



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xxiii.

An Act for repairing the Road from *Stockershead*, at the Top of *Charing Hill*, to a Place called *Bagham's Cross*, in the Parish of *Chilham* in the County of *Kent*. [13th April 1829.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for amending and improving the Road* 49 G.3. c.92. from *Stockershead*, at the Top of *Charing Hill*, to a certain Place where the same joins the Road from *Ashford* to *Canterbury*, all in the County of *Kent*: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded in the Execution thereof, and have borrowed a considerable Sum of Money on the Credit of the Tolls authorized to be taken on the said Road by virtue of the said Act, which Money still remains due and owing, with a considerable Arrear of Interest, and the same cannot be repaid, nor can the said Road be diverted or otherwise improved, amended, and effectually maintained and kept in repair, unless the Term and Powers of the said Act are extended and enlarged: And whereas a certain Part of the said Road leading through the Village of *Chilham* is narrow and inconvenient, and it would be of public Utility if Powers were given to abandon and discontinue the same, and in lieu thereof to make a new Cut or Deviation out of the said Road, commencing a few Yards on the West Side of the said Village, through certain Lands belonging to *James Beckford Wildman Esquire*, and ending at or near a certain Place called *Bagham's Cross*, all in the Parish of *Chilham* aforesaid, in the Road from *Ashford* to *Canterbury*: And whereas it is expedient

[Local.] 5 S that

Upon the
28th May
1830 recited
Act to be re-
pealed.

that the said recited Act should be repealed, and that further and other Powers and Provisions should be granted instead thereof, for the Repair of the said Road, and for making the Deviation and Improvement herein-before mentioned: 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 upon the Twenty-eighth Day of *May* One thousand eight hundred and thirty the said recited Act passed in the Forty-ninth 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
execution
for the Re-
pair of the
Road.

II. And be it further enacted, That this Act shall commence and be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in repair the present Turnpike Road leading from *Stockershead*, at the Top of *Charing Hill*, through the several Parishes of *Charing*, *Westwell*, *Challock*, *Wye*, *Molash*, and *Chilham*, in the County of *Kent*, to within a few Yards of the Village of *Chilham* aforesaid, on the West Side thereof, and also for making and maintaining the said new Cut or Deviation of Road from thence, in or through the said Lands of the said *James Beckford Wildman*, to *Bagham's Cross* aforesaid.

Appointment
of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Kent*, together with *Sir Edward Cholmeley Dering* Baronet, *Sir Edward Knatchbull* Baronet, *Sir John Courtney Honynwood* Baronet, *Sir John Fagg* Baronet, *Richard Ashbee*, *William Henry Baldock*, *John Barwick* Clerk, *John Billington* Clerk, *Thomas Brandon Brett*, *Edward Cage* Clerk, *Charles Cage* Clerk, *Charles Chisholm* Clerk, *Thomas Clark*, *Benjamin Cobb of Lydd*, *Benjamin Cobb of New Romney*, *Smith Cobb*, *Whitfeld Curteis* Clerk, *Edward Darell*, *Edward Henry Darell*, *David Denne*, *Cholmeley Dering* of *Brighton*, *Cholmely Edward John Dering* Clerk, *George Douglas*, *Henry Egerton*, *Richard Fitch*, *George Dinely Goodyar* Clerk, *William Hawker*, *James Haydock*, *Haydock*, *Giles Hilton* of *Sheldwich*, *Thomas Law Hodges*, *John Hückstepp*, *George Elwick Jemmett*, *Norton*, *Joseph Knatchbull*, *Edward Knight*, *Edward Knight the younger*, *Thomas Manclark*, *John Manley* Clerk, *Thomas Marshall*, *Charles Wykeham Martin*, *John Neame*, *Charles Parkin* Clerk, *Cooke Tylden Pattenson*, *Edward Rice*, *William Rigden*, *Samuel Elias Sawbridge*, *John Samuel Wanley Sawbridge*, *George Edward Sayer*, *Barling Sharpe*, *Thomas Manners Sutton* Clerk, *Nicolas Roundell Toke*, *Nicolas Toke* Clerk, *Richard Osborne Tylden* Clerk, *James Beckford Wildman*, *John Wightwick*, and *Thomas Prescott Wilks*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for maintaining Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for amending, widening, diverting, improving, and keeping in repair the said Road, and for otherwise carrying this Act into execution.

IV. And

IV. And be it further enacted, That the said Trustees shall meet Meetings of Trustees.
together on the Twenty-ninth Day of *May* One thousand eight hundred and thirty, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon, and Two of the Clock in the Afternoon, at the House commonly called or known by the Name or Sign of the *Woolpack*, in *Chilham* aforesaid in the said County of *Kent*, or at some other convenient Place near to the said Road, and shall then and there proceed to carry this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places on or near to the said Road, as the said Trustees, or the major Part of them present at any such Meetings, shall think proper and appoint.

V. 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 be holden in pursuance of this Act, to elect and appoint any Number of Persons, being duly qualified, 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. Power to appoint additional Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or 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 following at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates 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 Road, or any Part thereof, Once 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, Power to take Tolls.

For every Horse or Mule drawing any Coach, Sociable, Berlin, Landau, Barouche, Chariot, Vis-a-vis, Chaise, Chaise Marine, Calash, Landaulet, Phaeton, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Stage Coach, Diligence, Caravan, Van, or other Carriage of the like Description, the Sum of Four-pence Halfpenny : Tolls.

For every Horse, Mule, or other Beast drawing any Waggon, Tug, Wain, Cart, Dray, Tumbrel, or other Carriage of the like Description, the Sum of Sixpence :

For every Ass drawing any kind of Carriage, the Sum of Three-pence :

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

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

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

Which

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, drawing or not drawing, shall be permitted to pass through any Turnpike or Toll Gate, or Side Gate or Side Bar, or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Road or any Part thereof; 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 the Manner herein-after directed.

Tolls to be paid Once a Day.

VII. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of the said Toll Gates continued or erected or to be erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced, be permitted to pass Toll-free through the same Toll Gate, and through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls.

VIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages, on the same Day, through all the several Turnpikes or Toll Gates now erected or to be erected on the whole Line of the said Road.

As to Stage Coaches and Post Chaises.

IX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart, conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Road; and also for and 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 Road, whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

Application of Tolls and other Monies.

X. And be it further enacted, That out of any Monies already received by virtue of the said recited Act hereby repealed, or out of the first Monies which shall be produced or received by virtue of this Act, the said Trustees shall, in the first place, pay and discharge all the Expences and Costs relative to the procuring and passing of this Act; and the Remainder of such Monies shall from Time to Time be employed in erecting Turnpikes, Toll Houses, and Weighing Machines, and in amending, widening, altering, and improving the said Road, and in keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into execution, and in repaying the Principal Monies by this Act charged or to be borrowed, and the Interest due and to grow due thereon.

XI. And

XI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make and carry the said new Line or Diversion of Road in, upon, over, or through any private Lands or Grounds described in the Map or Plan and Reference herein-after mentioned, and in the Schedule to this Act annexed, making Satisfaction to the Owner thereof and Persons interested therein for the same, or for any Damage they may sustain thereby, and to make the same respectively of such Width as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient.

New Road
may be made.

XII. And whereas a Map or Plan, describing the Diversion and Improvement hereby authorized to be made, and the Lands and Hereditaments through or over which the same are intended to be made or carried, has been deposited, together with a Reference thereto, containing the Names of the Owner and Occupiers of such Lands and Hereditaments, at the Office of the Clerk of the Peace for the said County of *Kent*; be it therefore enacted, That the said Map or Plan and 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 take Copies and Extracts thereof, at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Reference.

Plan to re-
main with
the Clerk of
the Peace.

XIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make and carry the said Diversion and Improvement into, through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of any Lands over which the same are set out and described in the said Map or Plan, and in the Schedule to this Act annexed, as being intended to be made and carried, although the Name or Names of such Owner or Owners, or of his or their Tenant or Tenants, may happen to be omitted or erroneously stated in the said Reference or in the said Schedule, in case it shall appear to any Two or more Justices of the Peace for the said County of *Kent*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Inadvertence or Mistake.

Road may be
made not-
withstanding.
Errors in the
Plan.

XIV. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making the said Diversion and Improvement herein-before mentioned shall not extend or be construed to extend to empower or authorize the said Trustees to take or use, for any of the Purposes of this Act, any Dwelling House or other Building, or any Garden, Yard, Paddock, Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, except such as are mentioned in the said Schedule to this Act annexed.

Houses, &c.
not to be
taken unless
specified in
the Schedule.

[*Local.*]

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XV. Pro-

Power of
purchasing
limited to
Five Years.

XV. Provided always, and be it further enacted, That if the said Trustees shall not, within the Space of Five Years from the Commencement of this Act, agree for or cause to be valued and paid for the several Pieces of Garden Ground and Hereditaments set forth in the Schedule to this Act, or so much thereof respectively as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers hereby granted to them for purchasing the same, or such Parts thereof as aforesaid, shall cease and determine, save and except with the Consent in Writing of the Owner or Owners, Proprietor or Proprietors thereof respectively.

Public Act.

XVI. 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 the Act.

XVII. And be it further enacted, That this Act shall commence on the Twenty-eight Day of *May* One thousand eighth hundred and thirty, and shall continue and be in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which this Act refers.

Owner.	Occupiers.	Description of Property.
James Beckford Wildman, Esq.	<div>John Shilling. George Philpott. Richard Mannering. James Hadley. Matthew Amos. Thomas Foster. Robert Filmer. Elizabeth Cassingham. William Black. John Knowler. Edward Philpott. — Riddle. George Coveney. Elias Hadley.</div>	Gardens.