



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. 1.

An Act for the more effectually repairing, improving, and maintaining the Road from the Town of *Ashford* to the Town of *Maidstone* in the County of *Kent*. [19th May 1836.]

WHEREAS an Act was passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing the Road from Barrow Hill in Ashford to a Place called New England, in the Parish of Hollingborne, and for making a new Road thence to East Lane in the Town of Maidstone, all in the County of Kent*: And whereas the Trustees acting under or by virtue of the said Act have repaired and improved the said Road from *Barrow Hill* to *Maidstone*, and have also made the new Road from *New England* in *Hollingborne* aforesaid to *East Lane* in *Maidstone* aforesaid, and have borrowed considerable Sums of Money upon the Credit of the Tolls authorized to be taken and collected by the said Act, and the said Money is still due and owing and cannot be paid off, nor can the said Road from *Barrow Hill* to *Maidstone* be effectually repaired, improved, and maintained, unless the Term of the said Act be further continued: And whereas it will be more convenient if the said recited Act were repealed, and further and more effectual Powers and Provisions be granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it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,

[Local.] 19 Z That

Recited Act repealed, and this Act to take effect.

That from and after the passing of this Act the said recited Act of the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, but subject and without Prejudice to the several Exchanges of Pieces of old Road therein mentioned which have been made or effected, and to the Trustees of the said Road being discharged from future Repairs of the certain Parts of the said old Road therein mentioned, and to the stopping up and Sale of a certain Carriage Road therein mentioned, and also certain Footpaths and other Parts of the said old Road, and to the Disposal of the old Toll or Turnpike Houses and Appurtenances thereto belonging, shall be and the same is hereby repealed, and instead thereof this Act shall thenceforth commence and take effect and be put in execution, for and during the Term herein-after mentioned, for the Purpose of the more effectually repairing, improving, and maintaining the Road from the High Street of the Town of *Ashford* aforesaid to *King Street* (formerly called *East Lane*) in the Town of *Maidstone* aforesaid in the said County of *Kent*.

Piece of Road between *Barrow Hill* and *Ashford* to be placed under the Care of the Trustees of the Road between *Barrow Hill* and *Maidstone*.

II. And whereas it is expedient that the Piece of Road commencing at the Termination of the said Road at *Barrow Hill*, and running thence to the Commencement of the High Street of the Town of *Ashford* aforesaid, by a certain House there known by the Sign of the *Castle*, being of the Length of a Quarter of a Mile or thereabouts, and now under the Care and Management of the Trustees of a certain Road between *Tenterden* in the said County and *Ashford* aforesaid, should be placed under the Care and Management of the Trustees of the said Road between *Barrow Hill* and *Maidstone*, and united therewith and managed as one Road; be it therefore further enacted, That it shall be lawful for the Trustees for the Time being of the said Road between *Barrow Hill* and *Maidstone*, and they are hereby authorized and empowered, to take the said Piece of Road into their Care and Management, and to repair, improve, and maintain the same with their said Road between *Barrow Hill* and *Maidstone* as one Road for and during the Term and Continuance of this Act.

No Toll Gate to be erected on the said Piece of Road.

III. Provided always, and be it further enacted, That it shall not be lawful for the Trustees for executing this Act to erect or set up at any Time any Turnpike, Toll Gate, Side Gate, or Bar upon, across, or on the Sides of the said Piece of Road between *Barrow Hill* and *Ashford* aforesaid, or any Part thereof.

New Term and Tolls liable to the existing Mortgages and Debts.

IV. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and are hereby made subject and liable to the Payment as herein-after mentioned of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Act, 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 or become due and owing upon the Credit or Security of the Tolls granted by this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Act shall be liable to the Payment thereof to the Trustees for executing this Act; and all Conveyances, Covenants, Bonds, and Agreements, Contracts and Securities whatsoever, entered into by any Person or Persons to or with the

Trustees for executing the said recited Act, or any Three or more of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same shall be fully satisfied and performed on account and for the Benefit of the Trust under this Act; and all Contracts or Agreements duly made or entered into by the Trustees for executing the said recited Act hereby repealed, or any Three or more of them, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept according to the Terms and Stipulations thereof respectively by the Trustees under this Act, notwithstanding the Repeal of the said recited Act.

V. And be it further enacted, That all Arrears of Tolls or Rents and other Monies due to, and all Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under or by virtue of this Act.

Arrears of
Tolls, Rents,
and other
Monies and
Property
vested in
Trustees.

VI. And be it further enacted, That all and every His Majesty's Justices of the Peace for the Time being acting in and for the County of *Kent*, together with Sir *Edmund Filmer* Baronet, Sir *John Croft* Baronet, *Edward Hastad* Clerk, *William Horne* Clerk, *James Reeve* Clerk, *Charles Parkin* Clerk, *Richard Fiennes Wykeham Martin* Clerk, *Robert James Todd Dolling* Clerk, *Tait* Clerk, *Edward Darell*, *James Whatman*, *Henry Salmon*, *George Harrison*, *William Jemmett*, *William Whitfield*, *James Wall*, *Weller Norwood*, *John Brenchley*, *John Mares*, *Robert Tassell*, *Bidingfield Wise*, *William Hussey*, *John Hollingworth* of *Boxley*, *John Hollingworth* of *Maidstone*, *Charles Wayth*, *Richard Thomas*, *Joseph Oliver*, and *Robert Rugg*, and their Successors, being duly qualified to act as Trustees for Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining the said Road from *Ashford* to *Maidstone* herein-before described, and for otherwise putting this Act into execution.

Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any of their Meetings, to nominate, elect, and appoint any Number of Persons (not exceeding Three in the whole), being duly qualified to act as Trustees of Turnpike Roads in *England*, to be Trustees for the Purposes of this Act, in addition the Trustees herein named; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and shall have and they are hereby invested with the same Powers and Authorities for executing this Act, and the same Privileges and Exemptions, as if they had been herein and hereby appointed.

Power to ap-
point addi-
tional Trus-
tees.

VIII. And be it further enacted, That the said Trustees for executing this Act shall meet at some convenient House or Place on or near the said Road on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and

First and
other Meet-
ings of the
Trustees.

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 such Place or Places either upon or near to the said Road, as the said Trustees shall think proper and appoint; and if at any Meeting appointed to be held by virtue of this Act there shall not appear any Trustee or Trustees or a sufficient Number to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, then the Clerk to the said Trustees shall from Time to Time as often as such Case shall happen, by Notice in Writing to be affixed on all the Toll Gates then erected upon the said Road, and to be inserted in One or more of the Newspapers published in the said County of *Kent*, at least Seven Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held or was held, on some Day within One Calendar Month next after the Day on which such last Meeting was appointed or held; provided that no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon, nor shall any Adjournment be made, or any Meeting appointed to be held, at any later Hour than Two in the Afternoon of the Day on which such Meeting is appointed to be held.

Power to continue or remove the present Toll Gates, &c.

IX. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses, and Weighing Machines, erected and now standing and being in, upon, or across the said Road or on the Sides thereof, shall remain and be continued until removed by an Order or Orders of the said Trustees or otherwise; and it shall be lawful for the said Trustees from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the said Toll Gates, Turnpikes, Toll Houses, and Weighing Machines, or any or either of them; and that it shall be lawful for the said Trustees to order and cause to be erected, set up, and built upon, in, or across the said Road or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Toll Gates, Turnpikes, Bars, or Chains, or Weighing Machines, and the same also from Time to Time to order and cause to be taken down and removed or altered or discontinued, as they the said Trustees shall think proper.

Clerk, &c. to be continued until removed.

X. And be it further enacted, That the Clerk, Receivers, Collectors, Surveyor, and other Officer or Officers appointed under or by virtue of the said recited Act hereby repealed, shall hold and be continued in their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act, and 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 the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever as if he or they had been appointed by virtue of this Act.

Power to take Tolls.

XI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons being a Lessee or Farmer, Lessees or Farmers, or who shall be continued or appointed by virtue of this Act Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take, or cause to be demanded and taken, on each and every Day (each Day to be computed from Twelve of the Clock of one Night to

to Twelve of the Clock the next succeeding Night), at each and every Turnpike Gate, Toll Gate, Side Gate, or Side Bar which by virtue of this Act shall be continued or erected upon, across, or on the Sides of the said Road or any Part thereof, the several Tolls following; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Landau, Tolls.
Barouche, Berlin, Phaeton, Sociable, Chaise, Chaise Marine, Calash, Curricule, Car, Cabriolet, Chair, Gig, Whisky, Chaise Cart, Hearse, Break, Litter, Stage Coach, Diligence, Van, Caravan, or other such like Carriage on Springs, the Sum of Four-pence :

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

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

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

And when any Waggon, Wain, Cart, or other Carriage shall be drawn by Oxen, Two Oxen shall be considered and paid for as One Horse :

For every Coach, Chaise, Cart, Waggon, or other Carriage with Four Wheels, affixed, tied, or secured to and drawn behind any Waggon, Wain, Cart, or other Carriage, the Sum of Eight-pence :

For every Chaise, Chair, or other Carriage with Two Wheels, which which shall be affixed, tied, or secured or aforesaid, the Sum of Four-pence :

For every Carriage of any Description whatever, moved or propelled by Steam, Gas, or Machinery, or by any Power not being Animal Power, for every Wheel of such Carriage the Sum of Sixpence :

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

For every Ass drawing any Kind of Carriage, the Sum of One Penny Haifpenny :

For every Ass not drawing, the Sum of One Halfpenny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per Score* :

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per Score* :

And when such Cows, Oxen, or Neat Cattle, Calves, Hogs, Sheep, or Lambs, shall be a greater or less Number than a Score, then such Tolls respectively to be in proportion for such greater or less Number than a Score :

For every Dog or Goat drawing any Cart, Carriage, Truck, Barrow, or other Thing, the Sum of One Halfpenny :

And the said several and respective Tolls shall and may be demanded and taken before any Horse or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or any Oxen, Cows, or Neat Cattle, Calves, Hogs, Tolls to be demanded, and Ticket delivered on Payment.

Hogs, Sheep, or Lambs, Dog or Goat, be permitted to pass through any Turnpike Gate, Toll Gate, Side Gate or Side Bar, continued or erected or to be erected by virtue of this Act, upon or across or on the Sides of the said Road or any Part thereof; and upon Payment of the said Tolls or any of them the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment.

No more than Four full Tolls to be demanded on whole Line of Road.

XII. Provided always, and be it further enacted, That no more than Four full Tolls shall be demanded or taken from any Person or Persons in any One Day for or in respect of the same Horse, Beast, Animal, or Cattle, or Carriage, for once passing and repassing along the whole Line of the said Road through all the Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains thereon or on the Sides thereof: Provided also, that in case Toll shall have been paid at any Gate standing on or across the said Road, in respect of any Horse, Beast, Cattle, Animal, or Carriage, no Toll shall be payable in respect thereof on the same Day at any Side Gate, Bar, or Chain, through which such Horse, Beast, Cattle, Animal, or Carriage shall pass next after such Payment shall be made, on a Ticket being produced denoting Payment at such Gate as aforesaid; and in like Manner Payment at any Side Gate, Bar, or Chain shall clear the next Gate standing on or across the said Road through which any Horse, Beast, Cattle, Animal, or Carriage shall pass on the same Day, on a Ticket being produced denoting Payment at such Side Gate, Bar, or Chain.

Horses drawing different Carriages to pay each Time of passing.

XIII. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses, or other Beast or Beasts, drawing any Waggon, Wain, Cart, or other such Carriage, for passing through any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on the said Road, and any such Horse or other Beast shall afterwards be employed on the said Road during the same Day in drawing a different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such like Carriage.

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

No additional Toll on account of the Horses having been changed.

XIV. Provided always, and be it further enacted, That the Tolls payable for or in respect of Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage conveying any Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage, on account only of the Horses or Beasts drawing the same having been changed between any Gate freeing each other by Tickets.

Steam Carriages to pay every Time of passing.

XV. Provided also, and be it further enacted, That the Tolls payable for or in respect of Carriages moved or propelled by Steam, Gas, or Machinery, or by any Power not being Animal Power, shall be paid every Time of the passing or repassing of any such Carriage along the said Road.

XVI. Pro-

XVI. Provided also, and be it further enacted, That nothing contained in any Act or Acts for regulating Turnpike Roads in *England* or in this Act shall extend or be construed to extend to exempt from the Payment of Toll any Horse or other Beast drawing any Carriage laden with Stones, Gravel, or other Materials for the making or repairing any Road or public Highway in any other Parish than those through which the said Turnpike Road passes or shall hereafter be made to pass, or for the making or repairing any Road or public Highway in any other Parish or Parishes than that wherein the same are found, unless the drawing of such Carriage so laden as aforesaid along the said Turnpike Roads shall be between the First Day of *April* and the First Day of *November* in the Year, or in the Time of hard Frost in the Winter Season.

No Exemption in respect of Carriages laden with Gravel, &c. for Repair of Roads, &c.

XVII. Provided also, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts let to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing or repassing along the said Road whenever a fresh Hiring thereof shall have taken place.

Post Chaises, &c. to pay on every fresh hiring.

XVIII. And be it further enacted, That all the said respective Tolls and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the Trustees of the said Road for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned.

Tolls vested in Trustees.

XIX. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced or continued by virtue of the said recited Act hereby as aforesaid repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in defraying the Expences of widening, improving, repairing, and preserving the Road by this Act directed to be widened, improved, and kept in repair, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings and Appurtenances to the same respectively, upon, across, and by the Sides of the same Roads, and Payment of Salaries for and otherwise in executing the Purposes of this Act; thirdly, in respectively paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of any of the Tolls or Duties payable on the Road by this Act directed to be widened, improved, and kept in repair; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed or secured or continued in pursuance of and for the Purposes of the said Act hereby repealed,

Application of Tolls and other Monies.

repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

No Priority
of Mortgages.

XX. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act hereby repealed, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money, but that as well all Persons to whom any such Mortgage or Assignment, Mortgages or Assignments, shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment, Mortgages or Assignments, hath or have heretofore been made or given, shall, in proportion to the Sum or Sums therein mentioned, be Creditors under this Act in equal Degree one with another, without any Preference or Priority whatever.

Old Mort-
gages may be
cancelled, and
new ones
granted.

XXI. And be it further enacted, That the said Trustees shall and may, if thereunto required and they shall think proper, destroy and cancel all or any of the Mortgages or Assignments now subsisting that have been made, by virtue of the said recited Act hereby repealed, or by virtue of the Act therein mentioned or referred to, of the Tolls by the said Acts respectively authorized to be collected, and to make, give, and execute a Mortgage or Mortgages of the Tolls by this Act granted in manner before directed, for such Sum or Sums of Money as may be expressed in any Mortgage or Assignment to be cancelled by virtue of this Act.

No Clothes
&c. to be
hung out
near the
Road.

XXII. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes on any Line, Bank, Rail, or Fence adjoining the said Road or any Part thereof, or shall hang or put or place any Hook or Hooks or other Thing or Things to, from, or in any House, Shop, or Place adjoining or being near to the said Road or any Part thereof, so as to project into the same, or to be an Annoyance to any Person or Persons passing thereon, or prevent the free and safe Use of the whole Breadth of the said Road, every Person so offending in any of such Cases shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above any Damage that may be occasioned thereby.

No Person to
exercise
Three or
more Horses
at once, having
One or more
on each Side
of him.

XXIII. And be it further enacted, That if any Person shall exercise or go with Three or more Horses at the same Time upon any Part of the said Road, riding or leading One of the said Horses, and shall not lead or keep the others on one and the same Side of the Horse on which he shall ride, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

If Trustees of
other Roads
propose to
erect Side
Gates, Trus-
tees may
compound.

XXIV. And whereas the said Road between *Ashford* and *Maidstone* intersects and opens Communication with other Turnpike Roads, and the Trustees of such Roads may judge it expedient to erect additional Toll Gates on some Parts of such Roads or on the Sides thereof, which might be detrimental to the Funds of the Trust under this Act; be it therefore

therefore enacted, That in case the Trustees of any such Roads shall at any Time or Times hereafter propose to erect any such additional Toll Gate or Gates on such Road or Roads, or the Sides thereof, which in the Judgment of the Trustees for executing this Act would if erected be detrimental to the Funds arising under this Act, it shall be lawful for the Trustees for executing this Act to compound and agree with the Trustees of such other Road or Roads for the Payment to them of such Sum or Sums of Money as shall be adjusted and agreed upon between them as and for a Consideration for their refraining from the erecting any such Toll Gate or Gates as aforesaid, and to pay such Sum or Sums of Money to be so agreed upon out of any Money arising by virtue of this Act.

XXV. And whereas it would be an Improvement to the said Road, and much greater Safety to His Majesty's Subjects in passing and repassing and travelling from and into the End of the said Road next to the Entrance of the said High Street of the Town of *Ashford*, if the Three Messuages or Tenements and Premises situate at the East Corner of the said Road leading into the High Street of *Ashford* aforesaid, and now or late in the several Tenures or Occupations of *Stephen Hodges*, *Thomas Back*, and *Mary Hart*, their Under-tenants or Assigns, and now or late belonging to or vested in the Devisees (in Trust for Sale) of *William Allen*, late of *Ashford* aforesaid, Postmaster, deceased, or some Part or Parts of the said Premises, were taken down and removed away, or the Corner of the said Messuages or Tenement otherwise rounded off; be it therefore enacted, That it shall be lawful for the Trustees for executing this Act, and they are hereby authorized and empowered, whenever they shall think proper so to do, to contract and agree in the Manner directed by, and with, under, and subject to all and every the Powers, Authorities, and Provisions of the Acts in force for regulating Turnpike Roads in *England*, with the Owners of and Persons interested in the same, for the Purchase of all and every the said Messuages or Tenements and Premises, or any Part or Parts thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain therein, and thereupon to take down and remove away, or otherwise cut through or round off the Corner of the said Messuages or Tenements for the Purpose aforesaid, and afterwards to sell and dispose of such Part or Parts of the said Premises as shall not be required for the said Improvement.

Power to purchase certain Premises in the Town of *Ashford* for the Purpose of improving the Road there.

XXVI. And be it further enacted, That none of the Tolls authorized to be taken by this Act upon the said Road, nor any Money raised by virtue of the said recited Act, or to be raised by virtue of this Act, or any of them, shall be paid, laid out, or expended in the Repair or Improvement of any Street through which the said Road passes, other than and except in making the Alteration and Improvement herein-before specially authorized and directed, nor shall any of the said Tolls be collected therein.

Tolls not to be applied in repairing any Streets.

XXVII. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provision in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold

The Freehold and Inheritance of Lands purchased to remain vested in the Persons of whom purchased;

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and

and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, but the said Trustees shall by means of such Purchase and Conveyance be entitled to a perpetual Right of Way in, upon, and over the said Lands so purchased by them.

and the
Right of Way
over the same
to cease when
not wanted
for Purpose
of the Road.

XXVIII. Provided always, and be it further enacted, That if at any Time any Lands purchased by the said Trustees for the Purposes of the said Road mentioned in this Act shall not be wanted for the same, then and in such Case the Right of Way in, upon, and over the said Lands vested in the said Trustees shall cease and determine and be extinguished, and the Freehold and Inheritance of the said Lands shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees
to have the
same Power
of using the
Land as if
they had pur-
chased the
Fee Simple
thereof.

XXIX. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the said Lands and Hereditaments taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Bridges thereon, as fully and effectually, to all Intents and Purposes, as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

Right of
Fiennes
Wykeham
Martin, Esq.
to Toll for
Welsh Cattle
reserved.

XXX. Provided also, and be it further enacted, That nothing herein contained shall in anywise prejudice or interfere with the Right and Title claimed by *Fiennes Wykeham Martin* Esquire, as Lord of the Manor of *Leeds* in the County of *Kent*, to receive and take Tolls for *Welsh* Cattle passing through a certain Gate adjoining to his Park Pales situate in the Parish of *Broomfield*, in the same Manner as he hath been accustomed to take and receive the same, but that such Right and Title of the said *Fiennes Wykeham Martin*, his Heirs or Assigns, shall remain and continue and be exercised in the same Manner as if this Act had not been passed.

Public Act.

XXXI. 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.

Commence-
ment and
Continuance
of Act.

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