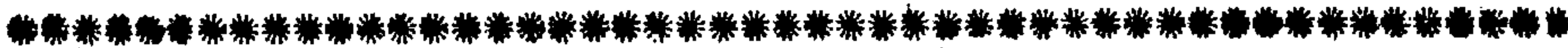




ANNO QUINQUAGESIMO QUARTO

GEORGI III. REGIS.



Cap. 57.

An Act for repairing the Road from the *Maidstone* Turnpike Gate on the *Loose Road*, near *Sutton Lane*, in the Parish of *Maidstone*, to the King's Head Inn, in *Sutton Valence*, in the County of *Kent*; and for making and repairing other Roads therein mentioned in the said County. [18th May 1814.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act for repairing, altering, widening, and improving the Road leading from the Maidstone Turnpike Gate, situate on the Loose Road, near Sutton Lane, in the Parish of Maidstone, to the King's Head Inn, in Sutton Valence, in the County of Kent*: And whereas the Trustees appointed in and by the said Act, have repaired, widened, and improved the said Road, and for that Purpose have borrowed considerable Sums of Money upon the Credit of the Tolls by the said Act granted; which Money is still due and owing, and cannot be repaid, unless some of the Powers and Provisions of the said Act be altered and enlarged, and the Tolls increased: And whereas the making, maintaining of, and keeping in Repair a Turnpike Road from the said Road at the King's Head Inn, in *Sutton Valence* aforesaid, in the Direction of the present Carriage Road, as far as a Farm House in the Occupation of *John Thorpe*, in the Parish of *Sutton Valence* aforesaid, and thence through Lands

[Loc. & Per.] 43 G. 3. c. 13.

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in

in the same Parish, and in the Parishes of *East Sutton* and *Headcorn*, to and through the Village of *Headcorn* to *Frank's Bridge*, and thence through Lands in the said Parish of *Headcorn*, and in the Parishes of *Frittenden* and *Biddenden*, and along Part of the present Carriage Road in the said Parish of *Biddenden*, to a Place called *New Castle*, in the Parish of *Biddenden* aforesaid, all in the said County of *Kent*, will be a great Benefit and Convenience to the Inhabitants of the several Parishes and Places aforesaid, and will also be of public Utility: And whereas the public Carriage Road leading from a Place called *The Thorn*, in the Parish of *Swarden* in the said County, through the same Parish of *Swarden* and through the Parish of *Headcorn*, to the intended new Turnpike Road in the said Parish of *Headcorn*, where the same Road is intended to be made through Lands of *Thomas Wildes*, in the Occupation of *William Morris* and *Richard Wood*, is narrow and inconvenient, and cannot be effectually kept in Repair and improved by the ordinary Course of Law: And whereas it is desirable that the Trustees acting under the said recited Act, and the several other Persons herein-after named, should be empowered to make and maintain such intended new Road, and to keep in Repair and improve the said public Carriage Road; and that the Powers heretofore granted by the said recited Act, and which are now become expedient for keeping in Repair the said Road therein mentioned, and such further Powers as may be necessary for making, completing, and keeping in Repair such intended new Turnpike Road, and for keeping in Repair and improving such public Carriage Road, should be consolidated in one Act: 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 from and after the passing of this Act, the said Act of the Forty-third Year of the Reign of His present Majesty, shall be and the same is hereby declared to be repealed; and that instead thereof, this Act shall commence and take Effect on the passing thereof, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually making, repairing, widening, altering, improving, and keeping in Repair the several Roads herein-after described.

Recited Act
repealed.

New Term,
and Tolls
liable to
Debts, &c.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Act, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Act, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for executing the said recited Act, or any Five or more of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account and for the Benefit of the Trust under this Act; and all Contracts or Agreements duly made or entered into by the Trustees for
executing

executing the said recited Act, or any Five or more of them, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Act.

III. And be it further enacted, That *William Acton, Thomas Alchin, Trustees, William Alchin, James Alexander, Gabriel Allen, John Argles, Thomas Atkins, John Austen, William Baldwin, William Baldstone, Richard Barnard, Richard Beale, Richard Beale the younger, Thomas Best, George Best, Thomas Fairfax Best, William Baliol Best, Sir William Bishop Knight, George Bishop, Argles Bishop, John Blackburne, William Boorman, Thomas Boucher, John Brenchley, Charles Brenchley, Sir Samuel Egerton Bridges, John Kentward Shaw Brooke Clerk, Richard Bus, James Bus, Edward Cage Clerk, Charles Cage Clerk, John Carter, George Catt, Thomas Charlton, William Charles, Thomas Cherry Clerk, William Children, Richard Cooper, John Coker, William Coleman, Phillip Corral, Daniel Coulter, William Crispe, George Crispe, Thomas Crouch, Henry Darell, Thomas Day, John Day of Headcorn, John Dean, Daniel Dobell, Baldwin Duppa Duppa, David Evans Clerk, Thomas Farley, Robert Farris, the Reverend Sir John Filmer Baronet, the Honourable Charles Finch, Thomas Fisher, George Talbot Hatley Foote, James Edward Gambier Clerk, Sir William Geary Baronet, Samuel Godding, Jenkin Hague, Samuel Harman, William Harrison, the Reverend Sir John Head Baronet, William Hickmott, Stephen Hills, Thomas Hinds, Thomas Law Hodges, Samuel Hood, Finch Hollingworth, Thomas Robert Hollingworth, Edward Homewood, James Hontewood, William Horne Clerk, William Horne the younger, Clerk, Edward Hufsey, Edward Hufsey the younger, John Ismay, William Jarman, William Jell, John King, Sir Edward Knatchbull Baronet, Edward Knatchbull, John Larking, Jonathan Large, John Love of Wick, John Love of Tong, William Mahson, John Malyn, James Mann, John Mannering, the Honourable and Reverend Jacob Marsham Doctor in Divinity, the Mayor and Recorder of Maidstone for the Time being, William Mackenzie Clerk, William Mercer, Robert Mercer, Thomas Mercer, William Alexander Moreland, William Morris, Edward Munk, John Neve, Stephen Oliver, James Ottaway, Robert Parker, Richard Cooke Tylden Pattenson Clerk, Edward Penfold, William Pettit, James Pigram, John Butler Pomfrett, Thomas Blissett Pope, Richard Potter, Stephen Prentis, Samuel Proffer Clerk, George Rachell, Peter Rasbleigh Clerk, Thomas Rider, Robert Rugg, William Henry Stacey, Courtney Stacey, Job Saunders, Sir John Gregory Shaw Baronet, William Shirley, George Simpson, Jacob Skinner, Stephen Smith, James Smyth, John Stevens, John Stone, Robert Stone, Liberty Taylor, Nicolas Roundell Toke, Thomas Turner, Sir William Twysden Baronet, Osborn Tylden, Thomas Watts, William Watts, William Wedd, Thomas Wildes, Stephen Wilkins, John Wills, Thomas Wilmott, Biddingfield Wise, John Wise, Joseph Witherden, George Witherden, and William Wood, and their Successors, to be elected in Manner hereafter mentioned, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the Road leading from the Maidstone Turnpike Gate, situate on the Loose Road near Sutton Lane, in the Parish of Maidstone, to the King's Head Inn in Sutton Valence, in the County of Kent; and also for making, maintaining, and keeping in Repair a Turnpike Road, from the King's Head Inn, in Sutton Valence aforesaid, in the Direction of the present Carriage*

Carriage Road, as far as a Farm House in the Occupation of *John Thorpe*, in the Parish of *Sutton Valence* aforesaid, and thence through Lands in the same Parish, and in the Parishes of *East Sutton* and *Headcorn*, to and through the Village of *Headcorn* to *Frank's Bridge*, and thence through Lands in the said Parish of *Headcorn*, and in the Parishes of *Frittenden* and *Biddenden*, and along Part of the present Carriage Road in the said Parish of *Biddenden*, to a Place called *New Castle*, in the Parish of *Biddenden* aforesaid, and also for altering, widening, improving, and keeping in Repair the said public Carriage Road, leading from a Place called *The Thorn*, in the Parish of *Smarden*, to the intended new Turnpike Road in the Parish of *Headcorn*, all in the said County of *Kent*; and for putting this Act, in all other respects, in Execution.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose (of which Meeting and of the Purpose thereof Twenty Days Notice shall be given, as is herein-after directed respecting the Appointment of Trustees on Vacancies) to elect, nominate, and appoint any Number of fit and able Persons not exceeding Ten, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby nominated and appointed.

Power to
elect other
Trustees on
Death, &c.

V. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in Manner herein mentioned, shall die, or by Writing under their Hands, refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees from Time to Time to elect and appoint One or more other fit Person or Persons to be a Trustee or Trustees in the room of all and every Trustee or Trustees dying, or refusing to act as aforesaid; provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by the Clerk to be continued or appointed by the said Trustees, as herein-after is mentioned, by affixing the same in Writing upon all the Toll Gates then erected and being upon the said Roads, and by inserting such Notice in One or more of the Newspapers published within the said County of *Kent*, Twenty Days at least before every such Meeting; and all and every Person and Persons who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes, as if he or they had been named and appointed a Trustee or Trustees in and by this Act.

Qualification
of Trustees.

VI. 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 his Wife's Right, seized or possessed of, and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, above Reprizes, or shall be Heir Apparent of a Person so seized of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of One thousand 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

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, nor more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

VII. Provided also, and be it enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath next herein-after mentioned, at the First or Second Meeting of the said Trustees), shall take an Oath before Three or more of the said Trustees (who are hereby empowered to administer the same) in the Form or to the Effect following; (that is to say)

‘ I, *A. B.* do swear, That I am in my own Right [*or*, in the Right of *Oath.*
 ‘ I, my Wife] truly and *bonâ fide* seised or possessed of, and in the actual
 ‘ Possession or Receipt of the Rents and Profits of Messuages, Lands, Te-
 ‘ nements, or Hereditaments, of the clear yearly Value of Forty Pounds
 ‘ above Reprizes; [and, in case of an Heir Apparent,] I, *A. B.* do swear,
 ‘ that I am Heir Apparent of *C. D.* who, to the best of my Knowledge
 ‘ and Belief, is truly and *bonâ fide* seised or possessed of, and in the actual
 ‘ Possession or Receipt of the Rents and Profits of Messuages, Lands,
 ‘ Tenements, or Hereditaments, of the clear yearly Value of One hundred
 ‘ Pounds above Reprizes, [and, in case of Personal Estate,] I, *A. B.* do
 ‘ swear, that I am truly and *bonâ fide* possessed of a clear Personal Estate of
 ‘ the Amount or Value of One thousand Pounds, and that I will truly and
 ‘ faithfully execute the Powers and Trusts reposed in me by an Act of
 ‘ Parliament, passed in the Fifty-fourth Year of the Reign of His Majesty
 ‘ King *George* the Third, intituled [*here set forth the Title of this Act*].
 ‘ So help me GOD.’

VIII. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act; and that all such Trustees as are Justices of the Peace may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested; nor shall any Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, be on that Account deemed unqualified to act as a Trustee in the Execution of this Act.

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

[*Loc. & Per.*]

II K

said

Trustees to
take an Oath.

Trustees hold-
ing Places of
Profit, not
to act.

Victuallers
not to be
Officers, or
act as Trust-
tees.

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, Ale House, or other Place of public 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.

General
Meetings of
Trustees.

X. And be it further enacted, That the said Trustees shall meet at the Sign of the *Queen's Head*, in the Parish of *Sutton Valence* aforesaid, or at some other convenient House or Place, either in the said Parish of *Sutton Valence*, or in some one of the Parishes through or into which the said Roads pass or are intended to be made or carried, on the Second *Friday* next after the passing of this Act, between the Hours of Ten in the Forenoon and One in the Afternoon, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then, and from Time to Time afterwards, adjourn themselves and meet at the same Place, or at such other Place, either in the said Parish of *Sutton Valence*, or in some one of the said Parishes through or into which the said Roads pass or are intended to be made or carried, and at such Times as the said Trustees shall from Time to Time order and direct; provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or in case, the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed on all the Toll Gates then erected in, upon, across, or on the Sides of the said Roads, and to be inserted in One or more of the Newspapers published within the said County of *Kent*, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, on that Day Three Weeks next after the Day on which such last Meeting was appointed: Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting, (except the First Meeting to be held under this Act), before the Hour of Eleven in the Forenoon; nor shall any Adjournment be made, or any Meeting appointed to be held to or at any later Hour than Two in the Afternoon of the Day on which such Meeting may be appointed to be holden.

Meetings on
Emergencies.

XI. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of the said Trustees, 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 Meeting not being less than Ten Days after such Notice, and such earlier Meeting shall and may be held accordingly; and all Orders and Determinations of the said 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; and

and the said Trustees or the Majority of them at all Meetings held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements in the Execution of this Act; and no such Order, Agreement, or Determination shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein, (such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination); and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Ten Day before in some public Newspaper usually circulated within the said County, of the Intention to apply to revoke or alter the same, nor unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof, than concurred in the making of any such Order, Agreement, or Determination; and the said Trustees, at all their Meetings, shall defray their own Expences; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

How Orders of the Trustees are to be made and revoked.

Trustees to pay their own Expences at Meetings. Chairman to have a casting Vote.

XII. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid; except only in Cases herein particularly directed to be done and executed by any greater or less Number of them.

All Acts may be done by Five Trustees, unless otherwise directed.

XIII. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by the Chairman and Clerk, or one of them; which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, touching any Thing done in pursuance of this Act.

Orders, &c. to be entered.

XIV. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their respective Hands, to appoint or continue such Collector or Collectors of the said Tolls, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation, of any such Collectors, Clerks, Treasurers, Surveyors or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors and other Officers, and to such other Person or Persons as shall be assisting them, or any of them, in or about the Execution of this Act, such Salaries, Rewards and Allowances for their Attendance, Care, Labour and Services, as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time, when there-

Appointing Officers Salaries, &c.

unto

How Officers
shall account.

unto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact and perfect Accounts in Writing under their respective Hands, upon Oath (which Oath any One of the said Trustees, being a Justice of the Peace, is hereby empowered to administer), of all Monies which they and every of them respectively shall have received to that Time, by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer

Penalty on
their Refusal.

or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall refuse or neglect to pay the Money due on such Account in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers or Writings in his Custody or Power, relating to the Execution of this Act; then and in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County, City, Town or Place, wherein such Officer or Person so refusing or neglecting, shall be or reside, upon Complaint made to them by any Two or more of the said Trustees, and such Justices are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be brought before them; and upon his, her or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath such Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, on Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of making such Distress and Sale; or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justices, unless for some sufficient Excuse, at the Time and Place by them appointed for that Purpose; or if appearing, shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to verify the Truth of such Accounts or of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his, her, or their Custody or Power, relating to the Execution of this Act, or to the said Roads; then and in any of the Cases aforesaid, such Justices may and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, Person or
Persons,

Persons, to the Common Gaol or House of Correction of the County, City, Town or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he or they shall have given and made a true and perfect Account and Payment as aforesaid; or until he or they shall have compounded and agreed with the said Trustees, and shall have paid such Composition (in such Manner as the said Trustees are hereby empowered to make) or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for Want of sufficient Distress, shall be detained in Prison by virtue of this Act, for a longer Space of Time than Six Calendar Months.

XV. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed or continued for the Purposes of this Act, for the faithful Execution of their respective Offices; and that no such Treasurer, Receiver, Collector or other Officer, shall be permitted to enter upon or continue in such their Offices respectively, unless they shall have given such Security.

Treasurer,
&c. to give
Security.

XVI. And be it further enacted, That upon the Death, Incapacity, Absconding or Absence of any Collector or Receiver of Tolls, any Three or more of the Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond or absent himself; 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, become incapable, abscond or absent himself, would have had or been subject to.

Trustees may
appoint tem-
porary Col-
lectors in
certain Cases.

XVII. Provided always, and be it enacted, That after the First Nomination and Appointment of any Officers, in pursuance of this Act, no Trustee shall be capable of voting or acting in any future Nomination or Appointment of any such Officers respectively, upon Death or any other Vacancy or Vacancies, unless such Trustee shall have acted as a Trustee in the Execution of this Act, at least once within the Space of Twelve Calendar Months next preceding the Time of such last-mentioned Nomination or Appointment.

No Trustee
shall vote for
Officers who
have not acted
in the preced-
ing Year.

XVIII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money by virtue or on account of the said recited Act, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, by the said recited Act directed to be improved and repaired, shall account for and pay the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Col-

Books, &c.
relative to for-
mer Act, to
be delivered to
the Trustees.

[Loc. & Per.]

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lectors

lectors and other Persons receiving any Money by virtue of this Act, are herein-before required to pay or account for the same.

Subscribers
compellable
to pay their
Subscriptions.

XIX. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of obtaining and passing this Act, and carrying the same into Execution, or any One or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall, after Twenty Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose, to him, her or them given, or left at his, her or their Dwelling House or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring, or cause to be brought, any Action of Debt, or on the Case, Bill, Plaint or Suit, against the Person or Persons so neglecting or refusing as aforesaid, his, her or their Heirs, Executors or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed; and after Proof of such Person or Persons having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiffs in all such Action and Actions, and Executions shall issue thereupon, as the Case may require.

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

XX. 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, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees; but that the Clerk or Treasurer for the Time being to the said Trustees, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, That every such Clerk and Treasurer, in whose Name any Action or Suit shall be commenced, sued or prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act all such Costs, Charges, Damages, and Expences, as by the event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

How Ex-
pences to be
paid.

Power to
erect Toll
Gates, Toll
Houses, &c.

XXI. And, for the Purpose of collecting and receiving the Tolls hereby granted or made payable, be it enacted, That the said Trustees may and they are hereby authorized to continue all or any of the Toll Gates and Toll Houses erected by virtue of the said recited Act, and shall and may erect or cause to be erected, such and so many other Toll Gates, in, upon, or across such Parts, and in such Places of the said Roads by this Act directed to be made, widened, improved, or kept in Repair; and also such and so many Toll Gate or Toll Gates on the Sides of the said Roads, and in, upon, or across any Street, Lane or Bye Way that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient (subject nevertheless to such Restrictions and Directions as
are

are herein-after mentioned concerning the same); and also shall or may erect or provide a Toll House with suitable Buildings, a Garden, and other Conveniences, not exceeding Half a Rood of Land, at or near each of the said Toll Gates.

XXII. And it is hereby enacted and declared, That the Right and Property of and in all Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails and Fences, already erected by virtue of the said recited Act, and which shall be erected and provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Roads by this Act directed to be made, widened, improved or kept in Repair, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break or pull down, steal, take or carry away, spoil, destroy, injure or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid.

Toll Houses,
&c. vested in
Trustees.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Toll Bars already erected, or which shall be continued or erected, in, upon, or across, or on the Side or Sides of any Part of the said Roads, by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Roads, as the said Trustees, or any Seven or more of them, shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Thirty Days previous Notice of the Intention to remove the same shall have been given in One or more of the Newspapers published within the County of *Kent* aforesaid, and also affixed in Writing upon all the Toll Gates then standing upon the said Roads.

Power to
remove Toll
Gates.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said recited Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Out-houses, Gardens and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by Public Auction or Private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her or their Heirs or Assigns, shall, upon Payment of his, her or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the

Power to sell
or lease the
present Toll
Houses.

are liable to perform Statute Duty upon any Part of the said Roads, or on returning empty having been so employed; nor carrying or conveying Hay not having been stacked, Straw, or Corn in the Straw only, not to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, nor any Ploughs, Harrows, or other Implements of Husbandry, nor any Mould, Dung, Ashes, Soil, or Compost, (Chalk, Marl, and Lime excepted) to be used in the Cultivation or manuring of Lands; nor from any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or on any other his Parochial or Ministerial Duty; nor from any other Person or Persons residing in any of the said Parishes, Districts, or Places, who shall pass through any of the said Toll Gates or Toll Bars to or from the Parish Church, Chapel, or other Place of Religious Worship, in which he, she, or they may reside or dwell, on a *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die, and be buried in any of the said Parishes, Districts, or Places; nor for any Horse, Mare, Gelding, Mule, Ass, or Cattle, kept within such Parishes, Districts, or Places, going to or returning from Work in cultivating Lands therein; nor for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod; nor for any Horse or Carriage of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor for the Horses of Officers and Soldiers on their March or on Duty, nor for Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all and every such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption, and not otherwise; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, or Barrack, or other Publick or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; nor for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Kent*, or of a Citizen or Citizens, Burgefs or Burgeffes, to serve in Parliament for the Borough of *Maidstone*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, (not being entitled thereto,) every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds: Provided always, that no Toll shall be demanded or taken for any

11

Horse,

Horse, Cattle, or other Beast, which shall not go or pass more than One hundred Yards upon the said Roads.

XXX. 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 Publick 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 Waggon, Wain, Cart, or other Carriage, while so employed, 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 of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Carriages conveying Military Stores, not to be subject to Overweight.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls hereby granted or made payable at all or any of the Toll Gates or Toll Bars erected or continued, and to be erected by virtue of this Act, and to cause the same to be collected in such Manner, Parts, and Proportions, as they shall think fit; and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable; and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made unless Twenty-one Days previous Notice thereof shall be affixed, in Writing, upon all the Toll Gates then erected across the said Roads, and also inserted in One or more of the Newspapers published or generally circulated in the said County of Kent.

Tolls may be reduced.

XXXII. And be it further enacted, That it shall and may be lawful for the said Trustees 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 all or any of the Inhabitants of the several Parishes, Hamlets, or Places, to or through which any Part of the said Roads do or shall pass or lead, for the passing of all or any Description of their Horses, Cattle, or Carriages, through all or any of the Toll Gates erected or continued, or to be erected by virtue of this Act; which Composition shall be paid yearly in advance; and in Default thereof the Composition or Agreement with the Person or Persons making such Default, shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Trustees may compound for Tolls.

XXXIII. And be it further enacted, That if any Disputes shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector so distraining, to retain such Distress, or the Money arising from the Sale thereof, till the Quantity of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Town, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a

For settling Disputes concerning Tolls.

Witness

Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress and of the Collectors Attendance upon the said Justice for that Purpose; all which Sums so determined and assessed, shall be paid to the said Collector before he shall be compellable to return the said Distress or Overplus, or any Part thereof.

Collectors
declared
competent
Witnesses.

XXXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, or under any Lessee or Lessees of the said Tolls, shall not be incompetent on account of his or their being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

To prevent
Evasion of
Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, in order to avoid Payment of the said Tolls or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar erected or continued, or to be erected by virtue of this Act, (except the Owner or Owners, Occupier or Occupiers of such Land or Ground) the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded, or with Intent to evade the same; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge a Counterfeit of any Ticket by this Act directed to be given by the Collectors of the said Tolls; or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast, or Carriage; or shall at any Time or Times take off, or cause to be taken off, any Horse, Ox, or any other Cattle or Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts of the said Tolls shall be evaded; or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Power to
lease the
Tolls.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf, in and by an Act of Parliament passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain, called England, and for other Purposes*, from Time to Time to lease and demise the Tolls granted by this Act, and arising upon the said Roads to be made, widened, improved, or kept in Repair by virtue of this Act, or any Part or Parts thereof, for any Time or Term of Years, not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit; they

they the said Trustees taking a Counterpart of all and every such Lease and Leases, and taking such sufficient Security from the Person or Persons to whom such Tolls shall be leased and demised, for Payment of the Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees shall think fit,

XXXVII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, and to use all such Means and Methods for the Recovery thereof in case of Nonpayment or Evasion, as any Collector of the said Tolls appointed under or by virtue of this Act, is by this Act authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls, appointed by the said Trustees, is subject or liable to.

Lessees of Tolls may appoint Persons to receive the same.

XXXVIII. And be it further enacted, That in case all or any of the said Tolls arising by virtue of this Act, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for demising or leasing thereof; and in case the Toll House or Toll Houses shall be in the Possession of any Collector or Collectors, who shall be removed or discharged from his or their Office of Collector, or shall depart this Life; then and in either of those Cases it shall and may be lawful for any Justice of the Peace for the County, Town, or Place in which any such Toll House may be situated, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or such Collector or Collectors, or other Person or Persons having Possession of the said Toll House or Toll Houses, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Contract or Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers; and the same shall be from that Time utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessee's Part, which shall have been broken) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case, to demise or let to farm the said Tolls again, to any other Person or Persons, or cause them to be collected, as if

Enabling the Trustees to take Possession of Toll Houses, &c. when let to farm, or held by the Collectors for the Trustees.

Given under our Hands this
in the Year of our Lord

Day of

And Copies of all such Mortgages or mortgaged Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; but no Money shall be borrowed on the Security of the Tolls, beyond the Sum which shall be fixed upon by the Trustees at the First Meeting to be held in pursuance of this Act, unless Notice for that Purpose be affixed in Writing upon all the Toll Gates then erected or continued by virtue of this Act, and be also inserted in One or more of the Newspapers published within the said County of *Kent*, at least Twenty-one Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then Creditors shall consent thereto; and it shall be lawful for all Persons respectively to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest, in and to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorsed on such Mortgage Security, or to be underwritten, or thereunto annexed, and signed in the Presence of and attested by One or more credible Witness or Witnesses; (that is to say)

Copies to be entered.

I the within named *A. B.* or *I C. D.* Assignee, Executor, or Administrator of the within named *A. B.* [*as the Case may happen*] do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due upon the same, unto *E. F.* of his Executors, Administrators, and Assigns.
Dated this Day of in the Year of our Lord

Form of Transfer.

Witness to the signing hereof

Which Transfer shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid shall, in Proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Toll Bars, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing their Monies, or of the Dates of their respective Securities, or otherwise, except as herein-after mentioned.

Transfers to be entered.

Old Mortgages may be cancelled, and new Ones granted.

XLI. And be it further enacted, That the said Trustees shall and may if thereunto required, destroy and cancel all or any of the Mortgages or Assignments now subsisting, that have been made by virtue of the said recited Acts, of the Tolls thereby authorized to be collected, and to give and execute a Mortgage or Mortgages of the Tolls by this Act granted in Manner herein-before directed, for such Sum or Sums of Money as may be expressed in any Mortgage or Assignment to be cancelled by virtue of this Act.

For paying Creditors by Lot.

XLII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Roads, it shall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforesaid, (Notice of such intended Meeting, and of the Purpose thereof, being first given, at least Ten Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said County of *Kent*) if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only; any Thing herein contained to the contrary thereof notwithstanding.

Application of the Money.

XLIII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Act, and shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say) in the First Place, in Payment of all the Costs, Charges, and Expences which have been incurred in the applying for, or obtaining and passing of this Act; in the Second Place, in defraying the Expences of purchasing Land which may be necessary for the making, widening, and completing of the said intended Road from *The King's Head Inn* in *Sutton Valence* aforesaid, to *New Castle*, in the Parish of *Biddenden* aforesaid; in the Third Place, in paying the Interest accruing from Time to Time upon the several Principal Sums of Money which shall from Time to Time be borrowed and secured in pursuance of this Act; and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses and other Buildings, and keeping the same in Repair; and of altering, raising, widening, repairing, and preserving the said Roads by this Act directed to be made or kept in Repair as aforesaid; and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act; and lastly, in reducing and paying off and discharging the several Principal Sums of Money which shall be secured in pursuance of this Act, either rateably or by Lot, as the said Trustees shall think proper.

Trustees may widen, turn, or alter the Roads.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, and at any Time or Times during the Continuance

continuance of this Act, to make, widen, divert, turn, alter, or repair any Part or Parts of the said Roads by this Act directed to be made or kept in Repair (within the Limits herein-after mentioned, or beyond such Limits, with the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried) in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments; first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyors or Surveyor, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Roads or Alterations hereby authorized to be made, are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Roads or Alterations, and also to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads; and also to make a temporary Way or Ways through or over any such adjoining Lands or Grounds, to be made use of as a public Highway whilst any narrow or ruinous Parts of the Roads are widening or repairing; and until the said Roads shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act; making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act, is herein-after directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XLV. And whereas a Map or Plan describing the Line of the said new Roads, and the Lands through which the same are to be made, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Kent*, be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may, at all reasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Roads, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made, unless otherwise directed by this Act.

New Roads
to be made
according to
Plan.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XLVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Roads into, through, across, or over the Lands, Hereditaments, or Premises, of any Person or Persons who is, or are, or may be Owner or Owners of Land or Premises over which the same is or are 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 erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County, Town, or Place wherein such Lands, Hereditaments or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County, Town, or Place.

Trustees restrained from taking down Dwelling-houses, without Consent.

XLVII. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except Two Orchards in the Parish of *East Sutton*, belonging to the Reverend Sir *John Filmer* Baronet, in the Occupation of *James Boorman*; any Thing in this Act contained to the contrary notwithstanding.

Trustees to fence any new Road.

XLVIII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the present Road, or make any new Road over and through any Private Grounds, or shall take away any Fence for widening the said Roads, the said Trustees shall make, or cause to be made and planted, proper Quickset Hedges or Fences on both Sides of such new made Roads, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post or Rail, or other Fence, to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Roads; and also proper Gates, Bridges, and Arches, where necessary, out of the said Roads into the Lands adjoining, and shall keep such Fences, Gates, Bridges, and Arches, so to be made, in good Order and Repair for and during the Term of Seven Years from the Time that such Fences shall have been made or set up.

Purchase of Lands.

XLIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, assembled at any Meeting or Meetings to be holden by virtue of this Act, to contract and agree with the Owners of and Persons interested in any such Private Lands or Grounds, for the Purchase or Exchange thereof, or for the Loss or Damage which such Owners and Persons interested, or any of them, may sustain, by making, widening, diverting, turning, or altering the Course of any Part or Parts of the said Roads, by this Act directed to be kept in Repair; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for and on Behalf of any Infant,

Infant, Females Covert, Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seized, possessed of or interested in any such Lands or Grounds, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them all or any of such Lands and Grounds, as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made, shall without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them, given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be used or taken for the Purpose of making, widening, or improving the said Roads, or any Part or Parts of such Roads, shall by the Space of Forty 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 hindered from treating, then and in every such Case, the said Trustees shall cause it to be enquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County of *Kent*, or of the Town of *Maidstone*, according to the Jurisdiction in which the Lands in Question shall happen to be (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, or Occupiers, or other Person or Persons interested, for, upon, or on account of using and taking such Lands or Grounds for the Purposes of this Act; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premises, (which Oath any Two or more of the said Trustees are hereby empowered to administer); and they shall also order and cause the said Jury to view the Places in Question, if there be Occasion, and use all lawful Ways and Means as well for their own as the Juries better Information in the Premises, as the said Trustees shall think fit; and after the said Jury shall have enquired of, ascertained and settled such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Judgment, Order or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes,

Verdict of
Jury to be
final.

against

against all Parties and Persons whomsoever claiming in Possession, in Fee or in Tail General or Special, Reversion or Remainder, or otherwise; their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons anyways interested in such Lands or Grounds, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; and for the summoning or returning of such Jury or Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Kent*, or Mayor of the said Town of *Maidstone*, in their respective Jurisdictions, thereby commanding and requiring such Sheriff or Mayor to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed; and the Sheriff or Mayor, or his Deputy or Deputies, is and are hereby required to impanel, summon and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or Mayor, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff or Mayor, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn, refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, touching the Premises, shall refuse or neglect to appear, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, or appearing, shall refuse to be sworn and give Evidence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are hereinafter directed to be levied and applied; so that such Fines shall not exceed the Sum of Twenty Pounds upon any such Sheriff or Mayor, or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid for any one Offence.

Sheriff, &c.
to be fined on
Neglect of
Duty.

How Ex-
pences of
Jury, &c.
shall be paid.

L. 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, before the summoning or returning of the Jury, as a Recompence

pence 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 Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money arisen or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, 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 of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall arise, not interested in the Matter in Question (who is hereby required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or 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 Treasurer to the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided, that where, by reason of Absence, any Person or Persons shall have been prevented from treating with the said Trustees, touching the Matters aforesaid, the Whole of such Fees and Expences shall be paid by the said Trustees.

LI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid by the said Trustees, or any Five or more of them, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in Manner aforesaid, or (in case of Refusal to accept the same, or the Parties not being to be met with) upon depositing the same, in the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall from thenceforth for ever be deemed as Part of the Roads by this Act directed to be made, amended, and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and from and after any Parts of the said Roads hereby directed to be made, varied, or altered shall be formed and completed, then the Land comprised in or constituting any old or former Road shall be vested in the said Trustees, and shall or may be stopped up and left unrepaired, unless the same may be wanted for any public Use, or for the

Upon Payment of the Purchase Money, the Lands to be taken for the Road.

How old Roads are to be disposed of.

[*Loc. & Per.*]

11 P

particular

particular Convenience of the Occupancy of any Lands or Tenements to which the same may lead, or shall be by the said Trustees sold for the best Price or Prices that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyance to be made of such Lands, being executed by the said Trustees, and enrolled with the Clerk of the Peace for the County of *Kent*, or with the Town Clerk of the said Town of *Maidstone*, according to the Jurisdiction in which such Lands or Roads shall lie, shall be good and effectual to all Intents and Purposes.

First Offer
to whom to
be made.

LII. 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, and which is not by this Act directed to be otherwise disposed of, 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, Town, or Place where such Ground or Road shall lie (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 or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expences of hearing and determining such Differences shall be borne and paid in like Manner as is by this Act directed with respect to 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 Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable for any Misapplication or Non-application of such Money.

Application
of Compen-
sation Money
if amounting
to 200l.

LIII. 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 other Person or Persons under any other Disability or Incapacity, 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 Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, 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 and with 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 or Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said High 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 to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

LIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, 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 Two or more of the said Trustees for executing this Act, (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 Manner herein-

Where less than 200l. and above 20l.

herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain, the Direction or Approbation of the said High Court of Chancery.

Where not more than 20l.

LV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall not exceed Twenty Pounds, then and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments, so purchased, taken or used for the Purposes of this Act, in such Manner as the said Trustees, or any Two 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.

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

LVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for 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 in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered; then and in every such Case, it shall be lawful for the said Trustees, or any Two 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 High 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 High Court of Chancery; which said Court, 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 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 a disputed Title.

LVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, so to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest

Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and 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 be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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.

LVIII. 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 said High 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 be lawful for the said High 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.

The Court may order reasonable Expences to be paid by the Trustees.

LIX. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials proper and convenient for making, widening, altering, improving or repairing the said Roads, or for other the Purposes of this Act, out of any Waste or Common, River or Brook, not being within the Distance of One hundred Yards of any Bridge, Dam, Weir or Jetty, in any Parish, Town, Village, or Hamlet, within which the said Roads, or any Part or Parts thereof do lie, or is or are intended to pass; and for Want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel or other Materials, in the Places last described, then to dig, take and carry away the like Materials out of any Waste or Common, River or Brook, not being within the like Distance from any Bridge, Dam, Weir and Jetty, in any adjoining Parish, Town, Village or Hamlet, without making any Recompence for the same, the said Surveyor or Surveyors filling up, fencing and levelling all such Pits and Holes as shall be made or occasioned by digging for or taking away of such Materials; and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be gotten in such Wastes, Commons, Rivers and Brooks as aforesaid, it shall be lawful for such Surveyor and Surveyors, by Order of the said Trustees, to dig for and take away the like Materials out of the Private Grounds of any Person or Persons (not being a Garden, Yard, Paddock, Park, planted

For getting Materials for making and repairing the Roads, &c.

[Loc. & Per.]

11 Q

Walk

Walk or Avenue to any House, or inclosed Ground, planted, set apart, or used as a Plantation or Nursery for Trees) where such Materials are or may be found, in any such Parish or Place, and from Time to Time to carry away such and so much of the said Materials respectively, as the said Surveyor or Surveyors shall judge necessary for making, widening, improving and repairing the said Roads; paying such Recompence for the Damage done to the Owners and Occupiers of the respective Grounds, where, through, and whence the same shall be dug and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching the Damages aforesaid, then the Amount thereof to be settled by any Two or more Justices of the Peace for the County, Town or Place where such Materials shall be so dug, taken or carried away; but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for such County, Town or Place, as is herein-after directed.

Notice to be given to the Occupier of inclosed Lands, before Materials are to be taken.

LX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take or carry away any such Materials for any of the Purposes of this Act, out of or from any inclosed Land or Ground, until Ten Days Notice in Writing, signed by such Surveyor, 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 Abode, to appear before Two or more Justices of the Peace, acting for the County, Town or Place, where such Lands shall lie, to shew cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient cause to the contrary, then and in such Case, it shall be lawful for such Justices by their Order, to authorize such Surveyor, or other Person or Persons, to dig, get, gather and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear, by himself or his Agent, pursuant to such Notice, such Justices may make such Order therein, as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyors.

LXI. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, 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 Twenty-one Days (except the Owners or Occupiers of any Private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein, for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding the Sum of Five Pounds.

Surveyors may remove Annoyances.

LXII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint,
from

from Time to Time, to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, by Hop-poles, Timber, Stones, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish or otherwise, and to turn any Watercourses, Gutters, Conduits or Drains running into the same, to the Prejudice thereof, and to open, scour, cleanse, deepen and enlarge any Gutter, Ditch, Conduit or Watercourses adjoining or near to the said Roads, or any Part or Parts thereof; and in case any such Person or Persons shall neglect so to do for Seven Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees) shall be reimbursed to the said Surveyor or Surveyors, by such Person or Persons so neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered; and if, after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall, for every such Second or other repeated Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

LXIII. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths in or along the Sides of the said Roads, and to cut or make Drains or Watercourses upon and through any Grounds lying contiguous to the said Roads; and to erect and keep in Repair the Bridges and Arches thereupon; and also to make Ditches or Trenches in such Places, and in such Manner, as the said Trustees shall judge necessary; and to make sufficient Fences, Barriers, and other Erections, on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary.

Surveyors may make Causeways, cut Drains, &c.

LXIV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles, and Distance of Places from any Town or Place; and also cause to be erected Guide Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post, or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Causeway or Footpath, upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beasts, or Swine, or any Carriage, upon, or cause any Damage to be done to any Causeway or Footpath; or if any Person shall cause to be haled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall

Roads to be measured, and Mile Stones erected.

Penalties on doing Injuries to the Road, &c.

shall use the same to root up and damage the same, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads shall ride on the Shafts or other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the said Roads, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads; or if any Person shall leave any Carriage (except in Cases of Accident, and when such Carriage shall be placed as near to the Side of the said Road as may be) upon or on the Side of the said Roads, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Hop-poles, Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Roads, or on the Side or Sides thereof, between the said Roads and the Fences now standing or hereafter to be erected on the Sides thereof; or shall plough up, dig up, or break up any of the Soil between any Part of the said Roads, and such Fences as aforesaid, for the Purpose of making Compost or Manure; or otherwise shall scrape off any Soil or other Thing from the said Roads or the Sides thereof; or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Ground, and be carried away without being brought over any Part of the said Roads, or that the same be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

Trustees may contract for Repairs, or any other Works.

LXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with any Person or Persons, for the forming, making, widening, altering, improving, or repairing of the said Roads, or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner, and for such Sum or Sums of Money annually, or for a Term of Years or otherwise, as the said Trustees, or any Five or more of them, shall think proper.

Persons liable to repair the Roads, to continue so.

LXVI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the maintaining or amending of any Part or Parts of the said Roads, or any Bridge or Bridges, or other necessary Things thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof, in such Manner and to the same Extent; but not in any other Manner, nor to any greater Extent, than as they were liable and chargeable before the passing of this Act.

LXVII. Provided

LXVII. 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 be lawful for any Two or more Justices of the Peace acting in and for the said County of *Kent*, or for the Town of *Maidstone*, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Treasurer, 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 same do 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 or Treasurers; and in order thereunto it shall be lawful 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 respectively 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 or may 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 Day's 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 Hay-time or Harvest) and on such Parts of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or 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 or 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 this Act 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

[*Loc. & Per.*]

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liable

Statute
Labour.

liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in 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 dismiss 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 respectively, 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 Forty Shillings.

Statute
Work may
be com-
pounded for.

LXVIII. And be it further enacted, That it shall 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 of 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 First 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.

Penalty for
assaulting
Collectors, or
obstructing
the Execu-
tion of this
Act.

LXIX. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted or hindered, any Collector of the Tolls, or Gate Keeper, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees or any of them, employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

For securing
transient
Offenders.

LXX. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County, Town, or
Place,

Place, where such Offence shall be committed, to be dealt with according to Law.

LXXI. And, in order to prevent the Misconduct of the Persons employed as Collectors of the said Tolls, Gate Keepers, and other Officers as aforesaid; be it further enacted, That every Person employed as Collector, Gate Keeper or otherwise, to collect any of the Tolls hereby granted and made payable, shall from Time to Time affix his Christian and Surname on a Board in some conspicuous Part of the Toll House at which he shall be so appointed, on each and every Day that he shall continue such Collection, under the Penalty of any Sum not exceeding Forty Shillings; and if any such Collector shall wilfully misbehave himself in the Collection of the said Tolls, or otherwise, by taking excessive Toll, demanding or taking Toll from Persons entitled to Exemption or otherwise not liable, or where none is due or payable, using abusive or improper Language to or otherwise misconducting himself to any Person or Persons passing or claiming to pass through or coming to any of the Toll Gates or Toll Bars to be erected or continued by virtue of this Act, and shall be thereof convicted on his own Confession, or on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County, Town, or Place where such Offence shall be committed, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in Default of Payment thereof, shall be committed to the Common Gaol or House of Correction, for such County, Town or Place, for any Time not exceeding One Calendar Month.

Punishing
Collectors
misbehaving.

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 be not herein otherwise directed,) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act) shall be from Time to Time paid, One Half thereof to the Informer, and the other Half Part thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; and in case such sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any 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 for such County, Town, or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties,

Penalties and
Forfeitures
how to be
recovered
and applied.

ties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXXIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices and Justice 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 (as the Case shall happen) or in any other Form of Words to the same Effect; (that is to say),

Form of
Conviction.

to wit. } ' **BE** it remembered, That on the _____ Day of _____
 } ' in the Year of Our Lord _____
' *A. B.* is convicted before me, One of His Majesty's Justices of the Peace
' for the said County [or Town, *as the Case may be,*] by virtue of an Act
' of the Fifty-fourth Year of the Reign of King *George* the Third, intituled
' [*here set forth the Title of this Act, and specify the Offence, and when and*
' *where committed.*] Given under my Hand and Seal the Day and Year
' above written.'

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

LXXIV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty's Justices of the Peace, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County, Town, or Place in which such Cause of Appeal shall arise; such Appellant (if sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Eight Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, Town, or Place with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the County, Town, or Place in which such Cause of Appeal shall arise; and the Justices at such First or Second Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Sessions, may also by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same; and for want of sufficient Distress, commit such Person or Persons to the Common Gaol or House of Correction of or for the County, Town, or Place in which such Offence shall be committed, there

to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

LXXV. And be it further enacted, That no Order made, touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums 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 on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity, which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in an Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Proceedings
not to be
quashed for
Want of
Form.

LXXVI. 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 Twenty Days Notice thereof shall be given to the Clerk or Treasurer of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the said County of *Kent*, and not elsewhere; and the Defendant or Defendants in every such Action, shall or may, at his or their Election, plead specially, or the General Issue, Not Guilty, and give this Act and 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 have been brought before Twenty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County, 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 Suits after the Defendant shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Cases by Law.

Limitation
of Actions.

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.

Public Act,

[*Loc. & Per.*]

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LXXVIII. And

Commence-
ment and
Continuance
of this Act.

LXXVIII. And be it further enacted, That this Act shall commence on the Day of the passing thereof, and shall continue and be in force 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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