Anno quarto

Georgii III. Regis.

An Act for explaining and amending an Act made in the Twenty fixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for amending, widening, and repairing, the Road leading from* Dover *to* Barham Downs, *in the County of* Kent; *and alſo for amending, widening, and repairing, the Road leading from* Cowgate *and* Archcliff Fort *in* Dover, *through* Folkſtone, *to the Town of* Hythe, *in the ſaid County.*

WHEREAS by an Act made in the Twenty ſixth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for amending, widening, and repairing, the Road leading from *Dover* to *Barham Downs*, in the County of *Kent*, ſeveral Tolls and Powers were granted for repairing the ſaid Road, which Act was to commence the Firſt Day of May, One thouſand ſeven hundred and fifty three, and to continue for the Term of Twenty one Years, and from thence Preamble, reciting Act 26 *Geo.* II.

thence to the End of the then next Session of Parliament. And whereas great Progress hath been made in repairing the said Road, but the same cannot be effectually repaired and kept in Repair, unless the Terms and Powers of the said Act are enlarged, and the said Act made more effectual. And whereas the Road leading from Gowgate and Archcliff Fort, in Dover, along the Top of the Hill, and by a certain Place called Farthinglowe, to the Town of Folkstone, and through the Mill-stream to Rendezvous Street in Folkstone, and from the Town Water near the Sign of the King's Arms in Folkstone, to the Town of Hythe, is in a very ruinous Condition, and in some Parts very narrow and inconvenient, and cannot be sufficiently amended, widened, and kept in Repair, by the Laws in being; 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 Act made in the Twenty sixth Year of His said late Majesty's Reign, intituled, An Act for amending, widening, and repairing the Road leading from *Dover* to *Barham Downs*, in the County of *Kent*, and all the Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, given, granted, ordered, appointed, enacted, prescribed, inserted in and by the same (other than so far forth as the same, or any of them respectively, are varied, altered, or explained by this present Act) shall be exercised, used, practised, and enforced, and put in Execution, in as full, extensive, and beneficial Manner, to all Intents and Purposes whatsoever, from and after the Expiration of the Term thereby granted for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as if all the said Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, were particularly expressed, and again enacted, in the Body of this present Act.

Recited Act further continued for 21 Years.

And whereas the Trustees appointed for putting the said Act in Execution, are restrained from borrowing Money at a higher Interest than Four Pounds per Centum per Annum: be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby empowered, from time to

This may be assigned for Money borrowed.

to time by any Writing or Instrument under their Hands and Seals, to assign over or Mortgage the Tolls or Duties arising by virtue of the said Act, and continued by this Act, or any Part of such Tolls or Duties (the Costs and Charges of which Assignment or Mortgage shall be borne and paid out of such Tolls or Duties) for the Term or Terms for which the same are thereby and hereby granted and made payable, or any Part of such Term or Terms, as a Security for any Sum or Sums of Money, to be borrowed by the said Trustees, to any Person or Persons, or to his, her, or their, Trustee or Trustees, who shall advance or lend the same, to secure the Repayment thereof, with such Interest for the same, as shall be agreed for (not exceeding legal Interest) any thing in the said recited Act contained to the contrary in any wise notwithstanding; which Monies so to be borrowed shall be applied and disposed of in the Manner directed by the said Act.

And whereas Doubts have arisen whether Persons having paid the Tolls or Duties granted by the said Act, are liable to pay the same again, at the same Gate or Turnpike the same Day; be it therefore further enacted by the Authority aforesaid, That no Person or Persons, having paid the Tolls and Duties by the said Act directed to be paid, at any of the Gates or Turnpikes, erected or to be erected by virtue of the said Act, and producing a Note or Ticket that such Toll was paid, shall be liable to pay the same again, at the same Gate or Turnpike the same Day, or before Twelve of the Clock at Night, for the same Horse, Mare, Gelding, Mule, Ass, or other Cattle, or Carriage; any thing in the said Act contained to the contrary in any wise notwithstanding. Tolls to be paid but once a Day.

And for the more effectual amending, widening, and keeping in Repair, the said Road leading from Cowgate and Archcliffe Fort, in Dover, along the Top of the Hill, and by a certain Place called Farthinglowe, to the Town of Folkstone, and through the Mill Stream, to Rendezvous Street, in Folkstone, and from the Town Water, near the Sign of The King's Arms, in Folkstone, to the Town of Hythe; be it enacted by the Authority aforesaid, That the Right Honourable George Sackville, commonly called Lord George Sackville; the Honourable Sir Joseph Yorke Knight of the Bath, the Honourable Edward Boverie, the Honourable Jacob Boverie, Sir Philip Boteler, Sir Thomas Pym Hales Baronet, Lieutenant of Dover Castle; Sir John Honeywood, Sir George Oxenden, Baronets; Trustees Names.

Trustees may erect Turnpikes and Toll-houses.

Sir Edward Simpson Knight, William Clavill, James Brockman, Henry Oxenden, David Papillon, John Bridges, Edward Bridges, William Deeds, Esquires; the Mayor, Jurats, and Common Council men, of the Town and Port of Dover, for the time being; the Mayor and Jurats of the Town and Port of Hythe, for the time being; the Mayor and Jurats of the Town of Folkstone, for the time being; Edward Andrews the elder, Edward Andrews the younger, Robert Andrews, John Arnett, Thomas Bradley junior, Captain James Bolton, John Barnes, John Bridger of Lymne, William Burk, John Brice, John Bedo, the Reverend Claudius Clare, Jonathan Clarke, Richard Coleman of Dymchurch, James Clarke, Thomas Castle, John Chapman, the Reverend Ralph Drake, John Dixon, William Dixon, the Reverend Thomas Edwards, Peter Fector, Sampson Fairebrace, John Friend, John Gest, Henry Gipps, Luke Gilbee, Thomas Gillett, Solomon Harvey, James Hammond junior, John Hammond, Thomas Jordan, William Jordan, Jacob Kenner, William Kennett, the Reverend William Langhorne, Thomas Luhrington, Thomas Bateman Lane, Stephen Marsh, Richard Marsh, Thomas Maylam, Thomas Nickalls, Thomas Perkins, Captain Samuel Pellew, John Puckle, Roger Pilcher, Stephen Pumfrey, David Puttee, William Rouse, Alexander Read, William Reynolds, Thomas Rogers, Basil Rogers, Isaac Rutton, John Ramsey the younger, Nicholas Rolfe, the Reverend Richard Smith, Phineas Stringer, Captain Stephen Smith, Captain William Story, William Smith, Elias Smith, Solomon Sparkes, John Stace, the Reverend Thomas Tournay, William Tothall, Thomas Tourney, William Tournay, Robert Touthay, Thomas Trevillon, Thomas Taylor of Newington, Thomas Taylor of Folkstone, Thomas Valyer, and James Walker, shall be, and they are hereby appointed Trustees for surveying, amending, widening, and keeping in Repair, the said last-mentioned Roads; and they, and their Successors, to be nominated, elected, and appointed, in the Manner prescribed by the said Act recited (and being duly qualified as herein after-mentioned) shall have the same Power and Authority for amending, widening, and keeping in Repair, the Roads hereby directed to be repaired, as the said Trustees, appointed by the said recited Act, have for amending, widening, and keeping in Repair, the Road directed to be repaired by the said Act.

And be it further enacted by the Authority aforesaid, That the Trustees hereby nominated and appointed, and their Successors, or any Seven or more of them, or such Person or Persons as they or any Seven or more of them shall appoint, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, upon or cross any Part of the said Roads, between the Town of Dover, and the Town of Folkstone, or on the Sides thereof, and shall demand, receive, and take the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, or other Cattle; Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the Tolls following thereat.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, or Hearse, drawn by Six Horses, the Sum of One Shilling and Six Pence; and drawn by Four Horses, the Sum of One Shilling; and drawn by Three Horses, the Sum of Nine Pence; and drawn by Two Horses, the Sum of Six Pence; and drawn by One Horse, the Sum of Three Pence.

The Tolls.

For every Waggon, Wain, Cart, or Carriage, drawn by Four Horses, or other Beasts, the Sum of One Shilling; and drawn by Three Horses, or other Beasts, the Sum of Nine Pence; and drawn by Two Horses, or other Beasts, the Sum of Six Pence; and drawn by One Horse, or other Beast, the Sum of Three Pence.

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any lesser Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score, and so in Proportion for any lesser Number.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be raised and collected shall be vested in the said Trustees; and shall be collected, levied, paid, and accounted for, in the same Manner as the Tolls granted by the said Act are to be collected, levied, paid, and accounted for, and shall be applied for the Purposes of this Act.

Tolls vested in Trustees.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case, in the Execution of this Act, unless he shall, during the Time he shall act, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements or Hereditaments, Freehold, Leasehold, or Copyhold, of the yearly Value of Forty Pounds, to his own Use, above Reprizes; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of One Hundred Pounds, or shall be possessed of a Personal Estate to the Amount of Eight Hundred Pounds; and if any Person or Persons so made incapable to act, for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, any such Person and Persons, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who will inform and sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Penalty on acting if not qualified.

Treasurer to give Security.

And it is further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their Office, as to the said Trustees, or any Seven or more of them, shall seem meet.

Time and Place of the Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees hereby nominated and appointed, or any Seven or more of them, shall assemble and meet together at the House known by the Sign of the King's Arms in Folkstone, on the Thursday Three Weeks after the Day of passing this Act; and shall hold their future Meetings at some Place in the Towns of Folkstone, Dover, or Hythe, as to the said Trustees, or any Seven or more of them, shall seem meet.

No Victualler, &c. to be in Place of Trust.

And be it further enacted by the Authority aforesaid, That no Victualler, or Person selling Spirituous or Fermented Liquors by Retail, shall be capable of holding any Place by virtue of

And

And whereas it is not practicable to draw Carriages up the Priory Hill and Caldham Beacon Hill, Part of the said Road, with the Number of Horses allowed by Law; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to make use of any Number of Horses, or other Beasts, for drawing Carriages up the said Hills, any thing in any Act of Parliament contained to the contrary notwithstanding. Any Number of Horses may draw Carriages up *Priory* and *Caldham Beacon Hills*.

And be it further enacted by the Authority aforesaid, That all the Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, given, granted, ordered, appointed, enacted, prescribed, inserted, and contained, in and by the said former Act (other than so far forth as the same, or any of them respectively, are varied, altered, or explained, by this present Act) shall be exercised, used, practised, enforced, and put in Execution, by the Trustees appointed, or to be appointed, by virtue of this Act, in and for the amending, widening, turning, altering, and keeping in Repair, the Roads hereby directed to be amended, widened, and repaired, in as full, extensive, and beneficial Manner, to all Intents and Purposes whatsoever, as the same can, or may operate and be exercised to, upon, or in respect of, the said Road from Dover to Barham Downs; and the said several Works, Matters, and Things, in and by the said recited Act authorized or directed to be made, done, or performed, as if the said Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, were particularly expressed, and again enacted in the Body of this present Act. Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That the Expences of prosecuting and passing this Act, shall be paid out of the Tolls collected, or to be collected, by virtue of the said former Act and this present Act; One Moiety or Half Part of which Expences shall be paid out of the Tolls collected, or to be collected, by virtue of the said recited Act, or the Money borrowed, or to be borrowed, on the Credit thereof; and the other Moiety or Half Part shall be paid out of the Tolls to be collected by virtue of this present Act, or out of the Money to be borrowed on the Credit thereof. Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers hereby given, shall commence and take Place from the Day of the passing of this Act, and shall continue and be in Force for and Commencement and Continuance of this Act.

during the Remainder of the Term granted by the said recited Act; and also for the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

FINIS.