ANNO NONO

GEORGII IV. REGIS.

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Cap. xviii.

An Act for more effectually repairing the Road from *Footscray*, by *Wrotham Heath*, to *Maidstone*, and from the said Road into the Road from *Mereworth* to *Hadlow;* and for making and maintaining a Road from the said Road at *Wrotham Heath* to *Teston*, and from the said Road from *Mereworth* to *Hadlow* to *Saint Leonard's Street* in the Parish of *West Malling;* all in the County of *Kent*. [3d *April* 1828.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty, intituled *An Act for repairing the Road from the* Royal Oak *on* Wrotham Heath *to the Town of* Wrotham *in the County of* Kent, *and from thence to* Footscray, *and from the said* Royal Oak *to the Town of* Maidstone *in the said County:* And whereas an Act was passed in the Thirty-fifth Year of the Reign of His late Majesty, intituled *An Act for continuing the Term and enlarging the Powers of an Act passed in the Thirteenth Year of the Reign of His present Majesty, for repairing the Road* 13 G.3. c. 98. 35 G.3. c. 165.

from the Royal Oak *on* Wrotham Heath *to the Town of* Wrotham *in the County of* Kent, *and from thence to* Footscray, *and from the said* Royal Oak *to the Town of* Maidstone *in the said County; and for making a Road from the said Road between* Wrotham *and* Maidstone *into the present Turnpike Road leading from* Mereworth *to* Hadlow *in the said County:* And whereas an Act was passed in the Fifty-seventh
57 G. 3. c. 55. Year of the Reign of His late Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for repairing the Road from* Wrotham Heath *to* Footscray, *and from* Wrotham Heath *to* Maidstone *in the County of* Kent, *and the Road from the said Road into the Turnpike Road from* Mereworth *to* Hadlow *in the said County:* And whereas the Trustees for executing the said recited Acts have proceeded in putting the same in execution, and have made considerable Progress in repairing and improving the Roads therein mentioned, and have borrowed and taken up at Interest several considerable Sums of Money upon the Credit of the Tolls thereby granted: 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
4. G. 4. c. 95. of 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
5 G. 4. c. 69. said 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 an Act was passed in the Seventh and Eighth Years of the Reign of His said present Majesty,
7 & 8 G. 4. c. 24. intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: And whereas the Road leading from the Turnpike Road at or near *Wrotham Heath* aforesaid to *Teston* is in many Parts very narrow, steep, incommodious, and inconvenient for Passengers, and there is a considerable Traffic of Horses and Carriages passing thereon, and the said Road from *Mereworth* and *Hadlow* to *Saint Leonard's Street* in *West Malling* aforesaid, is not only very narrow and inconvenient, but extremely circuitous: And whereas it would be more convenient if the said recited Acts of the Thirteenth, Thirty-fifth, and Fifty-seventh Years of the Reign of His late Majesty King *George* the Third, were repealed, and further and more effectual Powers granted for making, repairing, and maintaining the Roads which have been made and maintained by virtue of the said Acts, and the several Roads herein-before mentioned; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *May* One thousand eight hundred and twenty-eight, the said recited

Recited Acts of 13, 35, & 57 G. 3. repealed.

Acts passed in the Thirteenth, Thirty-fifth, and Fifty-seventh Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby repealed.

This Act to be put in force for repairing the Roads herein described.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of repairing and maintaining the Road from *Footscray*, by *Wrotham Heath*, to *Maidstone*, and the Road from the said Road into the Turnpike Road from *Mereworth* to *Hadlow*; and also for the Purpose of making, repairing, and maintaining a Road from the present Turnpike Road at or near *Wrotham Heath* to *Teston* aforesaid, and from the said Road from *Mereworth* to *Hadlow* to *Saint Leonard's Street* in the Parish of *West Malling* aforesaid; all in the said County of *Kent*; and for otherwise putting the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His said present Majesty, and this Act, into Execution.

Extending the Powers of the General Turnpike Acts to this Act.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His said 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 Act passed in the Fourth Year of the Reign of His said 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 Act passed in the Fifth Year of the Reign of His said present Majesty, and the Powers or Provisions therein contained, and also the said recited Act passed in the Seventh and Eighth Years of the Reign of His said 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,) shall be extended to this Act, and 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 been repeated and re-enacted in the Body of this Act.

Tolls granted by this Act made liable to the original Debt.

IV. And be it further enacted, That the Term and Tolls by this Act granted shall be and are hereby charged with and made subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on account of the said recited Acts hereby repealed, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Money had been borrowed or become due on the Credit of this Act.

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

V. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities made to or by or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts hereby repealed, shall remain in full

full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are or shall be fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the said Trustees for executing the said Acts, with or to any Person or Persons, for any Purpose 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 for executing this Act, and by the other Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof.

Books under former Acts to be Evidence.

VI. And be it further enacted, That all Books of Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees of the said Roads, kept according to the Directions and Provisions of the said recited Acts hereby repealed, or either of them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, Actions, and Proceedings whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Officers under former Acts to account.

VII. And be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the Trustees for executing this Act, 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 in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Acts and this Act.

Trustees.

VIII. And be it further enacted, that all His Majesty's Justices of the Peace acting for the said County of *Kent*, together with the Honourable and Reverend *William Nevill*, the Honourable Thomas *Stapleton*, the Honourable and Reverend *Miles Stapleton*, the Honourable and Reverend *Francis James Noel*, Sir *John Twisden* Baronet, Sir *John Gregory Shaw* Baronet, the Reverend Doctor *Stevens* Dean of *Rochester*, *John Kenward Shaw*, *Charles Shaw*, *Francis James Twysden*, the Reverend *James Hawley*, *Charles Milner*, *Charles Milner* the younger, *Henry Milner*, *Edwin Stacey*, *Nicholas Graham*, the Reverend *Willian Horne*, the Reverend *Richard Warde*, the Reverend *John Liptrott*, the Reverend *George Fearne Bates*, *Thomas Poynder* the younger, *Richard Losack*, *Matthias Prime Lucas*, *John Alfred Wigan*, *Peter Sutton*, the Reverend *Henry Thomas Jones*, the Reverend *Thomas Bowdler*, the Reverend *Henry Dampier Phelps*, *Thomas Turner Alkin*, *John Golding* of *Ditton Place*, *David Muckleston Allen*, *James Graham* of *New Barns*, *Charles Smith*, *Charles Brome*, *John Miller* of *Bow Hill*, the Reverend *Cobb* of *Ightham*, and their Successors, being duly qualified according

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ing 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 and they are hereby appointed the Trustees for carrying the said Acts and this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose (of which Meeting and of the Purpose whereof Fourteen Days Notice shall be given as directed by the said recited Act of the Third Year of the Reign of His present Majesty with respect to Meetings for the Appointment of Trustees on Vacancies), to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act and the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed, and being 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 and they are hereby invested with the same Powers and Authorities for executing this and the said recited Acts, as if they had been named and appointed in and by this Act.

First Meeting of the Trustees.

X. And be it further enacted, That the said Trustees shall meet at the *Swan* at *West Malling* aforesaid, or at some other convenient Place near to the said Roads, upon the first *Monday* in the Month next after the passing of this Act, at Eleven of the Clock in the Forenoon, or as soon after as conveniently may be, for the Purpose of carrying this Act, and the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, into Execution.

Former Officers (except the Treasurer) to continue.

XI. And be it further enacted, That every Clerk, Receiver, Collector, Surveyor, and other Officer (except the Treasurer) appointed under and by virtue of the said recited Acts hereby repealed, or either of them, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Powers and Authorities for carrying the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution, and shall be subject and liable to the like Pains, Penalties, and Powers of Removal, and to the like Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, or this Act.

Power to make and repair the new Branches of Road.

XII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered to set out, make, and complete, and from Time to Time to repair, maintain,

maintain, and improve the new Branches of Road herein-before mentioned, and every of them; and from and after the making thereof respectively the same shall be and be deemed to be, to all Intents and Purposes, Part of the Roads included in this Act, and shall be deemed and taken to be and shall be respectively public Highways to all Intents and Purposes.

Penalty on Persons destroying Stakes.

XIII. And be it further enacted, That if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of the Road hereby authorized to be made, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Map deposited at the Office of the Clerk of the Peace to remain there.

XIV. And whereas a Map or Plan, describing the Line of the said new Roads, together with a Book of Reference, containing Lists of the Names of the several Owners and Occupiers of the Lands, Tenements, and Hereditaments through which the same are intended to pass, have been deposited at the Office of the Clerk of the Peace for the said County of *Kent;* be it therefore further enacted, That the Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying to the said Clerk of the Peace for the Time being 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 Trustees in making the said new Roads shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises the said Deviation shall be made.

Road not to deviate more than 100 Yards from Plan.

Lands marked in the Plans may be used, notwithstanding Errors in the Book of Reference.

XV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Roads into, through, across, or over the several Lands, Tenements, and Hereditaments described in the said Map or Plan, although the Name of the Owner or Owners, Occupier or Occupiers thereof, may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling down Dwelling Houses, &c. without Consent.

XVI. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making, maintaining, widening, diverting, improving, or altering the said Roads, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down, injure or damage, any Dwelling House or other Building, or to take in or make use of any 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, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Power to erect Toll Gates, &c.

XVII. And be it further enacted, That it shall be lawful for the said Trustees to continue or remove all and every or any of the Toll Gates or Turnpikes and Toll Houses now standing and being in, upon, or across the said Roads, or on the Sides thereof, and also to erect and set up, or build, or cause to be erected, set up, or built, upon, in, or across the said Roads by this Act directed or authorized to be made, repaired, and amended, or on the Sides thereof respectively, or any Part thereof respectively, when, where, and as they shall judge necessary, any One or more Gates, Turnpikes, Side Gates, Side Bars, Chains, Weighing Machines, and also One or more Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose, on the Sides of the said Road, suitable Garden Spots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each such Garden, as they shall think necessary, and from Time to Time to take down and remove, and afterwards rebuild or reinstate the said Toll Houses, Gates, Turnpikes, Side Gates, Side Bars, Chains, or Weighing Machines, or any of them, as they the said Trustees shall think proper and direct or appoint.

Power to take Tolls.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Collector or Collectors, or other Person or Persons acting under the Authority of the said Trustees, to demand and take at each and every the Toll Gates or Turnpikes which are or shall be standing and being, or which shall be erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads or any of them, or on the Sides thereof respectively, the several Tolls following; (that is to say,)

Tolls.

For every Horse or Beast of Draught, drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricle, Calash, Chair, Caravan, Hearse, or Litter, or other such Carriage, the Sum of Three-pence:

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

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

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

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

For every Score of Oxen or Neat Cattle the Sum of Ten-pence; and so in proportion for any greater or less Number:

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

Which said respective Sums of Money shall be demanded and taken before any Horse, Beast, or other Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike.

Limiting the Exemption from Tolls on Materials used for Roads in any other Parish.

XIX. And be it further enacted, That no Person shall, by virtue of the said recited Acts or this Act, claim to be entitled to be exempted from the Payment of Toll for or in respect of any Carriages laden with Stones, Gravel, or other Materials for making or repairing any Road or public Highway in any other Parish, Township, or Place than those through which the said intended new Road shall pass, nor for making or repairing any Road or public Highway in any other Parish, Township, or Place than that wherein the same are found, unless the same shall be removed or carried from the Place where they shall be found or dug between the First Day of *April* and the First Day of *November*, or in the Time of hard Frost in the Winter Season.

Limiting the Number of Tolls to be taken on the same Day.

XX. And be it further enacted, That no more than Five full Tolls shall be demanded or taken on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing through all the Turnpikes or Toll Gates on the said Roads between *Footscray* and *Maidstone* with the same Horses; nor more than Two full Tolls on the same Day, and to be computed as aforesaid, for passing through all the Turnpikes or Toll Gates on the said Road authorized to be made from the said Road between *Wrotham* and *Maidstone* into the said Turnpike Road leading from *Mereworth* to *Hadlow*, by the before-recited Act passed in the Thirty-fifth Year of His late Majesty's Reign; nor more than Two full Tolls on the same Day, and to be computed as aforesaid, for passing through all the Turnpikes or Toll Gates on the said Road between *Wrotham Heath* and *Teston*, with the same Horses, Cattle, or Beasts; nor more than One full Toll on the same Day, and to be computed as aforesaid, for passing through all the Turnpikes or Toll Gates on the said Road between the said Road from *Mereworth* and *Hadlow* to *Saint Leonard's Street*.

Tolls to be paid only once a Day, except as after mentioned.

XXI. And be it further enacted, That in case Toll shall have been paid for or in respect of any Horse, Beast, or Cattle, passing through any of the Turnpikes, Toll Gates, or Side Bars now erected, or hereafter to be erected and continued by virtue of this Act, no Toll shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle, for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Bar, on the same Day, before Twelve of the Clock at Night; but that every Person, on producing a Note or Ticket denoting the Payment of the Toll, shall (except in the Cases herein-after mentioned) be permitted to pass through such Turnpike,

Toll

Toll Gate, or Side Bar, with such Horse, Beast, or Cattle, on the same Day, Toll-free.

Post Chaises &c. to be subject to Toll on every new Hiring.

XXII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage, travelling for Hire, for every Time of passing or repassing along the said Roads, whenever any new Hiring thereof shall take place.

Stage Coaches to pay on every Time of passing.

XXIII. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, or any other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, for every Time of passing or repassing along the said Roads.

Tolls not to be applied in the Repair of Branch Roads, unless there is a Gate thereon.

XXIV. And be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed upon the Credit thereof, shall be laid out or expended in the Amendment, Repair, or Improvement of any Branches of Road included in this Act, if there shall be no Toll Gate erected thereupon respectively, and Tolls taken thereat; nor from and after such Time as the said Branches of Road shall be made and completed, shall the said Trustees expend in the Repair of the same a greater Sum in any One Year than shall have been collected at the Toll Gates to be erected thereon.

Application of Tolls.

XXV. And be it further enacted, That all the Tolls and other Monies and Effects which the said Trustees, or any of them, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said recited Acts hereby repealed, or otherwise, and all Monies which shall arise or be received from the Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act granted, or which shall come to the Hands of the said Trustees, shall be applied, in the first place, in paying the Expences incident to and attending the procuring and passing this Act; in the second place, in paying the Interest of all Monies now due and owing on the Credit of the Tolls granted by the said Acts hereby repealed, or which may hereafter become due and owing on the Credit of this Act or the Tolls hereby granted; in the third place, in making, repairing, widening, altering, diverting, and otherwise improving the said Roads, and in otherwise defraying the Expences attending the Execution of this Act, and the said recited Acts of the Third and Fourth and Seventh and Eight Years of the Reign of His said present Majesty; and lastly, in paying off and discharging the Principal Sum or Sums now due and owing, or hereafter to become due and owing, on the Credit of the Tolls by the said Acts or this Act granted.

Public Act.

XXVI. 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.

Term of Act.

XXVII. And be it further enacted, That this Act shall commence upon the Second Day of *May* One thousand eight hundred and twenty-eight, 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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