



ANNO NONO

# GEORGII IV. REGIS.

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## Cap. xvi.

An Act for more effectually repairing and improving the Roads from *Kipping's Cross* to *Wilsley Green*, and from a Place near *Goudhurst Gore* to *Stilebridge*, and from *Underden Green* to *Wanshutts Green*, all in the County of *Kent*.

[3d April 1828.]

**W**HEREAS 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 Roads* 5 G. 3. c. 63. leading from the Turnpike Road at Kipping's Cross, in the Parish of Brenchley, in the County of Kent, through the Parishes of Brenchley, Horsmonden, and Goudhurst, by the Left Hand Side of Iden Green, to the Turnpike Road on Wilsley Green in the Parish of Cranbrooke, and from a Place near Goudhurst Gore, through the Parish of Marden, to Stilebridge in the said Parish, and from Underden Green in Marden aforesaid to Wanshutts Green in the 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 en-* 26 G. 3. c. 134. larging the Term of an Act of the Fifth Year of His present Majesty, for repairing and widening the Roads leading from the Turnpike Road at Kipping's Cross, in the Parish of Brenchley, in the County of Kent, through the Parishes of Brenchley, Horsmonden, and Goudhurst, by the Left Hand Side of Iden Green, to the Turnpike Road on Wilsley Green in the Parish of Cranbrooke, and from a Place near Goudhurst Gore, through the Parish of Marden, to Stilebridge in the said Parish, and from Underden Green in Marden aforesaid to Wanshutts Green in the County of Kent: And whereas another Act was passed in the Forty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing the Term and altering* 47 G. 3. c. 18. and enlarging the Powers of Two Acts passed in the Fifth and [Local.] 3 B Twenty-



*Twenty-sixth Years of His present Majesty, for repairing the Roads from Kipping's Cross, in the Parish of Brenchley, in the County of Kent, to Wilsley Green in the Parish of Cranbrooke, and from a Place near Goudhurst Gore to Stilebridge, and from Underdeen Green to Wanshuts Green in the 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 on both the Districts of Roads therein mentioned, which Money still remains due and owing, and, as respects such Part thereof as was borrowed on the Credit of the Tolls of the said Second District, 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 Powers made for repairing, maintaining, and otherwise improving the said Roads: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George 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 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 present 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 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 the 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.*

3 G. 4. c. 126.  
4 G. 4. c. 95.  
5 G. 4. c. 69.  
7 & 8 G. 4. c. 24.  
Recited Acts of 5, 26, and 47 G. 3. repealed;

and this Act to take effect.

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*, through the Parishes of *Brenchley*, *Horsmonden*, *Goudhurst*, and *Cranbrooke*, to *Wilsley Green*, which shall be called the First District of the said Roads; and the Road from *Goudhurst Gore* to *Stilebridge*, and from *Underden Green* to *Wanshuts Green*, all which lies in the Parishes of *Goudhurst* and *Marden*, and shall be called the Second District of the said Roads.

Powers of recited Acts 3, 4, 5, and

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



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.

7 & 8 G. 4.  
to extend to  
this Act.

IV. And be it further enacted, That this Act, and the Tolls hereby granted and to be received on the First and Second Districts of the said Roads, shall be separately, but not jointly, 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 Two Districts by virtue of the said several Acts hereby repealed, and of 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 on account of either of the said Districts, or 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.

Tolls liable  
to Debts, &c.  
under former  
Acts.

V. And be it further enacted, That all Deeds, Agreements, Contracts, and Securities made or entered into by, to, or with the respective 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 either of the said Districts, 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.

Deeds, &c.  
under former  
Acts to re-  
main in force.

VI. And be it further enacted, That all Books whatsoever relating to the said Two Districts of Roads, or either of them, 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.

Books under  
former Acts  
to be Evi-  
dence.

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 either of the said Districts of 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.

Former Offi-  
cers to ac-  
count.

VIII. 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 the Right Honourable *George Charles Pratt*, commonly called the Earl of *Brecknock*, *John Austen*, the Reverend *John Austen*,

Trustees  
appointed.



*Austen, Thomas Ash, Francis George Cox Burridge, William Buss, Louis Bourillion, William John Campion, Thomas Causton Doctor in Divinity, George Courthope, the Reverend William Courthope, John Collens, the Reverend Daniel William Davies, the Reverend William Dowthwaite, John Fuggle, Ambrose Gibbons, Stephen Groombridge, Thomas Law Hodges, the Reverend William Bagshaw Harrison, Thomas Twysden Hodges, Edward Hussey, Robert Hebden, John Bathurst Hodgskin, Stephen Hooker, Thomas Hooker, William Hayes, William Hickmott, George Ingram, John Jeffery, Robert Joy, the Honourable James William King, Francis Law, the Reverend Philip Le Geyt, Multon Lambard, John Luxford, William Alexander Morland, the Reverend William Marriott Smith Marriott, the Reverend Isaac Mossop, Thomas Milles, the Reverend Michael Hodsoll Miller, Giles Miller, Stephen Monckton, John Monckton, Edward Monckton, Thomas Bold Marchant, Thomas Walton Roberts, Richard Springett, William Tooth, David Twort, William Tomkin, Charles Willis, Charles Willis the younger, John Wilmshurst, Robert Watts Doctor of Physic, Benjamin Wickham, Daniel West, Stephen Walter of Horsmonden, William Walter, Thomas Watson, Stephen Walter of Marden, John Walter, Alexander Wilmshurst, 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 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 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, 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 for the said First District at some convenient House or Place in the Parish of *Horsmonden* on *Friday* Three Weeks next after the passing of this Act, and for the said Second District, at some convenient House or Place in the Parish of *Marden* on *Friday* Four Weeks next after the passing of this Act, and shall then and from Time to Time adjourn to and meet for each District at such Times, and Places at, near, or upon the said Districts respectively, 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 this Act.

XII. And



XII. And be it further enacted, That the said Trustees may con-  
 tinue or remove all or any of the Toll Gates and Toll Houses now  
 standing upon or across the said Roads, or at the Side or Sides  
 thereof, and 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 and remove or alter  
 the same or any of them, as they shall think proper.

Power to  
erect Gates,  
&c.

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 upon, across, or at the Side of  
 the several Roads included in this Act, on every Day, (such Day to  
 be computed from Twelve of the Clock at Night till Twelve of the  
 Clock in the next succeeding Night,) the Tolls following; (that is  
 to say),

Power to take  
Tolls on the  
Two Dis-  
tricts.

On the First District of the said Roads —

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

First District  
Tolls.

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 :

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

And on the Second District of the said Roads —

For every Horse, Mule, or other Beast drawing any Carriage, the  
 Sum of Sixpence :

Second Dis-  
trict Tolls.

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 Penny :

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

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 draw-  
 ing any low Cart, Truck, or other such like Carriage, there shall  
 be paid the Sum of Two-pence at each Gate on both Districts of the  
 said Roads.

Tolls to be  
taken for  
Trucks, &c.

All which Sums of Money shall be demanded and taken as Toll,  
 before any Horse, Mule, Ass, or other Beast, Coach, Waggon, Cart,  
 Truck, or other Carriage shall be permitted to pass through any  
 of the said Toll Gates or Side Gates erected or to be erected across

[Local.]

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or



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 to be taken in One Day.

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

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

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 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.

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

Post Chaises on every new Hiring.

XVII. Provided always, and be it further enacted, 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.

Double Tolls.

XVIII. 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.

XIX. 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 Stone are obtained for repairing Roads situate a considerable Distance therefrom, and also to several Wharfs upon the River *Medway*, where Sprats, Rags, Rape Dust, and other arti-



cial Manures are sold; and much of the heaviest Traffic upon the said Roads at all Seasons of the Year, and more especially in Winter, 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 Waggon 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 the making or repairing of any Turnpike Road whatsoever, or for making or repairing any Public Highway, 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 District of Road on which the said Toll shall be demanded, or any Part thereof, doth 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 District of Road on which the said Toll shall be demanded, or any Part thereof, doth lie, any thing in the said recited Acts of 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.

XX. 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 respective Amounts of all the Principal Monies now due on the Tolls of each of the said Districts respectively, and on the Amount of every further Sum of Money hereafter to be borrowed at Interest on the Credit of the Tolls of each District respectively, shall be charged on and paid out of the Tolls of such District, 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 respective Creditors shall from thenceforth be charged on and paid out of the said respective Tolls, in aid of the said Two Sinking Funds; and as often as either of the said Sinking Funds 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 the Security of the Tolls of that District from which such Sinking Fund shall have arisen, such Payment to be made to One of the said Creditors by Lot.

XXI. And be it further enacted, That as well all the Monies which before the Commencement of this Act shall have been raised

Sinking  
Fund.

Application  
of the Tolls  
and other  
or Monies.



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, with reference to the Provisions herein contained as to the Application of the different Funds, be applied to the several Purposes and in the Order following; (that is to say,) in the first place, in Payment of all the 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 respective Amounts of One Pound Sterling *per Centum per Annum*, for providing such Sinking Funds as are 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 respective 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 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 to be 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.

XXII. And in order to secure the due Application of the respective 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 or respective Treasurers for the Time being appointed by the said Trustees respectively, 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 separate Accounts of the said Two Sinking Funds, and of the Application thereof respectively.

Public Act.

XXIII. 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.

XXIV. And be it further enacted, That this Act shall commence and take effect on the Day of the passing thereof, and shall thenceforth 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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