ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 18.

An Act for repairing the Road from *Barrow Hill* in *Aſhford*, to a Place called *New England*, in the Pariſh of *Hollingborne*, and for making a new Road thence to *Eaſt Lane*, in the Town of *Maidſtone*, all in the County of *Kent*. [4th *May* 1814.]

WHEREAS an Act was paſſed in the Thirty-third Year of His preſent Majeſty's Reign, intituled *An Act for amending, widening, ſhortening, improving and keeping in Repair, the Road from* Wrens Croſs, *in the Town of* Maidſtone, *in the County of* Kent, *through the Weſt or* Lower Harrietſham Street, *by* Harrietſham Church, *and through* Lenham *and* Charing, *to* Barrow Hill *in* Aſhford, *in the ſaid County*: And whereas the Truſtees appointed in or by virtue of the ſaid Act, have repaired, widened, and improved the ſaid Road, and have borrowed a conſiderable Sum of Money upon the Credit of the Tolls by the ſaid Act authorized to be collected; which Money is ſtill due and owing, and cannot be repaid, and the Road effectually amended, improved, diverted and kept in Repair, unleſs ſome of the Powers of the ſaid Act be altered and enlarged: And whereas it is deſirable for the Public, that the Courſe of ſuch Part of the Road deſcribed in the ſaid recited Act, as leads from a Place called *New England*, in the Pariſh of *Hollingborne*, to *Wrens Croſs*, in the Town of *Maidſtone*, ſhould be changed, and that a new Branch of Road 33 G. 3. c. 173.

Road ſhould be made out of the ſaid Road at *New England* aforeſaid, through the ſeveral Pariſhes of *Hollingborne*, *Thurnham*, *Bearſtead* and *Boxley*, to the ſaid Town of *Maidſtone*, to enter the ſame at a Street called *Eaſt Lane*, in the ſaid Town; and it is alſo deſirable that the Truſtees acting under the ſaid recited Act, and the ſeveral other Perſons hereinafter named, ſhould be empowered to make and maintain ſuch intended New Branch of Road, and that the Powers heretofore granted by the ſaid recited Act, and which are now become expedient for keeping in Repair a Part of the ſaid Roads therein mentioned, and ſuch further Powers as may be neceſſary for making, completing, and keeping in Repair ſuch intended new Branch of Road, ſhould be contained 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 Thirty-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 hereinafter mentioned, for the Purpoſe of more effectually making, repairing, widening, altering, improving, and keeping in Repair the ſeveral Roads herein-after deſcribed.

Former 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 the ſaid recited Act hereby repealed, 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.

Truſtees.

III. And be it further enacted, That the Honourable *Charles Tuſton*, the Honourable *Henry Tuſton*, the Honourable *Charles Finch*, the Honourable and Reverend *Jacob Marſham* Doctor in Divinity, the Honourable *John Wingfield Stratfield*, Sir *Edward Knatchbull* Baronet, Sir *Henry Hawley* Baronet, Sir *John Gregory Shaw* Baronet, Reverend Sir *John Filmer* Baronet, Sir *Horace Mann* Baronet, Sir *William Geary* Baronet, Reverend Sir *John Fagg* Baronet, Sir *John Courtenay Honywood* Baronet, Sir *William Biſhop*, Sir *Matthew Bloxham*, Reverend Sir *John Head* Baronet, Sir *Brook William Bridges* Baronet, Sir *Egerton*

Egerton Bridges Baronet, *Thomas Andrews*, *William Allen*, *Stephen Amhurſt*, *William Archer*, *John Argles* Clerk, *John Argles*, *George Argles*, *Thomas Atkins*, *Robert Gunſley Ayherſt*, the Reverend *Moyle Breton* Doctor of Laws, *James Bond* Clerk, *David Ball* Clerk, *John Berwick* Clerk, *Brook Edward Bridges* Clerk, *Thomas Beſt*, *Thomas Beſt* the younger, *George Beſt*, *Thomas Brett*, *James Drake Brockman*, *George Biſhop*, *John Billington*, *John Brenchley*, *William Buſhell*, *William Baldwin*, *William Baldwin* the younger, *John Baldwin*, *Argles Biſhop*, *Edward Brenchley*, *Thomas Fairfax Beſt*, *John Baker* Clerk, *William Baliol Beſt*, *George Burr*, *George Burr* the younger, *Philip Boghurſt*, *William Belcher* Doctor of Medicine, *Edward Cage* Clerk, *Charles Cage* Clerk, *John Calcraft*, *William Stacey Coaſt*, *William Coaſt*, *Henry William Champneys*, *John Chapman*, *Edward Criſpe*, *Henry Creed*, *Edward Creed*, *Philip Corrall*, *Thomas Charlton*, *Cook* of *Frinſted*, *Godfrey Clarke*, *James Cornwallis*, *Price Clarke*, *Henry Darrell*, *William Deedes*, *John Deedes* Clerk, *Baldwin Duppa Duppa*, *Thomas Day* Clerk, *Cholmly Dering*, General *De Lancey*, *John Thurlow Dering*, *Joſiah Diſternall* Clerk, *Thomas Hubble Douce*, *Richard Day*, *Robert Day*, *Edward Darrell*, *John Day*, *Cholmly Edward Dering* Clerk, *Robert Edmeads*, *John Skeere Loftie Eaton*, *Samuel Flint*, *Thomas Flint*, *Henry Gipps*, *Thomas Golding*, *James Gardner*, *Richard Greenhill*, *Richard Greenhill* the younger, *Norman Greenhill*, *Henry Hawley*, *Thomas Robert Hollingworth*, *George Finch Hatton*, *Edward Finch Hatton*, *George William Finch Hatton*, *John Hogdſon*, *John Hodſon* Clerk, *William Honywood*, *William Honywood* the younger, *Finch Hollingworth*, *William Horne* Clerk, *Edward Haſted* Clerk, *Thomas Harriſon*, *William Hawker*, *Stephen Handfield*, *Edward Huſſey* the younger, *George Harriſon* of *Lenham*, *Robert Harriſon* of *Acton*, *William Hawkins*, *William Horne* the younger, Clerk, *John Harriſon*, *Edward Homewood*, *John Hubbard*, *George Jemmett*, *William Jemmett*, *George Elwick Jemmett*, *William Jemmett* the younger, *Edward Knatchbull*, *Wyndham Knatchbull* Clerk, *John King*, *Edward Knight*, *Edward Knight* the younger, *Thomas Kennet*, *James Leſter*, the Mayor and Jurats of *Maidſtone* for the Time being, *Robert Maſcall*, *Robert Curties Maſcall*, *James Munn*, *George May*, *Harry Montreſor*, *William Murton*, Major General *Philip Martin*, *John Murton*, *George Murton*, *Charles Milner*, *John Moſſop* Clerk, *George Moore* Clerk, *Robert Moore* Clerk, *George Norwood*, *Edward Norwood* Clerk, *John Norwood*, *Francis Norwood*, *George Frederic Nott* Doctor in Divinity, *Weller Norwood*, *John Nance* Doctor in Divinity, *Thomas Pine*, *Edward Pine*, *Robert Parker*, *Thomas Poole*, *Eward Pendfold*, *Samuel Proſſer* Clerk, *Walter Prentis*, *Phineas Pott* Clerk, *Thomas Bliſſett Pope*, *James Reeve*, *John Rugg*, *Thomas Rider*, *Thomas Rutton*, *Robert Rugg*, *John Ruſſell*, *Joſeph Ruſe*, *Robert Stone*, *Wanley Sawbridge*, *George Sayer* Clerk, *George Sayer* the younger, *Robert Salmon*, *Samuel Elias Sawbridge*, *John Springett*, *Barling Sharpe*, *William Smart*, *William Spratt*, *James Smith*, *William Selby*, *William Henry Stacey*, *Henry Salmon*, *John Spong*, *Richard Saxby*, *James Smith*, *John Stone*, *Charles Stoddart* Clerk, *Courtney Stacey*, *George Sayer* the younger, *George Simpſon*, *Joſeph Godfrey Sherer* Clerk, *John Toke*, *Nicholas Roundell Toke*, *John Toke* Clerk, *William Toke* Clerk, *Liberty Taylor*, *Richard Tylden*, *Oſborne Tylden*, *Thomas Turner*, *Richard Thomas*, *John Thurſton*, *Stephen Tournay*, *John Tournay*, *John Taylor*, *James Wildman*, *James Wildman* the younger, *Francis Whitfeld*, *William Whitfeld*, *William Webb*, *Stephen Warman*, *James Whatman*, *John Winder*, *Thomas Wildes*, *Thomas Whittle*, *Eſau Whittle*, *Granville Haſtings Wheeler*, *John Winder*, *Robert Montague Wilmott*

Wilmott Doctor of Medicine, *John Wiſe*, *James Wall*, and *John Wyborn*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for repairing, altering, widening and improving the Road from *Barrow Hill* in the Pariſh of *Aſhford* aforeſaid, to a Place called *New England*, in the ſaid Pariſh of *Hollingborne*, and alſo for making, maintaining, and keeping in Repair, a new Branch of Road thence through Lands in the ſeveral Pariſhes of *Hollingborne*, *Thurnham*, *Bearſtead*, and *Boxley*, to the ſaid Town of *Maidſtone*, to enter the ſame at a Street called *Eaſt Lane*, in the ſaid Town, all in the ſaid County of *Kent*, and for putting this Act in every other reſpect 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 appointed or continued 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, ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tythes or Hereditaments, of the clear yearly Value of Twenty Pounds above Reprizes; or ſhall be Heir Apparent of a Perſon ſo ſeiſed of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Fifty 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 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 Imparlance ſhall

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.

Truſtees to take an Oath.

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 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, Tenements, or Hereditaments, of the clear yearly Value of Twenty 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 Fifty Pounds above Repriſes [*and*, in the 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.'

Truſtees holding Places of Profit not to act.

Truſtees being Juſtices may act unleſs perſonally intereſted.

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.

Victuallers not to be Officers or act as Truſtees.

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 ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Place of public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors, by Retail;

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 House of *William Betsworth*, known by the Sign of *The Dog and Bear*, in the Town of *Lenham*, in the County of *Kent*, on the Second *Wednesday* after the passing of this Act, between the Hours of Nine and Twelve in the Forenoon, 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 Town of *Lenham*, or in some one of the said Parishes through or into which the said Roads are made, 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 Meetings 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, at any later Hour than Two in the Afternoon of the Day on which such Meeting is appointed to be held.

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 the 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 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,

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

at any ſubſequent Meeting, unleſs ſpecial Notice ſhall be given, at leaſt Ten Days 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 the 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.

Truſtees to pay their own Expences.

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 Three 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 Three 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 their Chairman and Clerk, or one of them; which Book or Books, and alſo the Book and 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 thereunto 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

Appointing Officers, Salaries, &c.

How Officers ſhall account.

Monies

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 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, without Fee or Reward), 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, upon 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 diſtraining and ſelling the ſame, 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 upon 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 either 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 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 ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with the ſaid Truſtees, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make) or until he ſhall have delivered up ſuch Books, Papers, and Writings

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.

Treaſurer to give Security.

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.

Truſtees may appoint temporary Collectors in certain Caſes.

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.

No Truſtee ſhall vote for Officers who has not acted in the preceding Year.

XVII. Provided always, and be it further 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.

Books, &c. relative to former Act, to be delivered to the Truſtees.

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 Collectors 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 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 Imparlance, 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 to be 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 or 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 Expences to be paid.

Powers 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 which have been erected on that Part of the ſaid Road which lies between *Barrow Hill* and *New England* aforeſaid, 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 that Part of the ſaid Roads, and alſo in ſuch other 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 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

Toll Houſes, &c. veſted in Truſtees.

XXII. And it is hereby enacted and declared, That the Right and Property of and in all the 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 thereto 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.

Preſent Leaſe vacated.

XXIII. And be it further enacted, That from and after the paſſing of this Act, the preſent Contract, Demiſe, or Leaſe, granted by virtue of the ſaid recited Act, of the Tolls heretofore payable and received at the ſeveral Toll Gates erected by virtue of the ſaid recited Act, ſhall ceaſe, determine, and be utterly void; and if the preſent Leſſee or Farmer of the ſaid Tolls, ſhall make it appear or prove to the ſaid Truſtees that any Loſs or Injury will be ſuſtained by him in conſequence thereof, then and in ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby authorized and required to make a fair and juſt Compenſation and Satisfaction for the ſame, unto the ſaid Leſſee or Farmer, his Executors or Adminiſtrators; and if the ſaid Truſtees ſhall neglect or refuſe to make and give a fair and juſt Compenſation for any Loſs and Injury which may be ſuſtained by vacating the ſaid Contract, Demiſe, or Leaſe as aforeſaid, ſuch Compenſation ſhall and may be ſued for in any of His Majeſty's Courts of Record at *Weſtminſter*.

Power to remove Toll Gates.

XXIV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five 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 Five 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 ſell the preſent Toll Houſes.

XXV. 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

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 Outhouſes, 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 Time being, hold and enjoy the Premiſes by him, her, or them ſo purchaſed, diſcharged from all Truſts and free from all Incumbrances whatſoever, and ſhall not be obliged to ſee to the Application of his, her, or their Purchaſe Money, nor be anſwerable for the Miſ-application or Non-application thereof: Provided always, that ſuch Preference of purchaſing ſhall be given to the Perſon or Perſons from whom any Land on which any ſuch Toll Houſes may have been erected, was purchaſed, as is herein-after directed to be given where any Piece or Pieces of Ground, or old Roads not wanted for the Purpoſes of this Act, is authorized to be ſold and diſpoſed of.

Power to take Tolls.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be continued or appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, ſubject to the Reſtrictions herein-after contained, at each and every of the reſpective Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bar or Side Gate, already erected by virtue of the ſaid recited Act, or which by virtue of this Act ſhall be continued or erected in, upon, or acroſs, or on the Side or Sides of the ſaid Roads, by this Act directed to be made, widened, improved or kept in Repair, or in, upon, or on the Side of any Street, Road, or Way leading into or out of any Part of the ſaid Roads; and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night); that is to ſay,

Tolls.

For every Horſe, Mare, Gelding or Mule drawing any Coach, Chariot, Phaeton, Calaſh, Curricle, Vis-a-vis, Chaiſe, Diligence, Caravan, Chair, Hearſe or Litter, the Sum of Four-pence:

For every Horſe, Mare, Gelding, Mule or other Beaſt of Draught, drawing any Waggon, Wain, Cart or other ſuch like Carriage, the Sum of Three-pence:

For every Horſe, Mare, Gelding or Mule, laden or unladen, and not drawing, the Sum of One Penny:

For each Aſs drawing any kind of Carriage, the Sum of One Penny Halfpenny:

For each Aſs not drawing, the Sum of One Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number; and for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any greater or leſs Number; and that in Caſes of Oxen drawing any Carriage, Two Oxen ſhall be conſidered and paid for as One Horſe: Provided; that when any Carriage having the

Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches or more, and drawn by not more than Three Horſes or other Beaſts of Draught; and any Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches or more, and drawn by not more than Four Horſes or other Beaſts of Draught; and any Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches or more, provided that ſuch Fellies reſpectively and the Tires thereon, ſhall lie ſo flat as not to deviate more than One Inch from a flat Surface, ſhall paſs through any of the ſaid Toll Gates, no more ſhall be demanded or taken than Half only of the Tolls herein-before made payable, for or in reſpect of the Horſes or other Beaſts of Draught drawing ſuch like Carriages reſpectively, not having Wheels of the reſpective Breadths aforeſaid.

And the ſaid reſpective Tolls ſhall be demanded and taken, before any Horſe, Mare, Gelding, Mule or other Beaſt, Coach, Waggon, Cart or other Carriage whatſoever, or Drove of Oxen, Cows or Neat Cattle, Calves, Hogs, Swine, Sheep or Lambs, be permitted to paſs through any Toll Gate erected or to be erected or continued upon the ſaid Roads by virtue of this Act, or in, upon, or acroſs any Lane, Street or Way leading into the ſame; and upon Payment of any of the ſaid Tolls the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment.

Only Two Tolls to be payable between Barrow Hill and New England.

And the ſame on the new Line of Road.

XXVII. Provided always, and be it further enacted, That no more than Two Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing on the ſame Day (ſuch Day to be computed as aforeſaid) with the ſame Horſes, Beaſts, Cattle, or other Animal or Thing liable to pay Toll or Duty, through all the Toll Gates erected and to be erected or continued on the ſaid Road leading from *Barrow Hill* aforeſaid, to *New England* aforeſaid; and no more than Two other like Tolls in any One Day, to be computed as aforeſaid, ſhall be demanded and taken from any Perſon or Perſons paſſing and repaſſing with the ſame Horſes, Beaſts, Cattle, or other Animal or Thing liable to Toll, through all the Toll Gates to be erected on the ſaid intended new Branch of Road, to be made from *New England* aforeſaid, through the Pariſhes of *Hollingborne*, *Thurnham*, *Bearſted*, and *Boxley*, to the ſaid Town of *Maidſtone*, to enter the ſame at a Street called *Eaſt Lane*, in the ſaid Town: Provided alſo, that it ſhall not be lawful for the ſaid Truſtees to order or cauſe to be collected more than One Toll in the Space of Two Miles, from any Perſon uſing or travelling on the ſaid Roads.

Tolls veſted in Truſtees.

XXVIII. And be it further enacted, That all the ſaid reſpective Tolls, and all and every Sum and Sums of Money, which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being; and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of and aſſigned, in ſuch Manner as is herein-after mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by the Perſon or Perſons ſo authorized to receive the ſame, neglect or refuſe the Payment thereof, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized, to ſeize and diſtrain any Horſe or other Cattle, together with their Bridles, Saddles, Harneſs or Accoutrements, or any Carriage together with its Lading, upon which any Toll is by this Act impoſed, (but no ſuch Bridle, Saddle, Harneſs

neſs or Accoutrements ſhall be ſo ſeized without detaining and ſeizing the Horſe or other Beaſt bearing the ſame) or any of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, and keeping the ſame, ſhall not be paid within the Space of Five Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may, at any Time or Times thereafter, ſell the Horſe, Cattle, Beaſt, Carriage, Goods and Chattels ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale, pay ſuch Tolls and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon Demand, to the Owner or Owners thereof.

Exemptions.

XXIX. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, or Cattle, drawing any Carriage paſſing through any of the Toll Gates or Toll Bars erected or continued, or to be erected by virtue of this Act, 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, 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, Out-houſes, 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 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 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 ſhoed; nor for any Horſe or Carriages, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-maſter 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

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 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; 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, Burgess or Burgesses 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 any Sum not exceeding Five Pounds: Provided always, That no Toll shall be demanded or taken for any Horse, Cattle or other Beast, which shall not go or pass more than One Hundred Yards upon the said Roads.

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.

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 Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any 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 going for Lime, exempt from Toll on returning within Twenty-four Hours.

XXXI. Provided always, and be it further enacted, That if any Carriage empty and unladen shall pass through any One or more of the said Toll Gates or Side Gates, for Lime for the manuring of Land, and the Tolls hereby granted shall be paid for the Horses or other Cattle drawing the same, every such Carriage shall be permitted to return laden with Lime, and drawn by the same Horses or other Cattle Toll-free, through the same Toll Gate or Toll Gates, Side Gate or Side Gates at any Time within the Space of Twenty-four Hours next after such Toll shall have been paid; any Thing herein contained to the contrary notwithstanding.

Tolls may be reduced.

XXXII. 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 Deduction 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 County of *Kent*.

Truſtees may compound for Tolls.

XXXIII. 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 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.

In caſe of other Truſts erecting Side Gates, Truſtees may compound.

XXXIV. And whereas the Roads hereby directed to be made and repaired may interſect or open a Communication with other Turnpike Roads, and the Truſtees of ſuch Roads may judge it expedient to erect additional Toll Gates on ſome Part of ſuch Roads, or the Sides thereof, in conſequence of the paſſing of this Act; be it therefore enacted, That in caſe the Truſtees of any ſuch Roads ſhall at any Time or Times hereafter propoſe to erect any Toll Gate on any Part of ſuch Road or Roads, or the Sides thereof, where, in the Judgment of any Three or more of the Truſtees for executing this Act, aſſembled at a Meeting, ſuch Toll Gate, if erected, would be detrimental to the Funds ariſing under this Act, it ſhall be lawful for ſuch Truſtees ſo aſſembled to agree with the Truſtees of any other ſuch Roads as aforeſaid, for the Payment to them of ſuch Sum or Sums of Money as ſhall be adjuſted and agreed on between them reſpectively, for and in Conſideration of their refraining from erecting any ſuch Toll Gate as aforeſaid; and to pay ſuch Sum or Sums of Money ſo to be agreed on, out of any Money to ariſe by virtue of this Act.

For ſettling Diſputes concerning Tolls.

XXXV. 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 Witneſs or Witneſſes, and ſhall determine the Toll due, and aſſeſs the Charges of ſuch Diſtreſs, and of the Collector's Attendance for that Purpoſe upon the ſaid Juſtice; 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.

XXXVI. And

Collectors declared competent Witneſſes.

XXXVI. 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.

XXXVII. 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.

XXXVIII. 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 a certain 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 the ſaid Truſtees taking a Counterpart of all ſuch Leaſe and Leaſes, and taking ſuch ſufficient Security from the Perſon and 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.

Leſſees of Tolls may appoint Perſons to receive the ſame.

XXXIX. 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.

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

XL. 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 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 Leſſees Part which ſhall have been broken,) as if ſuch Demiſe or Agreements 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 no former Demiſe, Contract or Agreement, had been made relative thereto; any Rule of Law or Right to the contrary notwithſtanding.

Penalty on compounding for overweighted Carriages.

XLI. And be it further enacted, That if the Leſſee or Farmer for the Time being of any of the Tolls hereby granted, or any Perſon acting under him or her, ſhall compound for or agree to permit, or ſhall ſuffer

any overweighted Waggon or other Carriage, subject to a Forfeiture or Penalty by reason of the Weight thereof, to pass or repass through any of the Toll Gates to be erected or continued by virtue hereof, without demanding, taking, and keeping the full Fine or Penalty by Law inflicted upon such over-weighted Waggon or other Carriage, such Lessee or Farmer shall for every such Offence forfeit a Sum not exceeding Five Pounds, whereof One Moiety shall go to the Informer or Informers, and the other Moiety shall go and be applied in such Manner as other Penalties are herein-after directed to be applied.

For borrowing Money on Security of Tolls.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Meeting, to borrow and take up at Interest, upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such further Sum or Sums of Money as they, or any Five or more of them, shall think fit; and for securing the Re-payment of all such Sum and Sums, with Interest, they the said Trustees, or any Five or more of them, are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demise or mortgage the said Tolls, or any Part or Parcel thereof, and the Toll Gates, Toll Bars, and Toll Houses for collecting the same, during the Continuance of this Act, (the Charges of such Mortgages to be paid out of such Tolls,) as a Security or Securities to any Subscriber or Subscribers, who have advanced or shall at any Time advance any Money for making, widening or improving, or keeping in Repair the said Roads, or any Part thereof, or to any other Person or Persons who shall advance such Sum or Sums of Money, their respective Executors, Administrators and Assigns, for the Money so to be advanced, with Interest for the same; which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say,)

Form of Mortgage.

"BY virtue of an Act 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*] we, Five of the Trustees for putting the said Act in Execution, in Consideration of the Sum of in Hand advanced and paid by *A. B.* of to the Treasurer of the said Roads, do hereby grant, bargain, sell and demise, unto the said *A. B.*, his Executors, Administrators and Assigns, for and during the Continuance of this Act, such Proportion of the Tolls to arise upon the said Roads, and the Toll Gates, Toll Bars and Toll Houses, already made and erected, or hereafter to be made and erected for collecting the same, as the said Sum of doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof, to be had and holden from the Day of the Date hereof for and during the Continuance of the said Act; unless the said Sum of with Interest, after the Rate of Five Pounds *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord ."

Copies to be entered.

And Copies of all such Mortgages or Mortgage 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 such 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

which ſhall be fixed upon by the ſaid Truſtees at the Firſt or Second 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,)

Form of Aſſignment.

'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 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.

Old Mortgages may be cancelled, and new ones granted.

XLIII. 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 Act, 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.

XLIV. Provided

For paying Creditors by Lot.

XLIV. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall at any Time or Times 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.

XLV. 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 ſhall have been incurred in the applying for or obtaining and paſſing this Act; in the Second Place, in paying all Arrears of Intereſt on any Sums of Money which have been borrowed and are now due and owing on the Credit of the ſaid recited Act, in defraying the Expences of purchaſing Land, which may be neceſſary for the making, widening, and completing of the ſaid intended new Branch of Road; in the Third Place, in paying the Intereſt accruing from Time to Time upon the ſeveral Principal Sums of Money, which have been borrowed and ſecured by virtue of the ſaid recited Act, and 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; in the Fourth Place in reducing, paying off, and diſcharging the ſeveral Principal Sums of Money which ſhall have been borrowed and ſecured in purſuance of and for the Purpoſes of the ſaid recited Act, and which may be borrowed and ſecured by virtue of this Act, either rateably or by Lot as the ſaid Truſtees ſhall think proper.

Truſtees may form, widen, turn or alter the Roads.

XLVI. 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 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 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.

New Road to be made according to Plan.

XLVII. And whereas a Map or Plan deſcribing the Line of the ſaid new Branch of Road, and the Lands through which the ſame is to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, has 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 ſeaſonable 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 Map or Plan and Book of Reference; and that the ſaid Truſtees, in making the ſaid new Branch of Road, 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.

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

XLVIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid new Branch of Road 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 Lands 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

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 ſaid County, Town, or Place wherein ſuch Lands, Hereditaments, or Premiſes ſhall be ſituate, and be certified by Writing uhder 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 pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

XLIX. 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 Grounds 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 ſuch as are mentioned and deſcribed in the Schedule to this Act; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Truſtees to fence the new Road.

L. 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 Road, 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 ſo to be made in good Order and Repair, for and during the Term of Three Years, from the Time that ſuch Fences ſhall have been made or ſet up.

Truſtees diſcharged from future Repairs of Part of the preſent Turnpike Road, from New England to Wrens Croſs; when the intended new Branch ſhall be complete.

LI. And whereas the making of the ſaid new Branch of Road from the ſaid Place called *New England*, in the Pariſh of *Hollingborne* aforeſaid, to a Place called *Eaſt Lane* in the Town of *Maidſtone* aforeſaid, will render Parts of the preſent Turnpike Road from *New England* aforeſaid to *Wrens Croſs* in the Town of *Maidſtone* aforeſaid, (*videlicet*,) the Length of the ſaid Turnpike Road from *New England* aforeſaid, to a Houſe known by the Sign of *The Roebuck*, in the Pariſh of *Maidſtone*, near *Wrens Croſs* in the Town of *Maidſtone*, unneceſſary to be continued as a Turnpike Road, and other Parts of ſuch Road, wholly uſeleſs to the Public, and it is expedient that the Truſtees for executing this Act ſhould be diſcharged from the future Repairs thereof, and that the ſame ſhould be diſpoſed of in the Manner herein-after mentioned, for the Purpoſes of this Act; be it therefore further enacted, That when and as ſoon as ſuch new Branch of Road ſhall be made and completely formed, and fit for the Paſſage of Carriages, Horſes and other Cattle, the Truſtees for executing this Act ſhall be no longer liable to, and ſhall be thenceforth diſcharged from all further and future Repairs of the Length of ſo much of the ſaid Road as lies between *Wrens Croſs* in the Town of *Maidſtone* aforeſaid, to the before mentioned Houſe known by the Sign of *The Roebuck*, being of the Diſtance of One

Furlong and Twenty-ſix Rods, or thereabouts: Provided always, that nothing in this Act contained ſhall extend to authorize the ſaid Truſtees to ſtop up, ſell, exchange or diſpoſe of ſuch laſt mentioned Part of the ſaid Road, but the ſame ſhall be left as and for a Public Highway, and be kept in Repair as other Roads in the ſaid Pariſh are by the Laws reſpecting Highways in *England* directed and required to be kept in Repair.

Others Pieces of the preſent Turnpike Road to be exchanged with the Earl of Romney.

LII. And whereas Part of the preſent Turnpike Road ſo intended to be diſcontinued as aforeſaid, (*videlicet*,) from a certain Place called *The Roebuck*, in the Pariſh of *Maidſtone*, to a Place called *Maginford* in *Maidſtone* aforeſaid, containing in Length One Mile Two Furlongs and Twenty Roods, interſects Part of the Lands and Eſtates of the Right Honourable *Charles* Earl of *Romney*, and a ſmall Part thereof lies between the Lands of the ſaid Earl and of *James Whatman*, *Finch Hollingworth*, and *Thomas Robert Hollingworth*: And whereas a certain Highway or Carriage Road leading from *Willington Street* up to Part of the preſent Turnpike Road near *Maginford* aforeſaid, of the Length of Four Furlongs and Twenty-ſix Rods or thereabouts, and a Part of the Road from *Otham* to *Willington Street*, of the Length of Fifteen Rods or thereabouts, will no longer be of any public Utility: And whereas the ſaid *Charles* Earl of *Romney* is willing, in Conſideration of having ſuch Roads as interſect or adjoin to his Eſtate and as lie between his Eſtate and the Eſtates of the ſaid *James Whatman*, *Finch Hollingworth*, and *Thomas Robert Hollingworth*, who are conſenting thereto, added to the Eſtate of him the ſaid *Charles* Earl of *Romney*, to make, form and fence out, and to build Tunnels, Arches, or Bridges over any Streams of Water where the ſame may be neceſſary, at his own Expence and Coſts, for the Convenience and Accommodation of the Public, the following Carriage Roads to communicate with the intended new Branch of Turnpike Road, the Owners of Land through which the ſame are intended to be made being conſenting thereto, (that is to ſay) One Carriage Road in the Pariſhes of *Maidſtone* and *Boxley*, of the Width of Twenty-four Feet at the leaſt, including Footpaths, from or near the Houſe called *The Roe Buck*, in, through and over Lands of the ſaid *Charles* Earl of *Romney*, in the Occupation of *Thomas Atkins*, Meſſieurs *Clout* and *Stevenſon*, and *George Biſhop*, and alſo in, through and over Lands of *James Whatman* Eſquire, at or near a certain Place called *The Square*, in the Occupation of *Margaret Avery* Widow, and alſo in, over, and through Lands of the Truſtees of the Charity called "*Fiſher's Gift Charity*," in the Occupation of *Thomas Bliſſet Pope*, to communicate with and lead into the ſaid intended new Branch of Turnpike Road; one other Carriage Road in the Pariſhes of *Maidſtone* and *Bearſted* of the Width of Twenty-four Feet at the leaſt, including Footpaths, commencing from a Road called *Willington Street*, at the South Angle of an Orchard there, the Eſtate of the ſaid *Charles* Earl of *Romney*, in his own Occupation, and in, through and over Lands of *Thomas Pine*, in his own Occupation, in, through and over other Lands of the ſaid *Charles* Earl of *Romney*, in his own Occupation, acroſs a certain Road or Highway called The *Otham Road*, to other Lands of the ſaid *Thomas Pine*, in his own Occupation, in, through and over other Lands of the ſaid *Charles* Earl of *Romney*, called *Clay Pit Field*, in his own Occupation, in, through and over an Orchard, the Eſtate of the ſaid *Thomas Bliſſet Pope*, in his own Occupation, acroſs the preſent Turnpike Road, in, through and over other Lands of the ſaid *Thomas Bliſſet Pope*, in his own Occupation, in, through and over other Lands of the ſaid *Charles* Earl of *Romney*,

Romney, in his own Occupation, to communicate with and lead into the ſaid intended new Branch of Turnpike Road; and which ſaid new Carriage Roads will be of the Length of Six Furlongs and Nineteen Rods, or thereabouts; be it therefore further enacted, That when and as ſoon as ſuch Public Carriage Roads ſhall have been well and ſubſtantially formed by or at the Expence of the ſaid *Charles* Earl of *Romney*, his Heirs or Aſſigns, and be certified by the Juſtices of the Peace aſſembled at any Quarter Seſſions to be holden for the Diviſion of the ſaid County, or for the Town or Place where ſuch Carriage Road ſhall be formed, to be fit and commodious for the Paſſage of Horſes and Carriages, all ſuch Parts of the ſaid Turnpike Road to be diſcontinued by virtue of this Act, as interſect the Lands of the ſaid Earl, and as lie between the Lands of the ſaid Earl and the Lands of the ſaid *James Whatman*, *Finch Hollingworth*, and *Thomas Robert Hollingworth*, and alſo the Carriage Road leading from *Willington Street*, in Manner before mentioned, ſhall thenceforth be and become the Property of the ſaid *Charles* Earl of *Romney*, his Heirs and Aſſigns, and the ſame and every Part thereof ſhall ceaſe to be a Public Road: Provided always, that ſuch Carriage Roads ſo to be formed by or at the Expence of the ſaid *Charles* Earl of *Romney*, his Heirs or Aſſigns, ſhall thenceforth be deemed Public Highways, and the ſame and all Tunnels, Arches or Bridges over any Part thereof, ſhall from Time to Time and at all Times thereafter, as Occaſion may require, be repaired and kept in Repair as any other Highways, Roads or Bridges, in any Pariſh in *England*, are directed by Law to be repaired.

Other Pieces of Road to be exchanged with Proprietors whoſe Lands adjoin.

LIII. And whereas Part of the preſent Turnpike Road ſo intended to be diſcontinued as aforeſaid, interſects or is adjoining to the Lands and Eſtates of the late *Lewis Cage*: And whereas a certain Carriage Road leading through ſuch Lands and Eſtates, in the Pariſh of *Thurnham*, from *Ballards Mill* up to Part of the preſent Turnpike Road, of the Length of Forty Rods or thereabouts, and alſo another Carriage Road of the Length of Fifty-three Rods or thereabouts, leading out of ſuch Turnpike Road oppoſite the Entrance into the Eſtate of the late *Lewis Cage*, through or between the Lands of the ſaid *Lewis Cage* into another Part of ſuch Turnpike Road, will no longer be of any public Utility: And whereas the Deviſees in Fee under the Will of the ſaid *Lewis Cage* are willing in Conſideration of having ſuch Roads as interſect or adjoin to the ſaid Eſtates, added thereto, to make, form, and fence out, at the Expence and Coſts of the Perſons beneficially intereſted in the ſaid Lands and Eſtates, for the Convenience and Accommodation of the Public, the following Carriage Roads to communicate with the intended new Branch of Turnpike Road; that is to ſay, One Carriage Road in the Pariſh of *Thurnham* and *Bearſted*, of the Width of Twenty-four Feet at the leaſt from the ſaid Mill and Lands called *Ballards Mill*, in, through and over Lands late of the ſaid *Lewis Cage*, called *The Dog Kennel Meadow* and *Millgate Field*, in the Occupation of *Charles Cage*, up to the North Corner of *Millgate Field*, and into and through other Lands of the late *Lewis Cage*, called *Hills*'s, in the Occupation of *Ann Woollett* Widow, to communicate with and lead into the ſaid intended new Branch of Turnpike Road; one other Carriage Road in the Pariſh of *Bearſted*, of the Width of Twenty-four Feet at the leaſt, to be a Continuation of a Lane leading from a Place called *Otham Back Street* into and acroſs the preſent Turnpike Road, over and through Lands belonging

to the late *Lewis Cage* called *Stonefield*, and into or along a ſmall Wood or Coppice belonging to *Bidenfield Wife*, into the intended new Branch of Turnpike Road; be it therefore further enacted, That when and as ſoon as ſuch public Carriage Roads ſhall have been well and ſubſtantially formed, by the Deviſees under the Will of the late *Lewis Cage*, and be certified by the Juſtices of the Peace aſſembled at any Quarter Seſſions for the Weſtern Diviſion of the County of *Kent*, to be fit and commodious for the Paſſage of Horſes and Carriages, the ſaid Two public Roads which now interſect the ſaid Lands and Eſtates in the Manner before mentioned, and ſo much and ſuch Parts of the ſaid Turnpike Road ſo directed to be diſcontinued as aforeſaid, as interſect or adjoin to the Eſtates of the late *Lewis Cage*, ſhall thenceforth be and become Part of the Lands and Eſtates to which the ſame adjoin, and the ſame ſhall thenceforth ceaſe to be public Roads: Provided always, that ſuch public Carriage Road ſo to be formed by the Deviſees under the Will of the late *Lewis Cage*, ſhall thenceforth be deemed public Highways, and ſhall from Time to Time and at all Times, as Occaſion may require, be repaired and kept in Repair as any other Highways or Roads in any Pariſh in *England* are directed by Law to be repaired.

A Carriage Road in the Pariſh of Boxley to be ſtopped up and ſold.

LIV. And whereas a certain public Carriage Road leading from a Place called *Blind Horſe Lane*, to a Gate leading to *Turkey Mill*, in the Pariſh of *Boxley*, and which interſects and is adjoining to the Lands of *James Whatman*, and of the Length of Two Furlongs and Twenty-two Rods, will no longer be of any public Utility; be it therefore further enacted, That it ſhall be lawful for the Truſtees for executing this Act, when and as ſoon as the ſaid new Branch of Turnpike Road ſhall have been completed, to ſell and diſpoſe of ſuch public Carriage Road, in Manner as any Piece of old Road is herein-after directed to be ſold and diſpoſed of, and to apply the Money ariſing from ſuch Sale for the Purpoſes of this Act.

Power for ſtopping up Footpaths.

LV. And whereas ſome Part or Parts of the ſaid Roads to be made or repaired by virtue of this Act may be made over or near Lands or Grounds which may have a Footpath or Footpaths in them, leading to the Place or Places whereto the ſaid Roads do or will lead, whereby ſuch Footpath or Footpaths will be rendered unneceſſary; be it therefore further enacted, That when any Part of the ſaid Roads ſhall be completed through any Lands or Grounds being private Property, and there ſhall be in any ſuch Lands or Grounds, or in any other Lands or Grounds, adjoining thereto, any Footpath or Footpaths leading only to the ſame Place or Places whereto the ſaid Roads by this Act directed to be made or kept in Repair ſhall or may lead, it ſhall be lawful for any Two of the ſaid Truſtees, being Juſtices of the Peace, to order and direct all or any of ſuch Footpaths or Footpath within their reſpective Juriſdictions to be ſtopped up and diſcontinued; and it ſhall not be lawful for any Perſon or Perſons thenceforward to make or uſe any Footpath or Footpaths ſo directed to be ſtopped up or diſcontinued: Provided always, that it ſhall be lawful for any Perſon or Perſons who may think himſelf or herſelf aggrieved by any ſuch Order of ſuch Truſtees, to appeal to the Juſtices of the Peace aſſembled at any General Quarter Seſſions to be holden for the Weſtern Diviſion of the County of *Kent*, or for the ſaid Town of *Maidſtone*, as the Matter of Appeal may require, within Four Calendar Months from the Date of ſuch Order, in the Manner as is herein-after directed in Caſes

of Appeal from any Order or Proceedings of the Truſtees for executing this Act.

LVI. 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 under 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 ſhall or may in anywiſe ſuſtain, by making, widening, diverting, turning, or altering the Courſe of any Part or Parts of the 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 or on Behalf of any Infants, Femes Covert, *Ceſtuique* Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, 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 the 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

The Purchaſe of Lands.

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 Jury's 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, 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, Femes 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 impannel, 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 impannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, 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

Verdict of Jury to be final.

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

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.

How Expence of Jury, &c. ſhall be paid.

LVII. 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 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 hereinafter 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.

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

LVIII. 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

given to such Parties or Persons, or to 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 so to be agreed for or purchased as aforesaid, 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 thenceforth for ever be deemed as Part of the Roads by this Act directed to be made, amended, and kept in Repair; and 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 comprized in or constituting any old or former Road shall be vested in the said Trustees, and shall or may be stopped up and discontinued, 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 Jurisdictions in which such Lands or Roads shall lie, shall be good and effectual to all Intents and Purposes: Provided always, that nothing herein contained shall empower the said Trustees to sell or dispose of any Part of the old Roads, which by any specific Provisions in this Act contained are directed to become the Property of any Person or Persons to whose Lands the same may adjoin or be contiguous.

How old Roads are to be disposed of.

LIX. 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 of 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

First offer to whom to be made.

in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as by this Act is directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money.

Application of Money awarded above 200l.

LX. 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.

When leſs than 200l. and above 20l.

LXI. 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

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-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.

When not more than 20l.

LXII. 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.

Directions in Caſes of not making out Titles, &c.

LXIII. 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 Per-

ſon 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.

Reſpecting diſputed Titles.

LXIV. 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 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 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.

Court of Chancery may direct Payment of Expences.

LXV. 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.

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

LXVI. And be it further enacted, That it ſhall be lawful for the ſaid 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 be made and 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 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 or 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 Walk, or Avenue to any Houſe, or incloſed Grounds 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 ſame, and 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.

LXVII. 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 Five 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.

LXVIII. And

Penalty on taking away Materials got by Surveyors.

LXVIII. 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 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 Owner or Occupier 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.

Surveyor may remove Annoyances.

LXIX. 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 Time to Time to remove and prevent all Nuiſances and Annoyances, on any Part or Parts of the ſaid Roads, by 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 alſo to cut down, top or lop, at proper Seaſons of the Year, any Trees, Branches, or Buſhes growing in the Hedges, Fences, or Grounds adjoining thereto, ſo as to reduce ſuch Hedges to any Height not leſs than Four Feet, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, 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 reſpective Owners or Occupiers neglecting to cut down ſuch Trees, Branches, or Buſhes, or by the Perſon or Perſons occaſioning or neglecting or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as any 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.

Surveyors may make Cauſeways, &c. and cut Drains.

LXX. 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 Footpaths or Cauſeways 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 ſuch Surveyor and Surveyors, by order of the ſaid Truſtees ſhall judge neceſſary, and 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.

Roads to be meaſured and Mile Stones erected, &c.

LXXI. 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

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 Distances 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 Foothpath or Causeway formed 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 Footpath or Causeway; or if any Person shall cause to be hauled 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 suffer 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 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 otherways 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 hereinafter directed.

Gates to be made to open into the adjoining Lands and not into the Road.

LXXII. And be it further enacted, That all Gates to be hereafter made and placed, in any Field or Ground adjoining any of the said Roads, shall be made and hung to open inwards towards such Field or Ground, and not outwards towards the said Roads; and that it shall be lawful for the said

Truſtees to order all ſuch Gates as are now erected or may hereafter be erected, and open outwards towards the ſaid Roads, to be altered and made to open inwards, as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates are or ſhall be conſtructed ſo as to open outwards towards the ſaid Roads ſhall (after Ten Days Notice from the Surveyor of the ſaid Roads, requiring him or them to alter ſuch Gate or Gates, and make the ſame to open inwards) refuſe or neglect to make ſuch Alteration, it ſhall and may be lawful for the ſaid Truſtees to exerciſe and apply the ſame Powers for this Purpoſe, with which they are by Law inveſted for the Removal of any Nuiſances, Obſtructions, or Annoyances made or committed upon the ſaid Roads.

Truſtees may contract for Repairs or any other Works.

LXXIII. 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 forming, making, widening, altering, improving, or repairing 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.

LXXIV. 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.

Statute Labour.

LXXV. 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 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 Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days, and at ſuch Times (not being 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 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 compounded for.

LXXVI. 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

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 Execution of this Act.

LXXVII. 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 and pay any Sum not exceeding Twenty Shillings.

For ſecuring tranſient Offenders.

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

Puniſhing Collectors miſbehaving.

LXXIX. 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 Tolls 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.

Penalties and Forfeitures, how to be recovered and applied.

LXXX. 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 Offence reſpectively before any One Juſtice of the Peace for the County, Town, 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, Forfeitures, or Fines, and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

Offenders againſt the Act.

LXXXI. 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 His
'Majeſty's Reign, and 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 aggrieved may appeal to the Quarter Seſſions.

LXXXII. 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

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 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.

Proceedings not to be quaſhed for Want of Form.

LXXXIII. 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 removeable 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 diſtrained 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 any 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.

Limitation of Actions.

LXXXIV. 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 than as aforeſaid, 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 Suit 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.

Reſerving Philip Martin's Right to Toll for Welſh Cattle.

LXXXV. Provided always, and be it further enacted, That nothing herein contained ſhall in anywiſe prejudice or interfere with the Right and Title claimed by Lieutenant General *Philip Martin*, as Lord of the Manor of *Leeds*, in the County of *Kent*, to receive and take Tolls for *Welſh* Cattle paſſing through a certain Gate adjoining to his Park Pales, ſituate in the Pariſh of *Broomfield*, in the ſame Manner as he hath been accuſtomed to take and receive the ſame; but that ſuch the Right and Title of the ſaid *Philip Martin*, his Heirs or Succeſſors, ſhall remain and continue and be exerciſed in the ſame Manner as if this Act had not been paſſed.

Public Act.

LXXXVI. 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.

Commencement and Continuance of this Act.

LXXXVII. 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.

THE

THE SCHEDULE to which this Act refers.

Situation.	Deſcription.	Owners.	Occupiers.
Maidſtone - -	Cottages and Gardens -	George Talbot - - } Hatley Foote, Eſquire }	Aſſignees of John Tyrrell.
Ditto - -	Garden Ground - -	William Baldwin, Eſquire	Elizabeth Randall, Widow
Boxley - -	Garden - - -	Edward Ellis - -	Captain Rickets.
Ditto - -	Plantation - - -	James Whatman -	Self.
Ditto - -	Orchard - - -	Earl of Romney -	George Hills.
Ditto - -	Orchard - - -	Sadlers Company -	Shrubſole.
Ditto - -	Garden - - -	William Charles -	Self.
Ditto - -	Orchard - - -	James Whatman, Eſquire	Bridgeland Alman.
Bearſted - -	Orchard - - -	John Ruſſell - -	Self.
Ditto - -	Orchard - - -	Dean and Chapter of Rocheſter - }	John Ruſſell.
Ditto - -	Orchard - - -	Ditto - -	Bidingfield Wife.
Bearſted and Thurnham - }	Orchards - - -	The Reverend Charles Cage - - }	Self.
Ditto - -	Orchard - - -	Deviſees of Lewis Cage, Eſquire, deceaſed }	Reverend Charles Cage.
Lenham - -	Garden - - -	Thomas Harriſon - {	Miſs Read and Miſs Wilſon, School Miſtreſſes.
Ditto - -	Orchard - - - {	Henry Creed, Edward Dering and others, Proprietors of the Shelve Eſtate - - }	Philip Hunt.
Ditto - -	Houſe and Wheelwright's Shop - }	Thomas Potter - -	John Potter.
Charing Town -	Houſe, Slaughterhouſe, &c. - - }	Henry Jennings - -	Self
Ditto - -	Houſe, Carpenter or Wheeler's Yard - }	John Rachell - -	Self.
Ditto - -	Garden Yard - -	Mrs. Marſhall - -	Thomas Hyder.

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