



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xxvi.

An Act for more effectually repairing and improving the Road from *Kipping's Cross* in the County of *Kent* to *Flimwell Vent* in the County of *Sussex*, and certain other Roads therein described.

[13th April 1829.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing, enlarging, and rendering more effectual so much of an Act made in the Fourteenth Year of the Reign of His late Majesty King George the Second, intituled 'An Act for enlarging the Terms and Powers granted by Two Acts of Parliament, for repairing the Roads leading from Sevenoaks to Woodsgate and Tonbridge Wells, and from Woodsgate to Kipping's Cross, in the County of Kent, and also for repairing the Roads from Kipping's Cross aforesaid to Lamberhurst Pound and Pullen's Hill in the said County, and to Flimwell Vent in the County of Sussex,' as relates to the amending, repairing, and keeping in repair the said Roads leading from Kipping's Cross aforesaid to Lamberhurst Pound, Pullen's Hill, and Flimwell Vent aforesaid: And whereas an Act was passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term and varying the Powers of an Act of the Second Year of His* 2 G. 3. c. 67. 27 G. 3. c. 80.*

[Local.] 6 A present

present Majesty, for repairing the Roads from Kipping's Cross in the County of Kent to Lamberhurst Pound and Pullen's Hill in the said County, and to Flimwell Vent in the County of Sussex, and also for repairing the Road from the Turnpike Gate at Lamberhurst Pound aforesaid, through East Lane and by Hope Mill, to the Turnpike Road at Clayhill in the Parish of Goudhurst, in the County of Kent: And

49 G.3. c. 28. *His late Majesty King George the Third, intituled An Act for continuing the Term and enlarging the Powers of Two Acts of His present Majesty, for repairing the Roads from Kipping's Cross to Lamberhurst Pound and Pullen's Hill in the County of Kent, and to Flimwell Vent in the County of Sussex, and certain other Roads in the said Acts described: 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, 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 Acts be further continued; and it is expedient that the said Acts should be repealed, and more effectual Powers and Provisions granted for repairing, maintaining, and otherwise improving the said Roads; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of May next after the passing of this Act the said several recited Acts of the Second, Twenty-seventh, and Forty-ninth 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.*

From and after the 31st of May the recited Acts to be repealed;

and 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 Roads herein-after described; (that is to say,) the Road from *Kipping's Cross* in the Parish of *Brenchley* in the County of *Kent*, through the Parishes of *Lamberhurst* and *Goudhurst*, to *Flimwell Vent* in the Parish of *Ticehurst* in the County of *Sussex*; and from the said Road near *Totwood* in the Parish of *Lamberhurst*, through the Parish of *Horsmonden* by *Hope Mill*, to the Turnpike Road at *Clay Hill* in the Parish of *Goudhurst* aforesaid; and from the Turnpike Gate at *Lamberhurst Pound* in the Parish of *Lamberhurst* aforesaid to the Turnpike Road at the Top of *Pullen's Hill* in the Parish of *Horsmonden*; which Two Roads lastly described are situate in the County of *Kent*.

Trustees

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

Austen, John Austen Clerk, Thomas Calverly, John Cobb, William John Champion, William Champion, George Courthope, William Courthope Clerk, George Courthope the younger, John Cripps, John Collens, George Newnham Collingwood, William Eveleigh Clerk, Sir John Filmer Baronet, Clerk, Sir William Geary Baronet, Stephen Groombridge, Robert Barlow Gardiner Clerk, Thomas William Glanville, William Hussey Clerk, Edward Hussey, Thomas Law Hodges, Stephen Hooker, John Bathurst Hodgskin, Robert Hebden, William Bagshaw Harrison Clerk, Aylmer Haly, the Honourable James William King, Francis Law, Multon Lambard, William Lambard, William Alexander Morland, William Marriott Smith Marriott Clerk, Thomas Milles, Sotherton Branthwait Peckham Micklethwait, Michael Hodsoll Miller Clerk, Giles Miller, John Butler Pomfret, Virgil Pomfret, Richard Curteis Pomfret, Thomas Walton Roberts, John Roberts, Sir John Wyldbore Smith Baronet, Richard Springett, Richard Wetherell Clerk, Richard Wetherell the younger, Stephen Walter, Richard White, Daniel West, and Benjamin Wickham, and their Successors, being duly qualified, shall be Trustees for the Purpose of putting this Act in execution.

IV. 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 duly qualified, 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.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at some convenient House or Place in the Parish of *Lamberhurst*, on the First Monday in the Month of *June* 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.

First Meet-
ing of Trus-
tees.

VI. And be it further enacted, That the following Tolls shall be demanded and taken at each Toll Gate and Side Gate on the said Road; (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 One Penny:

For every Ox, Cow, or other Neat Cattle, the Sum of One Half-penny:

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

VII. And whereas it has of late become a frequent Practicé 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 said 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

Tolls to be
taken for
Trucks, &c.
drawn by
Dogs.

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, Truck, or other such like Carriage, there shall be paid the Sum of Two-pence at each Gate on the said Roads.

Number of Tolls to be taken.

VIII. Provided always, and be it further enacted, That no more than Four full Tolls shall be demanded and taken in the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night (except as herein-after is mentioned), in respect of the passing or repassing of the same Horses, Beasts, Cattle, or Carriages through all the Toll Gates on the said Roads.

Tolls to be paid once a Day for Horses, and every Third Time for Carriages.

IX. 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 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 at 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 (except such Carriage shall be laden with Wood for firing), 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.

Tolls on Stage Coaches, Post Chaises, &c.

Limitation of Exemptions.

X. And whereas great Damage is done to the said Roads by the Use of Waggons and Carts thereon with narrow Wheels, and it is expedient that such Waggons and Carts should be subject to Payment of Toll in certain Cases in which, by the General Laws now in being for regulating Turnpike Roads, they are exempted from Payment thereof; be it therefore enacted, That the Tolls hereby made payable shall be demanded and taken for every Horse or other Beast drawing any Waggon having the Fellies of the Wheels thereof of less Breadth than Six Inches, or drawing any Cart having the Fellies of

of the Wheels thereof of less Breadth than Four Inches and an Half of an Inch, and laden with Dung, Soil, Compost, or Manure for manuring Lands, such Dung, Soil, Compost, or Manure not being made or produced on any Farms or Lands in the Occupation of the Owner of such Waggon or Cart; any Law to the contrary thereof notwithstanding.

XI. And be it further enacted, That from and after the passing of this Act the Sum of Two Pounds 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.

Sinking
Fund.

XII. 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 and the said herein-before mentioned Acts, some or one of them, 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 Two Pounds 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 the Residue thereof shall and is hereby directed to be carried as a Balance to the Account of the succeeding Year, or applied in aid of the said Sinking Fund, as the said Trustees shall from Time to Time order and direct, and to and for no other Use and Purpose whatsoever.

Application
of the Tolls
and other
Monies.

XIII. And, in order to secure the due Application of the Tolls hereby granted to the several Purposes and in the Order aforesaid,

[*Local.*]

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Separate Ac-
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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.

XIV. 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.

Commence-
ment and
Continuance
of Act.

XV. And be it further enacted, That this Act shall commence and take effect from and after the said Thirty-first Day of *May* next after the passing of this Act, and shall continue in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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