



ANNO TERTIO

GEORGIIV. REGIS.

Cap. xcvi.

An Act for continuing the Term and enlarging the Powers of an Act of the Forty-first Year of His late Majesty King *George* the Third, for repairing the Road from the Town and Port of *Dover* to the Town and Port of *Sandwich*, and also the Road from the present Turnpike Road leading from *Dover* to *Barham Downs*, up *Kersney Court Hill* to the Parish of *Whitfield*, otherwise *Beausfield*, in the County of *Kent*.

[24th June 1822.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for altering, widening, and repairing the Road leading from the Town and Port of Dover to the Town and Port of Sandwich, through the Parish of Waldershare, and also the Road from the present Turnpike Road leading from Dover to Barham Downs, up Kersney Court Hill to the Parish of Whitfield, otherwise Beausfield, in the County of Kent*: And whereas the Trustees appointed in and by or by virtue of the said recited Act have made great Progress in the Execution of the same, and have borrowed several Sums of Money upon the Credit of the Tolls arising upon the said Road, which Money, with other Monies voluntarily contributed

41 G.3. c.11.

[Local.]

35 Z

and

Recited Act
continued.

and given in Aid of the said Road, together with the said Tolls and the Compositions in lieu of Statute Labour, have been duly applied according to the Directions of the said Act, and the Money so borrowed now remains due and cannot be repaid, or the said Roads effectually altered, widened, and repaired, or kept in Repair, unless the Term granted by the said Act be continued, and some of the Powers thereof altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Clauses, Powers, Tolls, Authorities, Trusts, Provisions, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Provisoos, Articles, Matters, and Things whatsoever therein contained, (except such Parts thereof as are varied, altered, or repealed,) shall and are hereby declared to be and continue in full Force and Effect, and the same are hereby further continued, and together with this present Act shall be executed for and during the Term hereinafter mentioned, in as full, ample, and beneficial Manner to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this present Act, but subject nevertheless to the Provisions, Alterations, and Amendments in this Act contained; and that this Act and the additional Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which shall or may hereafter be borrowed or become due on the Credit of the said recited Act and of this present Act, and all Interest due or to become due for the same respectively.

Appoint-
ment of new
Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of Kent, Sir William Geary Baronet, Sir Henry Oxenden Baronet, Sir Brook William Brydges Baronet, Sir Edward Knatchbull Baronet, William Philip Honeywood, Robert Tournay Bargrave, John Boys, Edward Boys, John Raven Bray, William Baker, William Wyborn Bradly, William Fuller Boteler, William Bridger, Henry Bazeley, Charles Baker Clerk, John Bazeley, Henry Boys, Stephen Bradly, William Boys, William Curling, Robert Curling, Samuel Collett, William Coleman, Stephen Carter, Israel Claringbould, John Coleman, William Collins, William Crow, Thomas Coleman, Thomas Castle, George Dering, Richard Blackett De Chair Clerk, Frederick De Chair Clerk, John De Chair Clerk, Thomas Delannoy Clerk, John Dilnot, William Dilnot, James Denne, George Dell, William Rastall Dickenson, George William Hughes D'Aeth, Edward Erridge, George Eastes, Richard Emmerson, Charles Emmerson, John Every, Thomas Noble Elwyn, Philpott Elsted, George Finch, George Finnis Senior, George Finnis Junior, John Finnis, Gamaliel Fitzmaurice, George Henry Teale Farbrace Clerk, William Fowler, William Friend, James Gunman, Richard Garside, Edward Augustus Giraud, John Godfrey, Richard Harvey Clerk, John Springett Harvey, Henry Wise Harvey, William Hammond, William Osmond Hammond, George Hooper Senior, George Hooper Junior, Daniel Hodgson, John Hollams Senior, John Hollams Clerk, Thomas Hoile, Henry Hannam, Henry Pett Hannam, George Hannam, Thomas Harvey, Underdown Harvey, Thomas Horn, William Horn, John Harvey, Richard Halford, Edward Harvey, William Henderson, John Hoile, James Hatfield, George Harrisson, George Hills, Stephen Long
Jacob

Jacob Clerk, James Jekin Junior, John Jekin, Joseph Iggulden, James Iggulden, George Jennings, George Ralph Payne Jarvis, William Kingsford, William Knocker, Thomas Knocker, Edward Kingsford, William Lade Clerk, George John Piercy Leith, James Leith, Samuel Latham, Sir Richard Lee, Henry Loud, William Philip Le Geyt Clerk, George Urmston Leith, George Ledger, Richard Stocklidge Leggett, Sir Thomas Mantell Knight, John May, Joseph Marsh, Eleazar Mowle, John Lewis Minet, John Makey, Benjamin Martin, John Morris, John Morris Clerk, Thomas Moulden, George Noakes, Henry Oxenden, Jonathan Osborn, John Plumptre, James Methurst Poynter, Joseph Webb Pilcher, John Phipps, William Pittman of Ham, Edward Powell, James Peck Poynter, Thomas Pittman, Christopher Phipps, Montague Pennington Clerk, John Pilcher, William Pittman of Sandwich, James Peto Clerk, Thomas Russell, Thomas Rutley, Edward Rutley, Henry Rice Clerk, William Henry Rolfe, Edward Rice, George Randolph Clerk, Thomas Sutton M. D., James Minet Sayer Clerk, Alexander James Smith Clerk, George Stringer, Benjamin Fuller Stow, Augustine Smithers, William Sankey Senior, William Sankey Junior, John Sampson, John Shipdern, James Shipdern, Du Bois Smith, John Baker Sladden, Joseph Stewart, William Slater, William Slaughter, William Tournay D. D., Thomas Tambs, William Thomsett, John Taylor, Benjamin Taylor, Edward Thompson, Prichard Thomson, Morris Upton, James Wyborn, William White, Leonard Woodward, James Walker, John White, Richard Castelbow Wakefield, Robert Winthrop, William Wise D. D., James White, Kennett Westfield, Benjamin Jelly Worthington, Nathaniel Walker, William Waller, Robert Walker, Henry Norris Watson, and Thomas Walker, and their Successors, to be elected in Manner directed by the said recited Act, shall be and they are hereby appointed Trustees for putting the said Act and this Act into Execution.

III. And be it further enacted, That it shall be lawful for the said Trustees (after giving such Notice as in the said Act is directed respecting the Appointment of Trustees on Vacancies) to elect, nominate, and appoint any Number of Persons not exceeding Five in the Whole to be Trustees for the Purposes of the said Act and this Act, in addition to the Trustees nominated and appointed in or by virtue of the said Act and this Act.

Appointing
an additional
Number of
Trustees.

IV. And whereas it is by the said recited Act enacted, that no Person shall be capable of acting in the Execution thereof unless he shall be in his own Right or in the Right of his Wife in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or possessed of a personal Estate, or real and personal Estates together, to the Amount or Value of Eight hundred Pounds, or shall be Heir apparent of some Person possessed of an Estate in Lands of the clear yearly Value of One hundred Pounds; And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repeal of
Qualification
of Trustees.

V. And be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said former Act and this Act unless at the Time of his acting therein he shall be in his own Right or in the Right of his Wife in the actual Possession and Enjoyment, or in the Receipt

Qualification
of Trustees.

ceipt of Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir apparent to a Person seised or possessed or in the actual Receipt of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or be possessed of a personal Estate alone, or real and personal Estate together, to the Amount of Four thousand Pounds; and if any Person not being so qualified, or being disqualified by Bankruptcy, Insolvency, or otherwise, or not having taken and subscribed the Oath hereinafter mentioned, (or, being a Quaker, not having made and subscribed the Affirmation hereinafter mentioned,) or being concerned or interested in any Contract or Contracts under the said recited Act or this Act, or either of them, shall act as a Trustee in the Execution of the said former Act and this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, 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 the said former Act and this Act, or either of them; provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of the said former Act and 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.

Trustees to
take an Oath.

VI. Provided also, and be it further 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 hereinafter mentioned) shall take and subscribe an Oath (or, being a Quaker, make and subscribe an Affirmation,) before Two 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,)

Oath.

‘ I *A. B.* do swear, [*or, being One of the People called Quakers, do solemnly affirm,*] That I truly and *bonâ fide* am in my own Right [*or, in the Right of my Wife, as the Case may be,*] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, [*or, am Heir apparent of* *who, to the best of my Knowledge and Belief, is bonâ fide* seised or possessed of or in the actual Possession or Receipt of Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes; *or, am possessed of a personal Estate alone, or real and personal Estate together, to the Amount of Four thousand Pounds*]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers vested and reposed in me by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intitled *An Act* [*here set forth the Title of the Act*]. So help me GOD.’
[*Or, being a Quaker, omit the Words, ‘ So help me GOD.’*]

VII. Pro-

VII. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Act and this Act during the Time he shall hold any Place of Profit or be interested or concerned in any Contract or Contracts under the said Act and this Act, but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the said Act and this Act, or receiving Interest thereout for the same, nor any Creditor upon the said Roads, shall be on that Account deemed unqualified to act as a Trustee in the Execution of the said Act and this Act.

Trustees holding Places of Profit not to act.

VIII. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of the said recited Act and this Act may be done and executed by the Majority of the Trustees nominated and appointed in pursuance of the said Act and this Act, or who shall hereafter be elected and appointed as aforesaid, present at their respective Meetings, the whole Number present not being less than Three; and all Acts, Matters, and Things so done by any such Majority shall be as good, valid, and effectual as if the same had been done by all the Trustees appointed or to be appointed, except in the Cases by the said Act or this Act particularly directed to be done and executed by a less Number; and at every Meeting of the said Trustees a Chairman shall and may be appointed, and when and so 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 for the Chairman to give the decisive or casting Vote, and at all such Meetings the said Trustees shall defray their own Expences: Provided always, that no Mortgagee, or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by the said Act and this Act, or receiving Interest for the same, or any Creditor, shall on that Account be deemed disqualified to act as a Trustee in the Execution of the said Act and this Act, save and except only in those Cases where they respectively may happen to be personally interested.

All Acts may be done by the Majority of Trustees unless otherwise directed.

Chairman to have the casting Vote.

IX. And whereas it is by the said Act enacted, that if it shall happen that there shall not appear at any Meeting of the said Trustees a sufficient Number to act in the Execution of the said Act, the Trustees then present, or the Clerk to the Trustees, shall adjourn such Meeting to some other Day, within Thirty Days from the Day on which such Adjournment shall be made: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repeal of Provision respecting Adjournments.

X. And be it enacted, That in case it shall happen that at any Meeting of the said Trustees a sufficient Number shall not appear to act or to adjourn to another Day, (for the Purpose of which Adjournments only Two Trustees shall be sufficient,) or in case the Trustees at any Time assembled shall omit to adjourn, then and as often as it shall so happen any Two or more of the said Trustees (or the Clerk to the said Trustees, being authorized by an Order in Writing signed by Two or more of the said Trustees,) shall and may call a Meeting of the said Trustees, by Notice in Writing, to be affixed on all the Turnpike Gates then

Meetings.

standing on the said Roads, and inserted in One or more of the Public Newspapers circulated in the Eastern Parts of the said County of *Kent*, Ten Days previous to the Time of such Meeting, at such Time and Place as such Two or more Trustees shall think proper, and order and direct, or appoint.

Provision as to the Number of Trustees required to revoke Orders, repealed.

XI. And whereas it is by the said Act enacted, that no Order made by any Five or more of the said Trustees shall be revoked or altered, unless Fifteen or more of the said Trustees shall be then present, and Ten or more shall concur therein, and unless Notice shall have been given by Five Trustees to their Clerk, of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and is hereby repealed.

Number of Trustees requisite to revoke Orders.

XII. And be it enacted, That no Order made by any Three or more of the said Trustees shall be revoked or altered, unless Three or more of the said Trustees shall be then present, and Three or more concur therein, and unless Notice shall have been given by Three Trustees to their Clerk of their Desire to have a Meeting called for the Purpose of taking into Consideration the said Order with a View to revoke or alter the same; and in such Case, Notice in Writing shall be given by such Clerk Ten Days at the least before such Meeting, to or left at the usual Place or Places of Abode of such Trustees as were present when such Order was made, of the Intention to revoke or alter the same.

Repeal of Penalties for verifying Accounts on Oath.

XIII. And be it further enacted, That so much of the said Act as requires any Officer or other Person to verify his Account on Oath, and as authorizes the Trustees for executing the said Act to administer an Oath to any such Officer or Officers appointed or to be appointed by virtue of the said Act or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed.

Orders to be entered in a Book.

XIV. 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 at such Meeting; which Book or Books, and also the Book or Books directed by the said recited Act to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatever.

Clerk not to be Treasurer and vice versa.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Act or this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act or this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Act or this Act, or if
any

any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, 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.

XVI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk for the Time being to the said Trustees; in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on Account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been received, paid, laid out, and expended; which Books, and also the Book or Books to be kept for the Purpose of entering Mortgages and Assignments, shall at all seasonable Times be open to the Inspection of the said Trustees, or any or either of them, or any Creditor or Creditors of the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any or either of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the Clerk shall refuse to permit, or shall not permit at all seasonable Times the said Trustees, or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered; apportioned and applied, in Manner hereinafter provided.

Account to be entered in a Book.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required, within Three Months after the passing of this Act, to nominate and appoint a Surveyor or Surveyors of the said Roads, and from Time to Time to fill up any Vacancy which may occur in such Appointment, by a fresh Nomination and Appointment, as early as can be after such Vacancy shall happen.

Surveyor to be appointed within Three Months.

XVIII. And be it further enacted, That no Appointment of Clerk, Treasurer, Surveyor, or other Officer or Officers, shall be made under or by virtue of the said Act or this Act, unless Notice in Writing of the Intention to make such Appointment be affixed upon all the Turnpike Gates then standing on the said Roads, and inserted in One or more of the Public Newspapers circulated in the Eastern Parts of the said County of *Kent*, Ten Days at the least previous to the Time of such Appointment.

Notice of Appointments.

XIX. And be it further enacted, That the said Trustees shall and may cause to be demanded and taken at the Gate or Turnpike erected or to be erected on such Part of the Roads to be made by virtue of the said recited Act or of this Act, between the Top of *Kersney Court Hill*, near

To take double Tolls on Road if made by Green Hill.

Beausbury

Beausbury Cross (leading by a certain Place called *The Green Hill*) and *Dover* aforesaid, Double the Tolls allowed to be taken by the said recited Act or this Act at any Gate or Turnpike to be erected upon or across any other Part of the said Roads; any Thing in the said recited Act or this Act to the contrary notwithstanding.

Restrictions
of Gate in
Eastry re-
pealed.

XX. And be it further enacted, That so much of the said recited Act as restrains the said Trustees from erecting or causing to be erected any Gate or Turnpike on or across any Part of the said Road as lies within the Parish of *Eastry*, or on or across any Part of the said Road leading from the said Parish of *Eastry* through *Woodnesborough*, otherwise *Winsborough*, to the Town and Port of *Sandwich*, shall be and is hereby repealed, and the said Trustees are hereby fully empowered and authorized to erect or cause to be erected any Gate or Turnpike on or across any Part of the same Roads when and as they shall think proper.

Repeal of
Provision
respecting
Toll on
certain Parts
of the Road.

XXI. And whereas by the said Act it is enacted, that no more than one Toll in any one Day shall be demanded or taken from any Person for or in respect of the same Horse, Beast, or Cattle passing on such Part of the said Road as lies between *Sandwich* and *Eastry*; and no more than one Toll in any one Day from any Person for or in respect of the same Horse, Beast, or Cattle passing on such Part of the said Road as lies between *Eastry* and the present Turnpike Road from *Dover* to *Barham Downs*, at the Bottom of *Kersney Court Hill*: And whereas the said Provisions have been found inconvenient; be it therefore enacted, That the same shall be and they are hereby repealed.

Only one
Toll on Road
between
Sandwich
and *Walders-
share*, and
Road be-
tween *Wal-
dershare* and
Road from
Dover to
*Barham
Downs*.

XXII. And be it enacted, That no more than one Toll shall be demanded or taken of or from any Person for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing once in one Day, (to be computed as in the said Act is mentioned,) on such Part of the said Road as lies between the said Town and Port of *Sandwich* and the Parish of *Waldershare*; and that not more than one Toll shall be demanded or taken from any Person for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing once in one Day, (to be computed as aforesaid,) on such Part of the said Road as lies between the said Parish of *Waldershare* and the present Turnpike Road leading from *Dover* to *Barham Downs*, at the Bottom of *Kersney Court Hill*.

For affixing
a Table of
Tolls.

XXIII. And be it further enacted, That a Table of the Tolls payable under the said Act and this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Horses pass-
ing and not
drawing;
how to pay
when draw-
ing.

XXIV. And be it further enacted, That in case any Toll shall have been paid for any Horse or Horses not drawing any Carriage which shall pass through any of the Gates on the said Roads, and shall afterwards in the same Day return or pass through the same Gate or Gates drawing any Carriage, such Horse or Horses so drawing shall be subject and liable to the Payment of so much additional Toll only as with the Toll before paid on passing through such Gate or Gates, and not drawing, will make up the Sum payable in respect of such Horse or Horses in case they had in the

the first Instance passed through the said Gate or Gates drawing such Carriage; and that in case any Horse or Horses drawing any Carriage for which Toll shall have been paid, and shall return the same Day without drawing any Carriage, such Horse or Horses shall not be liable to any additional Toll.

XXV. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Roads, shall, on returning within the Space of Twelve Hours after having so paid, without a Ticket, denoting a fresh hiring, being produced, be permitted to repass Toll free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Post Horses
not to pay
when re-
turning.

XXVI. And be it further enacted, That upon Payment of the Tolls by the said Act and this Act granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Name of the Gate at which such Ticket shall be delivered, and the Names of the several and respective Gates freed by such Payment.

Tickets to
be provided.

XXVII. And be it further enacted, That no Toll be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

Carriages
attending
the Royal
Family ex-
empted.

XXVIII. And be further enacted, That no Tolls shall be demanded or taken for any Horse or Cattle, or for any Waggon, Wain, Cart, or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in the same Places in carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials, to be used on or about the said Roads, or for repairing any of the Highways in the Parishes, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Roads; nor carrying nor conveying Hay not having been stacked, green Clover, green Lucern, Tares or Vetches, and Turnips, for soiling Cattle, undried Hops, Straw, or Corn in the Straw, or Produce of any Lands within the Parishes, Districts, or Places in which the said Roads do lie, not bought, sold, or disposed of, or carried for sale, but going to be laid up in the Houses, Outhouses, Barns, or Yards, of the Owners thereof; nor for any new Waggon, Wain, Cart, Plough, Harrow, or other Implements of Husbandry unladen, from the Builders or Makers thereof to the Farm Yards or other Premises of any Farmers who may have actually purchased the same; or drawing or conveying any Waggon, Wain, Cart, Plough, Harrow, or other Implements of Husbandry, unladen, going to or returning from being repaired, or drawing or conveying any Plough, Harrow, or other Implements of Husbandry, at any Time when employed in Husbandry; nor any Dung, Mould, Ashes, Fish, Salt, Oil, Bones, Rape Cake, Gypsum, Shells, Seaweed, Sand, or Gylte Rags, or any other Article or Thing, to be used for Manure, or in the improving or working of Lands (except Lime); nor for any Horse, Mule, Ass, or Cattle, kept within such Parishes, Districts, or Places, going to or

Exemptions
from Toll.

[*Local.*]

36 B

returning

returning from Work, in cultivating the Lands therein ; nor for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod within the same or the adjoining Parishes, Districts, or Places, 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 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 Turnpikes or Toll Gates going to or returning from his, her, or their proper Parochial Church or Chapel ; or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on a *Sunday* or on 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 Parishes in which the said Roads hereby directed to be repaired do lie ; 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, and guarding the same, or in returning back from conveying the same, nor for the Horses of Officers or 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 such wounded or disabled Officers or Soldiers, or in returning back from carrying the same ; 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, Inspection, or Review, provided that all and every such Persons are in the Uniform of their respective Corps, 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 Public 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, or employed in the Conveyance of any Prisoners in Custody under any legal Warrant ; 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 County of *Kent*, 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 any Sum not exceeding Five Pounds.

Carriages
employed in
His Majes-
ty's Service
not liable for
Overweight.

XXIX. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject or liable to any Penalty or Forfeiture for Overweight ; nor shall any such Waggon,

gon, Wain, Cart, or other Carriage, or the Horses or other Cattle drawing the same, 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 other Cattle; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or other Cattle to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithstanding.

XXX. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County, Liberty, or Place in which the cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Toll, Charges, and Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, (which Warrant every such Justice is hereby empowered to issue,) and the Overplus (if any) after Payment of such Toll Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Settling Disputes about Tolls.

XXXI. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them; to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said Act or this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said Act or this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment

Toll Collectors to put up their Names.

Penalty on Collectors taking greater or less Toll, &c.

of

Penalty on
Persons as-
saulting the
Collector.

of the Toll, and naming and specifying the Gate at which the same shall be delivered and the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed in the Execution of this Act in the Performance of his Duty, every Person so offending shall for every Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Lessee of
Tolls re-
sponsible for
Persons em-
ployed by
him.

XXXII. And be it further enacted, That the Lessee or Hirer of the said Tolls for the Time being shall at all Times be responsible for every Person or Persons employed by or under him for the Purpose of collecting or receiving the said Tolls, whether such Person or Persons shall be a Party in hiring the same or not; and all Persons or Passengers going through any Turnpike Gate erected on the said Roads having any lawful Complaint against such Collector or Collectors may prefer the same against the Lessee or Hirer of the said Tolls, who shall be liable to the same Fines, Forfeitures, or Penalties as if acting in his own proper Person.

Enabling
Trustees to
take Pos-
session of
Toll Houses
when let to
farm.

XXXIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Act or 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, or any Instalments thereof, shall be in Arrear or unpaid for the Space of Three Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting thereof, or in case any Collector or Receiver of the Tolls who shall be discharged from his said Office by virtue of the said recited Act or this Act, or the Wife or Widow, or any of the Children or Family, or other Representative of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, with the Buildings, Gardens, and Appurtenances thereto respectively belonging, erected, or set-up, or to be erected or set up by virtue of the said recited Act or this Act, for the Space of Three Days next after Demand thereof made in Writing, signed by any Three or more of the said Trustees, or by their Clerk or Treasurer, and left at such Toll House, or in any Toll Houses, Weighing Machine or Weighing Machines; or in case such Lease or Agreement shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County, Liberty, or Place in which such Toll House or Turnpike Gate, Toll Bar, Chain, or Weighing Machine, with their Appurtenances, shall be situate, upon Application made by the said

said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter in the Day-time upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising therefrom respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees or other Persons acting by or under their Authority Possession thereof, and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls and Duties to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes, (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Demise or Agreement had never been made; and it shall and may 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 in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

XXXIV. Provided also, and be it further enacted, That the several Privileges and Exemptions contained and expressed in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be extended to and be applicable, to Waggons, Carts, or other Carriages passing along or over the said Roads, or any of them, and the several Horses or other Beasts drawing the same; any Thing in this Act to the contrary notwithstanding.

55G.3.c.119.
to extend to
this Act.

XXXV. Provided always, and be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said Act or 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them,] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the

In case of
Refusal to
accept, or of
not making
out Title,
Money to be
paid into the
Bank;

subject to
the Order of
the Court of
Chancery on
Motion or
Petition.

[Local.]

36 C

same

same 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.

Where any Question shall arise touching the Title, the Person in Possession to be deemed the Owner.

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

The Court of Chancery to order Expences to be paid by the Trustees.

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

Trustees not to widen Roads beyond a certain Extent.

XXXVIII. And be it further enacted, That it shall not be lawful for the said Trustees to make, divert, turn, or alter any Part or Parts of the said Roads beyond the Limits of One hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried.

XXXIX. And

XXXIX. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by the said Act, or to be granted by virtue of this Act, shall seek to obtain Possession of the Toll Gates and Toll Houses, and Buildings erected on the said Roads, in order to pay himself, herself, or themselves, the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees.

Allowing an Action of Ejectment to be supported by One Mortgagee.

XL. 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, Sand, Gravel, and other Materials proper or convenient for repairing the said Roads out of any Common or Waste, or common River or Brook, (not being within the Distance of Thirty Yards from any Bridge, Dam, Weir, or Jetty,) in any Parish, Township, or Place within which the said Roads or any Part or Parts thereof respectively do lie, the said Surveyor and Surveyors filling up, fencing, or levelling all such Pits and Holes as shall be made or occasioned by the digging for or taking any 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 think fit and reasonable; and in case such Materials cannot conveniently be gotten from such Wastes, Commons, Rivers, and Brooks as aforesaid, that then it shall be lawful for such Surveyor or Surveyors, by Order of any Two or more Justices of the Peace of the County or Place in which the Lands shall be situated, to dig for and take away the like Materials out of the Private Grounds of any Person or Persons, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, or inclosed Ground planted, set apart, or used as a Nursery for Trees, or any Ground planted with Trees, being for Shelter or Ornament to a House,) where such Materials are and may be found in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, and from Time to Time to carry away such Materials respectively as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Roads as aforesaid, paying such Recompence for such Materials, and for the Damage done to the Owners and Occupiers of the respective Grounds where, through, and from whence the same shall be digged 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 Payment for such Materials, or the Damages aforesaid, any Two or more Justices of the Peace for the County or Place wherein the Lands lie from which such Materials shall be taken, or over or through which the same shall have been led or carried, on Ten Days Notice being given by either Party to the other in Writing, shall and may hear, settle, and finally determine the

For getting Materials.

Matter

Matter of such Payments and Damages, and award such Costs to be paid by either Party as they shall think fit and expedient.

Penalty for erecting Encroachments on the Side of the Road.

XLI. And whereas great Inconveniences have arisen and may arise from erecting and making Dwelling Houses and other Buildings, or any Wall or Fence, or any Windmills or Limekilns, and from planting Trees too near the said Roads; for Remedy thereof, be it enacted, That if any Person shall from and after the passing of this Act encroach by making or causing to be made any Dwelling House or other Building, or erecting, making, or setting up any Wall or Fence exceeding the Height of Five Feet, or permitting or suffering any Hedge exceeding the said Height of Five Feet, or planting any Tree or Trees within the Distance of Twenty-five Feet from the Centre of the said Roads, or erecting or setting up any Windmill, or making or causing to be made any Limekilns within the Distance of One hundred Yards from the Centre of the said Roads, (except Turnpike Houses erected or to be erected by Order of the said Trustees, or unless the said Trustees shall consent or agree thereto, or that the same shall remain,) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees, by Order under their Hands, made at a Public Meeting, or some Adjournment thereof, or at any Meeting to be held for that or any other Purpose, such Order to be directed to their Surveyor, to cause such Dwelling Houses, Buildings, Walls, Fences, Windmills, Limekilns, Trees, and Hedges, to be pulled down and removed at the Expence of the Person or Persons to whom the same shall belong, in case the Owners or Occupiers thereof shall neglect or refuse to pull down or remove the same at the Expiration of One Month after Notice in Writing, signed by the Clerk or Surveyor to the said Trustees, shall be given to them, or left at the Dwelling House or Place of Abode of such Owners or Occupiers; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the said County of *Kent*, or in and for any of the Cinque Ports, Towns, Members, or Liberties, according to the Jurisdiction where the Encroachment shall be made, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down and removing such Dwelling Houses, Buildings, Walls, Fences, Windmills, Limekilns, Trees, and Hedges as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owners on Demand.

Surveyors may remove all Annoyances.

XLII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Roads, and such Person or Persons as he or they shall appoint, from Time to Time, to cut, prune, and plash the Hedges on the Sides of the said Roads, within Fifteen Feet of the Centre thereof, and to reduce the same to the Height of Four Feet, and at proper Seasons of the Year to cut down, lop, or top any Branches of Trees, Shrubs, or Bushes growing in or by the Side of any Part of the said Roads, or in the Hedges or Banks adjoining thereto, (not being Trees, Shrubs, or Bushes planted as a Shelter or Ornament to a House or other Building, or standing in any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House,) in case the Person or Persons who ought to cut, prune, or plash such Hedges, and reduce them to the Height aforesaid, or to cut down or lop such Branches of
Trees,

Trees, Shrubs, or Bushes, shall neglect or refuse so to do for the Space of Fourteen Days next after Notice in Writing given for that Purpose, signed by any Three or more of the said Trustees, or by their Surveyor or Surveyors, to the Person or Persons refusing or neglecting as aforesaid; and in case any such Person or Persons shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized for the Recovery of Penalties and Forfeitures.

XLIII. And be it further enacted, That all and every Causeways or public Footpaths already made or to be made in or along the Sides of the said Roads, or any Part thereof, shall be vested in the said Trustees, and that it shall and may be lawful to and for the Surveyor or Surveyors, or such other Person or Persons as shall be appointed by the said Trustees, to make any other Causeways or Footpaths in or along the Sides of the said Roads, or any Part thereof. Power to make Footpaths.

XLIV. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Roads, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze or be and remain on the said Roads, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path formed upon or on the Side of or belonging to the said Roads, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path, or shall permit or suffer any Drain, Sewer, Sink, or Watercourse to run upon or over the same or any Part thereof, or shall hang any Linen or Clothes on the Hedges or Fences on the Sides of the said Roads or any Part thereof; or if any Person shall hale or draw or 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 Things 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 suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Parts of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage upon the said Roads, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage, shall not keep his Carriage on the left or near Side of the said Roads, and also keep on the same Side himself or herself; 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 within Eighty Feet of the Centre thereof, or play at Football or any other Game or Games on the said Roads, or on any Part or Parts thereof, or on any Footway or Path belonging thereto, to the Annoyance of For preventing Nuisances.

[Local:]

any Passenger or Passengers; or if any Person shall in or upon any Part of the same Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, or dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Horse or other Beast on the said Roads, carrying Iron in Bars or Rods, Basket or Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Hawker, Higglor, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Roads, and having a Window or Windows fronting the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight bar and prevent the Light from such Shop shining into or upon the said Roads; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) upon or on the Side of the said Roads without a proper Person in the Custody or Care thereof longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Matter or Thing used in such blocking, or shall scrape off any Soil, Gravel, Stones, Sand, Chalk, Beach, or other Thing from the said Roads, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof without Leave of the said Trustees or their Surveyor; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; every Person so offending in any or either of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Cattle straying on the Roads to be impounded.

XLV. Provided always, and be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors to the said Trustees for the Time being, or any other Person or Persons whomsoever, to impound in the common Pound or such other Place as the said Trustees or any Three or more of them shall appoint for that Purpose, any Horse, Ass, Swine, or other Beasts or Cattle found wandering or straying about any or either of the said Roads, or that shall be feeding or grazing loose on the Banks or on the Sides of the said Roads, or any of them, whether attended by any Person or Persons to take care of the same or not, and to detain the same Horse, Ass, Swine, Beasts, or other Cattle in the said Pound or other Place, until a Penalty of Five Shillings and the Expences of impounding and keeping the same shall be fully paid and satisfied; and if in any such Case such Penalty and Expences shall not be paid within Four Days after such Horse, Ass, Swine, or other Beasts or

Cattle

Cattle shall be impounded, it shall be lawful for such Person or Persons as shall be appointed by the said Trustees or any Three or more of them to sell or cause the same to be sold, and the Costs and Charges of impounding and keeping the same in Pound, and selling the same, and the said Penalty, shall be deducted thereout, and the Overplus (if any) on Demand thereof being made shall be paid to the Owner or Owners thereof.

XLVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act; or shall release or attempt to release any Horse, Cow, Ass, Swine, or other Live Stock or Cattle which shall be impounded under the Authority of this Act from the Pound or Place where the same shall be so impounded; or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened; or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of one credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice by Warrant under his Hand and Seal to the Common Gaol or House of Correction of the County wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishment
of Persons
guilty of
Pound
Breach.

XLVII. And be it further enacted, That no Door or Gate of any Building, Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads that no Part of the Door or Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of every such Building, Park, Paddock, Field, or Inclosure, having any Door or Gate opening outwards, contrary to the Intent and Meaning of this Act, shall within Twenty-one Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Door or Gate to be hung so that no Part of the Door or Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Roads is hereby authorized to cause the Door or Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Cause of Complaint shall arise, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the

Gates to
open in-
wards.

Alter-

Alteration and hanging such Door or Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein; and such Penalty shall be recovered, levied, and applied in Manner hereinafter directed.

Collectors of Tolls and others not incompetent Witnesses.

XLVIII. And be it further enacted, That in all Cases of Dispute, Suit, or Litigation, touching or in anywise relating to the said Tolls, or to the Execution of this Act, no Person being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of or other Person employed by the said Trustees, or any of their Officers, nor any Inhabitant of any Township, Parish, or Place through or into which the said Roads, or any Part thereof, doth or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such Trustee, Collector, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid.

Turnpikes, &c. may be sold.

XLIX. And be it further enacted, That all such Parts of the Turnpikes Toll Houses, and other Buildings, Milestones, Posts, and Materials which may have been made and provided by or under the said recited Act or this Act, as shall become or be rendered useless to the said Trustees, or unnecessary for the Purposes of the said Act and this Act, shall and may be sold, either by Public Sale or Private Contract, for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the repairing of the said Roads, but the Purchaser or Purchasers thereof shall not be answerable for the Misapplication or Non-application of such Money.

Resale of Lands not wanted.

L. And whereas the said Trustees may be seised of some Piece or Pieces of Land or Ground over and above what may be necessary for effectuating the Purposes of the said Act and this Act; be it therefore enacted, That it shall be lawful for the said Trustees from Time to Time to sell and dispose of such Piece or Pieces of Ground together or in Parcels, either by Public Sale or Private Contract, (as they shall find most advantageous or convenient,) to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of the said Act or this Act to any other Person or Persons, shall first offer the same to the Person or Persons of whom the same shall have been purchased, and if he or they shall refuse or decline to purchase the same, then to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons shall respectively 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 Masters Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Liberty, or Place where such Ground is situate, (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on Behalf of such 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

agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in the said recited Act directed with respect to disputed Value of Premises, to be taken and used in pursuance of the said Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner therein directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

LI. And whereas Offences may be committed against the said Act or 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 the said Act and this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County, Cinque Port, Liberty, or Place where the same shall happen; and such Justice is hereby empowered and required to proceed to the hearing and Determination of the Complaint.

Power to Collectors to detain unknown Persons guilty of Offences.

LII. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any Composition Money, shall be repaid or reimbursed the Composition Money paid by them respectively, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Surveyors, &c. to recover the same.

LIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace;

In case of Non-payment of Compensation for Materials, Damages or Injury done by the said Trustees, &c., the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

which Warrant, any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Penalties
and For-
feitures how
to be re-
covered and
applied.

LIV. 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 Justice of the Peace for the County or Place where the Offence shall be committed, either by the 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 Moiety thereof to the Informer and the other Moiety thereof to the Treasurer or Clerk to the said Trustees, to be applied to the Purposes of this Act; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the same Offender or Offenders shall give a sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, not being more than Four Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then such Offender or Offenders shall be committed by such Justice to the Common Gaol or House of Correction for such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, as such Justice shall fix and appoint, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Expences of
this Act.

LV. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing the same until the Time of Payment, shall be paid and satisfied by the said Trustees, and that it shall be lawful for the said Trustees at any General or adjourned Meeting, and they are hereby required to order and direct the

the Payment of the said Costs, Charges, and Expences, with Interest as aforesaid, out of any Monies in their Hands, and out of the first Monies which shall be collected, borrowed, or received by virtue of the said recited Act or this Act, or by virtue of a voluntary Contribution in Preference to all other Payments and Disbursements whatsoever.

LVI. 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.

LVII. And be it further enacted, That the said recited Act (subject to the Alterations and Amendments herein contained) and this present Act shall continue and be in Force and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Continuance
of Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1822.

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

Annual Report for the year ending 31st March 1900. The Commission has the honor to acknowledge the receipt of the Report of the Surveyors-General for the year ending 31st March 1900, and to state that the same has been carefully examined and found to be correct.

The Commission has also the honor to acknowledge the receipt of the Report of the Surveyors-General for the year ending 31st March 1899, and to state that the same has been carefully examined and found to be correct.

The Commission has also the honor to acknowledge the receipt of the Report of the Surveyors-General for the year ending 31st March 1898, and to state that the same has been carefully examined and found to be correct.

The Commission has also the honor to acknowledge the receipt of the Report of the Surveyors-General for the year ending 31st March 1897, and to state that the same has been carefully examined and found to be correct.

The Commission has also the honor to acknowledge the receipt of the Report of the Surveyors-General for the year ending 31st March 1896, and to state that the same has been carefully examined and found to be correct.