



ANNO QUADRAGESIMO PRIMO

# GEORGII III. REGIS.

\*\*\*\*\*

## Cap. 60.

An Act for continuing the Term and altering the Powers of Two several Acts, made respectively in the First and Twenty-second Years of the Reign of His present Majesty, for amending and maintaining the Road from *Dartford* to *Northfleet*, and other Roads therein mentioned, in the County of *Kent*, and for other Purposes in the said Acts mentioned.

[20th June 1801.]

**W**HEREAS an Act was made and passed in the First Year of the Reign of His present Majesty, intituled, *An Act for rendering more effectual several Acts passed in the Tenth Year of her late Majesty Queen Anne, in the Eleventh Year of his late Majesty King George the First, and in the Eleventh Year of his late Majesty King George the Second, for enlarging, amending, and maintaining the Road from Dartford to Northfleet and Gravesend, and from Gravesend to Chalk, and from Northfleet to Chalk, and from thence to the Stone's End near the Parish Church of Strood, in the County of Kent*: Which said Act was to have Continuance from the Friday Three Weeks next after the passing thereof, for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas another Act was made in the Twenty-second Year of His present Majesty's Reign, intituled, *An Act for continu-*

Preamble re-  
cites Act  
1 Geo. III.  
22 Geo. III.  
[Loc. & Per.] 12 C ing



ing the Term and altering the Powers of an Act of the First Year of His present Majesty, for amending the Road from Dartford to Northfleet, and other Roads therein mentioned, in the County of Kent, and for allowing an Annual Payment out of the Tolls arising upon the said Roads to the Trustees for the Care of the Road leading from Rochester to Maidstone, in the said County, to be applied for the Purposes therein mentioned; which said first mentioned Act of the First Year of the Reign of his present Majesty, and also the said last mentioned Act, was to have Continuance from the Day of the passing of the said last mentioned Act, until the Expiration of the Term granted by the said first mentioned Act, and from and after the Expiration of that Term for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas it would considerably shorten the Distance between Northfleet and Gravesend, and be otherwise advantageous to the Public, if the Road were carried in a straight Line, from or near to the Alehouse called the Leather Bottle in the Parish of Northfleet, through the Land of John Calcraft Esquire, and so continuing in a straight Line to and through King Street in the Town of Gravesend: And whereas a considerable Sum of Money hath been borrowed, and is now due and owing upon the Credit of the Tolls granted by the said Acts, and the said Roads are now much out of Repair, and the Tolls granted by the said recited Acts have been found inadequate to the Payment of the Interest on such Money, and the necessary Charges and Expences of maintaining and keeping in Repair such Roads; and the same Money cannot be repaid, and the said Roads be put and kept in good Repair, unless the Term granted by the said Acts be continued, and several Alterations and Amendments made in the said Acts for the better Execution thereof: 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, Clauses, Matters, and Things therein contained (except such as relate to Exemption from Stamp Duties) shall be, and are hereby further continued, for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take Effect immediately upon the passing of this Act; and this Act, and the additional Term, and the Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all the Money now due on the Credit or on Account of the said former Acts or either of them, or which shall be borrowed on the Credit of the said Acts and this Act, and the Interest due and to grow due thereon respectively.

Said Acts  
further  
continued.

Justices residing in West Kent to be Trustees whether they act or not.

II. And be it further enacted, That all Persons in the Commission of the Peace for the said County of Kent, and residing within the Western Division of the said County, shall be Trustees for executing the said recited Acts, and this present Act, whether they shall have taken out their *De dimus Potestatem* to, and shall act as Justices of the Peace for the said County or not.

III. And



III. And be it further enacted, That the Right Honourable *William Pitt* Trustees.  
the Honourable and Reverend *Jacob Marsham*, the Honourable *Charles Marsham*, the Honourable *Edward Bligh*, the Honourable *William Bligh*, the Honourable *George Watson*, Sir *John Boyd* Baronet, Sir *John Dixon Dyke* Baronet, Sir *William Geary* Baronet, Sir *John Honeywood* Baronet, Sir *Henry Hawley* Baronet, Sir *Edward Knatchbull* Baronet, Sir *Lawrence Palk* Baronet, Sir *John Gregory Shaw* Baronet, Sir *Matthew Bloxam* Knight, Sir *Richard Glode* Knight, Sir *William Leighton* Knight, *John Julius Angerstein*, *John Atkins*, the Reverend *Kenward Shaw Brooke*, *Thomas Blomfield*, *Charles Becket*, *James Best*, *John Brenchley*, the Reverend *William Crawford* D.D. the Reverend *John Currie*, the Reverend *William Crakelt*, *John Calcraft*, *William Curtis*, *Timothy Curtis*, *William Stacey Coast*, *William Colyer*, *Richard Carew*, the Reverend *Thomas Dampier* D.D. *Oliver Delancey*, *Thomas Dyke*, *Percival Hart Dyke*, *Thomas Dalton*, *Thomas Augustus Douce*, *William Dann*, *Henry Edmeades* the Elder, *Henry Edmeades* the Younger, *Thomas Elliott*, the Reverend *Robert Fountaine*, the Reverend *Robert Foote*, *Hussey Fleet*, *William Gee*, *Nicholas Gillbee*, *George Gunning*, *William Gillbee*, *George Grote*, *William Good-brew*, the Mayor of the Corporation of *Gravefend* and *Milton* for the Time being, the Recorder of the said Corporation for the Time being, the Senior Jurat of the said Corporation for the Time being, the Reverend *Thomas Heathcote*, *James Roper Head*, *Benjamin Harenc*, *Charles Hope*, *Thomas Harman* the Younger, *William Hamilton*, *William Havelock*, the Reverend *Hugh Jones*, *Charles Kite*, the Reverend *John Law* D.D. the Reverend *Thomas Lambard*, *Richard Leigh*, *John Longley*, *William Lushington*, *Charles Lefebure*, *John Pascal Larkins*, *Philip Martin*, *John Madox*, *Joseph Madox*, *Charles Milner*, *Francis Market*, *John Mumford*, *William Mumford*, *Thomas Meggison*, the Reverend *Robert Price* LL.D. *William Pemble*, *Thomas Pitcher*, the Reverend *Peter Rashleigh*, *Thomas Raikes*, *Laurence Ruck*, *Henry Thames Rogers*, *Stephen Remnant*, *Jeremiah Rosher*, *John Rose*, the Mayor of the City of *Rochester* for the Time being, the Recorder of the said City for the Time being, the Senior Alderman of the said City for the Time being, *George Smith* of *Camer*, *Thomas Woodruffe Smith*, *Claude Scott*, *Samuel Scott*, the Reverend *John Tucker*, *Edward Tighe*, *John Talbot*, *William Twiss*, *John Tilden*, the Reverend *Richard Williams*, the Reverend *Thomas William Wrighte*, *Francis Wadman*, *William Wheatley*, *John Wakefield*, and their Successors shall be and are hereby declared to be Trustees for carrying the said recited Acts and this present Act into Execution.

IV. And be it further enacted, That it shall and may be lawful for the Appointing  
Trustees appointed under or by virtue of the said recited Acts, and of new Trustees,  
this Act, or any Nine or more of them, from Time to Time, at any Meeting to be held in pursuance of the said recited Acts, or this present Act, by Writing under their Hands, or by any Order to be entered in the Minute Book of their Meetings to elect, nominate, and appoint any Person or Persons to be a Trustee or Trustees for putting in Execution this Act, and the said recited Acts, in lieu and stead of any such of the Trustees by this Act appointed as may die, or be or become incapacitated to act.

V. And be it further enacted, That from and after the passing of this Act, Former Tolls  
the Tolls and Duties granted and made payable by the said recited Acts, repealed, and  
shall, as to the Particulars and Amount thereof respectively be, and they new Tolls  
are granted.



are hereby repealed; and that in lieu thereof, the following Tolls or Duties shall be payable and paid before any Carriage, or any Beast or Cattle whatsoever, shall be permitted to pass through any of the Gates erected, or to be erected on the said Turnpike Roads; that is to say,

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Chariot, Phaeton, Calash, Curricule, Vis-à-Vis, Chaise, Diligence, Caravan, Horse, or Litter, the Sum of Sixpence.

For every Horse, Mare, Gelding, Mule, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Sixpence.

For every Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of Two Pence.

For each Ass drawing any Kind of Carriage, the Sum of Two Pence.

For each Ass not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Four Pence per Score, and so in proportion for any greater or less Number.

For every Drove of Calves, Sheep, Lambs, or Hogs, the Sum of Ten Pence per Score, and so in proportion for any greater or less Number.

And that in case of Oxen drawing any Carriage, Two Oxen shall be considered and paid for as One Horse;

Recovery and Application of Tolls.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll, and the Money so to be raised shall be and is hereby vested in the Trustees appointed in, or elected by virtue of the said recited Acts, and this Act, and the same and every Part thereof shall be paid, applied, disposed of, and assigned for repairing the Roads aforesaid, and to, and for the several Uses, Intents, and Purposes mentioned and set forth in the said recited Acts, and in this present Act: And in case any Person or Persons shall neglect or refuse to pay the said Tolls hereby authorized to be taken, or any Part or Parts of the said Tolls, the same shall and may be levied and recovered by the same Ways and Means, and in such Manner, and subject to the same Rules and Exemptions as the Tolls granted by the said recited Acts can or may be levied and recovered; and all Persons evading, or attempting to evade the Payment of any of the Tolls hereinbefore authorized to be taken, or any Part of the said Tolls, shall be subject and liable to the like Penalties, Forfeitures, and Punishments as are directed to be inflicted on Persons evading, or attempting to evade the Tolls authorized to be taken by virtue of the said recited Acts, or any of them.

Horses returning with a different Carriage to pay again.

VI. Provided always, and be it enacted, That if any Horse, Beast, or Cattle, shall have passed through any Turnpike Gate or Gates erected or to be erected within the said respective Districts, drawing any Carriage of what Nature or Description soever, and shall return the same Day, (such Day to be computed as aforesaid,) not drawing the same, but any other Carriage, then and in every such Case the same Toll may be demanded and taken for every Horse, Beast, or Cattle, drawing the same, as if such Horse, Beast, or Cattle had not passed through any of the said respective Gates on that Day, any Thing herein contained to the contrary thereof notwithstanding.

VII. And



VII. And be it further enacted, That from and after the passing of this Act, the Property of all the present and future Roads, which now are, or hereafter shall be, under and by virtue of the said recited Acts, or this Act, under the Direction and Care of the Trustees for executing the same, appointed, or to be appointed, in or by virtue of the said recited Acts, or this Act, and the Ground and Soil thereof, and of all Toll-houses, Toll-gates, and other Erections standing, or to be built or set up thereon, and of all Timber, Stones, and other Materials, Matters, and Things purchased or to be purchased by, or for the Use of, or belonging, or to belong to the said Trustees, shall be, and the same are hereby absolutely vested in the said Trustees: And they the said Trustees are hereby authorized and empowered to bring, or cause to be brought any Action or Actions in the Name of their Clerk, or to prefer, order, and direct, the preferring of Indictments against any Person or Persons who shall steal, take, or carry away any of such Materials or Things, or disturb them in the Possession thereof; and that in any Indictment for stealing, taking, and carrying away, or for injuring, damaging; or defacing any of the same Materials, Matters and Things, it shall be sufficient to lay and charge the same to be the Property of any one of the said Trustees as of his own Goods and Chattels; and without describing him to be a Trustee under the said recited Acts, or this Act, or to lay and charge the same to be the Property of *The Trustees of the Chalk Turnpike Roads*, without setting forth the Names of the said Trustees, or of any of them.

Property of  
Roads, Toll  
Houses, Ma-  
terials, &c.  
vested in  
Trustees,

who may  
bring Actions  
and prefer  
Indictments.

VIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons having paid any of the said Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, as in the said first mentioned Act is mentioned, shall offer, give, or dispose of the same to any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls by this Act made payable), or if any Person or Persons shall with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, Yard, Road, Passage-way, or other Place adjoining to or lying near any of the Gates or Turnpikes, by virtue of the said recited Acts and this Act erected, or to be erected, and afterwards come again upon the said Turnpike Road, on the other Side of the said Gates or Turnpikes, or either of them, with Intent to avoid the Payment of the said Tolls, or any of them; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which doth or shall adjoin or be near to any of the same Gates or Turnpikes, shall, knowingly or willingly, permit or suffer any Person or Persons with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle from any Coach or other Carriage as aforesaid; or if, after any such Coach or other Carriage shall have passed any of the same Gates or Turnpikes, any Person or Persons shall add or put on, or cause to be added or put on, any Horse, Ass, Mule, or other Cattle, to the Horses or other Cattle drawing the same, than drew the same through such Gate or Turnpike, whereby the Payment of any of the said Tolls shall be evaded, or a less Toll paid than ought to be; then, and in every of the

Penalty for  
evading Tolls.

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aforesaid



aforesaid Cases, every Person so offending and being thereof convicted upon his own Confession, or upon the Oath or Oaths of one or more credible Witness or Witnesses, before one or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings at the Discretion of such Justice or Justices, one Moiety whereof shall be paid to the Informer or Informers of such Offence, or the Person or Persons upon whose Oath or Oaths such Person shall be convicted; to and for his or their own Use, and the other Moiety thereof shall be paid to the Treasurer of the said Trustees, to go and be applied towards amending the said Roads.

Road to be altered at Strood Church, Lisse Castle at Chalk, and Barn at Northfleet.

Trustees may purchase, &c. Buildings for that Purpose.

IX. And whereas there is a sudden Turn in the said Road, round the Corner of a Barn or Building in the Town of Northfleet in the said County; and also another sudden Turn in the said Road, around the Corner of a Public Alehouse, called the *Lisse Castle*, in the Parish of Chalk, which are very inconvenient and dangerous to Travellers; and the Part of the said Road at the Entrance of the Town of Strood in the said County, is now so enclosed and confined by sundry small Dwelling-Houses and Buildings, that it is very narrow, inconvenient, and dangerous to Travellers; and it is necessary that the said Road should, at the said respective Places at Northfleet, Chalk, and Strood, be enlarged or altered; Be it therefore further enacted, That the Trustees appointed and to be appointed under and by virtue of the said recited Acts and this present Act, or any Five or more of them, at any Meeting or Meetings to be held by Virtue of the said recited Acts or this Act, shall and may, and are hereby authorized to order and direct, and cause to be made and executed, such Alterations and Improvements of the said Road at the said Three last mentioned Places at Northfleet, Chalk, and Strood, as shall be found necessary, and in such Manner, as to the said Trustees shall seem proper. And for facilitating such Alterations and Improvements, Be it further enacted, That the said Trustees, or any Five or more of them, are hereby empowered and authorized to contract with any Owners, Occupiers of, and Persons interested in, the respective Barn, Alehouse, Dwelling-House, and the Buildings and Appurtenances thereto respectively belonging, and with the Consent of such Owners, Occupiers, or Persons interested for the Purchase thereof, or of any Part thereof respectively, or for the Exchange of any other Premises for the same, or for the Loss or Damage they may sustain thereby, and to pay for the same, or make such Recompence, and also the Costs and Charges attending such Contract, Purchase, or Exchange, with and out of the Tolls or Duties by the said recited Acts, or this Act granted, or out of any Money borrowed or to be borrowed upon the Credit thereof; and that it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations, Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, or Cestuique Trusts, and for all other Persons whatsoever, to contract and agree with such Trustees for such Purchase, Exchange, or Recompence as aforesaid, under and by such and the like Powers, Ways, Means, and Methods, as by the said Act of the First Year of His present Majesty's Reign, the Trustees thereby appointed, or any Seven or more of them, may purchase and take, or exchange Lands and Grounds to widen or alter the said Roads.

X. And



X. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required within twelve Calendar Months after the passing of this Act, they having the Means provided for this Special Purpose, to cause the said Road between *Northfleet* and *Gravesend* to be made and carried in a straight Line from or near to the said Alehouse, called the *Leather Bottle*, in the Parish of *Northfleet*, through certain Lands belonging to *John Calcraft* Esquire, and so continuing to and through *King Street* in the Town of *Gravesend* aforesaid.

Road between Northfleet and Gravesend, to be altered.

XI. And be it further enacted, That after any Lands or Grounds shall be made Part of the said Roads, the Lands and Grounds comprised in, and constituting the former Road, shall be sold by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same, and the Conveyance thereof being executed by the said Trustees, or any Five or more of them, and being enrolled with the Clerk of the Peace for the said County of *Kent*, shall be good and effectual to all Intents and Purposes whatsoever.

Empowering the Trustees to sell the Old Road when a New Road is made.

XII. Provided always, and be it enacted, That wherever the Course of any of the said Roads shall be altered by this Act, and a New Road opened and made, the offer of the Purchase of such Old Road shall be made to the Owner of the adjoining Land; and in case such Owner shall be desirous of becoming the Purchaser of such Old Road, and cannot agree with the said Trustees, or any Five or more of them, for the Price to be paid for the Purchase of the same, and such Owner shall be still desirous of becoming the Purchaser, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken or made Use of by the said Trustees, is directed to be settled and ascertained by virtue of the said recited Acts, or one of them; and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by such Jury to be the Value thereof; and in case he shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyance of such Old Road, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such Old Road, it shall and may be lawful to and for any Person or Persons not interested in the Premises, to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where such Old Road shall lie, stating that such Offer has been made by, or on behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such Old Road; and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and not agreed to, or was refused by such Owner. Provided nevertheless, That if such Owner shall be willing, and shall Consent to take such Old Road in Exchange for such New Road, it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby required to assure the same to such Person by entering the same in their Books, and delivering to him, or her, a Copy of such Entry, signed by the said Trustees, or any Five or more of them; which Copy shall be a good and valid Title to the same, and be available in any Suit of Law or Equity: Provided also, That the Money arising by the Sale

Requiring the Trustees to give the Owner of the Land adjoining the first Offer of the Purchase of the Old Road.



Sale of any such Old Road shall be applied in discharging the Costs and Expences of diverting and altering the same.

Removing  
Annoyances,  
&c.

XIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, appointed and to be appointed by the said Trustees, and such Person and Persons as he or they shall employ or appoint, from Time to Time, to remove and carry away all Annoyances on any Part of the Roads, under the Direction and Care of the said Trustees, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Water-courses, Sinks, or Drains, running into, along, across, or out of the said Roads, to the Prejudice thereof, and to open, scour, or cleanse any Water-courses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper or necessary, and to make any new Drains adjoining to the said Roads, so as the same be not made through any Garden, Orchard, Yard, Park, Planted Walk, or Avenue, to a House or any Plantation, or Nursery for Trees, and to grub up or cut down any Trees, (Timber Trees excepted,) and to lop or shrove any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, so that the same may not be above the Height of Four Feet, and to take and carry away the same, in case the Person or Persons creating or permitting such Annoyances, or the Owners or Occupiers of the Lands and Premises, whereon the same Trees or Bushes stand, or upon or adjoining to whose Lands and Premises the same Ditches or Water-courses shall be, shall neglect to remove such Annoyances, or to grub up, cut down, lop, shrove, and carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Water-courses or Ditches, for the Space of Fourteen Days next, after Notice in Writing given for that Purpose, under the Hand or Hands of the said Trustees, or any Three or more of them, or of their Clerk or Surveyor or Surveyors, for the Time being, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Person or Persons creating or permitting such Annoyances, or such Owners or Occupiers so neglecting to grub up, cut down, lop, shrove, and carry away such Trees or Bushes, or to open, scour, or cleanse such Water-courses or Ditches as aforesaid, such Charges to be levied and recovered as a Penalty in such Manner as is hereinafter directed, and to be paid to the said Surveyor or Surveyors, to go and be applied in amending the said Roads; and if any Person or Persons shall again commit any of the same Offences, he or they shall, for every such second or other Offence, forfeit and pay, over and above such Charges as aforesaid, the Sum of Forty Shillings to be levied, recovered, and applied as aforesaid.

Skid Pans to  
be used.

XIV. And be it further enacted, by the Authority aforesaid, That if the Driver of any Waggon or other Carriage, shall drive any such Carriage down any Hill, upon any of the Roads under the Direction and Care of the said Trustees, with one or more of the Wheels of such Carriage skidded or fastened, and without a Skid Pan to each of the Wheels so skidded or fastened, to keep them from the Road, every Person so offending shall forfeit and pay a Sum, not exceeding Twenty Shillings nor less than Ten Shillings, to be recovered and applied in Manner hereinafter directed.

Pits not to be  
dug within  
certain Dis-  
tances of the  
Road

XV. And whereas the Provisions made by the said recited Acts for preventing Danger to Persons travelling the said Roads, by Chalk Pits, Gravel, or other Pits being dug too near the said Roads, are insufficient, be it there-  
fore



fore enacted by the Authority aforefaid, That no Chalk Pit, Gravel Pit, or other Pit, already dug, funk, or made, within Thirty Feet of the faid Road, fhall be dug, funk, or made any nearer to the Road than the fame now is; and that no Chalk Pit, Gravel Pit, or other Pit whatfoever, already begun to be dug, funk, or made, not at prefent within Thirty Feet of the faid Roads, or which fhall at any Time or Times hereafter be dug, funk, or made near the faid Roads, or any Part thereof, fhall be dug, funk, or made within lefs Distance than Thirty Feet from the faid Roads, fuch Distance to be afcertained by Admeafurement on the Surface, at Right Angles from the Edge of the faid Road; and in cafe any Chalk Pit, Gravel Pit, or other Pit, fhall at any Time hereafter be dug, funk, or made, at a lefs Distance from the faid Road than as aforefaid, or fhall be excavated or undermined within fuch Distances, without the Consent of the faid Trustees, as hereinafter mentioned, then and in every fuch Cafe, all and every the Owners and Occupiers of every fuch Chalk Pit, Gravel Pit, or other Pit, fhall forfeit and pay the Sum of Ten Pounds for each and every fuch Offence; which Penalties fhall be levied and recovered in Manner hereinafter mentioned, and fhall be paid to the Treafurer for the Time being to the faid Trustees, and go and be applied in the Amendment and Repair of the faid Roads.

XVI. Provided always, That it fhall and may be lawful to and for the Owner or Owners of any fuch Chalk Pit, Gravel Pit, or other Pit as aforefaid, to dig, funk, or make the fame fo as to excavate or undermine the faid Roads, with the Consent or Permission in Writing of the faid Trustees for the Time being, or any Nine or more of them, under their Hands at a Publick Meeting to be afsembled according to the Directions of this Act, and of the faid recited Acts, and in fuch Manner as fhall be by fuch Trustees at fuch Meeting directed or permitted, and approved of in Writing under their Hands. Roads may be undermined with Leave of the Trustees.

XVII. And be it further enacted, That it fhall and may be lawful for the faid Trustees, or any Five or more of them, from Time to Time, to contract and agree with any Perfon or Perfons whatfoever, and alfo for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truft, Executors, Administrators, Guardians, and other Trustees whatfoever, for and on behalf of any Infants, Femes Covert, Cestuique Trufts, and for all Perfons whatfoever, to contract, and agree with the faid Trustees for the Purchase or Exchange of any Houfes or other Erections or Buildings which the faid Trustees, or any Five or more of them, at any Meeting to be held by virtue of the faid recited Acts, or this Act, fhall deem neceffary to be taken for the Purpose of widening, altering, or improving the faid Roads, or any Part thereof, in fuch and the fame Manner, and by fuch and the fame Ways, Means, and Methods in all Refpects as by the faid recited Act of the First Year of the Reign of His prefent Majefty, any Seven or more of the faid Trustees are authorifed to purchase or exchange Lands for fuch Purpofes: Provided nevertheless, That no Houfe, or other Erection or Building fhall be fo purchafed or exchanged without the Consent of the Owner or Owners, Proprietor or Proprietors thereof. Trustees may purchase Buildings with Consent of the Owners.

[*Loc. & Per.*]

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XVIII. And



Penalty for  
riding on  
Cauleways.

XVIII. And be it further enacted, That if any Person or Persons shall at any Time hereafter ride on Horseback, or drive any Horse or other Cattle, or any Carriage over any Causeway of any of the Roads, which by virtue of the said recited Acts, and this present Act, now are, or hereafter shall be under the Direction and Care of the said Trustees, every Person so offending, shall for every such Offence forfeit and pay a Sum not more than Twenty Shillings, nor less than Ten Shillings, to be levied and recovered as hereinafter is mentioned, and to be paid to the Treasurer or Surveyor for the Time being of the said Trustees, to go and be applied in amending and repairing the said Roads.

Tolls granted  
by this  
to be a Secu-  
rity to Credi-  
tors under  
former Acts.

XIX. And for the Security of all and every such Person or Persons who shall or may have advanced or lent Money upon the Credit of the said former Acts, be it further enacted by the Authority aforesaid, That the Tolls and Duties granted by this Act shall stand charged with, and be a Security for, and subject and liable to the Payment of the Principal and Interest of all Money borrowed, or otherwise due and owing upon the Credit of the Tolls granted by the said former Acts, in such and the like Manner as the Tolls granted by those Acts were declared to be subject to the Payment of any Sum or Sums of Money borrowed upon the Credit thereof.

Recovery and  
Application  
of Penalties.

XX. And be it further enacted, That all Penalties and Forfeitures by the said recited Acts, and this Act imposed, shall be recovered before any One or more Justice or Justices of the Peace of the County or Place where the Offence shall be committed, which said Justice or Justices, upon Information on Oath, of any Offence committed against the said recited Acts, or this present Act, or any of them, shall issue his, or their Warrant or Summons, as to him or them shall seem fit, for the Offender or Offenders to be brought, or to appear before him or them; and on the Offender or Offenders being so brought or appearing before him or them, or if the Offender or Offenders do not appear, or alledge a sufficient Excuse for not appearing, then, upon Proof on Oath of the Service of the Summons for his, her, or their Appearance, shall proceed to hear and determine the Offence in a summary Way; and if upon the Hearing of the Offence, and Proof of the same by the Oath or Oaths of the Informer or Informers, or one or more credible Witness or Witnesses, it shall appear to such Justice or Justices that the Offender or Offenders is, or are guilty thereof, to convict him, her, or them thereof, and to levy such Penalties and Forfeitures by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his or their Hand and Seal, or Hands and Seals; and all such Penalties and Forfeitures, the Application whereof is not, by the said recited Acts, or this Act, especially directed, shall be paid to the Clerk and Treasurer of the said Trustees for the Time being, to be applied and expended in the Repair of the said Roads; and in case sufficient Distress shall not be found whereon to levy any such Penalty or Forfeiture, and the Offender or Offenders do not forthwith pay the same, and in every Case where such Penalty or Forfeiture shall not exceed the Sum of Five Pounds, and shall not be forthwith paid by the Offender or Offenders at the Time of his, her, or their Conviction, it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their

Hand



Hand and Seal, or Hands and Seals. to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Fourteen Days, unless such Penalty or Forfeiture, and all reasonable Charges shall be sooner paid and satisfied.

XXI. Provided also, and be it enacted, That the Mayor, and other His Majesty's Justices of the Peace for the Time being, acting in and for the said Corporation of *Gravesend* and *Milton*, shall have Authority in all Matters arising within the Limits of the Jurisdiction of the said Corporation, in like Manner as the Justices of the Peace for the said County of *Kent* have Authority within the said County.

Justices of  
Gravesend to  
have Jurisdic-  
tion within  
their Limits..

XXII. Provided always, and be it further enacted, That all pecuniary Penalties imposed on any Person or Persons for Offences committed against the said recited Acts, and this Act, or either of them, and amounting to the Sum of Ten Pounds or upwards, may be either levied and recovered in the Manner hereinbefore directed, or may be sued for and recovered by or in the Name of the Clerk to the said Trustees, for the Time being, in any of His Majesty's Courts at *Westminster*, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin, Protection, Privilege, Wager of Law, or more than one Imparance shall be allowed; and wherein the Plaintiff, if he shall recover any Penalty or Penalties, shall recover the same for the Use of the said Trustees, for the Time being, to go and be applied in the Repair of the said Roads, with Costs of Suit.

XXIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Conviction, or Adjudication of any such Justice or Justices, or by any other Thing done in pursuance, or by virtue of the said recited Acts, or this Act, or either of them, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Six Calendar Months after the Cause of Appeal shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden in and for the Western Division of the County of *Kent*, such Appellant or Appellants first giving, or causing to be given Twenty Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Ten Days after such Notice, entering into Recognizance with sufficient Sureties, before one or more Justice or Justices of the Peace of the said County of *Kent*, or of the Corporation of *Gravesend* and *Milton*, as the Case may be, conditioned to try such Appeal, and abide the Order of the Court, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice having been given, and such Recognizance entered into as aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they shall think proper, and the Determination of the Justices at such Quarter Sessions shall be binding, final, and conclusive to all Intents and Purposes.

Appeal;

XXIV. And



No Certiorari.

XXIV. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against the said recited Acts, or this Act, or any of them, or any Order made, or other Matter or Thing done or transacted in or relating to the Execution of the said recited Acts, and this Act, or any of them, shall be vacated or quashed for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Distress not unlawful for Want of Form.

XXV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money, by virtue of the said recited Acts, and this Act, or any of them, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case.

Tender of Amends.

XXVI. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall have been made by or on behalf of the Party or Parties who shall have committed any Irregularity, Trespass, or wrongful Proceeding before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Orders, and Judgments shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Directing the Application of Money paid for Compensation for Lands, &amp;c. when exceeding 200 l.

XXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts, or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two Hundred Pounds with all convenient Speed, be paid into the 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 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 or Hereditaments, or affecting other Lands and 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



laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands 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 or 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 undetermined, 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 said Lands and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 Two Hundred Pounds, and shall exceed the Sum of Twenty Pounds; then and in all 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 Lands or 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, to 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 before 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 Appointment 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 any 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.

Where not exceeding 200*l.* and not less than 20*l.*

XXIX. 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 all 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 Lands or 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.

Where less than 20*l.*

[*Loc. & Per.*]

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XXX. And



Notice to be given of Actions, and to be laid and tried in Kent.

XXX. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, until after the Expiration of Twenty-eight Days Notice thereof given in Writing to the Clerk to the said Trustees; and that every such Action and Suit shall be brought, laid, and tried in the County of *Kent*, and not elsewhere.

Provisions of former Acts extended to this.

XXXI. And be it further enacted, That the said recited Acts as to all and every Clause, Provision, Matter, and Thing therein contained, and not altered or varied by this Act, shall be extended, and extend to this Act, and to the Tolls hereby laid and imposed, and the several Matters and Things hereby directed to be done and performed, and be deemed Part thereof, and shall operate, be in force, and be observed, enforced, and performed in respect to this Act, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this present Act.

Expences of the Act.

XXXII. And be it further enacted, That all the Costs, Charges, and Expences, attending the obtaining and passing this Act, shall be paid in Manner following; (that is to say,) so much thereof as relates to the Road between *Rochester* and *Maidstone*, or to any Payment out of the Tolls granted by this Act, towards the Purposes of any Act or Acts of Parliament for maintaining the Road between *Rochester* and *Maidstone*, shall be retained and paid out of any Money payable, or to become due or payable, for the Purposes of the said Road between *Rochester* and *Maidstone*, out of the said Tolls granted by this Act, and the Remainder thereof shall be paid out of any Money collected or received, or to be collected or received by virtue of this Act.

Public Act.

XXXIII. 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 other Persons, without specially pleading the same.

Fixing the Term of the Act.

XXXIV. 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 contained) 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.

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