Bull* Inn at *Benenden*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time afterwards adjourn to and also from Time to Time meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

The present Gates, &c. continued until new ones erected.

VI. And be it further enacted, That the several Gates, Turnpikes, and Toll Houses erected and now standing across and on the Sides of the said Roads shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and built or set up and placed upon, in, across, or by the Sides of the said Roads, or any Part or Parts thereof respectively, when, where, and as they shall judge necessary, any other Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars, Chain or Chains, Toll House or Toll Houses, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Gates or Turnpikes and Toll Houses, and such future Gates, Turnpikes, Side Gates, Side Bars, Chains, or Toll Houses, or any of them, as they the said Trustees shall think proper.

Power to take Tolls.

VII. And be it further enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, the Tolls or Sums of Money herein-after mentioned, or any Sum or Sums of Money not exceeding the respective Tolls or Sums herein-after mentioned, (subject to any Order which shall be made respecting the same by the said Trustees, and subject to the Provisions in this Act contained,) at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars, or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Tolls.

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

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

For every Ox, Cow, or other Neat Cattle, the Sum of One Penny:

For every Calf, Hog, Sheep, or Lamb, the Sum of One Halfpenny:

Which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in the Manner herein-after directed.

VIII. And

Carts drawn by Dogs.

VIII. And whereas it has become a Practice for low Carts or Trucks, with narrow Wheels, laden, and drawn by Dogs, to pass and repass along the said Roads, to the Injury thereof, and to the Inconvenience and Danger of Persons travelling thereon, and it is therefore expedient that the same should be subject to the Payment of Tolls; be it therefore further enacted, That for every Dog drawing any Cart, Truck, or other such like Carriage there shall be paid the Sum of Two-pence at each Gate, Bar, and Chain upon or by the Side of the said Roads.

Double Tolls.

IX. Provided always, and be it further enacted, That between the First Day of *October* and the First Day of *April* in every Year Double the Tolls herein-before made payable shall be paid in respect of every Horse or other Beast drawing any Carriage laden with Timber, Wood, or Hop Poles.

Limiting Exemptions in certain Cases.

X. And whereas Persons occupying Farms and Lands in the said Parishes of *Benenden* and *Cranbrooke*, and other Parishes situate on the North-western Side of the said Roads, frequently occupy Marsh Lands in the Isle of *Oxney*, or in *Guildford*, *Walland*, or *Romney Marsh*, distant many Miles from such Farms, and convey Hay, Straw, and other agricultural Produce, and likewise Manure, from those Marshes to their upland Farms and Lands along the Line of the said Roads, in Waggons, Carts, or Carriages with narrow Wheels, to the great Prejudice thereof, and by the General Laws now in being for regulating Turnpike Roads are exempted from Toll; be it therefore further enacted, That the Tolls hereby made payable shall be demanded and taken for every Horse, Mule, or other Beast drawing any Waggon or other Carriage with Four Wheels, having the Fellies of the Wheels thereof of less Breadth than Six Inches, or drawing any Cart or other Carriage with Two Wheels only, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, laden with Hay, Straw, or other agricultural Produce, or Dung, Soil, Compost, or Manure, for manuring Lands, grown, made, or produced in any Parish or Place other than those Parishes respectively wherein the said Roads do lie.

No Exemption from Tolls for Materials for Roads, unless in Summer or during hard Frost; nor for Chalk or Lime.

XI. And whereas, owing to the Contiguity of the said Roads to the River *Rother*, large Quantities of Materials for the Repair of public Highways, and of Chalk and Lime for Manure, are frequently conveyed up the Country along the same Roads, to the great Injury thereof; for Remedy whereof, be it therefore further enacted, That nothing contained in any Act or Acts of Parliament, or in this Act, shall extend or be construed to extend to exempt from the Payment of Toll any Horse or other Beast drawing any Carriage laden with Sea Beach, Shingle, Stones, Gravel, or other Materials for making or repairing any Road or public Highway, (other than the Roads which shall be repaired and maintained under the Provisions of this Act,) except only between the First Day of *April* and the First Day of *November*, and during the Continuance of hard Frost in the Winter Season, nor to exempt any Horse or other Beast drawing any Carriage laden with Chalk or Lime to be used for any Purpose whatsoever.

Horses and Carriages having passed

XII. Provided also, and be it further enacted, That all and every the Horses, Beasts, and Cattle, (except Horses drawing any Stage Coach, Diligence,

Diligence, Van or Caravan, Cart, Stage Waggon, or other such Stage Carriage herein-after specified,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Turnpike or Turnpikes, Toll Gate or Toll Gates, on any Part of the said Turnpike Road, shall, upon a Note or Ticket, Notes or Tickets, denoting such Payment, being produced, be permitted to return or repass once Toll-free on the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, through the same Turnpike or Turnpikes, Toll Gate or Toll Gates, in respect of each Payment of Toll.

once, to be allowed to pass Toll-free.

XIII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls mentioned in this Act, to demand or take in any One Day, for or in respect of the same Horse, Beast, or Cattle, or Carriage, more than the several full Tolls herein-after mentioned for once passing and repassing along the Line of the said Roads through all the Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains thereon or on the Sides thereof; (that is to say,) Two full Tolls along the whole Extent of the said Road from *Golford Green* to *Sandhurst*, One full Toll on that Part of the same Road lying between *Golford Green* and *Benenden*, One full Toll on that Part of the same Road lying between *Benenden* and *Sandhurst*, and One full Toll on that Part of the said Road lying between *Benenden* and *Rolvenden Cross*: Provided also, that in case Toll shall have been paid at any Gate standing on or across either of the said Roads respectively, in respect of any Horse, Beast, Cattle, or Carriage, no Toll shall be payable in respect thereof on the same Day at any Side Gate, Bar, or Chain erected by the Side of the same Road through which such Horse, Beast, Cattle, or Carriage shall pass next after such Payment shall be made, on a Ticket being produced denoting Payment at such Gate as aforesaid; and in like Manner Payment at any Side Gate, Bar, or Chain erected by the Side of either of the said Roads respectively shall clear the next Gate upon or across the same Road through which any Horse, Beast, Cattle, or Carriage shall pass on the same Day, on a Ticket being produced denoting Payment at such Side Gate, Bar, or Chain.

Limiting the Number of Payments on the whole Line.

XIV. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses or other Beast or Beasts drawing any Waggon, Wain, Cart, or other such Carriage, for passing through any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on either of the said Roads, and any such Horse or other Beast shall afterwards be employed on the same Road, during the same Day, in drawing a different Waggon, Wain, Cart, or other such Carriage from that in respect of the drawing whereof such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such Carriage.

Horses drawing different Carriages to pay each Time of passing.

XV. Provided also, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage conveying any Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing along the said Road: Provided nevertheless, that no further

Stage Coaches, &c. to pay every Time of passing.

further or additional Toll shall be payable in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage on account only of the Horses or Beasts drawing the same having been changed.

Post Chaises to pay each Time of passing with a fresh Hiring.

XVI. Provided also, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any fresh Hiring thereof shall take place.

Application of Money.

XVII. And be it further enacted, That all the Tolls and other Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in defraying the Expences of widening, improving, repairing, and preserving the Roads to be widened, improved, and kept in repair under the Authority of this Act, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Roads, and otherwise in executing the Purposes of this Act; thirdly, in paying and discharging the Interests and the Instalments of Principal from Time to Time becoming due to the Commissioners for the Issue of Exchequer Bills upon the Security of the Tolls arising from the said Roads, or any Security executed by the Trustees acting under the said recited Acts; fourthly, in respectively paying and discharging all the Interest which shall from Time to Time be owing to any other Mortgagee or Mortgagees of any of the Tolls or Duties payable on the Road directed by this Act to be kept in repair; and lastly, in reducing, paying off, and discharging the several other Principal Sums of Money which shall have been borrowed and secured in pursuance of and for the Purpose of the said Acts hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

No Money to be laid out on the Branch Road unless Tolls taken thereon.

XVIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of the Branch Road from *Benenden* to *Rolvenden Cross*, comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon and across such Branch Road, nor unless Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of such Branch Road than shall be collected thereon, or borrowed on the Credit of the Tolls collected thereon.

XIX. And

Securities, &c. under former Acts to continue in force.

XIX. And be it further enacted, That all Mortgages, Assignments, Bonds, Covenants, Contracts, and Securities made to or by or entered into by any Person or Persons to or with the Trustees of the said Roads, for executing the said recited Acts or any of them, according to the Provisions or Directions of such Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees of the said Roads, acting in execution of the said recited Acts or any of them, with or to any Person or Persons for any Purpose relating to the said Road or to the Execution of the said recited Acts, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said Acts.

Certain Lanes to continue stopped up.

XX. And be it further enacted, That every Lane or Way which has been stopped up or fenced off and discontinued under the Powers or Provisions of either of the said recited Acts shall, from and after the passing this Act, continue so stopped up and be discontinued, notwithstanding the Repeal of the said recited Acts.

Public Act.

XXI. 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.

Term of Act.

XXII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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