ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 19.

An Act for continuing the Term of Two Acts of His present Majesty for amending the Road from the Town of *Biddenden*, to join the Turnpike Road which leads from *Ashford* to *Feversham* at *Boundgate*, in the Couty of *Kent*. [14th *April* 1808.]

WHEREAS an Act was passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act for amending and widening the Road from the Town of* Biddenden, *in the Weald of* Kent, *through the Towns of* Smarden *and* Charing, *to join the Turnpike Road which leads from* Ashford *to* Feversham, *at a Place called* Boundgate: And whereas an Act was passed in the Twenty-fifth Year of His present Majesty's Reign, intituled, *An Act for continuing an Act of the Sixth Year of His present Majesty, for amending and widening the Road from the Town of* Biddenden, *in the Weald of* Kent, *through the Towns of* Smarden *and* Charing, *to join the Turnpike Road which leads from* Ashford *to* Feversham, *at a Place called* Boundgate: And whereas the Trustees appointed in or by virtue of the said several Acts have proceeded in the Execution of the same, and have borrowed a considerable Sum of Money on the Credit of the Tolls thereby granted; which still remains due and cannot be repaid, nor can the said Road be properly amended and kept in Repair, unless the Term of the said Acts be further continued: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every

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Recited Acts continued.

every the Tolls, Clauſes, Powers, Penalties, Forfeitures, Proviſions, Regulations, Matters, and Things therein reſpectively contained (except ſuch as relate to Exemptions from Stamp Duties), ſhall be and continue in full Force and Effect, and ſhall be executed for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purpoſes whatſoever as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments and Additions herein contained, and which ſhall commence and take Effect from and after the paſſing of this Act.

Exemptions from Tolls.

II. And be it further enacted, That from and after the paſſing of this Act, no Toll ſhall be demanded or received for any Horſe, Mare, Gelding, Mule, or other Cattle paſſing through any Gate now erected or hereafter to be erected on the ſaid Road, and drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing the ſaid Road, or any of the Roads in the Pariſhes or Places in which the Road hereby intended to be repaired, or any Part thereof, do lie, or any Dung, Mould, Soil or Compoſt of any Kind (Chalk and Lime excepted), for the manuring of any Garden or other Land or Ground; nor ſhall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpoſe of or returning from ploughing, ſowing, tilling, or cultivating of any Land or Ground; or going for or returning unladen or only laden with Hay, Straw, Corn in the Straw, or Wood, not ſold or diſpoſed of but to be laid up in the Houſes, Outhouſes, Yards, or on the Premiſes of the Owner or Owners thereof; or for any Plough, Harrow, Dray, or other Implement of Huſbandry; or for any Horſe, or other Beaſt or Cattle, drawing or carrying the ſame in order for the repairing thereof, or uſing the ſame in Huſbandry; or for any Horſe, or other Beaſt or Cattle, going to or returning from Water or Paſture, or going to be or returning from being ſhoed or farried; or for any Horſes, Cattle, 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 Poſtmaſter-General, either when employed in conveying, fetching, or guarding the ſame, or in returning back from conveying the ſame; or for the Horſes of Soldiers on the March or on Duty, or Carriages or Horſes, or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemptions; or for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes; nor ſhall any Toll be demanded or taken from any Inhabitant of any Pariſh through which any Part of the ſaid Roads doth lie, who ſhall paſs through any of the ſaid Turnpikes to or from his, her, or their reſpective Pariſh Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on *Sundays* or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon dying and to be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or

upon other his Parochial or Miniſterial Duty on a *Sunday*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor ſhall any Toll be demanded or taken for or in reſpect of any Horſe, Cattle, or Beaſt carrying any Paſſenger, or drawing any Coach, Landau, Berlin, Chariot, Calaſh, or Chair, 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*, 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 to the ſame, or ſhall make uſe of any Fraud whatſoever whereby the Payment of the Tolls granted and continued by the ſaid recited Acts and this Act, or any Part thereof, ſhall be evaded, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety ſhall be applied to the Purpoſes of the ſaid Acts and of this Act.

Statute Labour.

III. 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 Road, 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 for the ſaid County of *Kent*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, by their Order, Yearly to adjudge and determine what Part or Portion of the Statute Work ſhall every Year be done upon the ſaid Road 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, her, 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 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 are or may be directed by any Law or Statute in Force or Effect for the Repair of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done at ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the

the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid 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 uſual Place or Places of Abode for that Purpoſe, by any Surveyor 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 or effect for the Repair of the publick Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, 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 as 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 Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Application of Compenſation Money, if amounting to 200l.

IV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Grounds, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts or this Act, for the Purpoſes thereof, which ſhall belong to any Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or to any Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots, Lunaticks, or other Truſtees whatſoever, for or in Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, Idiots, Lunaticks, or for any other Perſon or Perſons whomſoever, 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 there *ex parte* the Truſtees for executing the ſaid Acts and 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, Grounds, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Grounds, or Hereditaments, or affecting other Lands, Grounds, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes;

or

or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Grounds, 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, Grounds, or 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 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 Lands, Grounds, or Hereditaments to be purchased by virtue of the said recited Acts and this Act, in case such Purchase or Settlement were made.

Application of Compensation Money if less than 200*l.* and amounting to 20*l.*

V. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or Hereditaments purchased, taken, or used for the Purpose aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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, Grounds, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid (at the like Option) to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees for executing the said recited Acts and 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 be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money if less than 20*l.*

VI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds, or Hereditaments so purchased, taken, or used for the Purpose of the said recited Acts and this Act, in such Manner as the said Trustees, or any Five or more

of them, ſhall think fit; or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c. Money to be paid into the Bank.

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

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

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

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

IX. 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, Grounds, or Hereditaments to be purchased under the Authority of the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Grounds, or Hereditaments to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying the Expences of the Act.

X. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the applying for, preparing, obtaining, and passing this Act, shall be paid out of the Monies now remaining in the Hands of the said Trustees or their Treasurer, or out of the first Monies which shall be collected or received by them, or any of them by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever.

Publick Act.

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

Term of the Act.

XII. And be it further enacted, That this Act shall commence upon the passing hereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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