



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 157.

An Act for making and maintaining a Road from *Ightham*, in the County of *Kent*, to the Turnpike Road leading from *London* to *Maidstone*, in the said County. [10th June 1811.]

WHEREAS the Road leading from the North End of the Parish of *Ightham*, to a certain Place called *The Four Wents*, in the Parish of *Wrotham*, is very narrow and incommodious, and the amending, widening, improving, and keeping in Repair the same, and also the making a new Road from the said *Four Wents*, through Part of the Lands belonging to *Letitia James* Widow, and *Alexander Hume Evelyn* Esquire, into a Road leading by a certain Place called *New Terry's Lodge*, into the Turnpike Road leading from *London* to *Maidstone*; and the amending, widening, improving, and keeping in Repair, such Part of the said last-mentioned Road as is not required to be new made, would tend to the Advancement of Trade in the Neighbourhood thereof, and assist the Operations of Agriculture, and facilitate the Communication between many Parts of the Counties of *Kent* and *Suffex* with the County of *Essex*, and otherwise be of great publick Utility and Convenience; 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 *Edward Knatchbull*, *William Honeywood*, the Reverend *Charles Hughes*, *Henry Hughes*, *Alexander Pitcairn*, the Members of the County of *Kent* for the

[Loc. & Per.] 39. S Time

Time being, the Honourable *John Wingfield Stratford*, Sir *William Jarvis Twysden*, Sir *John Twysden*, Sir *John Gregory Shaw*, Sir *Thomas Dyke*, Sir *William Geary*, Sir *Henry Hawley*, Barons, the Reverend *William Foster Pigott*, D. D. *Alexander Hume Evelyn*, *George Talbot Hatley Foote*, *Henry Hawley*, *John Shaw*, *John Larking*, the Reverend *George Moore*, the Reverend *Thomas Cobb*, *John Simpson of Fair Lawn*, *John Simpson of Shipborne Green*, *Baden Powell*, *John Clark Powell*, *David Powell*, *Edward Kenyon*, the Reverend *John Bosanquet Pollhill*, *Francis Hubble Douce*, the Reverend *Peter Eilers*, *Demetrius Grevis*, *Multon Lambard*, the Reverend *Thomas Lambard*, *George Smith*, the Reverend *Peter Rashleigh*, *Percival Hart Dyke*, *Francis Markett*, *Thomas Turner*, *Charles Haddock*, *Philip Douglas Firmin*, *Thomas Dalton*, *Nicholas Gilbee*, 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 otherwise putting this Act into Execution.

For electing
new Truf-
tees.

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 Three 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 other Newspaper circulating in the said County of *Kent*, 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 in 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*.

Qualifications
of Trustees.

III. Provided always, and be it further 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 Imparance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the

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 qualified as aforesaid, previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as valid and effectual as if such Person or Persons had been qualified according to the Directions of the said recited Act.

IV. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling House, or other House of publick Entertainment, or shall sell any Wine, Cyder, 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 publick Entertainment, or shall sell any Wine, Cyder, 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.

No Person keeping a Victualling-house capable of acting as a Trustee.

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 being Justices of the Peace may act as such.

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 or may be brought, or in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit which shall 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 Three 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, 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.

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

VII. And

Meetings of
Trustees.

VII. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet within One Calendar Month next after the passing of this Act, at the House of *William Vann* called *The George*, in *Ightham*, 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, or at any other Place near the said Roads, as the said Trustees, or any Three 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 Three 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 Adjournment 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 Five 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 herein-before mentioned, at least Ten Days previous to any such Meeting.

Meetings on
Emergencies.

VIII. And be it further enacted, That if at any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting shall be appointed than the Day appointed by such Adjournment, then and in such Case the Clerk or Clerks to the Trustees, upon an Order in Writing signed by Two 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 Ten 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.

IX. And

IX. And be it further enacted, That the said Trustees, or any Three 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 Three or more of them, may, at a Meeting to be held for that Purpose, (whereof Ten Days Notice shall be given in Writing, to be affixed upon the respective Turnpikes which shall be then erected on the said Roads, by any Writing or Writings under their respective Hands), from Time to Time remove such Clerks, Treasurers, Receivers, 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 according to 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 Three or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Three 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 any 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 Enquiry concerning such Default in a summary Way, as well by the 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 Justices shall commit the Parties so convicted 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 of the County where such Persons shall live or reside, to make Enquiry touching such Neglect or Refusal in a summary Way in Manner 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) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, to the Persons whose Goods have been so distrained and sold, 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

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39. T

Mainprize,

Commissioners to appoint accountable Officers.

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 Three or more of them, or to such Person or Persons as they or any Three or more of them shall appoint to receive the same, which Composition the said Trustees, or any Three 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 sufficient Distress shall be detained therein for any longer Space of Time than Six Calendar Months.

Appointing
new Collec-
tors in case of
Death or Mis-
behaviour.

X. And be it further enacted, That upon the Death, Incapacity, absconding, misbehaving, or Absence of any Collector or Receiver of the Tolls, any Three 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 Representative 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 Three 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 said 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 Two or more of them, or their Clerk or Clerks, or their new appointed Officer into the Possession thereof.

Application
of Tolls.

XI. And be it further enacted, That out of the Monies 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 Three 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 Compensation 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 Three or more of them shall seem reasonable.

XII. Pro-

XII. Provided always, and be it further enacted, That the said Trustees, or any Three 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 Three or more of them shall seem expedient.

Security to be taken by the Trustees from their Officers.

XIII. And be it further enacted, That the said Trustees, or any Three 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 Road, 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 Outbuildings and Conveniences, at or near such 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 Three or more of them, shall judge proper; and may cause all or any 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 Three or more of them shall think proper: Provided nevertheless, that no more than One Toll shall be demanded or taken on the said Road.

Toll-houses.

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 Three 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.

Toll-houses vested in Trustees.

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 Three 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, Chaise, Calash, Chaise Marine, or Chair, the Sum of Sixpence:

Tolls.

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart or other such Carriage, with Four 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

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
at certain
Times of the
Year.

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, Wood, Gun or Guns, or with any other Iron or Gloom, or Hop-poles, 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.

Power to dis-
train Cattle
for Tolls.

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 herein-after mentioned.

Justices of
Peace to
settle Dis-
putes.

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 the Sale thereof, or any Part thereof.

Tolls pay-
able Twice
a Day.

XIX. Provided always, and be it further enacted, That if any Person or Persons shall pass or go a Third Time on the same Day with any Horse, Cattle, or Carriage, except with Horses used for the Purpose and in the Employment of Husbandry, and Carriages laden with Chalk, and Lime, to be used for the Purposes of Husbandry only, through all or any of the Gates or Turnpikes to be erected by virtue of this Act, then every such Person or Persons shall be liable and compellable again to pay the Tolls

and Duties hereby imposed on such Horse, Cattle, or Carriage, in such and the same Manner as he, she, or they are and would have been liable to pay the same in case he, she, or they had not before on the same Day paid any Tolls, or passed through any of the said Gates or Turnpikes, and so *toties quoties*, for every Third Time every such Person or Persons shall pass the same Day, through the said Gates or Turnpikes, or any of them, with any such Horse, Cattle or Carriage.

XX. 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.

Exemption from Tolls for Carriages only travelling a certain Distance on the Road.

XXI. 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, or for the Horses belonging to any Officers or Soldiers on their March or on Duty, nor for any Horse, 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, or 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; or 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; or any undried Hops or Wool, or any Grass, Hay, Sainfoin, Clover, Fodder, Straw, or Corn, or other Produce in the Straw, not sold or disposed of, but passing to the Premises of the Owners thereof; or for any Cows driven for the Purpose of being milked, in going or returning to or from the Owners' Premises; or 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

Exemptions from Toll.

to any Inhabitant or Occupier of or in any Parish in which the said Roads lie; or 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 shod; or for any Horses or Carriages travelling with Vagrants sent by legal Passes; 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.

Waggons,
&c. convey-
ing His Ma-
jesty's Stores
not liable to
Penalty for
Overweight.

XXII. 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.

XXIII. 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 enacted, That nothing in this Act shall extend or be construed to extend to exempt Cattle and Carriages laden with Lime, Chalk, or Stone, 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 hereinbefore enacted Exemption Clause.

Toll Collec-
tors not in-
competent
Witnesses.

XXIV. 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.

Weighing
Machines to
be erected.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three 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, on 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

weighing of Carts, Waggon, or other Carriages conveying any Goods, Wares, or Merchandize 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 Three 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.

XXVI. Provided always, and be it further 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 Overweight as aforesaid.

No Toll payable at the Gates where Weighing Machines are erected, &c.

XXVII. 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 every 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 Three 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 and appointed by them, or any Three 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 Fifty Pounds for every such Offence or Neglect, to be recovered in a summary Manner before any One Justice of the Peace as aforesaid, 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 be taken for Overweight, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Toll Gatherers at such Gates to render Account to Trustees of Tolls received.

XXVIII. 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, whereby the Payment 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

Penalty on Evasions of Tolls.

the

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, any 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.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Three 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 Three 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 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 Roads do pass.

Compound-
ing for Tolls.

XXX. And be it further enacted, That the said Trustees, or any Three 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.

Leasing of
Tolls.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, either by the Mode prescribed by an Act passed in the Thirteenth Year of His present Majesty's Reign, or according to such other Method as the Trustees of the said Road, or any Five or more of them, shall think more effectual, 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 to such Person or Persons, as the said Trustees, or any Five 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 of the *London Newspapers*, or 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.

XXXII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Three or more of them, to make Causeways, and also Ditches and Drains, in and upon the said Roads, and also through any Grounds adjoining, 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 adjoining 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 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 Three 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 Recompence 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 Three or more of them; and in case of any Difference concerning such Damages, the Justices of the Peace for 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, 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.

Making Causeways Ditches, and Drains, and widening the Road.

XXXIII. 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 Three or more of them, is and are hereby empowered to cut, dig, gather, and take 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,

Power for Surveyor to take Materials from Waste Lands.

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 herein-after mentioned, such Surveyor or other Person filling up the Pit or Pits, and 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 wanting upon such Waste Grounds or Commons, Rivers or Brooks adjoining 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 adjoining 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 Three 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 Recompence 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 gotten in any Common or Waste Grounds, Rivers or Brooks as aforesaid, over their Lands and Grounds, as the said Trustees, or any Three 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 Judgment and Order therein shall be final and conclusive to all Parties.

Materials not to be taken from inclosed Grounds, until Notice given to the Owners.

XXXIV. 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 Seven Days 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 Three or more of them, or Two Justices of the Peace acting for the County of *Kent*, to show

show 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 Three 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 Three 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 Three 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.

XXXV. And be it further enacted, That if any Person whomsoever shall take or carry away any 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.

Penalty on
Persons
taking away
Road Ma-
terials.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Three 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, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Three or more of them, to remove and prevent all Nuisances on any Part of the said Roads, by taking and carrying away any Filth, Dung, Ashes, Rubbish, or Straw left thereon, or otherwise, and convert the same to his or their 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, Planted 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 lop, top, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to remove such other Nuisances in such Manner as the said Trustees, or any Three or more of them, or the said Surveyor or Surveyors shall require; the Charges whereof to be settled by the said Trustees, or any Three 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

Removing
Nuisances.

faid Nuisances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on obstructing Execution of the Act.

XXXVII. 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 Three 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 Three Pounds.

Empowering Trustees to widen or alter the Course of the Road through private Lands or over Commons.

XXXVIII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of any Seven 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 Common, or Waste Ground, 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 of 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.

Notice to be given of the Intention to alter the Road.

XXXIX. 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, that then 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 also by 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 to contract for the Purchase of Lands.

XL. 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

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 Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, and Administrators, Guardians, and other Trustees whatsoever for or on Behalf of any Infant, Femes Covert, or *Cestuique* 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 the 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 so 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.

XLI. And be it further enacted, That if any such Bodies Politick 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 Politick 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 enquired 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 such 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 Justices 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,

[*Loc. & Per.*]

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Order,

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, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politick 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 impanel, 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 impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, 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.

Jury may be challenged, and Sheriff and Jury made liable to Fine for Misconduct.

XLII. 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, Bailiff 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, without some sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn and refuse 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 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 as that no such Fine exceed the Sum of Ten Pounds upon any one Person for one Offence.

Compensations to be paid out of Tolls.

XLIII. 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 Agents, or depositing the same in the Bank of *England* in Manner by this Act directed, (as the Case may be), 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 Grounds 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 publick and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be made and widened are by this or any other Law to be repaired.

XLIV. 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. No House or other Building to be taken down without the Consent of the Owner.

XLV. 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 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 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 any such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in case where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne Expences of Jury how paid.

and paid by the said Trustees, out of any Money to be raised or received under or by virtue of this Act.

Application
of Money
awarded,
above 200l.

XLVI. 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, Lunatic, 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 preferred 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 Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

Application
where the
Compensa-
tion is less
than 200l.
and exceeds
20l.

XLVII. 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 amount to or exceed the Sum of Twenty Pounds, then and in 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 used, or of his, her, or their Guardian or Guardians, Committee or Committees,

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.

XLVIII. 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.

XLIX. 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 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 found 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 required to

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery, on Petition.

[*Loc. & Per.*]

39 Z

give

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.

In case of
disputed
Titles.

L. 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, Title, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of 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 reason-
able Expences
of Purchases
to be paid by
the Trustees.

LI. 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 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 this Act, it shall and may be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of 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 this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

LII. 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 herein-before 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

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 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.

LIII. 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 seised of some Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Three 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. Re-selling
Lands not
wanted.

LIV. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree, (except with respect to or on account of the Price thereof), to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate, (who are hereby respectively empowered to take such Affidavit), 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 then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to by the Person or Persons to whom such Offer was made, (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but First Offer to
whom to be
made.
the

the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Map or Plan to be kept at the Office of the Clerk of the Peace.

L.V. 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 said County of *Kent*; be it therefore enacted, That the said Map or Plan, and the 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 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, Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may set out Land over Grounds of Persons not mentioned in the Plan.

L.VI. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said Division 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 as 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, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Tolls and Toll-houses may be mortgaged.

L.VII. 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 thereto 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 Five 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 Re-payment thereof, with such legal Interest as the said Trustees or any Five or more of them shall think proper, which said Money so to be borrowed shall be applied and disposed of in the same Manner

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*),

BY virtue and in pursuance of an Act, made in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled, [*here sert 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 subscribed and Seals affixed, being 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 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 endorsed 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 his, her, or their Right to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments and 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 One Shilling and Sixpence 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, or 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 Assignment or Transfer, to make void, release or discharge the same or any Monies due thereon.

No Preference to be given in respect of Priority of advancing Money.

LVIII. 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 of 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.

Statute Labour.

LIX. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, 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 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 and liable to or towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts or Places through which the said Road 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.

Trustees being Justices to direct what Statute Work shall be done by each Parish.

LX. 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 any Two 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.

LXI. Provided

LXI. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Kent*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times, (not being Haytime or Harvest), and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

Force

Force and Effect for the Repair of the public Highways ; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid ; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads ; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads ; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXII. And be it further enacted, That it shall and may be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any the Parishes or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads ; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in Advance, on or before the Tenth Day of *October*, in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees to contract with Persons for making the Roads.

LXIII. And be it further enacted, That the said Trustees, or any Three or more of them, or such Person or Persons as they shall for that Purpose authorize 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 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 Three 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 Three 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 Three 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

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 his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

LXIV. And be it further enacted, That in case 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 Three or more of them; they the said Trustees, or any Three 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 have really and *bona fide* expended for or by Reason of such Action or Prosecution, or any Judgment 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 Three or more of them.

Where any Prosecution commenced in pursuance of this Act, Trustees to pay Prosecutors Expenses.

LXV. 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 Three 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 Three 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 Three or more of them, to sue for and recover the same in the Names of the said Trustees, or any Three 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, Complaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed.

Subscribers to pay their Subscriptions.

LXVI. 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 Three 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

[Loc. & Per.]

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making,

making, repairing, widening, altering, improving, and keeping in Repair the said Roads.

Penalties to be compounded for.

LXVII. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought or 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 Three 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 Three 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.

Distress not to be set aside for Irregularity.

LXVIII. 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 Judgments shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money in Court.

Allowing Appeal.

LXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance 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 least in Writing, of their, or his, or her Intentions 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 Recognizance before some Justice of the Peace for the said County of *Kent*, with Two sufficient Sureties conditioned to try such

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 said Justices at such Quarter Sessions; and the said Justices at such Quarter 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 Adjournments shall be final, binding, and conclusive.

LXX. And be it further enacted, That the said Trustees, or any Three 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 and Place; and also such and so many Direction Posts as to the said Trustees, or any Three 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 the said Roads, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, or any Wheelbarrow 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 Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be carried upon Wheel 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 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 Horses, 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 Means as are herein directed with respect to other Penalties and Forfeitures hereby inflicted.

Erecting
Mile Stones.

LXXI. 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, on being paid or tendered a reasonable Sum for his, her, or their Costs and Charges, refuse or neglect to appear at the Time

Penalty on
Persons re-
fusing to
appear as
Witnesses.

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 give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Distress for
Non-pay-
ment of
Penalties.

LXXII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering 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, shall be, if not otherwise directed by this Act, from Time to Time paid Half to the Informers, and Half to any Three 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.

Offenders.

LXXIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

Form of
Conviction.

‘ County of } BE it remembered, That on the Day of
‘ Kent, to wit. } in the Year of our Lord
‘ A. B. is convicted before me, [or, us], of His Majesty’s
‘ Justices of the Peace for the County of *Kent*, [or, as the Case may be,
‘ specifying the Offence, and the Time and Place when and where the same
‘ was committed, as the Case shall be]. Given under my Hand and Seal,
‘ [or, our Hands and Seals], the Day and Year first above written.’

LXXIV. And

LXXIV. And be it further enacted, That no Proceedings 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 Trustees, 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 *Westminster*, or any other Court of Record in the Kingdom of *Great Britain*; any Law or Statute to the contrary notwithstanding.

Proceedings of Trustees and Justices not to be quashed for Want of Form.

LXXV. 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 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.

Notice to be given before the bringing of Actions.

LXXVI. 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 the Clerk to the said Trustees, and such Orders and Proceedings so entered and signed 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.

Trustees Proceedings to be entered in a Book, which shall be Evidence.

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

Act made public.

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51^o GEORGII III. *Cap.* 157.

Commence-
ment and
Continuance.

LXXVIII. 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.

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