



ANNO DECIMO

GEORGIIV. REGIS.

Cap. lxi.

An Act for repairing the Road leading from *Tonbridge* to *Maidstone* in the County of *Kent*.

[14th May 1829.]

WHEREAS 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 Road from Tonbridge to Maidstone, and from Watt's Cross to Cowden, in the County of Kent*: And whereas another Act was passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to explain and amend an Act made in the last Session of Parliament, for repairing and widening the Road from Tonbridge to Maidstone, and from Watt's Cross to Cowden, in the County of Kent, so far as the same relates to the Road from Tonbridge to Maidstone*: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Powers of Two Acts, passed in the Fifth and Sixth Years of His present Majesty, for repairing and widening the Road from Tonbridge to Maidstone, and from Watt's Cross to Cowden, in the County of Kent, so far as the same relates to the Road from Tonbridge to Maidstone*: And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of several Acts, passed in the Fifth, Sixth, and Twenty-sixth Years of His present Majesty, for repairing and widening the Road from Tonbridge to Maidstone, and from Watt's Cross to Cowden, in the County of Kent,*

[Local.]

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so far as they relate to the Road from Tonbridge to Maidstone: And whereas the Trustees acting under the said Four several Acts have proceeded in the Execution thereof, and have from Time to Time for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road from *Tonbridge* to *Maidstone*, which Money still remains due and owing, and the same cannot be repaid, nor can the said Road be effectually amended, widened, altered, improved, and kept in repair, unless the Term granted and continued by the said Acts be further extended, and the Tolls increased or altered: And whereas it is expedient and would be of public Utility if Power were given for making and maintaining a new Line or Deviation from and out of the said Road to the Southward thereof commencing at or near a Place called *Puckle's Cross* in the Parish of *East Barming* in the County of *Kent*, through the Parishes of *East Barming* and *Maidstone* in the same County, and terminating at *Barming Heath* in the said Parish of *Maidstone* near an Oasthouse there belonging to *William Hartnup*: And whereas it is expedient that the said Acts, so far as they relate to the said Road from *Tonbridge* to *Maidstone*, should be repealed, and further, better, and more effectual Provisions made instead thereof, for the repairing, maintaining, and otherwise improving 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 from and after the Twenty-first Day of *May* next after the passing of this Act the said several recited Acts passed in the Fifth, Sixth, Twenty-sixth, and Forty-seventh Years of the Reign of His late Majesty King *George* the Third, so far as the same relate to the said Turnpike Road from *Tonbridge* to *Maidstone*, shall be and the same are hereby respectively declared to be repealed.

Recited Acts, as far as they relate to the Road from Tonbridge to Maidstone, repealed.

This Act to be put in execution for repairing the Roads herein mentioned.

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 more effectually amending, widening, improving, and keeping in repair the present Turnpike Road commencing at *Tonbridge* in the said County of *Kent*, and passing from thence through and into the several Parishes and Townships of *Tonbridge* aforesaid, *Hadlow*, *East Peckham*, *West Peckham*, *Mereworth*, *Wateringbury*, *Teston*, *West Barming*, *East Barming*, and *Maidstone*, all in the said County of *Kent*; and also for making and maintaining the said new Line or Deviation of Road in or through the Parishes of *East Barming* and *Maidstone*, and the several other Purposes of this Act.

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 *William Jarvis Twysden* Baronet, *Thomas Andrewes*, *William Carnell*, *John Carnell*, *John Day*, *Richard Day*, *James Ellis*, *William Golding*, *William Thomas Harvey*, *Thomas Harvey* Clerk, *Thomas Henham*, *Joseph Jackson*, *Thomas Kipping*, *Joseph Lee*, *George Lingard*, *John Liptrot* Clerk, *Thomas Martin*, *John Miller*, *William Muggidge*,

ridge, George Palmer, Horatio Pope, William Simmons, Thomas Mills Simmons, Richard Standford, Liberty Taylor, William Taylor of Maidstone, William Taylor of Ightham, Richard Turner, Richard Warde Clerk, J. West, Charles Gustavus Whittaker, 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 be it further enacted, That the said Trustees shall meet together on the Twenty-second Day of *May* 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, at the House called the *Torrington Arms*, in the Parish of *Mereworth* in the said County of *Kent*, or at some other convenient Place on or near 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.

First Meeting of Trustees.

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 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 to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be standing or 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, Mule, or other Beast, except Oxen, drawing any Carriage of any Kind or Description whatsoever, the Sum of Four-pence Halfpenny:

Tolls.

For every Ox drawing any Carriage of any Kind or Description whatsoever, the Sum of Two-pence Farthing:

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

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

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

And between the Eleventh Day of *October* and the Sixth Day of *April* in every Year, for every Horse, Mule, or other Beast, drawing any Waggon, Cart, or other Carriage, laden with Timber, Iron, Iron Ore, or Gloom of any Kind, and drawn by Three or more Horses, Mules, or other Beasts, Double the Tolls herein-before authorized to be taken for such Horses, Mules, or other Beasts drawing any Kind of Carriage.

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

VII. And whereas it hath of late become a frequent Practice upon the said Road 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 Road, 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 drawing any low Cart, Truck, or other such like Carriage, there shall be paid the Sum of Four-pence Halfpenny at each Gate on the said Road: 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 or by the Side or Sides of the said Road; and such Tolls are hereby vested in the said Trustees, and shall be applied in manner herein-after directed.

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

VIII. 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 Road 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 One other full Toll shall have been paid in respect of the same, and so, *toties quoties*, for every Third Time that the same 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.

One full Toll only to be paid for passing and re-passing the same Day.

IX. Provided always, 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 One full Toll to be demanded or taken for or in respect of the same Horses, Beasts, Cattle, and Carriages,

Carriages, for once passing and repassing on the same Day through each of the several Turnpikes or Toll Gates now erected or to be erected on the whole Line of the said Road.

X. 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, Van, Caravan, or Stage Waggon or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Road; and also 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 Road whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

As to Stage Coaches and Post Chaises.

XI. And be it further enacted, That no Tolls shall be demanded or taken from any Person or Persons for any Cattle or Carriage whatsoever employed in the Conveyance of Hop-poles grown in any of the Parishes or Townships in which the said Road doth lie, and to be used therein or in any or either of them.

Exemption as to Hop-poles.

XII. And be it further enacted, That out of any Monies already received by virtue of the said recited Acts or any of them, or out of the first Monies which shall be raised 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 keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into execution, and in defraying the Interest due and to grow due on the Principal Monies by this Act charged or to be borrowed, and also the said Principal Monies.

Application of Tolls and other Monies.

XIII. 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 new Cut or Diversion of Road in, upon, over, or through any private Lands or Grounds described in the Map or Plan and Book of Reference herein-after mentioned, and to make the same respectively of such Width as they shall think proper, not exceeding Thirty-six Feet, together with such Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient.

Power to make new Cut.

XIV. And whereas a Map or Plan describing the Line of the said new Cut or Diversion of Road, and the Lands, Hereditaments, and Premises through or over which the same is to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited 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 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

Plan deposited with the Clerk of the Peace to be open to Inspection, and Trustees not to deviate therefrom.

and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace 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 Diversion or Alteration shall not deviate more than One hundred Yards from the Line described in such Map or Plan, without the Consent and Approbation in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

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

XV. And be it further enacted, That it shall be lawful for the said Trustees to make the said new Cut or Diversion and Alteration into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners or reputed Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands, Hereditaments, or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described or omitted or mis-stated in the said Map or Plan or 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 or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

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

XVI. Provided always, and be it further enacted, That the Powers and Authorities given by this Act 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 Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted or 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.

Public Act.

XVII. 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.

XVIII. And be it further enacted, That this Act shall commence on the Twenty-second Day of *May* next after the passing thereof, and from thence 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.

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