ANNO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lxxxiv.

An Act for repairing the Road from the *Maidstone* Turnpike Gate on the *Loose* Road in the Parish of *Maidstone* in the County of *Kent* to *Newcastle* in the Parish of *Biddenden,* and a Branch Road to the *Thorn* in the Parish of *Smarden* in the same County. [19th *June* 1840.]

WHEREAS an Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing the Road from the* Maidstone 54 G. 3. c. 57. *Turnpike Gate on the* Loose *Road near* Sutton Lane *in the Parish of* Maidstone *to the* King's Head *Inn in* Sutton Valence *in the County of* Kent, *and for making and repairing other Roads therein mentioned in the said County:* And whereas in pursuance of the said Act the Trustees acting by virtue thereof have made and completed the Roads thereby authorized to be made from *Sutton Valence* aforesaid to *Biddenden,* and a Branch Road therefrom to *Smarden:* And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, and by a certain other Act therein mentioned and thereby repealed, which Money still remains due and owing, together with an Arrear of Interest thereon, and such Money cannot be paid off, or the Interest thereof discharged, nor can the said Roads be effectually amended,

improved, and kept in repair, unless further Powers and Provisions are granted and the Term of the said Act further continued: And whereas it would be of general public Utility if the Trustees for executing this Act were authorized and empowered to make and maintain the Deviations herein-after mentioned from and out of the present Lines of Road: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers and Provisions should be granted, as well for repairing, amending, and improving the said present Roads, as also for making and maintaining the said proposed Deviations; 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,

Recited Act repealed.

and by the Authority of the same, That upon the Second *Saturday* next after the passing of this Act the said recited Act of the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed.

This Act to be put in force for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall thereafter be put into execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, altering, improving, maintaining, and keeping in repair the presen Turnpike Road leading from the *Maidstone* Turnpike Gate on thet *Loose* Road called *Shernold* Gate or Side Bar to and into the Turnpike Road leading from *Biddenden* to *Bound* Gate, at or near a Place called *Newcastle*, in the said Parish of *Biddenden*, and a Road leading from the said first-mentioned Road in the Parish of *Headcorn* to a Place called the *Thorn*, in the Parish of *Smarden*, all in the said County of *Kent*, and for making and maintaining the several Deviations following in the Lines of the said Roads; (that is to say,) a new Line or Deviation of Road to lead from and out of the said *Loose* Road, being the Turnpike Road from *Maidstone* to *Cranbrook*, at or near the Side Bar of the said *Maidstone* Gate on the *Loose* Road called *Shernold* Gate, through Land on the North-east Side of the said Road from *Maidstone* to *Biddenden*, and into the said Road at the Distance of about Two hundred Yards; a new Line or Deviation of Road to lead from and out of the said Road at the Top of *Sutton Hill* in the Town of *Sutton Valence*, and to pass through Lands on the West Side of the said Road, into the said Road, at the Distance of Eighty Rods or thereabouts; and a new Line or Deviation of Road to lead from and out of the said Road near a Barn belonging to and in the Occupation of *Mercer* Widow, and to pass through Lands on the South and West Sides of the said Road, and into the said Road, at or near the new Bridge, and being of the Length of One hundred and sixty Rods or thereabouts; all which said new Lines or Deviations of Road pass through the Parishes of *Maidstone*, *Sutton Valence*, and *Headcorn*, in the said County of *Kent*.

Appointment of Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Kent*, together with

with *Gabriel Allen*, *Thomas William Allen*, *John Arkcoll*, *Richard Beale*, *Seaman Beale*, *William Beale*, *John Beale*, *George Richard Beale*, *Charles Blick* Clerk, *Edwin Bridge*, *John Kenward Shaw Brooke* Clerk, *Alfred Boorman*, *James Buss*, *Richard Buss*, *John Brenchly*, *John Barlow*, *Thomas Boucher*, *Wriothesley Baldwin*, *George Burr*, *John Carter*, *Richard Children*, *John Case*, *Charles Cage* Clerk, *Thomas Charlton*, *Philip Corrall*, *Daniel Coulter*, *John Day*, *Charles William Everett* Clerk, *James Eyles*, *George William David Evans* Clerk, *James Ellis*, Sir *Edmund Filmer* Baronet, *Charles Fielding* Clerk, *Thomas Franklyn*, *Cecil Wrey Goodchild* Clerk, *William Henry Gambier*, *John Gurney*, *Henry Godden*, *Thomas Grant*, *Thomas Law Hodges*, *William Hinds*, *Jenkin Hague*, *Samuel Harman*, *Stephen Hills*, *William Horne* Clerk, *Isaac Homewood*, *James Homewood*, *William Jarman*, *Thomas Knight*, *William Long*, *William Love*, *John Laker*, *Thomas Laurence*, *Edward Moore* Clerk, *Isaac Mossop* Clerk, *John Mannering*, *John Mercer* (*Headcorn*), *John Mercer* (*Maidstone*), *William Mercer* (*Tenterden*), *Henry Morris*, *William Morris*, *John Monckton*, *John Mares*, *Edward Munk*, *Edward Mason*, *Edward Nares* Doctor in Divinity, *Stephen Oliver*, *William Nash Ottaway*, *Gillett Jonathan Ottaway*, *John Paine*, *James Potter*, *Henry John Parker* Clerk, *George Prentis*, *Cooke Tylden Pattenson*, *Alexander Randall*, *James Reeve* Clerk, *Samuel Godding Reader*, *George Rashleigh* Clerk, *George James Sullivan*, *Samuel Reynolds Solly*, *Clement Taylor Smythe*, *William Smythe*, *William Saxby*, Sir *John Kenward Shaw* Baronet, *Thomas Charles Schreiber*, *Courtney Stacey*, *William Henry Stacey*, *Edwin Stacey*, *Richard Read Spencer*, *Henry Simmonds*, *William Thomas Steinmetz*, *John Stevens*, *Job Saunders*, *William Pettenden Shirley*, *Thomas Tassell*, *James Taylor*, *Edward Austen Taylor*, *William Phelps Vaile*, *Vaughan* Clerk, *George Viney*, *Stephen Wilkins*, *William Wilkins*, *Carey Witherden* *George Witherden*, *Frederick Walker*, *John Willes*, *Henry Atkinson Wildes*, *William Wood*, and *Charles Wayth*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for 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, 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 appointed, and such Trustees so elected and appointed shall have and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein and hereby named and appointed.

First Meeting of Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the *George* Inn in the said Parish of *Headcorn*, or at some other convenient Place in the Neighbourhood of the said Roads, upon the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall and may then and from Time

to

to Time thereafter adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Roads, as they shall think proper.

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

VI. And be it further enacted, That all Arrears of Tolls or Rents, and all Monies due to, and all Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Act hereby repealed, shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under or by virtue of the said recited Act.

Respecting Toll Gates.

VII. And be it further enacted, That the several Toll Gates, Turnpikes, Bars, Chains, Side Bars, and Toll Houses erected and now standing or being in or upon or across the said present Turnpike Roads or on the Sides thereof 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 set up or built, upon, in, or across the said present Turnpike Roads, and also upon any Road or Roads to be made or repaired by virtue of this Act, or on any Part of such Roads, or on the Sides thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Bar or Bars, and Chain or Chains, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll Gates or Turnpikes, or Bars or Chains, and such future Toll Gates, Bars, and Chains, or any or either of them, as they the said Trustees shall from Time to Time think proper.

Present Tolls continued until the End of the Term of the existing Letting.

VIII. And be it further enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall be continued to be demanded, paid, and received at the several and respective Toll Gates or Toll Bars, Side Gates or Side Bars, to be continued or erected on the said Roads, until Six of the Clock in the Evening of the Thirty-first Day of *December* next after the passing of this Act, when the Term of the existing Letting of the said Tolls will expire.

Power to take Tolls.

IX. And be it further enacted, That upon and from and after Six of the Clock in the Evening of the Thirty-first Day of *December* next after the passing of this Act it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take, at the several and respective Toll Gates, Toll Bars, Side Gates, or Side Bars which are or is or shall be standing or being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads, or any Part thereof, the following Tolls; (that is to say,)

For

Tolls.

For every Horse, Mule, or other Beast drawing any Carriage, the Sum of Four-pence:

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

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

And for every Drove of Calves, Swine, Sheep, or Lambs the Sum of Three-pence *per* Score, and so in proportion for any greater or less Number:

Which said several and respective Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Toll Bar, or Side Gate or Side Bar, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof.

A Halfpenny to be taken in case of a Fraction of a Halfpenny in Tolls.

X. Provided always, and be it further enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls by this Act authorized to be collected, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Only One Toll to be payable on Road between Sutton and Maidstone; and only Four Tolls on the whole of the said Roads.

XI. Provided also, and be it further enacted, That no more than One Toll shall be demanded and taken from any Person or Persons 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 in the next succeeding Night), with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Road leading from the *Maidstone* Turnpike Gate situate on the *Loose* Road aforesaid to the *King's Head* Inn in *Sutton Valence* aforesaid; and no more than Four like Tolls in any One Day (to be computed as aforesaid) shall be demanded and taken from any Person or Persons passing and repassing Once only with the same Horses, Beasts, Cattle, or other Animals or Things liable to Toll, through all the Toll Gates erected and to be erected or continued on the whole of the said Roads by this Act authorized to be amended and repaired.

Persons having paid Toll to return once Toll-free.

XII. Provided also, and be it further enacted, That all and every the Horses, Beasts, and Cattle, (except Horses or Beasts drawing any Stage Coach, Diligence, Van or Caravan, or Stage Waggon, or other Stage Carriage or Cart herein-after specified,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Bar on any Part of the said Roads, or on the Side thereof, shall, upon a Note or Ticket denoting such Payment being produced, be permitted to return or pass Once Toll-free the same Day (to be computed as aforesaid) through the same Toll Gate or Toll Bar, and also through such other Gate or Bar (if any) as the Ticket for such Payment shall free.

Timber, &c. to pay double Toll between First of November and First of April.

XIII. And be it further enacted, That between the First Day of *November* in every Year and the First Day of *April* in the next succeeding Year, at all Times hereafter, there shall be demanded and taken, at each and every Toll Gate erected or to be erected or continued by virtue of this Act, Double the Toll hereby granted and then otherwise payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying any Hop-poles, Use-poles, Timber, or Wood, any thing in this Act contained to the contrary thereof notwithstanding.

Trustees may reduce the Tolls for Lime or Chalk for Manure.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees at any Meeting or Meetings to be specially called for the Purpose, to make an Order or Orders from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other such like Carriage laden only with Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as they the said Trustees shall at any such Meeting or Meetings agree or determine, and from and after the making of any such Order such reduced Tolls only shall, in respect of the Matters last mentioned, be payable or demandable, any Law or Statute to the contrary notwithstanding, and such Orders may be revoked and renewed from Time to Time as the said Trustees shall think proper at any Meeting or Meetings, of which special Notice shall be given.

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

XV. Provided also, and be it further enacted, That the Tolls hereby made payable to the Trustees acting by virtue of this Act shall be paid for or in respect of all Horses, Beasts, or other Cattle drawing any Stage Coach, Van, Caravan, or any other Carriage whatsoever, conveying Passengers or Goods for Hire or Reward, for each and every Time of passing or repassing through all or any of the said Toll Gates or Bars upon or at the Side of the said Roads: Provided always, that no further or additional Toll shall be payable in respect of the Horses, Beasts, or Cattle drawing any Stage Coach, Van, Caravan, or other such Carriage, on account only of their carrying or conveying other Passengers, or of the Horses, Beasts, or Cattle drawing the same having been changed.

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

XVI. Provided also, and be it further enacted, That the Tolls hereby made payable to the said Trustees of this Act shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing through all or any of the said Toll Gates or Bars (not being Ticket Gates) on the same Day, as often as new or fresh Hiring shall take place.

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

XVII. And be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Road comprised in this Act, unless some Turnpike, Toll Gate, or Bar shall be erected or placed

placed and continued upon such Road, or on the Side thereof, nor unless the Tolls hereby granted 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 any such Road than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

Reduction of Tolls of Shernold Side Bar on the Cranbrook Road. 53G.3. c.188.

XVIII. And whereas by an Act of Parliament passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of King* George *the Second, and Two Acts of His present Majesty, for amending the Road from* Maidstone *in the County of* Kent to Tubbs Lake *in the Parish of* Cranbrook *in the said County*, the Trustees appointed in and by or by virtue of the said Act were authorized to demand and take certain Tolls and Duties therein mentioned at each and every of the respective Turnpikes or Toll Gates or Toll Houses, or Turnpike or Toll Gate or Toll House, which was or should be erected or continued upon, across, or on the Sides of the said Road, by virtue of such Act; And whereas by virtue of the said last-mentioned Act the Trustees acting in the Execution thereof have erected or continued a Toll Gate at the Side of the said Road from *Maidstone* to *Cranbrook*, and across or at the End of the said Road from *Maidstone* to *Biddenden*, by means whereof all Persons travelling to or from *Maidstone*, and from or into the said Road leading from *Maidstone* to *Biddenden*, are liable to the Payment of the Tolls payable at the said Toll Gate or Side Bar: And whereas the Length of the Road from *Maidstone* to the said Toll Gate or Side Bar does not much exceed a Quarter of a Mile, and it is therefore expedient that the Tolls now payable at the said Side Bar at *Shernold* Gate should be reduced; but inasmuch as the Tolls payable at *Shernold* Gate and Side Bar aforesaid have been and now are let for the Term of Three Years from Twelve of the Clock at Noon of the Second Day of *April* One thousand eight hundred and thirty-nine, it is desirable that such Reduction should not take place until after the Expiration of the said Term for which the said Tolls are now let; be it therefore further enacted, That from and after Twelve of the Clock at Noon of the Second Day of *April* which will be in the Year of our Lord One thousand eight hundred and forty-two, all and every the Tolls and Duties payable by virtue of the said last-recited Act at the said Toll Gate or Side Bar at *Shernold* Gate aforesaid shall be and the same are hereby repealed, and that instead thereof it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed Collector or Collectors by virtue of the said last-recited Act, to demand and take at the said Side Bar, or at any Gate or Toll Bar to be erected by the said Trustees between such Side Bar and the Town of *Maidstone*, on every Day (to be computed as aforesaid), the several Tolls and Duties following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Carriage, the Sum of Two-pence:

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

For

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

And for every Drove of Calves, Hogs, Pigs, Swine, Sheep, or Lambs the Sum of Four-pence *per* Score, and so in proportion for any greater or less Number:

And in taking of which said Tolls or Duties One Pair or Yoke of Oxen drawing any Carriage shall be deemed and taken to be but as equivalent to One Horse or Beast drawing such Carriage.

Extending the Provisions of recited Act to this Act.

XIX. And be it further enacted, That the said last-recited Act, and all and every the Powers, Authorities, Provisions, Regulations, Matters, and Things whatsoever therein contained, and now in force, shall be and shall continue in full Force and Effect with respect to the Tolls by this Act granted and made payable to the Trustees thereby appointed, as fully and effectually, to all Intents and Purposes, as if the same Powers, Authorities, Provisions, Regulations, Matters, and Things, and every of them, were repeated and re-enacted in this Act, and were made a Part thereof.

In case Tolls at Shernold Gate are reduced, the Tolls at the Side Bar to be reduced in proportion.

XX. And be it further enacted, That in case all or any of the Tolls and Duties payable by virtue of the said last-recited Act at the said Toll Gate called *Shernold* Gate, shall at any Time or Times hereafter, by Order of the Trustees acting by virtue of such Act, be reduced, then and in every such Case, and so long as any such Reduction shall continue, the Tolls and Duties hereby granted and made payable at the said Side Bar at *Shernold* Gate shall be and become reduced in proportion to the Reduction so made at *Shernold* Gate, and such reduced Tolls shall from thenceforth, and so long as aforesaid, be payable and paid in lieu of the Tolls and Duties by this Act granted and made payable at the said Side Bar at *Shernold* Gate.

Waggons, &c., laden with Materials not to be exempt from Tolls if the Tires and Fellies of the Wheels are of a certain Construction.

XXI. Provided also, and be it further enacted, That no Exemption from any of the Tolls by this Act granted (except as herein-after contained) shall be allowed for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, such Waggon, Cart, or other Carriage having the Nails of the Tire or Tires of the Wheels thereof projecting more than One Quarter of an Inch beyond any Part of the Surface of such Tire or Tires, or having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Sole thereof.

Certain exempted Articles subject to Toll if conveyed during certain Months.

XXII. And whereas many Persons make a Practice of carrying and conveying Stone and other Things upon the said Roads in the Winter Season, which are exempted from Toll, to the great Prejudice of the said Roads, and which might be carried and conveyed in the Summer Months with less Prejudice to the same Roads; be it therefore enacted, That it shall be lawful for the said Trustees, between the First Day of *November* in any One Year and the First Day of *April* in the next succeeding Year, at all Times after the Commencement of the Payment of the Tolls payable by this Act, to demand, receive, and take, or cause to be demanded, received, and taken, at the several and

respective Toll Gates or Turnpikes or Toll Houses, or Side Bars or Side Gates, or Chains, erected or to be erected on the said Roads, for every Horse, Mule, or Ass drawing any Waggon, Wain, Cart, or other Carriage carrying or laden with Stones, Flints, Bricks, or any other Kind of Materials to be used in any Parish other than that in which the same shall have been dug, taken, or made, which might be used for making or repairing any Roads or Bridges whatsoever, such and the same Tolls or Sums of Money as are herein-before imposed upon Horses, Mules, and Beasts drawing Waggons, Carts, and Carriages, any Exemption granted by any Law or Statute to the contrary notwithstanding; and such Tolls shall be demanded, collected, received, and paid for every Time of passing so laden, but not for going or repassing empty.

Application of the Tolls and the Money to be borrowed.

XXIII. And be it further enacted, That the Monies already received by virtue of the said recited Act, and now in the Hands of the Treasurer of the said Roads, shall be and the same are hereby vested in the Trustees for executing this Act, and out of such Monies, or out of the first Monies which shall arise or be received from the Tolls by this Act granted, or from Lessees, Mortgagees, or otherwise, by virtue of this Act, the said Trustees shall in the first place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, and the Remainder of such Monies shall from Time to Time be applied, first, in discharging the Arrears of Interest now due and owing on the Principal Monies advanced or borrowed on the Credit of the said recited Act hereby repealed, or the said former Act, or the Tolls thereby granted, or either of them, and then in discharging the Interest which shall hereafter become due on such Monies, and on the Principal Money which may be advanced or borrowed on the Credit of this Act, or the Tolls hereby granted, not exceeding in the whole the Principal Sum of Twelve thousand Pounds, and then the Interest of any further Principal Money which shall be borrowed on the Credit of this Act or the Tolls hereby granted, and then in repairing, improving, maintaining, keeping in repair, and making the Roads and the Deviations in the Line of such Roads herein-before described, and in otherwise putting this Act into execution, and afterwards in repaying the Principal Monies borrowed or advanced on the Credit of the Act hereby or by the said recited Act repealed, or the Tolls thereby granted, and then in repaying the Principal Monies which may be advanced or borrowed on the Credit of this Act, or the Tolls hereby granted, to the Amount of Twelve thousand Pounds, and afterwards in repaying any further Principal Money to be advanced as aforesaid, and to and for no other Use or Purpose whatsoever.

Dog Carts, &c. prohibited after the First of January One thousand eight hundred and Forty-one.

XXIV. And be it further enacted, That after the First Day of *January* next after the passing of this Act, every Person who shall use any Dog for the Purpose of drawing or helping to draw any Cart, Carriage, Truck, or Barrow in, upon, or over the said Roads, or any Part thereof, shall be liable to a Penalty not exceeding Forty Shillings; and any Collector of Tolls authorized by this Act to be taken, who shall permit or suffer any Dog so drawing or helping to draw to pass through any Toll Gate or Toll Bar at which he shall be,

such Collector shall be liable to a Penalty not exceeding Forty Shillings.

Power to make Deviations in Line of Road.

XXV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to set out, make, and complete the several Deviations in the Line of the said Roads herein-before described in the Line or Course, and in, through, or over the Lands delineated on the Map or Plan and described in the Book of Reference herein-after mentioned, of such Width as they may think proper, not exceeding the Width of Sixty Feet, together with such Footpaths, Arches, Bridges, Banks, Embankments, Ditches, Drains, Fences, and other necessary Works, upon, near, or adjoining thereto, as they may think requisite, and for the Purposes aforesaid to take possession of the Lands, Hereditaments, and Premises described in the said Map or Plan and Book of Reference, making satisfaction for the same to the Owners thereof and other Persons interested therein for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act at such Time or Times and in such Manner as the said Trustees or Surveyors shall think necessary or expedient, without being deemed Trespassers or a Trespasser, or being subject or liable to any Fine or Punishment by reason of such Entry.

Map or Plan deposited at the Office of the Clerk of the Peace to remain there and be open to Inspection.

XXVI. And whereas a Map or Plan describing the Line of the said Deviations, and the Lands upon, in, through, or over which the same are intended to be made or carried, together with a Book of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County of *Kent*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take or have Copies thereof or Extracts therefrom, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Trustees empowered to deviate from Plan to an Extent not exceeding One hundred Yards.

XXVII. And be it further enacted, That the said Trustees in making the said Deviations shall have full Power and Authority to deviate from the Line delineated upon the Map or Plan so deposited: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Map or Plan, nor shall any such Deviation extend into the Lands of any Person not described in the said Map or Plan, or in the said Book of Reference, without the Consent in Writing of the Party

Party or Parties upon, in, over, or through whose Lands any such Deviation shall be proposed to be made.

Lands marked on the Plan may be used notwithstanding Errors in the Book of Reference or Schedule.

XXVIII. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Deviations in the Line or Course, and upon, in, through, across, or over the Lands delineated upon the said Map or Plan, although such Line or Course, or such Lands, or any of them, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, misstated, or erroneously described in this Act or in the Schedule thereto, or in the said Map or Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Kent* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

Trustees restrained from pulling down Houses not in Schedule.

XXIX. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making the said Deviations shall not authorize the said Trustees to take or pull down, or to use or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the Schedule to this Act annexed,) without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XXX. And be it further enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purposes of any Road mentioned in this Act, the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest therein, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case such Lands shall be of any other Tenure the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance or Assurance, or any of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XXXI. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act for the Purposes of the said Deviations or either of

of them shall not be wanted for the Purposes of any Road mentioned in this Act, and such Road shall cease to be an Highway, then and in such Case the Right of Way in, over, or upon the said Lands shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

Trustees to have the same Power of cutting and digging as if they had purchased the Fee Simple.

XXXII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands taken by them for the Purposes of this Act, and also for erecting and letting or using any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest of the said Lands.

Limiting the Time for purchasing Property.

XXXIII. Provided also, and be it further enacted, That in case the said Trustees shall not within the Space of Three Years from the Commencement of this Act pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act, or by any other Act granted, in relation to the taking of Lands for the Purposes of Turnpike Roads, shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively, any thing in this Act or in any such Act as aforesaid contained to the contrary thereof notwithstanding.

Power to appoint Committees.

XXXIV. And be it further enacted, That the said Trustees may appoint Committees out of their own Numbers to take the Care and Management of any particular Part of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions, Rules, and Regulations as shall be given and laid down by the said Trustees at any General Meeting, and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions, Rules, and Regulations so to be made.

The Trustees to have the Power of stopping or diverting unnecessary Highways, &c.

XXXV. And whereas when the Diversions, Deviations, and Improvements hereby authorized to be made are completed some Parts of the Highways described in the Map or Plan before mentioned, and of the Footpaths leading into or out of the same, may become useless, and other Parts of the said Highways and Footpaths may, for the Convenience of the Public, require to be diverted into the said Turnpike Road, or otherwise; be it therefore enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, at any Meeting to be held under this Act after the said Diversions, Deviations, and Improvements, or any of them respectively. shall be completed, by Writing under their Hands and Seals, to order and direct that such Parts of the said Highways and Footpaths, or any of them, as they shall deem expedient, shall be diverted, and

that such Part or Parts thereof as they shall deem useless and unnecessary shall be stopped up and discontinued at the End of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months it shall not be lawful for any Person or Persons whomsoever afterwards to use the said Highways or Footpaths, or such Part or Parts thereof as shall be so stopped up and discontinued as aforesaid, but the same shall thenceforth cease to be common Highways or a common Highway, common Footpaths or a common Footpath, to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Highways or Footpaths so ordered to be diverted, stopped up, and discontinued as aforesaid, and also upon the principal Door of the Church or Chapel (if any) belonging to the Parish or Parishes within which such Highways or Footpaths shall be situate, immediately before Divine Service upon Three successive *Sundays* next after the making of such Order, and shall also be inserted Twice in some public Newspaper usually circulated in the said County of *Kent*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make his, her, or their Appeal against the same, as herein-after provided, nor shall any such Highway or Footpath be stopped up or discontinued, in case any such Person or Persons shall make any such Appeal within Four Calendar Months next after the making of such Order, until the Determination of such Appeal.

Appeal may be made against any stopping up or diverting within Four Months.

XXXVI. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for diverting, stopping up, and discontinuing the said old Highways or Footpaths, or any or either of them, to appeal against the same at any General Quarter Sessions of the Peace for the said County of *Kent* which shall be held within the Space of Four Calendar Months next after the making of the said Order, upon giving Notice in Writing of such Appeal, to be signed by such Appellant or Appellants, to the Clerk of the said Trustees for the Time being, or by leaving the same at the usual Place of Abode of such Clerk at least Twenty-one Days before such General Quarter Sessions of the Peace; and the Justices assembled at such General Quarter Sessions of the Peace, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the quashing or Confirmation of the said Order to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only: Provided always, that in case no Appeal shall be made within the Time aforesaid the said Order or Orders shall be final and conclusive on all Persons whomsoever.

If no Appeal the Order to be final.

Satisfaction to be made to the Owners of the Land

XXXVII. And be it further enacted, That Satisfaction shall be made to the Owner or Owners of the Land or Ground through which

through which such Diversions are made.

which any such Diversion of the said Highways or Footpaths respectively shall pass, such Satisfaction to be made by the said Trustees in the Manner directed by the Laws now in force for regulating Turnpike Roads in *England*, and all Monies expended in diverting or stopping up the said Highways and Footpaths shall be paid out of the Monies to be received by virtue of this Act.

Highways stopped up to revert to Owners of the adjoining Lands.

XXXVIII. And be it further enacted, That the Soil and Freehold or Ownership of such Parts of the said Highways or Footpaths as shall be ordered to be stopped up or discontinued shall revert to and become the Property of the Owner or Owners of the adjoining Lands.

Provisions of South-eastern Railway Acts as to crossing Roads to apply to the Road by this Act authorized to be made.

XXXIX. And whereas the Line of the said Roads, according to the Deviations therein by this Act authorized to be made, will cross the Line of the South-eastern Railway, as authorized by Parliament, at a Point in the Parish of *Headcorn* distant about Twenty-five Chains from the Intersection of the Railway Line and the subsisting Road: And whereas the Intersection of the respective Lines of the said Railway and of the Road, whether as now subsisting or made according to the proposed Deviation therein, is upon or nearly upon the natural Level of the Ground, and it is necessary that the said Road should at either Intersection be carried over the Railway by means of a Bridge, with proper Embankments and Approaches, in manner and subject to the Provisions herein-after mentioned, to which the said South-eastern Railway Company have consented; be it therefore enacted, That all the general Provisions contained in the Acts relating to the said South-eastern Railway, and which regulate the crossing of Turnpike Roads by the Railway, and particularly all such Provisions as require and relate to the carrying of such Roads over the said Railway by means of Bridges, with proper Ascents or Approaches thereto, and all the general Provisions and Regulations also of any of the said Acts relating to the Dimensions, fencing, or Security of such Bridges and Approaches, shall be applicable to the Road hereby authorized to be made across the Line of the said Railway in the said Parish of *Headcorn*, notwithstanding that the said Railway Line may be first completed or laid out, and notwithstanding the Priority of the Acts relating to the said Railway, as fully and effectually as if the Road hereby authorized to be made across the said Railway Line had been subsisting as a Turnpike Road before the passing of any of the Acts relating to the said Railway, subject only to the Provision or Exception herein-after contained.

Powers of Railway Company for Purchase of Land to be available to them for the Purchase of Land for Completion of Bridge.

XL. And be it further enacted, That for enabling the said Railway Company to purchase or use such Lands, and to make and complete such a Bridge, Approaches, Embankments, and other Works as respectively they may be required to purchase, use, make, or complete, in compliance with the foregoing Enactment, it shall be lawful for them to exercise all or any of the Powers vested in themselves which it shall be competent for them to exercise by virtue of any of their subsisting Acts as fully and effectually as if the Road hereby authorized to be made had been subsisting before the Constitution of the said Railway Company, and also all or any Powers which by virtue of this Act, or of any Act or Acts herein referred to, shall or would

would be available for the like Purposes or any of them to the Trustees of the Roads to which this Act relates, if the said Bridge, Approaches, Embankments, and Works respectively were required to be made by such Trustees, and were a Part of the Road and Works hereby expressly authorized to be made as Part of the same Roads: Provided nevertheless, that if the said Company shall find it necessary to construct their Railway across the subsisting Road previously to the Diversion thereof hereby authorized to be made, and at a Period not less than Two Years distant from the passing of this Act, and shall accordingly at their own Costs have carried the same Road over the Line of their Railway as required by their subsisting Acts, then the Bridge, Approaches, Embankments, and Works which shall be required for carrying the diverted Road over the said Railway shall be made at the Costs of the Trustees of the said Roads.

Trustee or Clerk a competent Witness in Actions.

XLI. And be it further enacted, 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 other Proceeding, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Construction of certain Terms in this Act.

XLII. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only, the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and the Word "Person" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations, Civil or Ecclesiastical, Aggregate or Sole, as well as an Individual or Individuals; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments, as well as Lands; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

The Roads not to be exempt from any general Act which may be passed.

XLIII. And be it further enacted, That nothing herein contained shall be deemed or construed 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.

XLIV. And be it further enacted, That this Act shall commence on the Second *Saturday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Public Act.

XLV. 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.

The

The SCHEDULE referred to by this Act.

No. on Plan.	Owner.	Occupier.	Description.
	Parish of Maidstone.		
1	Earl of Romney - - -	Baxter - - -	Arable.
2	Trustees of Turnpike Road - -	James Austen - -	Garden.
	Parish of Sutton Valence.		
3	Charles Goodwin - - -	Charles Maythom - -	Building.
4	Ditto - - -	Himself - - -	Slaughter-house.
5	Ditto - - -	Charles Maythom and himself -	Garden.
6	Ditto - - -	Charles Maythom - -	House.
7	Ditto - - -	Himself - - -	Ditto.
8	Wriothesley Baldwin and Henry Godden.	William Smith and William Moffat.	House and Shop.
9	Sir Edmund Filmer, Baronet -	Robert Town - -	Garden.
10	Ditto - - - -	Ditto - -	Orchard.
11	Ditto - - -	Ditto - - -	Ditto.
12	Mrs. Oliver - - -	Thomas Fuller - -	Garden.
13	John Wills - - -	Himself - - -	Ditto.
14	Mrs. Oliver - - -	Thomas Fuller - -	Pasture.
15	Sir Edmund Filmer, Baronet - -	William Simmonds - -	Arable.
16	John Mills - - -	Himself - - -	Pasture.
17	Mrs. Oliver - - -	Charles Norrington - -	Ditto.
18	Ditto - - -	Thomas Fuller - -	Ditto.
19	Ditto - - - -	Ditto - - -	Ditto.
20	Company of Clothworkers - -	Reverend Cecil Wrey Goodchild	Ditto.
21	Ditto - - -	Ditto - - -	Ditto.
	Parish of Headcorn.		
22	Representatives of Robert Mercer -	Isaac Homewood - - -	Building Yard, &c.
23	Ditto - - - -	Ditto - - - -	Pasture.
24	Ditto - - -	Ditto - - -	Hop Garden.
25	Ditto - - - -	Ditto - - - -	Arable.
26	Ditto - - -	Ditto - - -	Pasture.
27	Thomas Ottaway - - -	Himself - - -	Ditto.
28	Ditto - - -	Ditto - - -	Ditto.
29	Ditto - - - -	Ditto - - -	Ditto.
30	John Mercer - - -	Himself - - -	Arable.
31	Ditto - - - -	Ditto - - -	Pasture.
32	Ditto - - -	Ditto - - -	Ditto.
33	John Carter - - -	Himself - - -	Hop Garden.
34	Ditto - - -	Ditto - - -	Arable.
35	Samuel Reynolds Solly - -	—— Munn - - -	Ditto.
36	Ditto - - - -	Ditto - - -	Ditto.
37	Directors of the South-eastern Railway.	Themselves - - - -	Line of Railway.

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