Anno nono

Georgii III. Regis.

An Act to repeal ſo much of an Act paſſed in the Second Year of His preſent Majeſty, for repairing and widening the Roads from the *White Poſt* on *Haſeldon's Wood*, in the Pariſh of *Cranbrooke*, to *Appledore Heath*, and other Roads in the County of *Kent*, as relates to the Road from *Golford Green* to *Tanner's Vent*; for enlarging the Term and Powers of the ſaid Act, with reſpect to the other Roads therein contained; and for amending the Road from the Turnpike Road in the Pariſh of *Tenterden*, through *Rolvenden*, to the Turnpike Road in the Pariſh of *Newenden*, in the ſaid County.

WHEREAS by an Act made in the Second Year of the Reign of His preſent Majeſty King George the Third, intituled, An Act for repairing and widening the Roads from the *White Poſt* on *Haſeldon's Wood*, in the Pariſh of *Cranbrooke*, to *Appledore Heath*; and from *Milkhouſe Street* in the ſame Pariſh, to *Caſtleden's Oak* in the Pariſh of *Biddenden*; and from *Golford Green* in the ſaid Pariſh of *Cranbrooke*, to *Tanner's Vent* in the Pariſh of *Benenden*, all in the County of *Kent*; ſeveral Tolls and Duties were granted and made payable, and divers Powers given for repairing the ſaid Roads; 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

Preamble, reciting Act 2 *Geo.* III.

the said Act, and from thence to the End of the then next Session of 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 Roads, (except on the Road leading from Golford Green in the Parish of Cranbrooke, to Tanner's Vent in the Parish of Benenden, whereon no Money has been borrowed, nor Toll taken by virtue of the said Act, and which Road is included in an Act passed this Session of Parliament); 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 defective; And whereas the Road from the Turnpike Road in the Parish of Tenterden, to and through the Village and Parish of Rolvenden, to the Turnpike Road in the Parish of Newenden, in the County of Kent, is in a ruinous Condition, narrow in many Places, and cannot be sufficiently amended, widened, and kept in Repair, by the ordinary Course of Law: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act, and this present Act, and all the Powers, Authorities, Provisoes, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things, therein and herein contained (except so much thereof as is herein varied, altered, and repealed) shall be, and the same are hereby respectively declared to be in full Force and Effect, and shall be put in Execution as well for the Purposes in the said recited Act mentioned, as for the surveying, ordering, repairing, amending, widening, and improving, the said additional Road herein before described, for and during the Term granted by the said recited Act; and from thence for and during the further Term of Twenty one Years, and to the End of the then next Session of Parliament, as effectually to all Intents and Purposes, as if the same were re-enacted in the Body of this present Act; and also, that so much of the said recited Act of the Second Year of His present Majesty, as relates to the said Road leading from Golford Green to Tanner's Vent in the Parish of Benenden, shall be, and the same is hereby declared to be, repealed.

Recited Act, &c. further continued for 21 Years.

Act with respect to *Golford Green* repealed.

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 recited Act 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 recited Act, or this present Act, before any Cattle or Carriage whatsoever shall be permitted to pass through the same; that is to say, Former Tolls, when to cease;

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

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, the Sum of 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.

Provided always, and be it hereby enacted by the Authority aforesaid, That all and every Carriage or Carriages, laden with Timber, 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 recited Act, or of this present Act, Carriages laden with Timber, &c. to pay Double Toll at certain Seasons.

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; any thing in this Act to the contrary notwithstanding.

Trustees may erect Turnpikes and Toll-houses.

And be it further enacted by the Authority aforesaid, That the Trustees appointed by the said recited Act, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect, or cause to be erected, a Bar or Bars, Gate or Gates, Turnpike or Turnpikes, upon or cross the said Road, leading from the Turnpike Road in the Parish of Tenterden, to the Turnpike Road in the said Parish of Newenden, hereby intended to be repaired, at such Place or Places, in such Manner, and so many in Number, as they the said Trustees, or any Seven or more of them, shall think proper, so as the Number of Bars, Gates, or Turnpikes, to be erected upon and cross the said Road, do not exceed Two; and also shall and may erect, or cause to be erected, a Toll-house or Toll-houses in or upon the said Road at each of the said Bars, Gates, or Turnpikes; and take Toll thereat.

and shall and may demand, receive, and take, at all and every and each such Bar, Gate, or Turnpike, the several and respective Tolls and Duties, in and by this Act before directed to be demanded, received, and taken, before any Cattle or Carriage whatsoever shall be permitted or suffered to pass through the same, or either of them.

Tolls to be paid at each Gate.

Provided always, and it is hereby declared, That all and every of the said Tolls and Duties being paid at One of the said Bars, Gates, or Turnpikes, so to be erected as aforesaid, shall not be looked upon, or deemed to be an Exemption from the Payment of the like Duties and Tolls at any other of the Bars, Gates, or Turnpikes, so to be erected; but that the same Tolls and Duties shall be separately and distinctly taken and paid at all and every other the said Bars, Gates, or Turnpikes respectively through which any such Horse, Beast, Cattle, or Carriage, or other Thing above mentioned, shall pass.

Trustees may erect Side-gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect, or cause to be erected, over and besides the above mentioned Bars, Gates, or Turnpikes, upon or cross the said Road, from the said Turnpike Road in the Parish of Tenterden, to the said Turnpike Road in the Parish of

Newenden, One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes, on the Sides of the said Road, or at the Ends of, or cross any Lane or Way leading into or out of the same Road; and there to demand and take such Tolls or Duties as by this Act are appointed to be demanded and taken.

Persons having paid Toll at one Gate, may pass thro' the next nearest Toll-free.

Provided nevertheless, That all and every Person and Persons having paid for passing through any Bar, Gate, or Turnpike, so to be erected on the Sides of the said Road as aforesaid, and producing a Note or Ticket of such Payment, shall pass through the nearest of the said Gates erected upon and cross the said Road to which the same is adjoining, Toll-free; or if any Person or Persons having passed through any of the said Bars, Gates, or Turnpikes, so to be erected upon and cross the said Road as aforesaid, and having paid the Tolls and Duties at such Gate or Gates, such Person or Persons, upon producing a Note or Ticket of such Payment, shall pass Toll-free through the nearest Bar or Gate so to be erected on the Sides of the said Road.

Clause in former Act restraining taking Toll more than Once, repealed.

And whereas by a Clause in the said recited Act, it is enacted, That if any Person or Persons, having passed through any of the Bars, Gates, or Turnpikes, to be erected by virtue of the said recited Act, upon and across the said Road leading from the said Bull Inn in Milk-house Street aforesaid to the Market-house in the Town of Biddenden aforesaid, and from thence to Castleden's Oak aforesaid, and having paid the Tolls and Duties at such Gate or Gates; such Person or Persons, upon producing a Note or Ticket of such Payment, should pass Toll-free through all and every other the Gate or Gates so to be erected by virtue of the said recited Act upon the same Road: And whereas the restraining the Trustees from taking more than One Toll in One Day upon the said Road, will hereafter be improper: Be it therefore enacted by the Authority aforesaid, That so much of the said recited Act as restrains the said Trustees from taking more than One Toll in One Day upon the said Road, shall, from and after the passing of this Act, be, and the same is hereby repealed; and that from and after the End of One Calendar Month from the Time of passing this Act, it shall and may be lawful for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, to demand, receive, and take, Two Full Tolls in any One Day, for the Passage of Horses, Cattle, Beasts, and Carriages, upon such Part of the said Road leading from

Two full Tolls may be taken in One Day on the Road here mentioned.

the Bull Inn in Milkhouse Street to the Market house in Biddenden, and from thence to Castleden's Oak aforesaid.

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 it shall and may be lawful to and for the said Trustees, or any Nine or more of them, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest such Sum or Sums of Money as they, or any Nine or more of them, shall think fit; and may and are hereby impowered to assign over or mortgage the said Tolls, or any Part or Parts thereof, the Costs and Charges of such Assignments or Mortgages to be paid out of such Tolls, as a Security to any Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words for that Purpose

Trustees impowered to borrow Money on the Credit of the Tolls, and assign the same for a Security.

Form of Assignment.

BY virtue of an Act made in the Year of the Reign of His Majesty King *George* the Third, for We of the Trustees, do assign unto *A. B.* his Executors, Administrators, or Assigns, in Consideration of the Sum of from this Day of in the Year of our Lord until the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be paid, such Proportion of the Tolls arising by virtue of this Act, between as the said Sum of shall bear to the Whole Sum advanced on the Credit of the same.

Assignments to be entered in Books.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books, to be kept for that Purpose by the Clerk, or Treasurer or Treasurers to the said Trustees; and 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, may 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 whatsoever, by indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

Assignments may be transferred.

I Do transfer this Assignment with all my Right and Title to the Principal hereby secured, and to all the Interest now due unto his Executors, Administrators, or Assigns. Dated this Day of Witness, *G. H.* *J. K.* Form of Transfer.

Which Transfer or Assignment shall be produced and notified to the said Clerk, Treasurer or Treasurer who shall cause an Entry or Memorial to be made thereof, 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, Treasurer 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.

Clerks Fee.

All Creditors to be deemed equal in Degree.

Assignments to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act, or the said recited 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 liable to pay any Money borrowed, &c.

And be it further enacted by the Authority aforesaid, That in all Cases where, by the said recited Act, it is required that Nine or more Trustees shall be present to do any Act, or make any Order, Seven Trustees shall be

What Number of Trustees are requisite to do any Act, or make any Order, under this present Act.

be and are hereby impowered to do such Act, or make such Order; and where by the said Act it is required, that a greater Number of Trustees than Nine shall be present 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 recited Act.

Number of Trustees requisite to revoke or alter any Act or Order.

And be it further enacted by the Authority aforesaid, That no Order made for carrying the said recited 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 under the Hand of the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpikes erected cross the said Roads in pursuance of the said recited Act or this Act, declaring the Intention of repealing such Order or Orders, at least Fourteen Days before such Meeting.

No Victualler to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Gate Keeper, and hold any other Place of Profit in the Execution of this Act, who shall sell any Spirituous or Fermented Liquors by Retail.

Charges of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the reasonable Charges and 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 recited 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 and 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 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. General Iſſue. Treble Coſts.

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

FINIS.