ANNO NONO

GEORGII IV. REGIS.

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Cap. cviii.

An Act for repairing, improving, and maintaining in repair the Turnpike Roads from *Wat's Cross* to *Cowden*, and from *Sevenoaks Common* to *Crockhurst Hatch Corner*, and from *Penshurst Town* to *Southborough*, in the County of *Kent*.

[19th *June* 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 from* 5 G. 3. c. 71.
Tonbridge *to* Maidstone, *and from* Wat's Cross *to* Cowden, *in the County of* Kent: And whereas another Act was passed in the Ninth Year of the Reign of His said late Majesty, intituled *An Act to amend* 9 G. 3. c. 92.
an Act of the Fifth Year of His present Majesty's Reign, for repairing and widening the Road from Tonbridge *to* Maidstone, *and from* Wat's Cross *to* Cowden, *in the County of* Kent, *so far as the same relates to the Repair of the Road from* Wat's Cross *to* Cowden, *and for repairing the Roads leading from* Sevenoaks Common *to* Crockhurst Hatch Corner, *and from* Penshurst Town *to* Southborough, *in the said County:* And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the* 26 G. 3. c. 132.
Term of Two Acts of the Fifth and Ninth Years of His present Majesty, so far as the same relate to the repairing of the Roads from Wat's Cross *to* Cowden, *and from* Sevenoaks Common *to* Crockhurst Hatch Corner, *and from* Penshurst Town *to* Southborough, *in the County of* Kent:

47 G. 3. Sess. 2. c. 95.

And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of so much of Three Acts of the Fifth, Ninth, and Twenty-sixth Years of His present Majesty as relate to the Repair of the Road from* Wat's Cross *to* Cowden, *and the Roads from* Sevenoaks Common *to* Crockhurst Hatch Corner, *and* Penshurst Town *to* Southborough, *in the County of* Kent: And whereas the Trustees acting under or by virtue of the said recited Acts have borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Roads from *Wat's Cross* to *Cowden*, and from *Sevenoaks Common* to *Crockhurst Hatch Corner*, and from *Penshurst Town* to *Southborough*, which Money still remains due and owing, with a considerable Arrear of Interest, and cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless the Term and Powers of the said Acts be enlarged: And whereas an Act was passed in the Third

3 G. 4. c. 126.

Year of the Reign of His present Majesty, 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 another Act was passed in the Fourth Year of the Reign of His present Majesty, in-

4 G. 4. c. 95.

tituled *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 another Act was passed in the Fifth Year of

5 G. 4. c. 69.

the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His

7 & 8 G. 4. c. 24.

present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: And whereas it is expedient that the said recited Act of the Fifth Year of the Reign of His late Majesty, so far as the same relates to the Road from *Wat's Cross* to *Cowden*, and the said recited Acts of the Ninth, Twenty-sixth, and Forty-seventh Years of the Reign of His said late Majesty, should be repealed, and that further and other Provisions should be granted instead thereof: 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 Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, so far as the same relates to the Road from *Wat's Cross* to *Cowden*, and the said recited Acts passed in the Ninth, Twenty-sixth, and Forty-seventh Years of the Reign of His said late Majesty, shall be and the same are hereby declared to be repealed.

So much of recited Act of 5 G. 3. as relates to the Wat's Cross Road and the recited Acts of 9, 26, and 47 G. 3. repealed.

This Act to be put in execution for the Repair of the Roads herein mentioned.

II. And be it further enacted, That this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of repairing, improving, and keeping in repair the Roads leading from *Wat's Cross* to *Cowden*, and from *Sevenoaks Common* to *Crockhurst Hatch Corner*, and from *Penshurst Town* to *Southborough*, in the County of *Kent*, through the several Parishes of *Penshurst*, *Leigh*,

Leigh, Tonbridge, Sevenoaks, Chiddingstone, Hever, Cowden, Ashurst, Speldhurst, and *Bidborough,* in the said County.

New Term and Tolls made liable to former Debts.

III. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the said Roads, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act or of the Tolls hereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts, on account of the said Roads, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Bonds, &c. under former Acts to remain in force under this Act.

IV. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, 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, relating to the said Roads, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bargains, Contracts, Agreements, and Notices made, entered into, or given by the Trustees of the said Roads for executing the said recited Acts, with or to any Person or Persons, for any Purposes relating to the said Roads or to the Execution of the said 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.

Books used under former Acts to be Evidence.

Books and Accounts to be open to Inspection.

Penalty for Refusal of Inspection.

V. And be it further enacted, That all Books for registering Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees of the said Roads, kept according to the Directions or Provisions of the said first Four recited Acts hereby repealed, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and all Books of Accounts of Receipts and Disbursements made under the said recited Acts, shall be preserved and kept by the Trustees under this Act, or as they shall direct, and shall at all reasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the Clerk to the said Trustees, or other Person having the Care of such Book or Books, shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such

Copies

Copies or Extracts as aforesaid, such Clerk or other Person shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Former Officers to continue.

VI. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the said first Four recited Acts hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Powers of General Turnpike Acts to extend to this Act.

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

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Kent* for the Time being, together with Sir *John Shelley Sidney* Baronet, *John Allnutt*, *Thomas Allnutt*, *Sackville Bale* Clerk, *Thomas Baker*, *Richard Boissier* Clerk, *Farmer Baily*, *William Bailey*, *William Camfield*, *William Camfield* the younger, *John George Children*, *James Colquhoun*, *John Claus de Passow* Clerk, *Philip Stanhope Dodd* Clerk, *Thomas Harvey* Clerk, *William Thomas Harvey*, *Thomas Harvey* the younger, Clerk, *William Fowler Jones*, *William Jones*, *Multon Lambard*, *Nathaniel May* Clerk, *Thomas May* Clerk, *William Mugridge*, *William Pickanee*, *Francis Rogers Parslow*, *Henry Streatfeild*, *Henry Streatfeild* the younger, *Thomas Streatfeild*, *Philip Charles Sidney*, *John Saint*, *Joseph Sclater*, *William Saint*, *John Saint* Clerk, *William Wells*, *Henry Woodgate*, *Stephen Woodgate* Clerk, *Francis Woodgate*, *James Eldridge West*, *William Whitton*, *John Hartrup*

Hartrup West, *Richard Yates* Doctor in Divinity, and their Successors, being duly qualified according to the Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, widening, altering, repairing, improving, and keeping in repair the said Roads, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall and may 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 according to the Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, (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 the Trustees.

X. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Leicester Arms Inn* in *Penshurst Town* aforesaid, or some other convenient Place in the Neighbourhood of the said Roads, upon the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after 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.

Power to continue the present Gates and erect others.

XI. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove, take down, or alter the Situation of all and every or any of the Toll Gates or Turnpikes and Toll Houses now standing and being in or upon or across the said Roads or on the Sides thereof, or any Part thereof, and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Roads or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and enclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre to each, as they shall think necessary; and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to take Tolls.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls or Sums of Money herein-after mentioned, or such Sum or Sums, not exceeding the following

following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall from Time to Time appoint and order, 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, in, upon, across, or on the Side or Sides of the said Roads, or any Part or Parts thereof, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); (that is to say,)

Tolls.

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches at the Bottom or Sole thereof, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Sole thereof, the Sum of Three-pence and Three Farthings:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels of less Breadth than Four and a Half Inches at the Bottom or Sole thereof, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Hearse, or any Coach, Chariot, Landau, Phaeton, Curricle, Chaise, Chair, or other Pleasure Carriage, the Sum of Four-pence:

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any less Number than a Score:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, between the Tenth Day of *October* and the First Day of *April* in every Year, laden with any Tree or Trees, or Timber, Double the Tolls herein-before mentioned:

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain; and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Persons having paid Toll, may return Toll-free Once in the same Day.

XIII. Provided always, and be it further enacted, That all and every the Horses, Beasts, and Cattle (except Horses drawing any Stage Coach, Diligence, Van, or Caravan, Cart, Stage Waggon, or other 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 Roads, 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 at 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.

Limiting the Number of Tolls to be taken on the whole Line of Roads.

XIV. Provided also, and be it further enacted, That no more than Four Tolls in the whole shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle, for Once passing and repassing in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, Side Gates, or Chains along the whole Line of the said Roads.

Toll at Main Gates to clear the Side Gates, and vice versâ.

XV. And be it further enacted, That Payment of Toll at any Main Gate on any Part of the said Roads shall clear all and every the Side Gates on such Parts of the said Roads as shall be situate between such Place of Payment and the next Main Gate on the same Road, and Payment of Toll at any Side Gate on any Part of the said Roads shall clear the next Main Gate on the same Road on the same Day (to be computed as aforesaid), for the same Horses, Beasts, Cattle, and Carriages, on a Ticket being produced denoting such Payments respectively.

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

XVI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Cart, Stage Waggon 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 Roads or any of them.

Post Chaises, &c. on every new Hiring.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable for and 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 Roads or any of them whenever any new Hiring thereof shall take place.

Application of Tolls and otherMonies.

XVIII. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts hereby repealed, and now in the Treasurer's Hands, or out of the first Monies which shall arise or be received from the Tolls by this Act granted or otherwise, the said Trustees shall pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act; and the Remainder of all such Monies shall from Time to Time be applied in amending, improving, and maintaining in repair the said Roads, and in otherwise putting this Act into Executing, and afterwards in keeping down the Interest of the Principal Monies due and owing on the Credit of the said recited Acts, and which may be borrowed on the Credit of this Act, and then in repaying the Principal Monies already borrowed on the Credit of the said recited Acts, and the Principal Monies to be borrowed on the Credit of this Act.

No Money to be laid out on the Roads

XIX. Provided always, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken

where there is no Turnpike erected or no Tolls taken.

taken shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act and the said recited Acts: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Branch Road than shall be collected thereon.

Public Act.

XX. 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 this Act.

XXI. 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 Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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