ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lxii.

An Act for more effectually repairing the Road from *Gravesend* to *Wrotham*, and from thence to *Borough Green*, all in the County of *Kent*.

[28th *June* 1853.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road* 6 G. 4. c. 1. *from the Town of* Gravesend *to* Wrotham *in the County of* Kent, *and from thence to* Borough Green *on the Turnpike Road leading from* Wrotham Heath *to* Ightham *in the said County:* And whereas the Term granted by the recited Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-three, unless the same be further continued: And whereas considerable Sums of Money are now due and owing upon the Credit of the Tolls authorized to be collected on the said Road: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

The Gravesend and Wrotham Road Act, 1853.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Act repealed and this Act to be put in force.

I. That upon the Commencement of this Act the recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Gravesend and Wrotham* Road Act, 1853."

Interpretation of Terms.

III. That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

The Word "Person" shall be understood to include "Corporation:"

The Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act:

The Expression "the Road" or "the said Road" shall mean the Road to which this Act relates:

The Expression "Toll Gate" or "Toll Gates" shall include Turnpike Gates, Toll Bars, Side Gates, Side Bars, and Toll Chains.

Monies and Property vested in new Trustees.

IV. That all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as fully and effectually as if the same had been vested in them under the said Act hereby repealed, and they shall be liable (except to the Arrears of Interest as herein-after mentioned) to all the Debts and Engagements to which the Trustees for executing the recited Act may be liable at the Time of the Repeal thereof.

Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Kent*, together with the Honourable *John Bligh*, *Robert Barnett*, *John Barnett*, *Thomas Baker*, *John Brenchley*, *William Brown*, *John Rose Baker*, *Thomas Harman Brenchley*, *Charles Andrew Becket*, *John Hales Calcraft*, *Thomas Colyer* of *New House*, *Thomas Colyer* of *Parrock*, *William Cowburn*, the Reverend *George Davies*, *Henry Ditchburn*, the Reverend *William Henry Edmeades*, *James Edmeades*, *John Alfred Edmeades*, *William Gladdish*, *Jonathan Hills*, *Walter Hills*, the Reverend *Robert Joynes*, the Reverend *Richard Keats*, the Reverend *Glover Mungeam*,

Mungeam, *Robert Oakes*, *William Pitcher*, *Charles Rósher*, *George Rosher*, *William Rosher*, *William Masters Smith*, the Reverend *John Stokes*, *William Sanders*, *Peter Sutton*, *Chares John Smart*, *John Saddington*, *Charles Spencer*, *Charles Spencer* junior, *John Smith*, the Reverend *John Thompson*, *John Tilden*, *Edward Twopenny*, *Thomas Robert Tufnell*, *Medhurst Troughton*, *Henry Warren*, *Henry Pack Woodford*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

VI. That it shall be lawful for the Trustees at any Meeting to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, 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 shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

VII. That the Trustees shall hold their First Meeting at the *Falcon* Tavern in the Town of *Gravesend*, or at some other convenient Place in the said Town, on the Day of the Commencement of this Act, and proceed to the Execution of this Act; and the Trustees may from Time to Time adjourn themselves to meet at such Time, and at such Place in the said Town or in the Neighbourhood of the Road, as they shall think proper.

Power to appoint Committees.

VIII. That the Trustees may from Time to Time appoint a Committee or Committees out of their own Number to take the Care and Management of any particular Part of the Road, or to execute any of the Purposes of this Act; and the Committee or Committees may proceed and act according to such Appointment, and in conformity to any Rules, Instructions, or Regulations which may be made or laid down by the Trustees.

Road to which this Act is applicable.

IX. That this Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of maintaining, improving, and keeping in repair the present Turnpike Road from a House called or known by the Name of the *Bat and Ball* in the Parish of *Gravesend*, passing thence from, through, or into the several Parishes of *Gravesend*, *Milton-next-Gravesend*, *Northfleet*, *Nursted*, *Meopham*, *Ash*, *Stanstead*, and *Wrotham*, and terminating in the Road from *Wrotham Heath* to *Ightham*, all in the County of *Kent*.

Power to take Tolls.

X. That it shall be lawful for the Trustees to demand and take or cause to be demanded and taken at the several and respective Toll Gates which shall be upon or at the Side of the Road such several and respective Tolls as the Trustees at any of their Meetings shall

shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

For every Horse or Mule drawing any Coach, Chariot, Phæton, Calash, Curricle, Vis-à-vis, Chaise, Diligence, Caravan, Hearse, or Litter, the Sum of Fourpence Halfpenny:

For every Horse, Mule, or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Fourpence Halfpenny:

For every Carriage not drawn by any Horse or other Beast, but propelled or moved along the Road by Machinery or otherwise than by Animal Power, the Sum of One Shilling for each Wheel of such Carriage:

For every Dog drawing any Truck, Cart, or other Carriage or Vehicle whatever, the Sum of One Penny:

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

For each Ass drawing any kind of Carriage, the Sum of One Penny:

For each Ass not drawing, the Sum of One Halfpenny:

For every Drove of Oxen or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Sheep, Lambs, or Hogs, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number; and in case of Oxen drawing any Carriage, Two Oxen shall be considered and paid for as One Horse:

Which said Tolls shall be paid before any Horse, Beast, Dog, Cattle, or Carriage whatsoever in respect of which a Toll is payable shall be permitted or authorized to pass through any Toll Gate which shall be upon or at the Side of the Road.

As to the Fractions of a Halfpenny in Tolls.

XI. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Tolls to be paid but once a Day at the same Gate, except, &c.

XII. That every Horse, Beast, Animal, and Carriage in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate upon or at the Side of the Road shall, upon the Production of a Ticket denoting such Payment, be permitted to pass Toll-free for any Number of Times on the same Day through the same Toll Gate, or any other Toll Gate which the Ticket for such Payment shall free, except in the Cases herein-after mentioned.

Limiting the Number of Tolls to be taken on the same Day.

XIII. That no more than Two full Tolls shall be taken (except in the Cases herein-after mentioned) for passing or repassing any Number of Times on the same Day with the same Horses, Beasts, or Carriages

Carriages through all or any of the Toll Gates upon or at the Side of the Road.

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

XIV. That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, or for or in respect of any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage propelled by Machinery, used for the same Purpose, shall be payable and paid every Time of passing or repassing along the Road.

Postchaises, &c. on every new Hiring.

XV. That the Tolls hereby made payable for or in respect of Horses or other Beasts let out to Hire, and drawing any Postchaise or other Carriage, or for or in respect of any Postchaise or other Carriage propelled by Machinery let out to Hire, shall be payable and paid every Time of passing or repassing along the Road whenever any new Hiring thereof shall take place.

As to Interest on Money borrowed.

XVI. And whereas the Principal Money now owing on the Credit of the Tolls authorized to be taken on the Road amounts to the Sum of Seven thousand five hundred Pounds, with an Arrear of Interest due thereon of the Amount of Eight thousand seven hundred and sixty Pounds or thereabouts: Be it enacted, That the whole of such Arrear of Interest on the said Principal Money up to the First Day of *January* One thousand eight hundred and fifty-three shall be considered as satisfied and discharged.

Application of the Monies.

XVII. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in paying the Expenses of erecting and providing, altering, and keeping in repair the Toll Gates, Toll Houses, and Weighing Machines, and their Appurtenances, and in paying the Salaries and Compensation to be made to Officers and other Persons employed by the Trustees, and the Cost attending the Management of the Road; but the Amount so applied shall not exceed the Sum of Sixty Pounds *per Annum*, exclusive of the Wages of Toll-gate Keepers and Expenses of Actions at Law or Indictments:

Thirdly, in paying Interest, after the Rate of Two Pounds *per Centum per Annum*, from the First Day of *January* One thousand eight hundred and fifty-three, upon the said Principal Sum of Seven thousand five hundred Pounds, or on so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the Road:

Fourthly, in paying the Expenses of maintaining and keeping in repair the Road, not exceeding Seventy-five Pounds *per Annum* :

Fifthly, in reducing, paying off, and discharging, in manner hereinafter mentioned, the said Principal Sum of Seven thousand five hundred Pounds, or such Part thereof as shall be for the Time being due and owing on the Credit of the Tolls authorized to be taken on the Road :

And lastly, in paying the Expenses of maintaining, repairing, and improving the Roads.

As to the Mode of discharging Debt.

XVIII. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds the Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Object or the Purpose thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Kent*, or by Letter addressed to each Mortgagee; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Credit of the said Tolls to the Creditor who shall by Proposal in Writing, transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum or a Portion thereof (as the Case may require) in or towards the Payment of other Monies owing on the Credit of the said Tolls to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Money due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such

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of them as may be determined by Lot or otherwise, as the Trustees shall think fit.

Mortgagees not to enter into possession while Interest is paid.

XIX. That whenever and so long as the Interest of any Mortgage upon the Tolls of the Road shall be duly paid at the Rate in this Act mentioned within Three Calendar Months next after the same shall become due, the Holder of such Mortgage shall not be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Road, or into the Receipt of the Tolls arising thereon or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due, at the Rate in this Act mentioned, upon all the Principal Sums for the Time being owing on the Credit of the said Tolls, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest in such Principal Sums shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate in this Act mentioned on such Principal Sums up to the last of such yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver Possession of the Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the Trustees, or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

No Money to be laid out or taken in any Town.

XX. That no Money shall be laid out on any Portion of the Road comprised within the Limits of any Local Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

No more Money to be borrowed on the Tolls.

XXI. That it shall not be lawful for the Trustees to borrow any further Sum of Money on the Credit of the Tolls by this Act authorized to be taken.

Preventing Pits from being opened and worked near Road.

XXII. That any Chalk Pit, Gravel Pit, or other Pit shall not be opened within Thirty Feet of the Road, and any Chalk Pit, Gravel Pit, or other Pit now opened which shall be within Thirty Feet of the Road

Road shall not, without the Consent in Writing of the Trustees, be dug, sunk, undermined, or made nearer to the Road than it now is, and any Chalk Pit, Gravel Pit, or other Pit now opened or which shall be hereafter opened, not being within Thirty Feet of the Road, shall not, without the like Consent, be dug, sunk, undermined, or made within Thirty Feet of the Road, such respective Distances of Thirty Feet to be ascertained by Admeasurement at Right Angles from the Edge of the Road; and if there is any Chalk Pit, Gravel Pit, or other Pit now opened within Thirty Feet of the Road, the Owner or Occupier thereof shall, within Three Days after Notice in Writing given for that Purpose under the Hand of the Surveyor to the Trustees, well and sufficiently and to the Satisfaction of the Trustees fence off such Pit from the Road; and if the Owner or Occupier of any such Pit shall dig, sink, undermine, or make the same contrary to this Provision, or shall not, after such Notice as aforesaid, fence off such Pit as required by such Surveyor, every such Owner and Occupier shall forfeit and pay the Sum of Fifty Pounds.

Road not exempt from Provisions of future General Acts.

XXIII. That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Saving the Rights of the Mayor, &c. of Gravesend.

XXIV. That, except as is by this Act expressly enacted, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, or Authorities of the Mayor, Aldermen, and Burgesses of the Town of *Gravesend*, or of the Commissioners for paving and lighting such Town, but all such Rights, Privileges, and Authorities respectively may be had, exercised, and enjoyed as if this Act had not passed.

Term of Act.

XXV. That this Act shall commence on the First Day of *November* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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