Anno octavo

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Thirty third Year of the Reign of His late Majesty, for repairing the Road from the Thirty nine Mile Stone in *Maidstone*, to *Tubb's Lake*, in the Parish of *Cranbrooke*, in the County of *Kent*.

WHEREAS by an Act passed in the Thirty third year of the Reign of His late Majesty King George the Second, intituled, An Act for amending, widening, and keeping in Repair, the Road leading from the Thirty nine Mile Stone, at the upper End of *Stone Street*, in the Town of *Maidstone*, in the County of *Kent*, to a certain Place called *Tubb's Lake*, in the Parish of *Cranbrooke*, in the said County, several Tolls and Duties were granted and made payable, and divers Powers given for repairing the said Road; which said Act, and the Tolls, Duties, and Powers, thereby granted, were to have Continuance for and during the Term of Twenty one Years from the Time of the Passing of the said Act, and from thence to the End of the then next Session of Par- Preamble, reciting Act 33 *Geo.* II.

Parliament: And whereas the Money collected and borrowed by virtue of the said Act, hath been duly laid out and applied in repairing the said Road, yet the same is not sufficiently repaired; nor can the same be amended, and the Debt due upon the Credit of the Tolls be discharged, without an Increase of the said Tolls, and a further Continuance of the Term granted by the said Act: And whereas the said Act has been in several other Particulars found very defective; 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 the said Act, and all the Powers, Clauses, Penalties, Forfeitures, Matters, and Things therein contained (except such Clauses, Powers, Penalties, Forfeitures, Matters, and Things, as are by this Act repealed or altered) shall continue in Force, and shall be executed for and during the Term of Years now subsisting, and from the Time of the Expiration thereof, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

The recited Act further continued for 21 Years.

The Tolls following to be taken instead of those granted by the former Act.

And be it further enacted by the Authority aforesaid, That from and after the End of One Calendar Month from the Time of passing this Act, all the Tolls granted by the said Act (except as herein after excepted) shall cease, determine, and be no longer paid; and instead and in lieu thereof, the following Tolls shall be demanded, taken, and paid, at every Turnpike erected, or to be erected, by virtue of the said former Act, or this present Act, before any Cattle or Carriages whatsoever shall be permitted to pass through the same; that is to say,

The Tolls.

For every Coach, Chariot, Berlin, Landau, Chaise, Chaise Marine, Calash, Chair, or Hearse, drawn by Six Horses or Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Four Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or Beasts of Draught, the Sum of Six Pence; and drawn by One Horse or Beast of Draught, the Sum of Three Pence.

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four or more Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses or

Beasts of Draught, the Sum of Six Pence; and drawn by One Horse or Beast of Draught, the Sum of Three Pence.

For every Horse, Mare, or Gelding, laden or unladen, and not drawing, the Sum of One Penny.

For every Mule or Ass, laden or unladen, and not drawing, the Sum of One Halfpenny.

For every Drove of Cows, Oxen, or Neat Cattle, Ten Pence per Score; and so in Proportion for any greater or lesser Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two Pence Halfpenny per Score; and so in Proportion for any greater or lesser Number.

And in taking of which said Tolls or Duties, One Pair or Yoke of Oxen, drawing in any Carriage, shall be deemed and taken to be but as equivalent to One Horse or Beast drawing in such Carriage.

No additional Toll at *Sutton Lane End.*

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be subject or liable to pay any greater or additional Tolls, by virtue of this Act, than the Tolls which were originally granted and made payable, by the said former Act, for the Passage of any Horses, Cattle, or Carriages whatsoever, through any Turnpike or Gate erected, or which may hereafter be erected, cross Sutton Lane End, in the Parish of Maidstone, or between Sutton Lane End and the Town of Maidstone; any thing contained in this Act to the contrary notwithstanding.

Persons turning out of the Road, to pay the full Toll.

Provided also, and be it further enacted by the Authority aforesaid, That if any Person shall turn out of the said Road with any Carriage, either at the Place called The Cross and Hand, or at Sutton Lane End, in order to evade the Payment of any of the Tolls hereby granted, and shall return into the said Road again; such Person shall be subject and liable to pay, and shall pay on his returning into the said Road hereby directed to be repaired, the Whole of the Tolls that would have been due and payable, in case such Carriage had passed all the Way upon the Road hereby directed to be repaired.

Timber, &c. to pay Double Toll between 1 *October* and 1 *May.*

Provided always, and be it hereby enacted by the Authority aforesaid, That all and every Carriage or Carriages laden with Timber, Hop-poles, Guns, or any other Iron (except Gloom or wrought Iron, not exceeding Five hundred Pounds Weight) passing through any Gate or Gates, Turnpike or Turnpikes, erected or to be erected by virtue of the said former Act, or of this present

Act, between the First Day of October and the First Day of May in every Year, during the Continuance of this Act, shall pay Double Toll at each Gate or Turnpike through which such Carriage or Carriages so laden shall pass; save and except at the said Side-gate now erected at Sutton Lane End, or any Gate that may hereafter be erected between Sutton Lane End and the Town of Maidstone; any thing in this Act contained to the contrary notwithstanding.

Tolls to be paid but Twice a Day.

Provided also, and be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall pass through any Gate or Turnpike, Gates or Turnpikes, already erected, or to be hereafter erected, by virtue of the said former Act, or of this present Act, more than Twice in One and the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, shall be liable to, and shall again pay, the Tolls due at such Gate or Turnpike (Cattle or Carriages laden with Wood for Firing only excepted) any thing herein, or in the said former Act, contained to the contrary notwithstanding.

Proviso.

Provided always, That no more than One Toll shall be paid in the same Day for any Cattle or Carriage passing through the said Side-gate at Sutton Lane End, or at any Gate that may hereafter be erected between Sutton Lane End and the Town of Maidstone.

Assignments may be transferred.

And whereas by the said recited Act the Trustees are impowered to assign the Tolls as a Security for any Money to be borrowed on the Credit thereof; but the said Act has not prescribed the Form of such Assignment; be it further enacted by the Authority aforesaid, That all and every Person or Persons to whom any such Assignment or Assignments have been or shall be made as aforesaid, or who shall be intitled to the Money thereby secured, shall, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person or Persons whomsoever, by indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect;

I do

I Do transfer this Aſſignment, with all my Right and Title to the Principal hereby ſecured, and all the Intereſt now due, unto his Executors, Adminiſtrators, or Aſſigns. Form of Aſſignment.

Dated this Day of

J. K.

Witneſs *G. H.*

Which Tranſer or Aſſignment ſhall be produced and notified to the Clerk or Treaſurer for the time being, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the Book or Books to be kept for entering the ſaid original Aſſignments; for which the ſaid Clerk or Treaſurer ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may, in like Manner, aſſign again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall have made ſuch Aſſignment reſpectively, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof: And all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls, on the Credit whereof ſuch Sum or Sums are advanced, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing or lending any ſuch Monies; and ſuch Aſſignments and Transfers ſhall not be ſubject to any Stamp-duty, but ſhall be good and valid without any Stamp being impreſſed thereon. Entries to be made of all Aſſignments. Clerk's Fee. All Creditors to be deemed equal in Degree.

Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act, or the ſaid former Act, contained ſhall extend, or be conſtrued to extend, to charge any of the Truſtees with the Payment of any Money already borrowed, or hereafter to be borrowed, on the Credit of the ſaid Tolls, by reaſon of his or their ſigning, or having ſigned, any Aſſignment or Mortgage of the ſaid Tolls. Truſtees not ſubject to the Payment of Debts, &c.

And whereas the assembling a sufficient Number of Trustees to carry the said Act into Execution has been attended with great Difficulty, be it enacted by the Authority aforesaid, That where by the said Act Nine Trustees are required to do any Act, or make any Order, Seven Trustees shall be, and are hereby, impowered to do such Act, or make such Order; and where by the said Act a great Number of Trustees than Nine are required to do any Act, or make any Order, Nine Trustees shall be, and are hereby, impowered to do such Act, or make such Order; and such Acts and Orders, when done or made by Seven or Nine Trustees respectively, shall be as valid and effectual as if the same had been done or made by the Number of Trustees required to do or make the same by the said Act.

Quorum of Trustees reduced.

And be it further enacted by the Authority aforesaid, That no Order made for carrying the said former Act, or this Act, into Execution by any Five Trustees, shall be revoked or altered, unless Seven Trustees shall be present and concur in revoking or altering such Order; nor shall any Order made by Seven Trustees be revoked or altered, unless Nine Trustees shall be present and concur in revoking or altering such Order; nor shall any Order made by Nine Trustees be revoked or altered, unless Eleven Trustees shall be present and concur in revoking or altering such Order; nor shall any Order be revoked or altered as aforesaid, unless at a Meeting to be held for that Purpose, publick Notice of which Meeting shall be given by affixing the same, in Writing, upon all the Turnpikes erected in pursuance of the said former Act, or this Act, declaring the Intention of repealing such Order or Orders, at least Fourteen Days before such Meeting.

Clause with respect to the making and repealing of Orders under either Act.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this or the said former Act, unless he shall, during all the Time he shall so act, be in his own Right, or in the Right of his Wife, in the actual Possession, and Enjoyment, and Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the yearly Value of Fifty Pounds to his own Use, above Reprizes; or shall be Heir Apparent of some Person or Persons having an Estate of the yearly Value of Two hundred Pounds; or be possessed of a Personal Estate alone to the Amount or Value of Fifteen hundred Pounds: And if any Person or Persons, so made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary

Qualification of Trustees.

Penalty on acting if not qualified.

contrary to the true Intent and Meaning of this Act; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons that will inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required to, take such Security from their Treasurer as to the said Trustees, or Five or more of them, shall seem meet.

Gate-keeper not to sell Liquors.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Gate-keeper in the Execution of this Act, who shall sell any spirituous or fermented Liquors by Retail.

Charges of this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the reasonable Charges or Expences attending the procuring and passing this Act of Parliament, shall be paid and defrayed out of any Money arisen or to arise by virtue of the said former Act, or this present Act.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done 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 laid and brought in the said County of Kent, and not elsewhere; and the Defendant and Defendants in such Action or Suit shall or may plead the General Issue, and give this Act, 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 of this Act; and if it shall appear so to be done, or that such Action or Suit shall be commenced after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon a Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if, upon a Demurrer, Judgement

General Issue,

Treble Costs. shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Case by Law.

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

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FINIS.