



ANNO QUADRAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 109.

An Act to continue the Term and alter and enlarge the Powers of Two Acts passed for amending and widening the Road leading from the High Post Road near the Town of *Faversham*, to the Town and Port of *Hythe*, and from *Bacon's Water* to *Holy Lane*, in *Wincheap*, near the City of *Canterbury*, in the County of *Kent*. [4th July 1803.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty King George the Third, intituled, *An Act for amending and widening the Road leading from the High Post Road near the Town of Faversham, by Bacon's Water, through Ashford, to the Town and Port of Hythe, in the County of Kent, and from Bacon's Water to a certain Lane called Holy Lane, in Wincheap, near the City of Canterbury*: And whereas an Act was passed in the Twenty-second Year of His said present Majesty's Reign, for continuing the Term of the said recited Act: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded to put the same in Execution, and have for that Purpose borrowed a considerable Sum of Money on the Credit thereof, which still remains due and owing, and cannot be paid off, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers and Provisions thereof altered and enlarged; and it is necessary that the Tolls granted and

2 Geo. 3.

22 Geo. 3.

[Loc. & Per.]

217

continued

Acts further
continued.

continued by the said Acts should be increased on some Part or Parts of the said Roads: 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 recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties, and also except such as are hereby varied, altered, or repealed), shall be and continue in full Force and Effect, and shall be executed for and during the Term herein-after mentioned, for the Purpose, from Time to Time, of amending, widening, improving, and keeping in Repair the Roads included in the said recited Acts, as fully and effectually to all Intents and Purposes as if the said Acts, and the Powers, Authorities, Provisions, Matters, and Things therein contained were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Provisions, Alterations, and Amendments herein contained, and which shall commence and take Effect immediately on the passing of this Act; and this Act and the additional Term, and the Tolls hereby granted, shall be subject and liable to the Payment of all the Money due and owing on the Credit or on Account of the said recited Acts, or which shall be borrowed for the Use of the said Roads on the Credit of the said Acts and this Act, and the Interest due and to grow due thereon respectively.

For making
a Diversion
so as to avoid
Hythe Hill.

II. And whereas *Hythe Hill*, Part of the Road mentioned in the said first recited Act, is a very long and steep Hill, and in many Parts narrow and incommodious for Travellers; and the same might be avoided, to the great Utility and Convenience of the Publick, if a Road were made from and out of the said Road at or near a certain Place called *Pedlinge*, to lead again to the same Road near the Turnpike at the Foot of the said Hill; but the same cannot be made, maintained, and kept in Repair, unless Power is given to borrow a further Sum of Money on the Credit of the Tolls granted and continued by the said recited Acts and this Act: And whereas the Road leading from the high Post Road near the Town of *Faversham* aforesaid to the said Town of *Ashford*, is in a ruinous Condition, owing to the continual passing and re-passing of Waggons, Carts, and other Carriages heavily laden to and from the Port of *Faversham*; and the said Trustees have laid out and expended considerable Sums of Money towards keeping the same in Repair; but inasmuch as the Tolls received at the Gates erected upon or across the said Road are insufficient to discharge the Interest of Money borrowed on the Credit thereof, and the Bills for Materials and Workmanship on the said Road; and as a certain Hill, called *Challock Hill*, Part of the said last mentioned Road, situate in the several Parishes of *Challock*, *Boughton*, *Aluph*, and *Wye*, in the said County, or some or One of them, is a very long and steep Hill, and generally in Need of Repair; and as the said Road cannot be kept in Repair, and the Interest of the Money now due on the Credit of the said Tolls be discharged by and out of the Money arising from the said Tolls, it is expedient that Powers should be given to the said Trustees to erect an additional Turnpike or Toll Gate on the said Road, between the Road near the Town of *Faversham* and the Town of *Ashford*, or to increase the Tolls at the
Gates

Gates already erected upon or across the same Road; be it therefore further enacted, That it shall be lawful for the said Trustees; or any Five or more of them; at any Meeting to be held for that Purpose, such Five or more, being the major Part of the Trustees present at any such Meeting, to order or cause to be erected One additional Turnpike or Toll Gate, upon, at, or near the Ends of the said proposed new Road to avoid *Hythe Hill*, and to order or cause to be demanded, received, and taken thereat, such Tolls as by the said recited Acts are authorized to be demanded, received, and taken at the other Gates now standing upon the said Road, and also to order or cause to be demanded, received, and taken thereat, and at the Turnpike Gate or Bar now erected; or that may be removed and placed nearest to the said Town of *Hythe*, before any Cattle, Beast, or Carriage shall be permitted to pass through the same, such additional Tolls as the said Trustees, or any Five or more of them, shall think proper, not exceeding the Sums herein-after mentioned; that is to say,

For every Horse, Mare, or Gelding, drawing, the Sum of Three-pence: Tolls.

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

For every Mule or Ass, drawing, the Sum of Two-pence:

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

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:

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

Which said Tolls shall be and the same are hereby vested in the said Trustees for putting the said Acts and this Act in Execution; and the same and every Part thereof shall be collected, recovered, levied, paid, applied, varied, and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Nonpayment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions as are contained in the said first recited Act with respect to the Tolls thereby authorized to be taken; but subject nevertheless to this Act, and the Provisions and Regulations herein contained:

Tolls vested in the Trustees.

III. Provided always nevertheless, and be it further enacted, That none of the said Tolls by this Act granted shall be paid, demanded, or taken, until the said new Road from the said Place called *Pedlinge*, to the Foot of the said Hill called *Hythe Hill*, shall actually be commenced.

None of the Tolls to be taken until the Road from *Pedlinge* to the Hill is commenced.

IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held for that Purpose, such Five or more of them being the major Part of the Trustees present at such Meeting, to order or cause to be erected One additional Turnpike or Toll Gate on the said Road between the High Post Road near the Town of *Faversham* to the Town of *Ashford* aforesaid, and to demand, receive, and take thereat, the like Tolls or Duties as are now taken at the other Gates or Bars on the said Road, or to order

Power to erect a Toll Gate between *Faversham* and *Ashford*, and to take Toll.

or

or cause to be demanded, received, and taken, at all or any of the Turnpike Gates erected upon the said Road, before any Cattle, Beast, or Carriage shall be permitted to pass through the same, such additional Tolls as the said Trustees shall think proper, not exceeding the Tolls herein-after mentioned; that is to say,

Toll. For every Horse, Mare, or Gelding, drawing or not drawing, the Sum of One Penny:

Which said Toll shall be and the same is hereby vested in the said Trustees, and the same shall be collected, recovered, levied, paid, applied, varied, and disposed of, in such and the same Manner as the Tolls herein-before granted are directed to be collected, recovered, levied, paid, applied, varied, and disposed of.

Additional Tolls not to be taken unless Notice given for that Purpose.

V. Provided always, and be it further enacted, That such respective additional Tolls shall not take place, unless at a Meeting of the Trustees to be held for that Purpose, of which Meeting, and of the Time and Place of holding the same, Notice in Writing signed by the Clerk for the Time being to the said Trustees, by Order in Writing signed by Five or more of the said Trustees, shall have been affixed on all the Turnpike Gates now erected on the said Roads, and inserted in some Newspaper or Newspapers circulated in the said County, at least Ten Days before such Meeting shall be held.

As soon as the Money to be borrowed is paid off, new Tolls to cease.

VI. And be it further enacted, That as soon as the Principal Money to be borrowed upon the Credit of the Tolls granted by the said recited Acts and this Act, for the Purpose of such Alteration or Diversion of Road as herein-before mentioned, shall be paid off and discharged, the additional Tolls herein-before directed to be taken at the said Turnpike Gate, to be erected upon the said Road leading from the said Town of *Ashford* to the said Town and Port of *Hythe*, and also the Tolls by this Act authorized to be demanded, at the Turnpike Gate to be erected at or near *Hythe Hill* aforesaid, shall cease and be no longer paid or payable; and the Tolls only granted and continued by the said recited Acts shall be demanded and taken at such respective Gates; nor shall such additional Tolls or any other Toll be demanded or taken at any other Gate or Turnpike on the said Road leading from *Ashford* to *Hythe* aforesaid, than by the said First recited Act is particularly mentioned and specified; any Thing in this Act or in the said recited Acts, or any or either of them contained, to the contrary notwithstanding.

Power to mortgage the Toll.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby authorized and empowered, from Time to Time, by any Writing or Writings under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and levied at all or any of the Turnpikes or Toll Gates already erected or hereafter to be erected, on any Part or Parts of the said Roads (the Costs, Charges, and Expences of assigning or mortgaging the same to be borne and paid out of the Tolls granted and continued by the said recited Acts and this Act) as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, on the Credit of such Tolls, to any Person or Persons who shall advance and lend the same, with such Interest as shall be agreed upon, not exceeding Five Pounds

per

per Centum per Annum; which said Money shall be applied and disposed of in Manner herein-after mentioned.

VIII. And be it further enacted, That out of the Money arising by the Tolls which shall be collected on the said Roads, or out of the First Money which shall be hereafter borrowed upon the Credit thereof as afore said, the said Trustees, or any Five or more of them, shall in the First Place pay and discharge all the Costs, Charges, and Expences of obtaining and passing this Act, and also the Costs, Charges, and Expences of making and maintaining the said Diversion of Road at or near *Hythe Hill* afore said, and also the Costs, Charges, and Expences of erecting and setting up such Turnpikes or Toll Gates, Toll Houses, and other Buildings as afore said; and the Remainder of such Monies (if any) shall from Time to Time be laid out and applied for and towards the amending, altering, improving, and keeping in Repair the said Roads, and in paying off the Principal Monies which shall or may be borrowed on the Credit of the said Tolls, and the Interest thereof, and in otherwise putting this Act in Execution, and to or for no other Use or Purpose whatsoever.

Application of the Tolls, &c.

IX. And whereas the Bridge called or known by the Name of *Shalmesford* Bridge, situate on that Part of the said Road which leads from a Place called *Bacon's Water* to *Wincheap*, near the City of *Canterbury*, has been and now is kept in Repair at the Expence and Charge of the Upper and Lower Half Hundreds of *Phelborough*, in the said County: And whereas, owing to the great and increasing Number of Carts, Waggon, and other Carriages, heavily laden, passing and repassing over the said Bridge, the same is become ruinous and dangerous for Cattle, Carts, and other Carriages travelling along the same Road, and it is necessary that the same should be repaired, altered, or rebuilt; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be called for that Purpose by Advertisement to be inserted in some Newspaper circulated in the Eastern Part of the said County of *Kent*, to advance and pay out of the Tolls granted and continued by the said recited Acts and this Act, such Sum or Sums of Money as they shall think proper, to be paid and applied for and towards the repairing, altering, or rebuilding the said Bridge: Provided always, that nothing herein contained shall extend or be construed to extend to charge or subject the said Trustees, at any Time or Times, to the Repair of the said Bridge, or to discharge or exonerate the Inhabitants of the said Upper and Lower Half Hundreds of *Phelborough*, or any other Person or Persons liable to the Repair of the said Bridge from the Repair thereof; but the said Bridge shall be amended, and repaired in such and the same Manner as the same hath heretofore been amended and repaired.

Enabling the Trustees to advance a Sum of Money to repair *Shalmesford* Bridge.

X. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the first recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the

Application of Compensation where exceeding 200 l.

Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same (or the like) Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made in pursuance of the said Act.

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Fifty hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account, as aforesaid, in order to be applied in Manner herein after directed, or otherwise the same shall be paid (at the like Option) to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in

[...]

Application where the Compensation does not exceed 200 l. nor less than 20 l.

Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application
where the
Money is less
than 20*l*.

XIII. And be it further enacted, That all the Costs, Charges, and Expences, incident to and attending the obtaining and passing this Act, shall be paid and discharged by the said Trustees, or any Five or more of them, out of any Money which hath arisen by virtue of the said Acts, or out of the First Money which shall arise by virtue thereof and of this Act, in Preference to all other Payments whatsoever.

For paying
the Expences
of the Act.

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

Declaring the
Act Publick.

XV. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing hereof, cease and determine; and that the said Acts, subject to the Alterations and Additions herein-before mentioned, and this Act, shall from thenceforth continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Fixing the
Term of the
Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1803.

...of the Court of Chancery...
...to obtain the Election or Appointment...
...to be paid as next before mentioned...

Application
whenever
Money is
then...

...and be it further enacted, That where such Money
...shall be paid as next before mentioned, shall be paid
...in such Cases the same shall be applied to
...the Part or Persons who would for the Time being have been
...entitled to the same and Profits of the said Office, in such
...or other for the Purpose of the said Act, in such
...of the said Office, or any part or more of them, shall be
...it; or in case of Injustice, if any part or more of them, shall be
...of Grand Jurors, or any other Person, and for the said and Benefit
...of such Person or Persons as entitled to the same.

For paying
the Expenses
of the Act.

XIII. And be it further enacted, That all the Costs, Charges, and
Expenses, incident to and concerning the carrying and doing this Act,
shall be paid and discharged by the said Officers, or any five or more of
them, out of any Money which shall be by virtue of the said Act,
or out of the said Money which shall be by virtue thereof, and of this
Act, in Preference to all other Claims whatsoever.

And be it
enacted...

XIV. And be it further enacted, That if any Person shall be
judged, and taken to be a public Officer, and shall be
noted as such by the said Officers, and shall be
without actually pleading the same.

And be it
enacted...

XV. And be it further enacted, That if any Person shall be
by the said Officers, and shall be
in such Cases, and shall be
and be in force and be executed for and during the Term of
one Year, and from thence to the end of the then next Session of
Parliament.

Printed by G. G. and J. G. at the King's most Excellent Majesty's
Printers, in the Strand, near St. Dunstons Church, in the City of London.