ANNO NONO

GEORGII IV. REGIS.

Cap. xvii.

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*. [3d *April* 1828.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road leading from the Town of* Wadhurst *in the County of* Sussex *to the Turnpike Road at* Lamberhurst Pound *and* Pullen's Hill *in the County of* Kent, *and from the Top of* Pullen's Hill, *through the Parishes of* Horsmonden, Marden, Yalden, *and* West Farley, *to* West Farley Street *in the said County of* Kent: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of the Fifth Year of His present Majesty, for repairing and widening the Road leading from the Town of* Wadhurst *in the County of* Sussex *to the Turnpike Road at* Lamberhurst Pound *and* Pullen's Hill *in the County of* Kent, *and from the Top of* Pullen's Hill, *through the Parishes of* Horsmonden, Marden, Yalden, *and* West Farley, *to* West Farley Street *in the said County of* Kent: And whereas another Act was passed in the Forty-seventh Year of the Reign of His late Majesty

5 G. 3. c. 52.

26 G. 3. c. 157.

47. G. 3. Sess. 2. c. 22. King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts of the Fifth and Twenty-sixth Years of His present Majesty, for repairing the Road leading from* Wadhurst *in the County of* Sussex *to the Turnpike Road at* Lamberhurst Pound *and* Pullen's Hill *in the County of* Kent, *and from thence to* West Farley Street *in the said County of* Kent: And whereas the Trustees acting under the said Three several Acts have proceeded to put the same in execution, and have borrowed considerable Sums of Money on the Credit of the Tolls thereby authorized to be taken, which Money still remains due and owing, together with a large Arrear of Interest, and the same cannot be paid off, nor can the said Roads be effectually amended, widened, altered, improved, and kept in repair, unless the Term granted and continued by the said recited Acts be further continued; and it is expedient that the said Acts should be repealed, and further, better, and more effectual Provision made for repairing, maintaining, and otherwise improving the said Roads; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George*

3 G. 4. c. 126. the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of

4 G. 4. c. 95. the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fifth Year of the Reign of His said pre-

5 G. 4. c. 69. sent Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, and Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas an Act was passed in the

7 & 8 G. 4. c. 24. Eighth Year of the Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: 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

Recited Acts of 5, 26, and 47 G. 3. repealed. same, That from and after the passing of this Act the said several recited Acts of the Fifth, Twenty-sixth, and Forty-seventh Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

This Act to take effect for repairing the Roads herein described. II. And be it further enacted, That this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of repairing the Road 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, 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*, *Yalden*, and *West Farleigh*, to *West Farleigh Street* in the said County of *Kent*.

III. And

Powers of General Turnpike Acts extended to this Act.

III. And be it further enacted, That the said recited Acts passed in the Third, Fourth, Fifth, and Eighth Years of the Reign of His present Majesty, and all the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things contained therein respectively, (save and except such Parts thereof as have been subsequently varied, altered, or repealed, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) shall respectively be as valid and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in this Act.

Tolls to be subject to Debts, &c. under former Acts.

IV. And be it further enacted, 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 upon the said Roads by virtue of the said several Acts hereby repealed, and all Interest due and to grow due thereon, as fully and effectually as if such Monies had become due on the Credit of this Act, or of the Tolls hereby authorized to be taken; and all Persons owing any Money to the Trustees for executing any or either of the said Acts hereby repealed, shall be liable to pay the same to the Trustees for executing this Act.

Deeds, &c. under former Acts, to be valid.

V. And be it further enacted, That all Deeds, Agreements, Contracts and Securities made or entered into by or with the Trustees for executing the said Three several Acts hereby repealed, according to the Provisions of the said Acts or either of them, and on account of the said Roads, shall remain in full Force and Effect until the same are fully satisfied and performed, notwithstanding the Repeal of the said Three first-recited Acts.

Books under former Acts to be Evidence.

VI. And be it further enacted, That all Books whatsoever relating to the said Roads, and kept according to the Provisions of any of the Acts herein-before recited, and made Evidence thereby, shall be given in Evidence in all Proceedings whatsoever, in such and the same Manner as if the Three Acts hereby repealed had still remained in force.

Officers under former Acts to account.

VII. And be it further enacted, That all Persons who have been employed by virtue of the Acts hereby repealed, and shall have in their Possession any Money, Books, Writings, or other Things relating to the said Roads, or belonging to the Trustees thereof, shall account for, pay, and deliver over the same, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or either of them, inflicted upon Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Acts or this Act.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Sussex* and *Kent*, together with the Right Honourable *George Charles Pratt* commonly called the Earl of *Brecknock*, Sir *John Gregory*

Gregory Shaw Baronet, Sir *Henry Fitz Herbert* Baronet, the Reverend *Robert Stevens* Doctor in Divinity, Dean of *Rochester*, the Reverend *John Austen*, *Thomas Hugh Boorman*, *George Courthope*, *John Cripps*, *John Collens*, *Thomas Fowle*, *John Fuggle*, the Reverend *Robert Barlow Gardiner*, *Edward Hussey*, *Stephen Hooker*, *Thomas Hooker*, *John Bathurst Hodgskin*, *William Hickmott*, *Aylmer Haly*, *William Hayes*, *John Jeffery*, the Reverend *Thomas Kirkbank*, the Reverend *Philip Le Geyt*, *William Alexander Morland*, *Thomas Bold Marchant*, the Reverend *William Marriott Smith Marriott*, *John Miller* of *Bowhill*, *Thomas Miller*, *John Miller* of *Farleigh*, *John Newington*, *Henry Playsted*, *John Butler Pomfret*, *Shaw*, *John Selby*, *Laurence Starnes*, *James Starnes*, *David Twort*, *William Tomkin*, *John Tompsett*, *James Tompsett*, *Waist*, *Stephen Walter* of *Horsmonden*, *John Walter*, *William Walter*, *Stephen Walter* of *Marden*, the Reverend *Richard Ramsay Warde*, *Samuel White*, the Reverend *Richard Warde*, *John Whitehead*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be the Trustees for the Purpose of putting this Act and the said recited Acts of the Third, Fourth, Fifth, and Eighth Years of the Reign of His said present Majesty into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees, at their First Meeting to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Three in the whole, being qualified according to the Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, to be Trustees for the Purposes aforesaid; and such Persons, when so elected and appointed, shall have the same Powers and Authorities as if they had been appointed Trustees by this Act.

First Meeting of Trustees.

X. And be it further enacted, That the said Trustees shall hold their First Meeting at some convenient House or Place in the Parish of *Horsmonden* on *Wednesday* Four Weeks next after the passing of this Act, and shall then and from Time to Time adjourn to and meet at such Times and Places at, near, or upon the said Roads, as they shall think proper.

Former Officers (except the Treasurer) to continue.

XI. And be it further enacted, That every Officer appointed under the said Three Acts hereby repealed (save and except the Treasurer) shall hold his Office until removed therefrom by the Trustees for executing this Act; and every such Officer shall have the like Powers for the Purposes of this Act, and shall be subject to the like Penalties, Power of Removal, Rules, and Regulations in all respects, as if he had been nominated and appointed under the said Acts of the Third and Fourth Years of the Reign of His present Majesty, or of this Act.

Power to erect Toll Gates, &c.

XII. And be it further enacted, That the said Trustees may continue or remove all or any of the Toll Gates and Toll Houses now standing across the said Roads, or at the Side or Sides thereof, and erect

erect and set up, or cause to be erected and set up, any other Gates, Side Gates, Weighing Machines, and Toll Houses, with Outhouses and Conveniences suitable thereto, across or by the Side of the said Roads, or across any common Highway leading into the same, and take in and enclose suitable Garden Spots for the said Houses respectively, not exceeding One Eighth Part of a Statute Acre each, and from Time to Time take down, remove, or alter the same, or any of them, as they shall think proper.

Power to take Tolls.

XIII. And be it further enacted, That it shall be lawful for the said Trustees respectively, or for their Collectors or Lessees of Tolls, to demand and take at each Toll Gate or Side Gate which now is or hereafter shall be standing across or at the Side of the said Roads, on every Day (such Day to be computed from Twelve of the Clock at Night till Twelve of the Clock on the next succeeding Night), the Tolls following; that is to say,

Tolls.

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

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 Half-penny:

And for every Calf, Hog, Sheep, or Lamb, the Sum of One Farthing.

Tolls to be taken for Trucks, &c.

XIV. And whereas it hath of late become a frequent Practice upon the said Roads, for low Carts or Trucks, with narrow Wheels, and drawn by a Dog or Dogs, and heavily laden, to pass and repass along the same Roads, to the great Injury of the same, and to the great Inconvenience and Danger of Persons travelling along the same; it is therefore reasonable and expedient, that the same should be subject and liable to the Payment of the Tolls by this Act granted; be it therefore further enacted, That for every Dog drawing any low Cart or Truck, or other such like Carriage, there shall be paid the Sum of Two-pence at each Gate.

All which Sums of Money shall be demanded and taken as Toll, before any Horse, Mule, or other Beast, or any low Cart or Truck drawn by any Dog or Dogs, or any Coach, Waggon, or other Carriage, shall be permitted to pass through any of the said 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.

XV. Provided always, and be it further enacted, That (except as herein-after is mentioned) there shall be demanded or taken in the same Day, to be computed as aforesaid, no more than Four full Tolls in respect of the passing or repassing of the same Horses, Beasts, Cattle, or Carriages through all of the 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 Once a Day for

XVI. And be it further enacted, That when the full Tolls authorized to be taken by virtue of this Act shall have been paid for or in

Horses, and every Third Time for Carriages.

in respect of any Horse, Beast, or other Cattle passing through any of the Toll Gates erected or to be erected on the said Roads or on the Sides thereof, no Toll shall be demanded or taken for or in respect of the same Horse, Beast, or other Cattle, (except in the Cases herein-after mentioned,) on a Ticket being produced, denoting such Payment, but such Horse, Beast, or other Cattle shall be permitted to pass and repass Toll-free through the same Toll Gate, and also through such other Gate and Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; but no Horse or Horses, Beast or Beasts, drawing any Carriage, shall be permitted to pass through any of the said Gates a Third Time in any One Day, to be computed as aforesaid, 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 or Horses, or other Beast or Beasts, drawing any Carriage, shall pass 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 or Horses, or other Beast or Beasts, had passed through such Gate: Provided always, that the Tolls hereby made payable shall be paid in respect of the Horses or Beasts drawing any Stage Coach, Caravan, Stage Waggon, Cart, or other Carriage conveying Passengers or Goods for Hire or Reward, every Time of passing or repassing through any of the said Gates; and the said Tolls shall be paid in respect of Horses or Beasts let to Hire, and drawing any Post Chaise or other Carriage, every Time of passing or repassing through the said Gates, when a new Hiring thereof has taken place.

Stage Coaches, Post Chaises, &c. to pay every Time.

Double Tolls.

XVII. Provided also, and be it further enacted, 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, Hop Poles, or Iron.

Limitation of Exemptions.

XVIII. 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 Stones are obtained for repairing Roads situate at a considerable Distance therefrom, and also to several Wharfs upon the River *Medway* where Sprats, Rags, Rape Dust, and other artificial Manures are sold, and much of the heaviest Traffic upon the said Roads at all Seasons of the Year, and especially in Winter, in consequence consists of Waggons 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 Waggons and Carts should be subject and liable to the Payment of Tolls for passing along the said Roads; be it therefore further 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 shall 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 making or repairing any Turnpike Road whatsoever (except the Roads comprised in this Act), or for making or repairing any public Highways, 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 any Part thereof, do lie; and at all Seasons of the Year the said Tolls shall be demanded and taken for every Horse or other Beast drawing any Carriage laden with Dung, Soil, Compost, or Manure for improving Lands, such Dung, Soil, Compost, or Manure not being made or produced on any Farms or Lands situate in any of the Parishes in which the Roads comprised in this Act, or any Part thereof, do lie; any thing in the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, or either of them, to the contrary thereof in anywise notwithstanding; and if any Person shall claim or take the Benefit of the Exemptions given by any of the said recited 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.

Sinking Fund.

XIX. And be it further enacted, That from and after the passing of this Act the Sum of One Pound Sterling *per Centum per Annum* on the Amount of all Principal Monies now due on the Tolls of the said Roads, and on the Amount of every further Sum of Money hereafter to be borrowed at Interest upon the Credit of the Tolls thereof, shall be charged on and paid out of the said Tolls, in order to form a Sinking Fund for the gradual Payment of the said Monies; and after Payment of any such Principal Monies, the full Interest which would have been otherwise payable in respect of the same to the Creditors respectively shall from thenceforth be charged on and paid out of the said Tolls, in aid of the said Sinking Fund; and as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, that Sum shall be applied in Payment of an equal Amount of the Principal Monies already owing or hereafter to be borrowed and then remaining due on Security of the said Tolls; such Payment to be made to one of the said Creditors by Lot.

Application of the Tolls and other Monies.

XX. And be it further enacted, That as well all the Monies which before the Commencement of this Act shall have been raised or produced by virtue of the Three several Acts hereby repealed, and which shall remain undisposed of, as also all Monies which shall be produced under or by virtue of this Act, shall be applied to the several Purposes and in the Order following; (that is to say,) in the first place, in Payment of all Expences which shall have been incurred in applying for and obtaining and passing this Act; in the second place, in paying the Interest which shall from Time to Time become due in respect of every Sum of Money now owing or hereafter to be borrowed on Security of the said Tolls, annually, either to the Creditor or Creditors, or in aid of the Sinking Fund herein-before mentioned, as the Case may happen; in the third place, in paying the said Amount of One Pound Sterling *per Centum per Annum*, for providing such Sinking Fund as is herein-before directed; in the fourth place, in defraying the Expences of making, erecting, and keeping in repair the Toll Gates, Weighing Engines, Toll Houses, and other Buildings, and of widening, repairing, preserving, and otherwise improving the Roads included in this Act, and of the necessary Works upon the same, and all other incidental Expences whatsoever; and the Residue thereof shall and is hereby

hereby directed to be applied in discharge of the Arrear of Interest now due on the several Principal Sums of Money owing upon the Security of the said Tolls, or carried as a Balance to the Account of the succeeding Year, as the said Trustees shall from Time to Time order and direct, and to or for no other Use or Purpose whatsoever.

Separate Accounts to be kept.

XXI. And in order to secure the due Application of the Tolls hereby granted to the several Purposes and in the Order aforesaid, be it further enacted, That all the said Tolls shall be paid, by the Collectors or Lessees thereof, into the Hands of the Treasurer for the Time being appointed by the said Trustees, who shall keep or cause to be kept separate Accounts thereof, and shall apply the same to the several Purposes and in the Order aforesaid, and shall especially keep a separate Account of the said Sinking Fund, and of the Application thereof.

Public Act.

XXII. 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, without being specially pleaded.

Commencement and Continuance of Act.

XXIII. And be it further enacted, That this Act shall commence and take effect on the Day of the passing thereof, and continue and be in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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