



ANNO QUADRAGESIMO NONO

GEORGI III. REGIS.

Cap. 91.

An Act for amending and improving the Road from the North End of the Town of *Tonbridge* to the Village of *Ightham*, and Two other Roads communicating with the same, all in the County of *Kent*.
[20th May 1809.]

WHEREAS the Road leading from the North End of the Town of *Tonbridge*, through the Parish of *Shipborne*, to the Village of *Ightham*, and the Road leading out of the said Road at *Shipborne Green* in the said Parish of *Shipborne*, through the Hamlet of *Hollanden*, to a Place called *Watt's Cross* on the *London and Tonbridge Turnpike Road*, and the Road leading from a Place called the *Four Vents* on the Road from *Tonbridge* to *Ightham* afore said, to the *Maidstone and Tonbridge Turnpike Road*, at a Place called *Parker's Green*, in the Parish of *Hadlow* in the County of *Kent*, are narrow, incommodious, and in a very ruinous Condition, and during great part of the Year impassable by Carts, Wagons, and other Carriages, and cannot be effectually amended, widened, improved, and kept in Repair, by the ordinary course of Law; and whereas the amending, widening, improving and keeping in Repair the said Roads, would tend to the Advancement of Trade in the Neighbourhood thereof, and assist the Operations of Agriculture, and the Reparation of other Roads in the adjacent Country, and facilitate the Communication between many Parts of the Counties of *Kent* and *Suffex* with the County of *Essex*, and otherwise be of great public Utility and Convenience,
[Loc. & Per.] 20 D. but

Trustees.

but such Purposes cannot be effected without the Aid and Authority of Parliament; 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 Sir George Buggin Knight, George Courthope, George Children, John George Children, Edward Hufsey, Edward Hufsey the younger, the Reverend John Hufsey, William Alexander Morland, the Reverend Henry Morland, the Reverend Phillips Monypenny, William Woodgate, William Francis Woodgate, Henry Woodgate of Pembury, John Woodgate, the Reverend Stephen Woodgate, John Hartrup West, James Eldridge West, Thomas Mercer, the Reverend James Marriot, the Reverend Frederick Gildart, the Reverend John Austen, the Reverend Vicesimus Knox, Doctor in Divinity, the Reverend John Brock, the Reverend Charles Harding, the Reverend William Gordon, the Reverend James Henry Stapleton, the Reverend William Courthope, the Reverend Thomas Stevens, Doctor in Divinity, the Reverend James Capper, the Reverend Thomas Cobb, Vicesimus Knox, the Reverend Thomas Knox, Thomas Panuwell, Thomas Ponton, Thomas Ponton the younger, William Simmons, John Porter, Christopher Idle, John Simpson of Fair Lawn, John Simpson of Shipborne Green, Thomas Jervis, Baden Powell, John Saxby, John Milles, George Whitaker, James Burton, William Ford Burton, James Burton the younger, Walter May, Walter Barton May, James Harbroe, Benjamin Tucker, John Collens, William Collens, Francis Collens, Richard Jones, Richard Allnut, William Thomas Harvey, Thomas Christopher Gardner, Stephen Hooker, Thomas Hooker, William Thomas, William Mugridge, William Cotton Hotham, the Reverend Martin Benson, Robert Dashwood, Thomas Selby, Thomas Taylor of Plaxtol, Robert Edmeads, William Edmeads, John Saint, William Saint, William Wells, Isaac Lefevre, John Shelley Sidney, Thomas Watson Doctor of Physic, Joseph Scatler, John Carnell, William Carnell, John Carnell the younger, John Duplock, William Jeffery, Matthew Smith, John Waite, Henry Woodgate of Sevenoaks, Francis Woodgate, John Woodgate of Sevenoaks, William Scoones, William Scoones the younger, John Scoones, Peter Nouaille the younger, the Reverend George Moon, Charles Haddock, the Reverend William Humphries, Thomas Thompson, Francis Motley Austen, Francis Lucius Austen, Thomas Austen, the Reverend John Austen, Henry Austen, George Austen, William Austen, Multon Lambard, the Reverend Thomas Lambard, Stacey Coast, John Fellowes Claridge, Charles Willard, Stephen Woodgate of Seal, Richard Crow, Richard Children, Richard Children the younger, Christopher Cook, Henry Streatfeild of Chiddingstone, Henry Streatfeild the younger of the same Place, Henry Streatfeild of Sevenoaks, John Porter, Thomas Porter, Henry Saxby, John Fuzzard, George Lingard, Thomas Barton, of the Parsonage, George Mills, James Taylor, Sir William Geary Baronet, George Polhill, the Reverend Thomas Harris, the Honourable John Wingfield Stratford, George Best, Thomas Best, the Reverend Maurice Lloyd, Robert Parker, John Coker, Joseph Ruse, George Gunning, Thomas Elliott, George Smith, Thomas Dalton, the Reverend James Jones, William Twopeny, Edward Twopeny, John Dudlow, James Selby, Richard Leigh, John Mumford, the Reverend Peter Rashleigh, Sir Walter Stirling Baronet, the Reverend Arthur Onslow, Sir William Twysden Baronet, the Reverend William Foster Piggott, John Buttanshaw, John Buttanshaw the younger, Sir Edward Knatchbull Baronet, the Reverend Thomas Sackville Curteis, Sir John Dyke Baronet, Thomas Dyke, Perceval Hart

Hart Dyke, the Reverend *William Eveleigh*, *John Wenham Lewis*, *David Papillon*, *Thomas Papillon*, the Reverend *John Rawstorne Papillon*, the Reverend *John Bosanquet Polhill*, *Philip Douglas Firmin*, the Reverend *William Papillon*, *Sir Charles Styles* Baronet, *Sir John Gregory Shaw* Baronet, *Sir John Twysden* Baronet, *Sir Henry Hawley* Baronet, *Henry Hawley*, *John Larkin*, and their Successors, to be elected in Manner herein after mentioned, shall be and they are hereby appointed Trustees for making, amending, widening, altering, diverting, improving, and keeping in Repair the said Roads, and for otherwise putting this Act into Execution.

II. And be it further enacted, That when and as often as any Trustee shall become by Bankruptcy or Insolvency, dispossessed of the Qualification herein-after mentioned, or shall cease to reside for the Space of Two Years together in the County of *Kent*, or shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect one other Person living in the said County to be a Trustee in the Room of such Trustee so disqualified to act, or ceasing to reside as aforesaid in the said County, or deceased, or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected or to be erected in and upon the said Roads, and also by inserting the same in the *Maidstone Journal*, or some Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days before every such Meeting; and all Persons that shall be so elected are hereby vested with the same Powers for putting this Act into Execution as the Persons in whose Places they shall be respectively chosen were vested with; and that no Trustee or Trustees shall have Power to act in the Execution of this Act but during such Time only as he or they shall live or reside within the said County of *Kent*.

For appoint-
ing new Trust-
tees in the
room of those
becoming in-
solvent dying,
ceasing to live
in the County,
or refusing to
act, &c.

III. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a personal Estate of the Value of One thousand five hundred Pounds, or shall be Heir Apparent of some Person possessed of an Estate in Land of the clear yearly Value of One hundred Pounds; and if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Petitioner or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid previous to his or their being convicted of the said

Qualification
of Trustees,
and Penalty
upon such as
act without it.

Offence, shall notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Victuallers,
&c. incapable
of acting as
Trustees or
holding any
Situation
under this
Act.

IV. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they, employ a Person or Persons to collect such Tolls who shall not be under any such Incapacity.

Trustees may
act as Justices.

V. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees may
sue and be
sued in the
Name of their
Clerk.

VI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, either in the Names of such Trustees as may be Parties to any Deed or Instrument in Writing upon which any Action shall and may be brought, or in the Name or Names of their Clerk or Clerks for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in their Names, or in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death, Incapacity, or Removal of any Trustee or Trustees, Clerk or Clerks, or by the Act of such Clerk or Clerks, without the Consent of the said Trustees or any Five or more of them, but that the Clerk or Clerks for the Time being to the said Trustees, in case such Action shall be brought against or defended in the Name of such Clerk or Clerks, shall be deemed to be Plaintiff or Defendant, Plaintiffs or Defendants (as the Case may be) in every such Action; provided always, that such Trustees, Clerk or Clerks, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in Consequence of any such Action or Proceeding they shall respectively pay, bear, expend, or be put unto or become chargeable with by reason of their respectively being so made Plaintiffs or Defendants, Plaintiff or Defendant as aforesaid.

First Meeting
of Trustees,
&c.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet within One Calendar Month next after the passing of this Act at the House of *William Town*, known by the Sign of the *Rose and Crown*, in the Town of *Tonbridge*, and proceed to the Execution of this Act, and shall then adjourn themselves, and shall afterwards meet yearly some Time in the Month of *August* at the Place aforesaid,

said, or at any other Place near the said Roads, as the said Trustees or any Five or more of them shall think proper or convenient, for putting this Act in Execution, which Meeting shall be deemed a General Meeting, and at which Yearly Meeting all Accounts relating to the said Trust shall be examined, settled, and adjusted; and the said Trustees or any Five or more of them shall at any such Meeting adjourn themselves to some convenient Place or Places at or near the said Roads respectively, and may make such further Adjournments from Time to Time for putting this Act in Execution as they shall think proper; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees for the Purposes aforesaid, then and in such Case the Clerk or Clerks to such Trustees, by Notice in Writing to be affixed at or on all the Turnpikes then erected on the said Roads, at least Ten Days before the next Meeting; shall appoint such Trustees to meet at the House where the last Meeting of such Trustees was appointed to be held on that Day Three Weeks on which such last Meeting of such Trustees was appointed to have been held; and that the said Trustees at all their Meetings shall defray their own Charges and Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned), and no Order or Determination of the said Trustees shall be made unless a Majority of the Trustees present at a Meeting shall concur therein, such Meeting not consisting of less than the respective Number herein mentioned (as the Case may be), nor shall any such Order or Determination be revoked or altered at any subsequent Meeting unless Six Trustees shall be present, nor unless the Person or Persons applying to revoke or alter any such Order shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, and for want of such Clerk or Clerks to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in manner hereinbefore mentioned, at least Ten Days previous to any such Meeting.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, then and in such Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Twenty Days after such Notice), and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Meetings upon extraordinary Occasions.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, may appoint such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and other Officers respectively, as they shall think proper, and that the said Trustees or any Five or more of them may at a Meeting to be held for that Purpose (whereof Twenty Days Notice shall be given in Writing, to be affixed upon the respective Turnpikes which shall be then erected on

Trustees may appoint Officers and remove them, &c.

[Loc. & Per.]

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the

the said Roads, by any Writing or Writings under their respective Hands) from Time to Time, remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones in Cases of Death or such Removal, and the said Tolls shall be paid, after the Rates herein mentioned, to such Persons as shall be so appointed to receive the same; and the said Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall at the said Annual Meeting to be held in the Month of *August* in every Year, give unto such Trustees true and perfect Accounts in Writing under their respective Hands of all the Monies which shall have been by them respectively collected or received, and how, to whom, and to what Uses the same have been paid or applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes as they or any Five or more of them shall direct and appoint; and that all such Officers and other Persons shall if required verify such Accounts upon Oath, (which Oath any Two of the said Trustees are hereby empowered to administer), and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in manner as aforesaid, upon being so required, that then and in either of the said Cases it shall be lawful for any Two Justices of the Peace for the County where such Officers or other Persons shall reside, and such Justices are hereby authorized and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer without Fee or Reward), and if any such Persons shall be thereof convicted, such Justice shall commit the Parties to the Common Gaol of the Western Division of the said County of *Kent*, there to remain without Bail or Mainprize until they shall give and make a true and perfect Account, and verify such Account in manner aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County where such Persons shall live or reside, to make Inquiry touching such Neglect or Refusal in a summary way in manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sums of Money as shall appear to them to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Persons respectively, rendering the Overplus (if any) to the Parties, after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any Two other Justices for the said County, shall commit such Persons respectively to the said Gaol, there to remain without Bail or Mainprize until they respectively shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they or any Five or more of them, shall appoint to receive the same, which Composition the said Trustees or any Five or more of them, at any Meeting, are hereby empowered to make; provided always, that no Person who shall be committed to Gaol for want
of.

of sufficient Distress shall be detained therein for any longer Space of Time than Six Calendar Months.

X. And be it further enacted, That upon the Death, Incapacity, Absconding, Misbehaving, or Absence of any Collector or Receiver of the Tolls, any Five or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls in the Stead of such Collector or Receiver so dying or being discharged, and to continue until the next Meeting of the said Trustees; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building to be erected or set up by virtue of this Act, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given or left on the Premises for that Purpose, by or under the Hands of any Five or more of the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer within the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, and the Occupier and Occupiers thereof, together with his, her, or their Goods out of the same, and to put the said Trustees or any Three or more of them, or their Clerk or Clerks, or their new appointed Officer into the Possession thereof with the Appurtenances.

Trustees may appoint temporary Collectors, &c.

XI. And be it further enacted, That out of the Monies arising by the Tolls to be collected at each respective Turnpike, such Allowances shall be made to the Collector or Collectors of the Tolls at such respective Turnpikes as the said Trustees or any Five or more of them shall think proper, and that out of the Monies arising by the Tolls to be collected at all the said Turnpikes such Allowance and Compensations shall be made to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees or any Five or more of them shall seem reasonable.

Trustees to allow Salaries.

XII. Provided always, and be it further enacted, That the said Trustees or any Five or more of them may take such Security from their Treasurers, Clerks, Collectors of the Tolls, and other Officers, for the due Execution of their respective Offices, as to such Trustees or any Five or more of them shall seem expedient.

Trustees may take Security.

XIII. And

Trustees may
erect Turn-
pikes.

XIII. And be it further enacted, That the said Trustees or any Five or more of them shall and may erect and set up or cause to be erected and set up so many Turnpike or Turnpikes, Toll Gate, or Toll Gates in, upon, across, or on the Side or Sides of any Part of the said several Roads, or of any Lane or Way leading into the same respectively as they may judge expedient, and shall and may also erect or provide a Toll-house with suitable Out-buildings and Conveniences at or near each Turnpike or Toll Gate, and may also inclose from the said Roads convenient Garden Spots to the said Toll-houses, as they the said Trustees or any Five or more of them shall judge proper, and may cause all or any of such Turnpikes, Toll Gates, Toll-houses, and other Buildings, from Time to Time to be taken down, removed, and set up again and altered, as they or any Five or more of them shall think proper.

Property of
Turnpikes
and Toll
Houses vested
in Trustees.

XIV. And be it further enacted, That the Property of all the Turnpikes, and Toll-houses, and other Buildings, Weighing Engines, and Fences erected and provided in and upon, or on the Sides of the said Roads, and of the Materials for building the same, and for repairing the said Roads, shall be vested in the said Trustees; and they or any Five or more of them are hereby empowered to bring Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall disturb them in the Possession thereof.

Tolls to be
taken at the
Bars.

XV. And be it further enacted, That the respective Tolls following shall and may be demanded and taken by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Cart, Waggon or other Carriage, shall be permitted to pass through any Turnpike or Toll Gate, Turnpikes or Toll Gates, as shall or may be erected by virtue of this Act; (that is to say),

For every Horse, or other Beast of Draught, drawing any Coach, Barouche, Berlin, Landau, Hearse, Chariot, Curricule, Calash, Chaise, Chair Marine, or Chair, the Sum of Sixpence :

For every Horse, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of the Breadth of Six Inches or more, the Sum of Four-pence :

For every Horse, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of less Breadth than Six Inches, the Sum of Sixpence :

For every Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of Two-pence : For every Ass One Penny.

For every Drove of Oxen or Neat Cattle the Sum of One Shilling and Three-pence *per* Score; and so in proportion for any greater or less Number :

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

Double Toll
taken on Sun-
day.

And that on every *Sunday* after the passing of this Act, there shall be demanded and taken at every and all of the Turnpikes and Toll Gates to be erected by virtue of this Act, by such Person or Persons so to be nominated and

and appointed as aforesaid, before any Horse, Cattle, or other Beast, shall be permitted to pass through the same, double the Tolls before directed to be taken on any other Day of the Week, except from Persons going to or returning from Divine Service at their own Parish Church, or other Place of Religious Worship within their own Parish, who shall not be liable to pay any Toll on such Occasions.

XVI. And be it further enacted, That it shall and may be lawful for the said Trustees to demand and take, or cause to be demanded and taken for every Horse or Beast drawing any Carriage, of whatever Name or Description, laden with Timber, between the Eleventh Day of *October* and the Sixth Day of *April*, both inclusive, in every Year, double the Tolls or Duties which could otherwise be demanded and taken by virtue of this Act for such Horse or other Beast drawing any such Carriage and not so laden as aforesaid.

Additional
Toll on Car-
riages laden
with Timber.

XVII. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of and as a Toll, and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons to be appointed as aforesaid to collect such Toll, to seize and distrain any Horse, Beast, or other Cattle, or any of their Harness or Accoutrements; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, or Things so distrained, returning the Overplus, if any, on Demand to the Owner thereof after all such Tolls and reasonable Charges shall be deducted; and that all the Tolls to be collected by virtue of this Act shall be and they are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as hereinafter mentioned.

Recovery of
Tolls, etc.

XVIII. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, or the Charges of the Distress and Sale, or keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the said County, who upon Application made to him for that Purpose shall examine the Matter on Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose, upon the said Justice, all of which Sums as shall be so determined or assessed, shall be paid to the said Collector before he shall be obliged to return the said Distress or the Surplus, after Sale thereof or any Part thereof.

For settling
Disputes con-
cerning Tolls.

XIX. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike to be erected upon the said Roads, shall be subject to any Toll for returning through such Turnpike the same Day, before Twelve of the Clock at Night, with the same Horses or other Cattle, or with the same Coach, Chaise, Waggon, or

Persons may
return, having
paid in going
through the
Gate Toll-
free.

other Carriage drawn by the same Horses, but shall return Toll-free on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes, which Note or Ticket such Collector is hereby required to deliver gratis on Receipt of the Tolls.

Persons to pay but One Toll in the Day for passing and repassing through a Turnpike situated within One Mile of their Residence.

XX. Provided always, and be it further enacted That no Toll shall be taken at any Gate or Turnpike to be erected under or by virtue of this Act within the Distance of five Miles of any other Gate or Turnpike to be erected under or by virtue of this Act, Toll having been on the same Day paid at such other Gate or Turnpike, and a Ticket thereof produced, which Ticket the Collector of the said Tolls is hereby required to deliver gratis on Receipt of such Toll.

No Toll for crossing the Road or travelling upon it One hundred Yards only.

XXI. And be it further enacted, That no Toll shall be demanded or taken for the passing of any Cattle or Carriage which shall only cross the said Roads or any of them, or shall travel on them or any of them for the Space of One hundred Yards only, unless such Crossing shall be with an Intent to avoid the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Tolls shall be avoided accordingly.

Exemptions from Toll.

XXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horses or Carriages of whatsoever Description, employed or to be employed in carrying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor shall any Toll be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps at the Time of claiming the Exemption; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to officiate or returning from officiating at any Church or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their Parochial Church, Chapel, or other Place of Religious Worship, on Sundays, or on any other Day on which Divine Service is or shall be ordered by Authority to be celebrated; or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place, in which any Part of the said Road lies; nor shall any Toll be demanded for any Horse, Cattle, or Beast employed in carrying, or conveying or drawing, or returning from carrying or conveying, or drawing any Dung or Mould for manuring Lands; nor for any Horse, Cattle, or Beast, employed for the Purpose only of carrying or conveying

Materials,

Materials for the making or repairing any Highway or public Road; nor any undried Hops or Wool, or any Grass, Hay, Saintfoin, Clover, Fodder, Straw or Corn in the Straw, not sold or disposed of, but passing to the Premises of the Owners thereof; nor for any Cows driven for the Purpose of being milked, in going or returning to or from the Owner's Premises; nor for any Cattle drawing a Carriage going with, or going empty for, or returning empty after having been laden with any Plough, Harrow, or other Instrument of Husbandry belonging to any Inhabitant or Occupier of or in any Parish in which the said Roads lie; nor for any Horse or Horses, or other Cattle or Stock of any kind going to or from Water, Pasture, Plough, or other Work in Husbandry, or going to or returning from any Smith or Blacksmith's Shop to be shoed; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes; nor of or from any Person or Persons going to vote or returning from voting at any Election of a Member to serve in Parliament for the said County of *Kent*, on the Day before the Day or Days of such Election, or the Day after the same shall be concluded; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on Persons claiming exemption not being entitled.

XXIII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack; or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

XXIV. And whereas Doubts may arise how far Cattle and Carriages laden with Lime, Chalk, or Stones, are intended, from any Custom of the Country, to be exempted from the Payment of Toll, be it therefore further enacted, That nothing in this Act shall extend or be construed to extend to exempt Cattle and Carriages laden with Lime, Chalk, or Stones, from Payment of Tolls with which they are hereby declared to be subject and chargeable, as well as all other Cattle and Carriages travelling on the said Roads, other than and except those that are particularly mentioned and specified in the herein-before enacted Exemption Clause.

Lime, Chalk, and Stones not to be exempted.

XXV. And be it further enacted, That in case any Dispute, Suit or Litigation, shall happen to arise touching or in anywise relating to the said Tolls, or the Recovery thereof, the Person or Persons appointed to collect the same, not being a Lessee, or Lessees of the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation.

Toll Collector competent witness.

XXVI. And

Penalty on
Persons dis-
posing of
Tickets and
using them to
evade the Toll.

XXVI. And be it enacted, That if any Person shall offer or dispose of any such Notes or Tickets as are hereinbefore mentioned to any Person, in order to evade the Payment of the said Tolls, every Person so offering or disposing of any such Notes or Tickets or such Note or Ticket, and the Person receiving and making use of the same, shall respectively forfeit any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, whereof one Moiety shall go to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein directed to be applied.

Trustees at
public Meet-
ings may
order Weigh-
ing Engines to
be erected,
and take a
Per-centage
for Over-
weight.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any public Meeting (if they shall think proper), to order and cause to be built and erected at any of the Turnpike Bars or Toll Gates to be erected by virtue of this Act, upon any Part of the said Roads, or at such Distance from such Turnpike Bars or Toll Gates as they shall think requisite and expedient, a Crane, Machine or Engine, with a suitable House or other Building thereto, proper for the weighing of Carts, Waggons, or other Carriages conveying any Goods, Wares, or Merchandise whatsoever, and to each such Crane, Machine or Engine, to order and cause to be erected a Turnpike Gate or Toll Gate across the said Roads, and by Writing signed by them or any Five or more of them, to order all or any such Carriage or Carriages which shall pass loaded through any such Gate or Bar, or shall come upon any of the said Roads within the Distance of Fifty Yards from any such Crane, Machine or Engine, though the same Carriage or Carriages shall not have passed through any Toll Gate or Turnpike Gate, to be weighed together with the Loading thereof.

No Toll but
for Over-
weight at any
Weighing
Engine.

XXVIII. Provided always, and be it enacted, That no Toll shall be collected or payable at any Turnpike or Toll Gate to be erected by virtue of this Act at any such Crane, Machine, or Engine, for the use of any such Crane, Machine or Engine only, for any Carriage passing through the same and being weighed, except for Over-weight as aforesaid.

Gatekeepers,
&c. to account
upon Oath
when required
by Trustees.

XXIX. And be it further enacted, That the Gate-keeper or Toll-gatherer of every such Toll Gate or Bar, and the Keeper of every such Toll Gate or Bar where any such Crane, Machine, or Weighing Engine shall or may hereafter be erected or set up in or across the said Turnpike Roads, and every Surveyor of the said Roads, shall, when required by Notice in Writing from the said Trustees, or any Five or more of them, render upon Oath, to be administered by and taken before any one Justice of the Peace in and for the said County of *Kent*, or before any Trustee of the said Roads, a true and exact Account in Writing to the said Trustees, or any Person to be named in such Notice, appointed by them or any Five or more of them, of all Monies received by him, her or them, at such Toll Gate or Bars, or otherwise, on Account of the said Turnpike Roads, not before accounted for, under a Penalty not exceeding Ten Pounds for every such Offence or Neglect, to be recovered in a summary Manner before any one such Justice of the Peace, and applied to the Use of the said Roads; and every Collector or Toll-gatherer at any such Crane, Machine, or Engine, who shall take a greater or less Toll or Tolls from any Person or Persons than what is or are hereby authorized and directed to

to be taken for Over-weight as hereinbefore mentioned, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

XXX. And whereas Part of the said Roads leads over Woods and Commonable and Waste Grounds, and the Tolls by this Act granted might by reason of the Width and Extent of such Woods, Commons and Waste Grounds, be avoided, be it therefore further enacted, That the said Trustees or any Five or more of them may and they are hereby authorized and empowered, if they see Occasion, to make or cause to be made such Ditches and Fences by the Sides of the said Roads, or upon, over, or across the said Woods or Commons or Waste Grounds, in such Manner and Direction as they shall find necessary, so that the Payment of the said Tolls may not be avoided; and if any Person or Persons shall pull down or otherwise damage, displace, or carry away such Fence or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may make Fences to avoid Tolls from being evaded.

XXXI. And be it further enacted, That if any Person or Persons shall with any Horse, Beast, Cattle, or Carriage, pass through any Lands, Grounds, or Hereditaments lying near any Turnpike or Toll Gate, at any Time erected on the said Roads (the same not being a public Highway), or if any Owner or Occupier of any such Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same, or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the said Tolls or any Part thereof shall be avoided, or if any Person or Persons shall pass through any such Turnpike or Toll Gate with any Horse, or other Cattle or Beast, without Payment of Toll, or shall take off or cause to be taken off any Horse or other Cattle or Beast from any Carriage, or shall leave or cause to be left upon or near any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of the said Tolls or any Part thereof, or shall with such Intent unload any Goods from any Horse, Cattle, Beast or Carriage, or in any Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereby directed to be applied.

Penalty on evading Tolls.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Five or more of them shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened, to any Sum or Sums of Money, not exceeding the respective Rates herein-before mentioned, and to order and direct such Tolls so to be lessened or reduced or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner

Tolls may be varied, &c.

as the said respective Tolls are herein-before directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Two-thirds of the Money which shall have been lent and be then due upon the Credit of the Tolls intended to be reduced shall be consenting thereto, and that no such Reduction shall be made unless Thirty Days Notice at least shall be given in Writing to be affixed on all the Turnpikes or Toll Gates which shall be then erected by virtue of this Act, expressing the Intention of making such Reduction, and inserted in the *Maidstone Journal*, or in some public Newspaper circulating in the Neighbourhood through which the said Roads do pass.

Trustees may compound for Tolls.

XXXIII. And be it further enacted, That the said Trustees or any Five or more of them, shall and may and they are hereby empowered, from Time to Time as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any One Time, with any Person or Persons for any Horses, Cattle, Beasts or Carriages passing through any of the said Turnpikes or Toll Gates, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire, and all such Composition Money shall be paid One Year in advance, otherwise such Composition shall be void.

Trustees may lease Tolls for Three Years.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them from Time to Time, by Writing under their Hands and Seals, or under the Hand and Seal of their Clerk or Clerks, Treasurer or Treasurers, for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons for any Term not exceeding Three Years at any One Time, for the best Rent that can or may be gotten for the same, payable at such Times, and under such Covenants, and unto such Person or Persons as the said Trustees or any Seven or more of them shall direct or appoint, of which Letting Fourteen Days Notice at the least shall be given in Writing, to be affixed on all the Gates or Turnpikes which shall be then erected by virtue of this Act upon the said Roads, and by inserting the same in some *London Newspaper* and in the *Maidstone Journal*, or some other public Newspaper circulating in the Neighbourhood through which the said Roads pass, and the Monies arising thereby shall be applied in such Manner as the Tolls so let or leased are directed to be applied.

Surveyor may make Causeways, &c.

XXXV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, having an Order for that Purpose from the said Trustees, or any Five or more of them, to make Causeways and also Ditches and Drains in and upon the said Roads, and also through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Roads, and also to widen any Part of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads not exceeding Thirty Feet in Width, and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, not being the Grounds whereon any House or Out-building stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, previous to

to Twelve Calendar Months before the passing of this Act, to be made use of as a public Highway whilst the High Road is repairing or widening; and also by order of any Five or more of the said Trustees, to build, erect, and repair, or keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any Stream, Brook, Water, Ditch or Drain thereon, or contiguous thereto, making such Recompense to the Owners and Occupiers of the Private Grounds respectively for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the Trustees, or any Five or more of them; and in case of any Difference concerning such Damages, the Justices of the Peace of the County of *Kent*, at the General Quarter Sessions of the Peace to be held in and for the Western Division of the same County next after such Difference shall arise, on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, or Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode, shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

XXXVI. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take and carry away any Underwood, Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the making and repairing the said Roads, in, upon, out of, or from any Waste Grounds or Commons, Rivers or Brooks, in any Parish in which any Part of the said Roads lie, or in any adjoining Parish, to be used in making and repairing the said Roads, without paying any Thing for the same, and to cart and carry away the same over the Lands or Grounds of any Person or Persons, making Satisfaction as hereinafter mentioned, such Surveyor or other Person filling up the Pit or Pits, levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Underwood, Furze, Heath, Stones, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Roads therewith to be made and repaired, or so near or so convenient as the same can be found or gotten in any private Lands or Grounds contiguous to the same Roads, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of the said Trustees, or any Five or more of them, cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Materials as aforesaid, in, upon, or out of, from, and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds such Damages for the cutting, digging, gathering, taking, and carrying away the said Underwood, Furze, Heath, Stones, Gravel, and Materials, and for carrying the same, or the Materials

Surveyors to get Underwood, Furze, &c.

gotten in any Common or Waste Grounds, Rivers, or Brooks as aforesaid, over their Lands and Grounds, as the said Trustees or any Five or more of them shall think reasonable; and in case of any Difference between the said Trustees or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace of the County of *Kent*, at their General Quarter Sessions of the Peace to be held as aforesaid in and for the said County next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties.

Surveyors not to take Materials from private Grounds without Notice to the Owner or Occupier.

XXXVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person or Persons, under the Authority of this Act, or any other Statute now in being, to take and carry away Materials for the repairing the said Roads out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or Two Justices of the Peace acting for the County of *Kent*, to shew Cause why such Materials shall not be taken out of or from such Lands or Grounds; and in case such Occupier shall not attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices, shall, (if they think meet,) authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or any Five or more of them, or to such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Penalty on taking away Materials got by the Surveyor.

XXXVIII. And be it further enacted, That if any Person whomsoever, shall take or carry away Materials which shall have been cut, digged, or gathered, for the Purpose of making, completing, or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time

Time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them to remove and prevent all Annoyances on any Part of the said Roads by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary; and to cut down, lop, or top, at proper Seasons of the Year, all Trees, Shrubs, or Bushes growing or to grow on the said Roads or in the Hedges or Banks adjacent thereto respectively, within Fifteen Feet from the Middle of the said Road (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof, to be settled by the said Trustees or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after removing any of the said Annoyances, any Persons shall again offend in like Manner, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds.

XL. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any Person or Persons by them or any of them, or by the said Trustees or any Five or more of them, employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Penalty on
obstructing
Officers in
Execution of
this Act.

XLI. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County of Kent, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his or their Appearance at the next petty Session to be holden within and for the County or Division in which such Offence or Offences shall have been committed, to answer the said Complaint, and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said

For securing
unknown
Offenders.

Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Session as aforesaid, it shall be lawful for the said Justice or Justices respectively, to commit him, her, or them to the common Gaol or House of Correction of the same County or Division, there to remain for any Time not exceeding Twenty-one Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Power to turn and alter any Part of the Road.

XLII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of any Nine or more Trustees, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to widen, turn, or alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the Roads to be made, repaired, and kept in Repair by this Act, for the Accommodation of Passengers, through any private Lands, Grounds, or Hereditaments, under such Terms and Satisfaction as herein-after mentioned, and also through any Commons or Waste Grounds, without making Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds or Hereditaments, through which or whereupon the said Roads hereby authorized to be made, widened, turned, or altered, are intended to pass, and to stake out and mark out the same in such Manner as the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty or Punishment for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, and Hereditaments respectively, for any the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain.

Thirty Days Notice to be given of diverting Roads.

XLIII. Provided always, and be it further enacted, That in case the said Trustees or any Five or more of them shall at any Meeting or Meetings, to be convened under the Authority of this Act, signify by an Order in Writing under their Hands, their Intention or Desire of diverting, turning, or altering any Part or Parts of the said Roads, then that Thirty Days Notice at least shall be previously given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and by also inserting the same in the *Maidstone Journal*, or other Paper circulating in the Neighbourhood of the said Roads, of the Time and Place and Purpose of the said Meeting.

Trustees may purchase, and incapacitated Persons sell Lands and other Hereditaments wanted for the Purposes of this Act.

XLIV. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees, or any Five or more of them, to contract with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Grounds, or Hereditaments, and to pay for the same by and out

of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors and Administrators, Guardians or other Trustees whatsoever, for or on behalf of any Infant, Femer Covert, or *Testuque* Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances which shall be made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

XLV. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Dwelling-houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments intended to be taken in and added to the said Roads, and through which any of the said Roads shall be intended to be turned as aforesaid, shall, for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Cases the said Trustees or any Five or more of them shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Kent*, which Oaths any Two or more of the said Trustees are hereby empowered and required to administer, what Damages shall be sustained by and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Persons as aforesaid, for or on account of the turning such Roads through such Lands or Grounds; and in order thereto the said Trustees or any Five or more of them are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer), and they the said Trustees or any Five or more of them shall, by ordering a View, or otherwise, use all lawful Ways and Means as well for their own as for the Jury's better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury, for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury, which Verdict, or Inquisition and Judgement, Order, and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whatsoever claiming or to claim in Possession, Reversion, Remainder,

If Parties do not agree, or the Owner cannot make a Title, the Value of the Premises to be settled by a Jury.

or

Sheriff to
summon a
Jury.

or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, as well as all other Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees or any Five or more of them are hereby empowered to issue out a Warrant or Warrants to the Sheriff of the said County, thereby commanding him to empanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff or his Deputy or Deputies is and are hereby required to empanel, summon, and return such Number of Persons accordingly, and out of the Persons so empanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any Five or more of them shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid, and for Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service to the Number of Twelve.

Juries may be
challenged and
Sheriff's fined
for Default.

XLVI. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said Trustees or any Five or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn and refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or refuse to be examined and give Evidence, and from Time to Time to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and disposed of, so that no such Fine exceed the Sum of Ten Pounds upon any One Person for One Offence.

Money allowed for
Lands how to
be charged
and tendered.

XLVII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the respective Tolls by this Act appropriated for the repairing the respective Roads so to be made, widened, turned, or altered, or on the Monies to be borrowed upon the Credit of such respective Tolls, and shall be paid thereout accordingly to the Persons entitled respectively thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agent, and in case of Refusal to take and accept of the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being to the Trustees for the Use of such Persons; and after One Calendar Month's Notice thereof given to such Persons or their Agents to receive such Money, it shall be lawful for the said Trustees or any Five or more of them, their Surveyors, Workmen or Agents, to enter into Possession of and to lay such Land

or

or Ground into the said Roads, and to do all and every such Act, Matter and Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees or any Five or more of them shall think fit; and the Lands, Grounds, or Hereditaments, so taken into or made Part of the said Roads, shall be deemed and taken to be, and shall be to all Intents and Purposes a public and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be made, repaired, and widened, are by this or any other Law to be repaired.

XLVIII. Provided always, and be it further enacted, That this Act shall not extend to give Power to the said Trustees to take down any House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling-house, or any Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or Nursery for Trees, or any Part thereof, without the Consent of the Owners and Occupiers thereof respectively, first had and obtained.

Dwelling-houses and other Premises not to be taken without the Owners Consent.

XLIX. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the Hearing and determining such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County, not interested in the Matter in question, who is hereby authorized and required to settle the same, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the Trustees, in and by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence

How the Expences of Jury shall be paid.

have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees, out of any Money to be raised or received under or by virtue of this Act.

Application where Compensation does not exceed 200l. or less than 20l.

L. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the 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 said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified upon an Order made upon a Petition to be presented in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used, as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said 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 Purpose 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, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement was made.

Application of Compensation where exceeding 200l.

LI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of 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 Hereditaments so purchased, taken,

OR

or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the said 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 Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in 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.

LII. 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 Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application when the Money is less than 20l.

LIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*]; subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby

In case of Refusal to accept, or of not making out Titles, &c. Money to be paid to Bank.

required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Persons who may be in Possession shall be entitled thereunto.

LIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order Expences of Purchases to be paid by the Trustees,

LV. Provided also, and be it further enacted, That where, by Reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Upon Payment of Money Conveyances to be executed.

LVI. And be it further enacted, That upon Payment of such Sum or Sums of Money, so to be agreed on, or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands or Grounds or any Part thereof, or upon depositing the same in the Bank of *England* in the Manner hereinbefore mentioned, as the Case may be, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever, in Law and Equity, of all and every Person or Persons who shall be entitled to the Money of, in, to, from, and out of the same Premises, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof, in Fee Simple, freed and discharged from all Claims, Demands, and

Equity

Equity of Redemption whatsoever, either in Law or Equity, to all Intents and Purposes, as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Trust, Dower, Right or Title of Dower, and Equity of Redemption, of, in, to, from, and out of the same Premises, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever.

LVII. And whereas by reason of the Purchases which the said Trustees are hereby empowered and required to make by virtue of this Act, they may happen to be seized of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Trustees empowered to sell Grounds not wanted by them.

LVIII. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of the said Piece or Pieces of Ground, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County aforesaid, by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of repurchasing the same, and he, she or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed respecting the disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees, of such Piece or Pieces of Ground as aforesaid, shall be applied for the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Person from whom the Land was bought to have the Preference.

LIX. And whereas a Map or Plan describing the Line of the said Roads and the Lands through which the same are to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of Kent; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at any

Forrestraining the Trustees from deviating beyond a certain Distance of the Line described in the Plan.

[Loc. & Per.]

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seasonable

seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk 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 of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Roads, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Road through Ground, although the Owners Names are not in the Book of Reference.

LX. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Diversion and new Branch of Road into, through, across, or over the several Lands or Grounds of any Person or Persons, who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, to be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may borrow Money upon Mortgage of Tolls.

LXI. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpike Gates then erected on the said Roads, and inserted in the *Maidstone Journal*, or some other public Newspaper circulating in the Neighbourhood through which the said Roads pass, may, and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll-houses and Appurtenances thereunto belonging (the Charges of assigning the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Seven or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees, or any Seven or more of them shall think proper; which said Money so to be borrowed shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said Turnpikes are hereby intended to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever, and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same shall think proper; (*videlicet*),

Form of Mortgage.

‘ BY virtue and in pursuance of an Act made in the Forty-ninth Year of
 ‘ the Reign of His Majesty King *George* the Third, intituled, [*here insert*
 ‘ *the Title of this Act*], in Consideration of the Sum of
 ‘ to *A. B.* the Treasurer appointed by the Trustees for
 ‘ putting the said Act into Execution, having been this Day paid by *C. D.*
 ‘ of We, whose Names are hereunto sub-
 ‘ scribed.

cribed and Seals affixed, being Seven of the said Trustees, do grant and assign unto the said *C. D.* Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Roads in the said Act mentioned; and of the Turnpikes and Toll-houses for collecting the said Tolls, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit of the said Tolls, or charged thereupon for the Term of the said Act, to have, hold, receive, and take such Proportion of the said Tolls, Toll-houses, and Premises, with the Appurtenances, unto the said *C. D.* Executors, Administrators and Assigns, for the Residue and Remainder now to come of Years, for which the said Tolls are granted by the said Act, subject to the Proviso following; (that is to say), Provided always, That if the said Sum of shall be repaid to the said *C. D.* Executors, Administrators or Assigns, together with Interest for the same, after the Rate of *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of now next ensuing, then this Assignment shall be void, or else shall remain in full Force. In Witness whereof we have hereunto set our Hands and Seals this Day of

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, but nothing in this Act contained shall extend or be construed to extend to charge or subject the said Trustees or any of them, or the Persons appointed to receive the said Money or any Part thereof, to any Payment of the same, by reason of their or any of their signing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act, or any of them; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorsed on the back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, before One credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees within Sixty Days after the Date thereof, who shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Treasurer shall be paid the Sum of Six Shillings and Eight-pence, and no more, and which said Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured and so assigned and transferred, and to the Benefit thereof; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons who shall have made any such Assign-

Copies to be entered in a Book, &c.

ment or Transfer, to make void, release, or discharge the same, or any Monies due thereon.

No Priority of Mortgages.

LXII. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons advancing, or who shall have advanced any Sum or Sums of Money upon the Credit of this Act, in respect to Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments had been or shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money, and on the Terms therein mentioned, Creditors on this Act in equal Degree one with another.

Persons liable to the Repair of the Roads to continue so.

LXIII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Land, Tenements, and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act, subject nevertheless to the Regulations herein-after expressed concerning the same; and that all and every Person and Persons who by Law are required to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways, in the several Parishes, Townships, Hamlets, Districts, or Places, through which the said Roads shall pass, shall be liable to the Repair of the said Roads, and to perform their respective Works thereon in such and the like Manner in every Respect, as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District, or Place respectively.

How the Statute Work shall be apportioned.

LXIV. And, for ascertaining and determining what Part of the Statute Work ought to be performed on the said Roads by the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads pass, be it further enacted, That it shall be lawful for the said Trustees, or any Two of them being acting Justices of the Peace for the said County of *Kent*, from Time to Time to adjudge and order what Part of the Statute Work shall be done in or upon the said Roads hereby directed to be amended, improved, and kept in Repair, and for what space of Time and in what Manner the same shall be done upon the said Roads, by the Inhabitants of each or any of the Parishes, Townships, Hamlets, Districts, or Places in or through which the said Roads shall pass.

For regulating the Performance thereof.

LXV. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor in all the Parishes, Townships, Hamlets, Districts, or Places through which the said Roads pass, shall Yearly and every Year, within Ten Days after Demand made to them respectively in Writing by the Surveyors, Clerks, or Treasurers of the said Roads, in pursuance of an Order under the Hands of Two or more of the said Trustees, being acting Justices of the Peace for the said County, give and deliver to the Person making such Demand, a true and exact List or Account in Writing under their respective Hands, of the Christian and Surname of every Person in their respective Parishes, Townships, Hamlets, Districts, or Places, who are by Law chargeable towards repairing the said Roads in such Parishes, Townships, Hamlets, Districts,

Districts, and Places, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same, and such respective Parish or Township Surveyor or Surveyors, shall within Four Days after Notice to them given by the said Turnpike Surveyor, of the Time or Times when and where, and how many of the Persons so chargeable as aforesaid, are to perform their respective Statute or Days Works, summon or give Notice thereof in the Mode prescribed by Law, to the Persons so chargeable as aforesaid; and if any such Parish or Township Surveyor or Surveyors shall neglect or refuse to do as he and they is and are required and directed to do, or shall wilfully return incorrect or imperfect Lists, he and they shall respectively forfeit and pay the Sum of Five Pounds for every such Refusal or Neglect; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards repairing the said Roads, shall after such Summons or Notice as aforesaid, neglect or refuse to send their respective Teams, Draughts, Carts, or Wains, furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, and proper Tools to do and perform such their respective Days Works upon the said Roads, he, she, or they so neglecting or refusing shall forfeit and pay for every Day that each Team, Draught, Cart, or Wain shall be wanting, or shall not be duly employed in that Service, so much and such Sum or Sums of Money, as by any of the Laws now in force relating to Highways is and are thereby in like Cases made payable; and if any Person or Persons who shall be sent with any Team, Draught, Cart, or Wain, to work on the said Roads, shall be found idle or negligent, it shall be deemed as if such Team, Wain, Draught, or Cart, had not been sent to work on the said Roads, and the same Sum shall be accordingly forfeited and paid; and if any Statute Work shall not be performed within the Year in which the same is due, the same shall be performed in the course of the succeeding Year.

LXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any of their Meetings, by Writing under their Hands, to summon all, every, or any of the Surveyor or Surveyors of the Highways, of all, every, or any of the Parishes, Townships, Hamlets, Districts, or Places (the Inhabitants whereof are liable to perform Statute Works on the said Roads), to appear before the said Trustees at any of their subsequent Meetings, and then to deliver in to them a full, true, and just Account in Writing of all Sums of Money by them respectively received for, in lieu of, or by Way of common Composition for Statute Work in their several and respective Parishes, Townships, Hamlets, Districts, or Places, which Account shall be verified upon Oath if the said Trustees shall require the same; and in case the Person or Persons so summoned shall neglect to appear at the Time and Place therein appointed, or shall refuse or neglect to deliver in such Account as aforesaid, or if required, to verify the same upon Oath, or to pay to the Treasurer of the said Roads, or as the said Trustees shall direct, within Five Days from the Time of producing the said Account, or whereon the same ought to have been produced, such proportionable Part of all such Composition Money as such Surveyor or Surveyors, or any of them shall have received, or without their wilful Neglect or Default might have received, then and in all or any of the said Cases, the Person or

How Trustees may compel Surveyors of Highways to account for Composition Money.

[Loc. & Per.]

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Persons

Persons so offending shall for every separate Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Trustees may compound for Statute Work.

LXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Feoffees, Trustees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Works thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had, at any Vestry or other Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads.

For recovering Composition Monies.

LXVIII. And be it further enacted, That in case the Composition Money agreed to be paid in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for the said Trustees, or any Justice or Justices for the said County, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money, (Oath having been first made before such Trustees, or such Justice or Justices, that the same hath been demanded and remains due, which Oath the said Trustees or such Justice or Justices are hereby respectively empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or of the Churchwardens or Overseers of the Poor, or other Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, returning the Surplus (if any) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

How Surveyors of Highways are to be reimbursed, and Composition Money paid by them.

LXIX. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid and reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Money by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

LXX. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, altering, widening, or repairing the said Roads, or any Part thereof, and for erecting Mile or Direction Stones
or

or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees, or any Five or more of them shall think proper, and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerks, Treasurers, Surveyors, or other Officers, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon, by the said Trustees or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Person or Persons so as aforesaid making default in fulfilling of his, her, or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

LXXI. And be it further enacted, That if any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any Five or more of them, they the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bona fide* out of Pocket for or by reason of such Action or Prosecution, or any Judgement or Determination therein; and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them for or by reason of any thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Prosecutors
and Prose-
cuted indem-
nified.

LXXII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the amending, widening, and repairing the said Roads hereby authorized to be amended, repaired, and widened, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as the said Trustees, or any Five or more of them shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees or any Five or more of them shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same or any Part thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Names of the said Trustees, or any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Imparlance shall be allowed.

To oblige Sub-
scribers to pay
Subscriptions.

Application of
the Monies
subscribed.

LXXIII. And be it further enacted, That out of the Monies to be received by virtue or to be borrowed on the Credit of this Act, the said Trustees or any Five or more of them, shall in the first place pay and discharge the Expences of procuring and passing this Act, and the Remainder of such Monies shall from Time to Time be applied in erecting Toll Gates or Turnpikes, Weighing Engines and Toll-houses, and in making, repairing, widening, altering, improving and keeping in Repair the said Roads, beginning with the said Road leading from the North End of the Town of *Tonbridge*, through the Parish of *Shipborne*, to the Village of *Ightham*, and not commencing the Repair of the other Roads until the said first-mentioned Road from *Tonbridge* to *Ightham* aforesaid be properly amended, widened and improved, and in defraying the necessary Expences attending the Execution of this Act, and in paying the Interest and Principal of any Money to be borrowed by virtue hereof, and to no other Use or Purpose whatsoever.

Trustees may
compound for
Penalties.

LXXIV. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons, for any Penalty or Penalties contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound or agree for such Sum or Sums of Money as they shall think proper, instead of receiving the whole of such Penalty or Penalties; and such Trustees or any Five or more of them may also mitigate, compound or lessen, any other the Forfeitures incurred under this Act, but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract; and all the Costs, Charges, and Expences which shall be occasioned thereby, and the Mitigation of the said other Penalties or Forfeitures, shall not extend to remit above One Moiety of such Penalties and Forfeitures respectively.

Distress
not to be
deemed un-
lawful for
want of Form.

LXXV. And be it further enacted, That where any Distress shall be made for any Penalty or Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall hereafter be done by the Party or Parties so distraining; but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass or, other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may at any Time before Issue joined pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, or Orders and Judgements, 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.

General Ap-
peal.

LXXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance

luance of this Act, for which no particular Method of Relief hath been herein-before appointed, such Person and Persons shall and may appeal to the Justices of the Peace at any General Quarter Sessions to be holden in and for the Western Division of the said County of *Kent*, within Three Calendar Months next after any Order or Determination of the said Trustees, or any Three or more of them, such Appellants first giving or causing to be given Six Days Notice at the least in Writing, of their, or his, or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks to the said Trustees, and within Four Days next after such Notice given, entering into a Recognizance before some Justice of the Peace for the said County of *Kent*, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of the said Justices at such Quarter Sessions, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, or at some Adjournment thereof, upon due Proof of the Notice having been given, and of the entering into Recognizance in manner herein-before mentioned, shall hear and finally determine the Causes and Matters of every such Appeal in a summary way, and shall award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper, and the Determination of the said Justices at such Sessions or Adjournment shall be final, binding, and conclusive.

LXXVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place, and also such and so many Direction Posts as to the said Trustees, or any Five or more of them shall seem meet; and if any Person shall wilfully pull up or damage any such Posts or Stones, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, or if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, or any Wheel-barrow thereon, or shall cause any Damage to be done to such Footway, or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree, or Piece of Timber or Stone, which shall be carried upon wheeled Carriages to drag upon any Part of the said Roads to the Prejudice thereof respectively, or shall lay any Hay, Straw, or other Matter or Thing, upon any Part of the said Roads to be made into Manure, or shall scrape off the same any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, with an Iron Rake, or other Instrument with sharp Points, or shall pull or force up any Stones or other Part of the Pavement of the said Roads, whereby the said Roads or any of them shall be damaged, or shall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatsoever, upon the said Roads or any Part thereof, or shall otherwise obstruct or impede the Passage upon the said Roads, or shall turn out any Horse, Mares, Cows, or other Cattle or Swine upon the Roads hereby to be repaired, or any Part thereof, or in the Ditches adjoining the same; every Person so offending shall forfeit any Sum not exceeding Forty Shillings, to be levied and recovered by such Ways and

Milestones to
be set up, etc.

[*Loc. & Per.*]

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Means

Means as are herein directed with respect to other Penalties and Forfeitures hereby inflicted.

For compelling
ing Witnesses
to attend.

LXXVIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, and any such Person or Persons respectively shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath and to give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then and in either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalties how
to be levied
and applied.

LXXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted, or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, upon Proof of the Offences respectively, before any One Justice of the Peace of the County of *Kent*, or any Justice of the Peace of any other County or Place wherein the Offender shall reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes, and the Surplus, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid, Half to the Informer and Half to any Five or more of the said Trustees, or to their Treasurers or Clerks, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place wherein the Offender shall reside, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

No Proceed-
ings to be
quashed for
want of Form
or removed by
Certiorari.

LXXX. And be it further enacted That no Proceeding of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning, or in Execution of any Power or Authority vested in such Trustee, or Justice or Justices respectively by this Act, shall be quashed or vacated 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 *West-*
minster,

minster, or any other Court of Record in the Kingdom of *Great Britain*; any Law or Statute to the contrary notwithstanding.

LXXXI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof in Writing, to be given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action shall be laid in the said County of *Kent*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his Election, specially, or the General Issue, and give this Act or the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the said County of *Kent*, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

LXXXII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of Trustees, and such Orders and Proceedings so entered and signed by the said Trustees, at any Meeting of Five or more of them the said Trustees, shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book to be directed to be kept for registering the Mortgages and Assignments herein-before mentioned, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any Thing done in pursuance of this Act.

Orders, &c. of Trustees to be entered.

LXXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Publick Act.

LXXXIV. And be it further enacted, That this Act shall commence and have Continuance from the passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Duration of this Act.

