Anno ſexto

Georgii III. Regis.

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 *Watts Croſs* to *Cowden*, in the County of *Kent*, ſo far as the ſame relates to the Road from *Tonbridge* to *Maidſtone*.

WHEREAS an Act paſſed in the laſt Seſſions of Parliament, intituled, An Act for repairing and widening the Road from *Tonbridge* to *Maidſtone*, and from *Wats Croſs* to *Cowden*, in the County of *Kent*; and certain Tolls, Proviſions, and Powers, were granted to certain Truſtees appointed by the ſaid Act; and the Truſtees therein named have proceeded to put the ſaid Act in Execution; and for that Purpoſe have erected Three Gates acroſs that Diſtrict or Part of the Road which lies between Tonbridge and Maidſtone, and have taken up at Intereſt, upon the Credit of the Tolls, on the ſaid Diſtrict of the Road, the Sum of One thouſand and One hundred Pounds: And whereas it is provided by the ſaid Act, that no Perſon ſhall be liable to pay Toll more than Once for paſſing and repaſſing, at any Time or Times in any One Day (to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the ſucceeding Night) with the ſame Cattle and Carriage, through all

Preamble, reciting Clauſe in Act 5 *Geo.* III.

or any of the Turnpikes to be erected by virtue of the said Act, across, or on the Sides of, the said Road between Tonbridge and Maidstone, or cross any Lane or Way leading into the same (which said District contains Fourteen Miles, or thereabouts) and which single Toll the Trustees find will not be near sufficient to widen and amend the said District of Road, nor can they borrow Money upon the Credit of the present Tolls sufficient for those Purposes: To the end therefore that the said District of Road may be widened, and put into and kept in sufficient Repair, and that the Money due and owing, or hereafter to be borrowed, upon the Credit of the said former Act, or this present Act, may be secured; May it please your most Excellent 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 immediately after the passing this present Act, so much of the said Act as restrains the said Trustees from taking more than One Toll in any One Day at all or any of the said Gates or Turnpikes erected upon the said District of Road from Tonbridge to Maidstone, shall be, and the same is hereby declared to be, repealed.

Recited Clause repealed.

Tolls to be taken at any Three Gates between *Tonbridge* and *Maidstone*.

And be it further enacted by the Authority aforesaid, That from and immediately after the passing this Act, it shall and may be lawful to and for the Trustees appointed or to be appointed to put this or the former Act in Execution, or to be elected as herein after is mentioned, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, during the Continuance of the said Act, to demand, receive, and take, the Tolls and Duties granted by the said former Act, at any Three of the Gates or Turnpikes erected, or to be erected, in or upon any Part of the said District of Road between Tonbridge and Maidstone, before any Cattle or Carriage whatsoever shall be permitted to pass through the same; any thing in the said recited Act to the contrary thereof in any wise notwithstanding: Which said Tolls are and shall, from and after the passing this present Act, be vested in the said Trustees appointed or to be appointed to put the said former Act, and this present Act, in Execution; and that they, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall, and they are hereby declared respectively to have the same Powers, Authorities, and Remedies, for demanding, collecting, compounding for,

Tolls vested in the Trustees.

for borrowing Money on, and recovering and levying the Three Tolls hereby made payable, as are in and by the said former Act given and prescribed, in regard to the said One Toll; and the Tolls hereby granted and made payable shall (after paying the Charges of passing this Act) be paid, applied, and disposed of, and assigned, to and for such Uses, Intents, and Purposes, as the One Toll for the said District of Road from Tonbridge to Maidstone is in and by the said former Act directed and appointed, and to no other Use, Intent, or Purpose.

Charges of passing this Act to be first paid.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, out of the First Monies arising by the said Tolls or Duties, or out of such Money as shall be borrowed on the Credit thereof, pay and discharge all the Costs and Expences of procuring and passing this Act.

But One Toll to be paid for passing and repassing thro' the same Gate the same Day between *Tonbridge* and *Maidstone*, &c.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons, having paid the Tolls or Duties by the said Act, or this Act, directed to be paid at any Gate or Turnpike erected or to be erected by virtue of the said Act, on the said District of Road between Tonbridge and Maidstone, through which such Person or Persons shall have passed with, and paid Toll for, any Horse, Mare, Gelding, Mule, Ass, or Cattle, or any Carriage whatsoever, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of the Toll at such Gate or Turnpike (which Note or Ticket the Collector or Collectors of the Toll is and are hereby required, upon Demand, to give gratis) shall be liable to pay any Toll for Once returning or repassing through the same Gate the same Day, or before Twelve of the Clock at Night, with the same Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage; and that no Person or Persons shall be liable to pay more than Three Tolls for Once passing and repassing in any One Day, to be computed as aforesaid; with the same Cattle and Carriages, through all or any of the Gates or Turnpikes erected or to be erected on the said District of Road between Tonbridge and Maidstone, by virtue of the said Act, or cross, or on the Sides of, the said District of Road; but that all and every Person and Persons, having paid Three Tolls as aforesaid, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Three Tolls, shall Once pass and repass the same Day, Toll-free, with the same Horses, Cattle, Beasts, or Carriages, through all the Gates or Turnpikes erected or to be erected on the said District of Road, by virtue of the said Act, or this present Act.

not more than Three Tolls for passing and repassing thro' all or any of the said Gates, &c.

Tolls to be paid for passing a Third Time on the said Road.

Provided also, and it is hereby further declared and enacted, That if any Person or Persons shall pass or go a Third Time on the same Day, to be computed as aforesaid, with any Horse, Mare, Gelding, Mule, Ass, or Cattle, or Carriage, through all or any of the Gates or Turnpikes erected or to be erected by virtue of the said former Act, or this present Act, across, or on the Sides of, the said District of Road between Tonbridge and Maidstone, or across any Lane or Way leading into, or out of, the same; then every such Person or Persons shall be liable and compellable again to pay the Tolls and Duties hereby imposed upon such Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage, in such and the same Manner as he, she, or they, are and would have been liable to pay the same, in case he, she, or they, had not before on the same Day paid any Tolls, or passed through any of the said Gates or Turnpikes, and so toties quoties, for every Third Time every such Person or Persons shall pass the same Day through the said Gates or Turnpikes, or any of them, with any such Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage; any thing herein or in the said former Act contained to the contrary thereof in any wise notwithstanding.

Tolls to be paid but Once a Day at the Side-gates.

Provided also, and it is hereby enacted by the Authority aforesaid, That all and every Person and Persons, having paid Toll as aforesaid, for passing through any Bar, Gate, or Turnpike, erected or to be erected by virtue of the said former Act, or this present Act, on the Sides of the District of Road between Tonbridge and Maidstone, or cross any Lane or Way leading into, or out of, the same, and producing a Note or Ticket, denoting such Payment, shall and may, on the same Day, or before Twelve of the Clock at Night, Once pass and repass with the same Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage, for which such Toll was paid as aforesaid, Toll-free, through the Gate or Turnpike erected or to be erected across the said District of Road between Tonbridge and Maidstone, which shall be the nearest to such Side-bar, Gate, or Turnpike, at which such Toll was paid; and that all and every Person and Persons having paid Toll as aforesaid, for passing through any Gate or Turnpike erected or to be erected by virtue of the said former Act, or this present Act, across the said District of Road, and producing a Note or Ticket, denoting such Payment, shall and may, on the same Day, and before Twelve of the Clock at Night, Once pass and repass with the same Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage, for which such Toll was paid, Toll-free, through

through any Side-bar or Gate erected or to be erected by virtue of the said former Act, or this present Act, on the Side of the said District or Road, or cross any Lane or Way leading into, or out of, the same, which shall be nearer to such Gate or Turnpike at which such Toll was paid, than to any other Gate or Turnpike erected across the said Road; any thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

A Yoke of Oxen deemed equal to One Horse.

Provided also, and it is hereby enacted by the Authority aforesaid, That no more Toll shall be demanded or taken for a Pair or Yoke of Oxen, drawing in Pairs in any Carriage, than can or may be demanded or taken for One Horse; and that in taking the Tolls by the said former Act, and this Act, made payable, One Pair or Yoke of Oxen, drawing in Pairs, shall be deemed and taken to be put as an Equivalent to One Horse; any thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

For exempting the Inhabitants of *Westborough Street* from Toll.

And be it further enacted by the Authority aforesaid, That no Person or Persons, living or residing in a certain Street or Lane in the Town and Parish of Maidstone, called Westborough, shall be liable to pay any Toll or Duty made payable by the former, or this Act, for passing through any Toll-gate or Bar erected or to be erected in the said Street or Lane called Westborough, between the Passage into a certain House in the said Street or Lane now in the Tenure or Occupation of John Baker, Husbandman, and Maidstone Bridge, with any Horse, Mule, Ass, Sheep, or Cattle, Coach, Chariot, Chaise, Hearse, or Berlin, or with any Waggon, Wain, Cart, or other Carriage, laden or unladen, or for the Horses or Beasts of Draught drawing the same, belonging to such Person or Persons; and that no Person or Persons, passing with any Horse, Mare, Mule, Ass, Waggon, Wain, Cart, or other Carriage, laden with Coal, Timber, Wood, Bricks, Lime, Sand, or any other Sort of Materials, Goods, Wares, or Merchandize, really and bona fide belonging to, or for the Use of, any Person or Persons living or residing in the said Street or Lane called Westborough, within the Limits aforesaid, shall be liable to pay any Toll or Duty made payable by the former, or this Act, for passing through any Toll-gate or Bar, erected or to be erected within the Limits aforesaid, with such Horse, Mare, Mule, or Ass, or such Waggon, Wain, Cart, or other Carriage, or for the Horses or Beasts of Draught drawing the same.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons, now occupying,

or

Carriages belonging to the Farm at *Bower* shall pass Toll free Twice a Day.

or who shall hereafter occupy, any One of the Farms situated, lying, and being in or near a certain Hamlet or Village in the Parish of Maidstone, called The Bower of Maidstone, and now in the several Tenures and Occupations of James Seale, Shott Tubbard, Dawbarn Wattell, Thomas Britten, and Benjamin Winder, shall be at Liberty to pass through any Toll-gate or Bar erected or to be erected within the Limits aforesaid, with any Waggon, Wain, Timber Tugg, Cart, or other Carriage, unladen, belonging to such Person or Persons, Twice in every Twenty four Hours, without paying any Toll or Duty at such Toll-gate or Bar, for such Waggon, Wain, Timber Tugg, Cart, or other Carriage, unladen, or for the Horses or Beasts of Draught drawing the same.

On Death or Removal of Trustees, others to be chosen.

And be it enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees, appointed by the said former Act for putting the same in Execution, shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, at a Meeting to be holden for the said District of Road between Tonbridge and Maidstone, by any Writing or Writings under their Hands, to elect One other Person, living in the said County of Kent, to be a Trustee for putting the said former Act, and this present Act, in Execution, in relation to the said District of Road between Tonbridge and Maidstone, in the Room of such Trustees so dying or refusing to act, so as Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the Trustees for the said District of Road, by affixing the same in Writing upon all the Turnpike-gates upon the said District of Road, at least Ten Days before every such Meeting; and all Persons so to be chosen are hereby vested with the same Powers for putting the said former Act, and this present Act, in Execution, in relation to the said District of Road between Tonbridge and Maidstone, as the Persons in whose Places they were respectively chosen were vested with by the said former Act; and that the Trustees nominated and appointed by the said former Act, and such Person or Persons as shall be appointed a Trustee or Trustees by virtue and in pursuance of the Power in this present Act, and no others, shall be Trustees for putting the said former Act, in relation to the said District of Road between Tonbridge and Maidstone, or this present Act, in Execution; any thing in the said former Act contained to the contrary thereof in any wise notwithstanding.

And

And whereas by the said former Act it is provided and enacted, That no Tolls shall be demanded or taken for any Dung, Mould, or Compost, of any Nature or Kind whatsoever, for the manuring of Lands or Grounds within the respective Townships, Parishes, Hamlets, or Places, in the said Act as mentioned; nor for any Waggon, Cart, or Carriage, carrying Grass, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw, Hop-poles, or Wood for Fuel, Lop or Top Wood, to be laid up in the Houses, Outhouses, Yards, or other Places, belonging to, or used by, the respective Inhabitants or other Person or Persons renting, holding, or occupying, any Lands, Meadows, or Grounds, of or in the said several Townships, Parishes, Hamlets, or Places, in which the said Roads lie, for their own private Use and Consumption; nor for any Timber to be used in building in such Townships, Parishes, Hamlets, or Places, in which the said Roads lie; nor for any Waggon, Tugg, or other Carriage; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using and repairing the same, or any other Thing whatsoever, used or employed in Husbandry, and for manuring, tilling, and stocking, of Lands in the said several Townships, Parishes, Hamlets, or Places; any thing in the said Act to the contrary notwithstanding: And whereas such Part of the said Clause in the said Act, as exempts the Matters and Things herein before particularly mentioned from the Payment of Toll, hath been found inconvenient on the said District of Road between Tonbridge and Maidstone; be it therefore enacted by the Authority aforesaid, That so much and such Part of the said Clause as directs that no Tolls shall be demanded or taken for the several Matters and Things herein before particularly mentioned, or any of them, shall, as to the said District of Road between Tonbridge and Maidstone, from and after the passing this Act, be, and the same is hereby declared to be, repealed. Former Exemptions repealed.

Provided always, and it is hereby further enacted, That no Person or Persons shall be charged with any of the Tolls or Duties by the said former Act or this Act granted, for going or returning through One Gate or Turnpike only (and no more) erected or to be erected on the said District of Road between Tonbridge and Maidstone, with Carts, Wains, Waggons, or other Carriages, for or with Dung, Mould, Marle, or Compost, or other Materials (Chalk and Lime excepted) for manuring of Lands or Gardens; or with undried Hops, or with Grass, Hay, Corn in the Straw, Hop-poles, Wood Exemptions from Tolls.

for Fuel, Lop or Top, Wood, or Timber for building, not for Sale, but intended to be laid up in any Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants (on whose Lands respectively the same did grow or arise) of the same Parishes or Places in which the said District of Road doth lie, for their own private Use and Consumption; nor with or for any Ploughs, Harrows, or other Implements of Husbandry; any thing herein or in the said former Act contained to the contrary notwithstanding.

Trustees, with Consent of Creditors, may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from time to time assembled at a Meeting or Meetings to be held for that Purpose (with the Consent of the Person or Persons who shall then be intitled to Three Fifth Parts or more of the Money which shall have been advanced upon the Credit of the said Tolls) to lessen, vary, or alter, all or any, or any Part, of the Tolls hereby granted or made payable, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper; and afterwards, if there shall be Occasion, to advance or raise the same again, so as the same do not exceed the Tolls by this present Act granted and made payable; and such Tolls, so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted and made payable are hereby directed to be collected, recovered, and applied; but no Meeting shall be held for any of the Purposes aforesaid, unless Ten Days previous Notice at the least be given thereof in Writing, to be affixed upon all the Gates or Turnpikes which shall be then erected upon the said District of Road between Tonbridge and Maidstone.

and raise them again.

In case of Emergency, particular Meetings may be appointed.

Provided always, and it is hereby enacted by the Authority aforesaid, That if, upon any Emergency, a Meeting of the said Trustees shall be thought necessary to be holden, in relation to the said District of Road between Tonbridge and Maidstone, before the Time appointed by virtue of any Adjournment or Appointment to be made by the said Trustees shall come; then, and in such Case, the said Trustees, or any Five or more of them, or the Clerk to such Trustees, at the Request of any Five of the said Trustees, shall or may give Ten Days Notice in Writing, to be affixed on all the Turnpike-gates on the said District of Road between Tonbridge and Maidstone, of the Time and Place of holding any such Meeting, and in which Notice shall be specified the particular Business intended to be done and transacted at such Meeting, and

which

which Business the said Trustees, or the major Part of them present at such Meeting, such major Part not being less than Five, may do and transact, if they think proper; but any other Business done or transacted at such Meeting, other than what shall be so specified in every such Notice thereof as aforesaid, shall be null and void to all Intents and Purposes; and that the like Notice of any future Meeting to be affixed on all the Gates or Turnpikes erected, or to be erected, on the said District of Road between Tonbridge and Maidstone, shall be deemed a legal and sufficient Notice of such Meeting, in relation to the said District of Road; any thing in the said former Act to the contrary notwithstanding.

Proceedings not deemed illegal for want of Notice.

And be it further enacted by the Authority aforesaid, That no Order, Act, or Proceeding of the said Trustees, done or made at any Meeting or Meetings already holden for putting the said former Act in Execution, in relation to the said District of Road between Tonbridge and Maidstone, shall be, or shall be deemed to be illegal, null, or void, for want of giving legal Notice of any such Meeting or Meetings; any thing in the said former Act contained to the contrary notwithstanding.

Distress not to be deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of the said former Act, or this present Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Party distraining be deemed a Trespasser *ab initio*.

Proceedings not to be quashed for want of Form,

And be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against the former or this present Act, in relation to the said District of Road between Tonbridge and Maidstone, or any Order, Matter, or Thing, to be done or transacted in or relating to the Execution of the said former Act, or this present Act, in relation to the said District of Road, shall be vacated or quashed for want of Form.

Justices for the County at Large,

And be it further enacted by the Authority aforesaid, That nothing in the said former Act, or this Act, shall

not to act within the Jurisdiction of the Justices of *Maidstone.*

extend, or be construed to extend, to give any Power or Authority to the Justices of the Peace of the County of Kent, at large, to exercise any Jurisdiction, Power, or Authority, as Justices of the Peace, in or over Matters arisen, or that may arise, within the Limits of the Jurisdiction of the Justices of the Peace of the Corporation of the King's Town and Parish of Maidstone, in the said County; and that all such Matters so arisen, or arising within such Limits, and by the said Act, and this Act, made determinable before One or more Justice or Justices of the Peace, shall be heard and determined in the Manner in the said former Act, and this Act, prescribed and directed, by One or more Justice or Justices of the Peace for the said Town and Parish, as the Case may require; any thing in the said former Act, or this Act, to the contrary notwithstanding.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons, for any thing done, or to be done, by virtue or in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County or Place where the Cause of Action shall arise, and not elsewhere; and that the Defendant or Defendants in any such Action or Suit shall

General Issue.

and may plead the General Issue, and give the said former Act, and this Act, or either of them, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority thereof: And if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same; or shall be brought in any other County or Place than as aforesaid; that then the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may have

Treble Costs.

and recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for his or their Costs in other Cases by Law.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be, a Publick Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.