ANNO PRIMO

GULIELMI IV. REGIS.

****

Cap. vi.

An Act for more effectually repairing and otherwise improving the Road from the Post Road near *Faversham*, by *Bacon's Water*, through *Ashford*, to *Hythe*, and from *Bacon's Water* to *Castle Street* in the City of *Canterbury*, all in the County of *Kent*. [11th *March* 1831.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and widening the Road leading* 2 G 3. c. 76. *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 the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the* 22G.3.c.102. *Term of an Act made in the Second Year of the Reign of His present Majesty, 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 Forty-third Year of the Reign of His said late Majesty King *George* the

43G.3.c.109. the Third, intituled *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, *all in the County of* Kent: And whereas an Act was passed in the Fifth Year of the Reign of His late
5 G. 4. c. 62. Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from the Post Road near* Faversham, *by* Bacon's Water, *through* Ashford, *to* Hythe, *and from* Bacon's Water *to* Castle Street *in the City of* Canterbury, *all in the County of* Kent: 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, 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 by the said Act passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth be further extended, and the Powers thereof altered and enlarged: And whereas certain Parts of the Branch of the said Road from *Bacon's Water* to *Castle Street* in the City of *Canterbury* are hilly, circuitous, narrow, and inconvenient, and it would be of public Utility if the same were to be abandoned and discontinued, and Two new Cuts or Deviations out of the said Road were to be made in lieu and instead thereof, one Cut or Deviation to commence at or near *Giles' Oast* in the Parish of *Thannington*, and continuing by *Thannington* Church across the River between *Milton* Chapel and *Holyfield* Farm, at the Back of *Burnt House*, past *Chartham* Mill, to end at or near a certain Place on the said Road to the Westward of *Shalmesford* Bridge in the Parish of *Chartham*; and the other Cut or Deviation to commence at or about the Distance of Two hundred Yards to the Eastward of *Bagham Cross* in the Parish of *Chilham*, and continuing across the River South of *Chilham* Mill, thence past *East Stour* Farm on to a Gate called *Lamsey Gate*, then across the River again at or near *Godmersham* Church, to end at or near a Place on the said Road called *Bilting Green*, in the Parish of *Godmersham*: And whereas it is expedient that the said Act passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth should be repealed, except so far as the same repeals the said Acts passed in the Second, Twenty-second, and Forty-third Years of the Reign of His said late Majesty King *George* the Third, and that further, better, and more effectual Powers and Provisions should be made and granted instead thereof for repairing, maintaining, and otherwise improving the said Road, and for making the Deviations and Improvements 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 immediately after the Fourth Day of *April* next after the passing of this Act, the said Act passed in the Fifth Year of the Reign of His said late Majesty King *George* the

Recited Act of 5 G. 4. repealed, except so far

Fourth, and all and every the Powers, Provisions, Matters, and Things therein contained, shall be and the same is and are hereby declared to be repealed and null and void to all Intents and Purposes whatsoever, except so far as the same Act repeals the said Acts passed in the Second, Twenty-second, and Forty-third Years of the Reign of His said late Majesty King *George* the Third.

as the same repeals the previous Acts.

II. And be it further enacted, That this Act shall commence and take effect in lieu and instead thereof, and shall be put in execution, for and during the Term hereafter mentioned, for the Purpose of more effectually repairing and otherwise improving 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 *Castle Street* in the City of *Canterbury*, such Road passing through Part of the several Parishes of *Preston*, *Sheldwich*, *Badlesmere*, *Throwleigh*, *Leveland*, *Challock*, *Wye*, *Boughton Aluph*, *Eastwell*, *Kennington*, *Ashford*, *Willesborough*, *Mersham*, *Brabourne*, *Smeeth*, *Sellinge*, *Lympne*, *Standford*, *Saltwood*, *Hythe*, *Godmersham*, *Chilham*, *Chartham*, *Milton*, and *Thannington* in the County of *Kent*, and into and through Part of the several Parishes of *Saint Mildred* and *Saint Mary Bredin* in the City of *Canterbury* and County of the same City, and into and through a certain Extra-parochial Place or District called The Precinct of the Old Castle Yard, in the said County of *Kent*.

This Act to be put in execution instead thereof.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Kent*, together with *John Alliston*, *Alexander Anderson*, *George Baker*, *Thomas Barnes*, *James William Bellamy* Clerk, *John Billington* Clerk, *John Whitfeld Bolden*, *William Spencer Harris Braham* Clerk, *Thomas Bros*, *James Sladden Browne*, *John Burt*, *Edward Cage* Clerk, *George Carter* the younger, *Charles Chisholm* Clerk, *Henry Cooper*, *Charles Cordeaux*, *Mawer Cowtan*, *Edward Darell*, *Edward Henry Darell*, *Thomas De Lasaux*, *William Delmar*, Sir *John Fagg* Baronet, *Charles Fagg*, *George Finnis*, *Thomas Foord*, *Richard Frend*, *George Frend*, *John Thomas Giraud*, *Richard Greenhill*, *George Gregory*, *Charles Haffenden*, *James Halke* Clerk, *Edward Jones Hilton*, *Giles Hilton* of *Preston*, *Giles Hilton* of *Sheldwich*, *John Hodgson* Clerk, *John Holmes*, *William Homersham*, *Edward Hughes*, *George Hughes*, *Scrope Hutchinson*, *William Hyder*, *George Elwick Jemmett*, *William Jemmett*, *William Jones*, *Edward Kingsford*, *Sampson Kingsford*, *Norton Joseph Knatchbull*, *Wyndham Knatchbull* Doctor in Divinity, *Frederick Vernon Lockwood* Clerk, *Kenneth Mackenzie*, *Henry Mackeson*, *Thomas Mackeson*, *John Manley* Clerk, *Henry Riddle Moody* Clerk, *George James Morgan*, *William Chapman Morgan*, *William Smith Murton*, *Charles Nairne* Clerk, *John Nance* Doctor in Divinity, *Austin Neame*, *John Neame*, *Edward Norwood* Clerk, *Curteis Young Norwood*, *Francis Norwood*, *Weller Norwood*, *Henry Oldman*, *Deane John Parker*, *John James Peirce*, *John Perkins*, *William Perkins*, *Robert Pope* Clerk, *Charles Pout*, *Abraham Purshouse* Clerk, *William Rigden*, *Joseph Royle*, *John Scott*, *James Shepherd*, *John Shepherd*, *Julius Gaborian Shepherd*, *Samuel Shepherd*, *George Shipden*, *Osborn Snoulten*

Trustees.

Snoulten the younger, *Edward Stoddart*, *John Sutton*, *Harry Smith*, *Henry Tilbe*, *Nicolas Toke* Clerk, *William Toke* Clerk, *Edward Toker*, *Richard Osborn Tylden* Clerk, *Thomas Tournay*, *James Wall*, *James Warren*, *James Watts*, *Francis Whitfeld*, *William Whitfeld*, *Thomas Wood* Clerk, *Thomas Wood*, *Henry Wreight*, 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 declared to be the Trustees for carrying into execution this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at their First Meeting to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and being duly qualified shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby nominated and appointed.

Meetings of Trustees.

V. And be it further enacted, That the said Trustees shall meet together on the Fifth Day of *April* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, at the *Saracen's Head* Inn situate in the Town of *Ashford* aforesaid, or at some other convenient Place in or near the same Town, 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.

Power to take Tolls.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Collector or Collectors or other Person or Persons acting under the Authority of the said Trustees, to demand and take at each and every of the Turnpikes, Toll Gates, and Toll Bars which have been or shall be erected or set up in, upon, or across the said Road or any Part or Parts thereof, or at the Commencement or End thereof, or upon or near the Side or Sides thereof, the several and respective Tolls following; that is to say,

Tolls.

For every Horse, Mule, or other Beast of Draught drawing any Coach, Chariot, Berlin, Landau, Chaise, Calash, Curricle, Cabriolet, Gig, or other such Carriage, the Sum of Three-pence:

For every Horse, Mule, or other Beast of Draught drawing any Caravan, Waggon, Tug, Wain, Cart, Drag, or other such Carriage, the Sum of Three-pence:

For every Horse, 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 Oxen, Cows, or Neat Cattle, the Sum of Ten-

pence

pence *per* Score, and so in proportion for any greater or less Number:

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

And the same Toll shall be paid for every Pair or Yoke of Oxen drawing in any Carriage as for One Horse:

Tolls to be payable but at Two Gates.

But such Tolls or Duties shall be paid at no more than Two of the said Gates between the said High Post Road near the Town of *Faversham* aforesaid and the said Town of *Ashford*, and in like Manner at no more than Two of the said Gates between the said Towns of *Ashford* and *Hythe*, and also in like Manner at not more than Two of the said Gates between the said Place called *Bacon's Water*, in the Parish of *Kennington*, and the said City of *Canterbury*; which said respective Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, drawing or not drawing, shall be permitted to pass through any Turnpike or Toll Gate, or Side Gate or Side Bar, or Chain which shall be continued, erected, or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Road or any Part thereof, and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in the Manner herein-after directed.

Tolls to be paid but Once a Day.

VII. Provided always, and be it further enacted, That if the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any One of the Toll Gates to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment of such Toll for that Day being produced, (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates, if any, freed by the Payment of such Toll,) be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, except as is herein-after provided with respect to Horses drawing Stage Carriages and Post Chaises.

Stage Coaches, &c. to pay for every Time of passing.

VIII. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate in the like Manner as if no Toll had been before paid: Provided nevertheless, that no further or additional Toll shall be payable in respect

of Stage Coaches on account only of the Horses drawing the same having been changed; and the Tolls hereby made payable shall be paid 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 on the same Day, as often as a fresh Hiring thereof shall take place.

One-horse Carts may be weighed.

IX. And be it further enacted, That all Carts passing along the said Roads drawn by One Horse only shall and may be weighed at any Weighing Machine erected or to be erected on the said Road, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Power to make new Cuts.

X. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make and carry the several proposed Variations of the present Turnpike Road upon, in, over, or through any private Lands, Grounds, or Hereditaments described in the Map or Plan and Book of Reference herein-after mentioned, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Fifty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time, by Order of the said Trustees, to enter upon the Lands and Premises or Hereditaments through or over which or whereupon such proposed Variations, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Map or Plan deposited at the Offices of the Clerks of the Peace to

XI. And whereas a Map or Plan describing the several Variations, and the Lands, Hereditaments, and Premises through or over which the same are to be made or carried, with a Book of Reference containing a List of the Names of the Owners and Occupiers or reputed

puted Owners and Occupiers of such Lands, Hereditaments, and Premises, hath been deposited at each of the Offices of the Clerks of the Peace for the said County of *Kent* and City of *Canterbury* and County of the same City; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerks or Deputy Clerks of the Peace for the said County of *Kent* and City of *Canterbury* and County of the same City for the Time being, to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof or therefrom, at their Will and Pleasure, paying to the said Clerks or Deputy Clerks 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 Variations or Alterations shall not deviate more than One hundred Yards from the Line described in such Maps or Plans, 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 Variation shall be made.

remain there open to Inspection, and Trustees not to deviate therefrom.

XII. Provided always, and be it further enacted, That if any of the Lands and other Premises to be taken and used for the Purposes of this Act shall happen not to be described in either or both of the said Maps or Plans and Books of Reference, or any of the Owners and Occupiers of the same or any of the Lands or other Premises described in either or both of the said Maps or Plans and Books of Reference, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Lands and other Premises and every Part thereof shall and may be taken and used for the Purposes of this Act as fully and effectually as if the same had been accurately described in the said Maps or Plans and Books of Reference respectively, and as if the Owners and Occupiers of the same had not been omitted or were properly and accurately named, provided it shall appear to any Two or more Justices of the Peace acting for the County or Place in which such Lands or other Premises which have been so omitted, misnamed, or inaccurately described lie, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands or other Premises had Notice that the same would be wanted for the Purposes of this Act.

Misnomers not to prevent the Execution of this Act.

XIII. 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, other than and except such as are specified in the Schedule hereunto annexed, without the Consent

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

Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

Limiting Time within which Trustees may purchase Property.

XIV. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Five Years (to be computed from the passing of this Act) agree for or cause to be valued and paid for, in manner directed by the Acts now in being for regulating Turnpike Roads in that Part of *Great Britain* called *England*, some or one of them, the several Gardens, Yards, Plantations, Hereditaments, and Premises in the Schedule to this Act annexed which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby given them for such Purpose only shall cease, determine, and be utterly void, save and except with the Consent of the Owners or Proprietors thereof.

Application of Money in hand.

XV. And be it further enacted, That out of the Money already received or borrowed by virtue of the said former Acts, or out of the first Money which shall or may arise or be received from the Tolls by this Act granted, the said Trustees shall in the first place pay and discharge all the Costs and Expences incident to and attending the obtaining and passing this Act; and the Remainder of all such Monies (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act,) shall be applied in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls collected or arising from or payable on account of the said Road, and which may hereafter be borrowed on the Credit of this Act or of the Tolls to arise from or to be collected on or to be paid in respect of the said Road, and in erecting Turnpikes or Toll Houses on the said Road, and in amending, altering, turning, widening, improving, and keeping in repair the said Road, and otherwise in carrying this Act into execution, and in repaying the Principal Monies already borrowed on the Credit of the Tolls collected on or arising from or payable in respect of the said Road, and the Principal Monies which may hereafter be borrowed by virtue of this Act, or any of them, or any Part thereof respectively.

No Money to be laid out in repairing Streets.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any of the Money received, raised, or borrowed by virtue of the herein-before recited Acts or any of them, or to be received, raised, or borrowed by virtue of this Act, in lighting, paving, or repairing any Highway or Street within the City of *Canterbury* or within the Town of *Ashford*: Provided also, that the City of *Canterbury* shall for the Purposes of this Act begin or be construed to begin at the Commencement of *Castle Street*, and the Town of *Ashford* for the same Purposes shall commence or be considered to commence at the Entrance into the *High Street*

Street from *Bacon's Water*, and to end at the House of *William Jemmett*, situate at the Extremity of the said *High Street* in the Direction of the Town of *Hythe*.

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.

Commencement and Continuance of this Act.

XVIII. And be it further enacted, That this Act shall commence and take effect from the Fourth Day of *April* next after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which this Act refers.

No. on Plan.	Owners.	Occupiers.	Descriptions.	Parishes.	County.
23.	Dean and Chapter of Canterbury Cathedral - -	John Sutton, Lessee, and John Charles Abbott, Under-tenant -	Garden -	Chartham -	Kent.
24.	Ditto - -	Richard Halford, Lessee, John Charles Abbott, Under-tenant -	Ditto -	Ditto -	Ditto.
31.	Joseph Saddleton	Himself - -	Plantation -	Ditto -	Ditto.
32.	Ditto - -	Ditto - -	Garden -	Ditto -	Ditto.
34.	Ditto - -	Ditto - -	Ditto -	Chilham -	Ditto.
41.	James Beckford Wildman Esq.	Himself - -	Plantation -	Ditto -	Ditto.
45.	Edward Knight Esq. - -	John Fagg Harvey	Orchard -	Ditto -	Ditto.
49.	Ditto - -	Himself - -	Plantation	Ditto & Godmersham	Ditto.
52.	Ditto - -	Ditto - -	Ditto -	Godmersham	Ditto.
55.	Ditto - -	Ditto - -	Ditto -	Ditto -	Ditto.
64.	Ditto - -	Thomas Tappenden	Orchard -	Ditto -	Ditto.
66.	Ditto - -	William Arnold -	Ditto -	Ditto -	Ditto.
68.	Edmund Banton	Benjamin Coleman	Garden -	Ditto -	Ditto.

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