ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. XXXIV.

An Act for more effectually repairing the Road leading from *Farnborough* in the County of *Kent*, to *Riverhill* in the Parish of *Sevenoaks* in the said County. [21st *May* 1816.]

WHEREAS an Act was passed in the Twenty-second Year of the Reign of His late Majesty, intituled *An Act for repairing and widening the Road leading from the Well at the North-west End of the Town or Village of* Farnborough *in the County of* Kent, *to a Place called* Riverhill *in the Parish of* Sevenoaks *in the said County*: And whereas an Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and enlarging the Powers of an Act made in the Twenty-second Year of His late Majesty's Reign, for repairing and widening the Road leading from the Well at the North-west End of the Town or Village of* Farnborough *in the County of* Kent, *to a Place called* Riverhill *in the Parish of* Sevenoaks *in the said County*: And whereas an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act to continue the Term of Two Acts passed in the Twenty-second Year of the Reign of King* George *the Second, and the Thirteenth Year of His present Majesty, for repairing and widening the Road leading from the Well at the North-west End of the Town or Village of* Farnborough *in the County of* Kent, *to a Place called* Riverhill *in the Parish of* Sevenoaks *in the said County*: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in Execution, and have for that Purpose from Time to Time borrowed several considerable Sums of Money on the Credit thereof, and of the Tolls thereby

22 G. 2. c. 4.

13 G. 3. c. 92.

36 G. 3. c. 128.

authorized to be taken, which ſtill remains due and unpaid, and cannot be repaid, nor can the ſaid Road be properly maintained and improved unleſs the ſaid Acts be repealed, and other and more effectual Power be granted for that Purpoſe: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's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 ſeveral recited Acts made in the Twenty-ſecond Year of the Reign of King *George* the Second, and the Thirteenth and Thirty-ſixth Years of the Reign of His preſent Majeſty, ſhall be and the ſame are 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 during the Time herein-after mentioned, for the Purpoſe of amending, widening, altering, improving, and keeping in Repair the Road leading from the Well at the North-weſt End of the Town or Village of *Farnborough* in the County of *Kent*, to a Place called *Riverhill* in the Pariſh of *Sevenoaks* in the ſaid County; and that the Term and Tolls by this Act granted ſhall be and are hereby charged with and made ſubject to the Payment of all Monies now due and owing upon the Credit or on account of the ſaid recited Acts, 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 and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Former Acts repealed.

Truſtees.

II. And be it further enacted, That the Right Honourable Lord *Frederick Campbell*, Sir *Edward Knatchbull* Baronet, Sir *William Geary* Baronet, Sir *Thomas Dyke* Baronet, the Reverend Sir *Charles Francis Farnaby* Baronet, Sir *Richard Hardinge* Baronet, *Richard Allnutt*, *Thomas Auſten*, *John Auſten* of *Swifts*, *John Thomas Auſten*, *John Auſten* Clerk, *Henry Auſten*, *George Lennard Auſten*, *William Auſten* Clerk, *Sackville Stephens Bale* Clerk, *Thomas Milborne* Barriſter, *Alexander Baring*, *John Barrow*, *Vincent Hilton Biſcoe*, *Matthew Bloxham* Clerk, *Richard Board* Clerk, the Honourable *John Evelyn Boſcawen* Clerk, *Edmund Cartwright* Doctor in Divinity, *James Cazalet* Clerk, *George Children*, *John George Children*, *John Fellowes Claridge*, *John Thomas Claridge*, *George Claridge*, *William Stacey Coaſt*, *Thomas Cobb* Clerk, *Chriſtopher Cooke*, *Richard Crow*, *George Courthope*, *George Courthope* the younger, *William Courthope* Clerk, *Thomas Sackville Curteis* Clerk, *Thomas Curteis* Clerk, *George William Hughes D'Aeth*, *William Daykin*, *Daniel Dodgin*, *Percival Hart Dyke*, *George Hart Dyke*, *William Edmeads*, *Alexander Evelyn*, *Demetrius Grevis*, *John Gibbon* Clerk, *George Hardinge*, *Charles Hardinge* Clerk, *James Harbroe*, *Thomas Harvey* Clerk, *Henry Hughes*, *William Humphrey* Clerk, *Edward Huſſey*, *Edward Huſſey* the younger, *Thomas Jervis*, *Thomas Mortimer Kelſon*, *Malton Lambard*, *William Lambard*, *Henry Thomas Lane*, *John Lawford*, *Thomas Lightfoot*, *Alfred Chamley Lawrence* Clerk, *William Manning*. *Frederick Manning*, *Charles Legh*, *Hoſkins Maſters*, *Robert Mayne* Clerk; *Charles Mayne*, *John Pollock Mayers*, *John Lewis Minet*, *George Moore* Clerk, *William Alexander Morland*, *Henry Morland* Clerk, *William Moreton* Clerk, *Peter Nouaille*, *Arthur Onſlow* Clerk, *Robert Parſons* Clerk, *Peter Pemell*, *Charles Carter Petly*, *John Cade Petly*, *Edmund Peters*, *John Peters* Clerk, *George Polhill*, *Francis Polhill*, *Thomas Ponton*, *Thomas Landcake Richards*, *John Henry Ruſh* Clerk, *Thomas Selby* of *Otford*, *John Shelley Sidney*, *John Simpſon* of *Fairlawn*, *John Simpſon* of *Shipborne Green*, *Charles*

Charles William Sloper, *Henry Streatfield* of *Chiddingstone*, *Henry Streatfield* the younger of *Chiddingstone*, *Henry Streatfield* of *Sevenoaks*, *Thomas Streatfield*, *Sydney Streatfield*, *Richard Streatfield*, *William Streatfield* Clerk, *Thomas Strong* Clerk, *Thomas Taylor*, *Richard Taylor* Clerk, *Thomas Thompſon*, *William Tonge*, *John Warde*, *Charles Warde*, *Charles Warde* the younger, *Francis Warde*, *William Wells*, *Henry White*, *Gervas Whitehead* Clerk, *John Thomas Wilgreſs* Clerk, *Charles Willard*, *John Williams* Clerk, *Charles Wilmot*, *George Wilmot*, *Henry Woodgate*, *Francis Woodgate*, *John Woodgate* of *Riverhill*, *William Francis Woodgate*, *John Woodgate* of *Stone Wall*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, amending, widening, improving, and keeping in Repair the ſaid Road, and for putting this Act into Execution.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been herein named and appointed.

On Death or Refuſal to act, other Truſtees to be choſen.

IV. And be it further enacted, That when and ſo often as any of the Truſtees hereby appointed or to be appointed by virtue of this Act ſhall die, or by Bankruptcy or Inſolvency ſhall become diſqualified, or refuſe to act, or ceaſe to reſide in the County of *Kent*, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands to elect and appoint ſome other Perſon in the Room of every Truſtee ſo dying or becoming diſqualified, or refuſing to act, or ceaſing to reſide in the ſaid County of *Kent*; and Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing on the ſeveral Toll Gates ſituate on the ſaid Road, at leaſt Ten Days before every ſuch Meeting; and all and every Perſon and Perſons who ſhall be ſo elected and appointed ſhall immediately upon ſuch Election and Appointment be a Truſtee for the Purpoſes of this Act, and ſhall be veſted with the ſame Powers and Authorities for putting this Act in Execution, as any Truſtee hereby nominated and appointed is or are veſted with.

Qualification of Truſtees.

V. 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 at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, Tythes, or Hereditaments of the clear yearly Value of Fifty Pounds, or ſhall be Heir Apparent of a Perſon ſeiſed of a real Eſtate in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, or be poſſeſſed of a perſonal Eſtate to the Amount of One thouſand Pounds, nor (except in adminiſtering the Oath hereinafter mentioned) until he ſhall have taken and ſubſcribed, before any Two or more of the ſaid Truſtees, an Oath or Affirmation, in the following Form of Words; and which Oath the ſaid Truſtees, or any Two of them,

at

at any of their Meetings held in pursuance of this Act, are hereby authorized to administer:

'I do swear, [*or*, being one of the People called '*Quakers*, do solemnly affirm] that I truly and *bonâ fide* am in my own 'Right [*or*, in the Right of my Wife], in the actual Possession and Enjoy-'ment or Receipt of the Rents and Profits of Lands, Tenements, or Here-'ditaments of the clear yearly Value of Fifty Pounds, above Reprizes, '[*or*, am possessed of or entitled to a personal Estate of the Value of One 'thousand Pounds, or am Heir Apparent of 'who, to the best of my Knowledge, is seised of a real Estate of Lands, 'Tenements, or Hereditaments of the clear yearly Value of Two hun-'dred Pounds, as the Case may happen.] So help me GOD'.

Penalty on Trustees acting not being qualified.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act, in any Case where he shall be personally interested, other than as a Creditor, nor while he holds any Place of Profit under this Act, or who shall sell any Wine, Cider, Ale, Beer, or Spirituous Liquors by Retail; and if any Person disqualified by any of the Causes aforesaid, or not being qualified as aforesaid, shall nevertheless 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 at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings as shall have been done and performed by any such Person, touching the Execution of this Act, previously to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Meetings of Trustees.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of *Thomas Wiggens*, known by the Sign of *The Crown* in the Town of *Sevenoaks*, on the Second *Saturday* after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall then, and from Time to Time after, adjourn to meet at such Time, and at such Place or Places in or near the said Road, as they shall think proper, and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall omit to adjourn, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been holden or was holden (as the Case may be), and to such Time as he shall think fit not exceeding Twenty-one Days, nor less than Fourteen Days from the Time of the last Default, and shall thereof give Notice, by Writing affixed on the several Turnpike Gates on this Trust, at least Ten Days before the Day of such intended Meeting; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall

ſhall be lawful for any Five or more of the ſaid Truſtees to cauſe Notice in Writing to be affixed on the ſaid Turnpikes, appointing the Truſtees to meet at ſuch Time, and at ſuch Place in or near the ſaid Road, as they the ſaid Five Truſtees ſhall think proper, not exceeding Twenty-one nor leſs than Ten Days from the Time of affixing ſuch Notices, and the Truſtees ſhall at all their ſeveral Meetings pay their own Expences: And all Orders and Determinations of the Truſtees in the Execution of this Act ſhall be made at Meetings conſiſting of not leſs than Five Truſtees, to be holden in purſuance thereof, and not otherwiſe (except in Caſes hereby particularly provided for); and that no Order or Determination ſhall be valid, unleſs the major Part of the Truſtees preſent at ſuch Meeting ſhall concur therein; and in all Caſes where the ſaid Truſtees, or any Juſtice or Juſtices of the Peace, are by this Act authorized or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Truſtees, or any Two or more of them, or for ſuch Juſtice or Juſtices, to adminiſter ſuch Oath; and that no Order made by Five or more Truſtees ſhall be revoked or altered at any Meeting where leſs than Eight Truſtees ſhall be preſent, nor without the actual Concurrence of a greater Number of Truſtees than the Number by whom ſuch original Order was made, nor unleſs Ten Days Notice at the leaſt of ſuch intended Alteration ſhall have been given at a previous Meeting of the Truſtees, and entered in the Books of Proceedings, and affixed on the ſaid Turnpikes Ten Days at leaſt before ſuch Meeting.

Meetings on Emergencies.

VII. Provided always, 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 to which ſuch Meeting ſhall be adjourned, the Clerk by an Order in Writing, ſigned by Five or more Truſtees (although not aſſembled at a Meeting), mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meeting, by Notice in Writing, in Manner before directed, ſuch Time not being leſs than Ten Days after ſuch Notice; and all Proceedings of the Truſtees at ſuch Meetings ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of an Adjournment.

Orders to be entered in a Book.

VIII. 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; and all Entries in the ſaid Book or Books, and alſo in the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments, or Tranſcripts thereof, ſhall be deemed Originals; and ſuch Book or Books ſhall at all Meetings of the ſaid Truſtees be open for the Inſpection of all and every of the ſaid Truſtees, and of the Creditors of the Tolls, and ſhall be admitted as Evidence in all Courts whatſoever.

Accounts to be open to Inſpection of Creditors on Road.

IX. Provided always, and be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time to cauſe to be entered in a Book regular Accounts of the Receipts and Diſburſements, and of the ſeveral Articles for which ſuch Sums have been diſburſed, which Book ſhall be kept by the Treaſurer or Clerk, in order that any of the ſaid Truſtees, or any Creditor or Creditors on the ſaid Tolls, may at all

all ſeaſonable Times have Acceſs thereto, and take Copies or Extracts therefrom, without paying any Thing for the ſame; and in caſe the ſaid Treaſurer or Clerk ſhall refuſe to permit ſuch Perſon or Perſons as aforeſaid to inſpect or take Extracts from ſuch Book of Accounts, he ſhall forfeit and pay for every ſuch Offence any Sum not exceeding the Sum of Five Pounds.

Appointment of Officers.

X. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time, at any of their Meetings, by Writing under their Hands, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary, and from Time to Time remove any ſuch Officer or Officers, and, on the Death or Removal of any ſuch Officer or Officers, may appoint others in their Stead, and Ten Days Notice of the Intention of ſuch Appointment ſhall be given in Writing, affixed on the ſaid Turnpikes, of every Meeting where any ſuch Appointment ſhall be made, after the firſt Meeting of the ſaid Truſtees; and the ſaid Truſtees, or any Five or more of them, ſhall and may, and are hereby authorized and empowered, by and out of the Monies ariſing by virtue of this Act, to pay ſuch Salaries and make ſuch Allowances to ſuch Officers and other Perſons employed for their Services, in or about the making, maintaining, amending, altering, improving, and keeping in Repair the ſaid Road, or any Part thereof, or otherwiſe in putting this Act into Execution, as they the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable: Provided alſo, that no Truſtee ſhall vote at the Election of any ſuch Officer or Officers as aforeſaid, unleſs he ſhall have attended and acted as a Truſtee within the Space of Two Years of the Time of the Death, Removal, or Reſignation of ſuch Officer or Officers as aforeſaid.

No Truſtee to vote, unleſs he ſhall have acted within Two Years.

Truſtees to appoint temporary Collectors.

XI. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall neglect or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting of the Truſtees appointed by virtue of this Act, to diſcharge ſuch Collector or Receiver; and in ſuch Caſe, and alſo in caſe any Collector or Receiver ſhall die, ſuch Truſtees as aforeſaid ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Truſtees; which Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all reſpects as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his ſaid Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building, with the Appurtenances, to be continued, erected, or ſet up by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Five or more of the ſaid Truſtees, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Kent*, upon Demand made by the ſaid Truſtees, or by any Perſon by them appointed,

pointed, on their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put the ſaid Truſtees or any Five of them, or their new appointed Officer, into the Poſſeſſion thereof.

Officers to account.

XII. And be it further enacted, That all ſuch Officers, and all other Perſons, who ſhall be appointed under or by virtue of this Act, ſhall from Time to Time, when thereunto required by the ſaid Truſtees, or any Five or more of them, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall reſpectively for that Purpoſe appoint, a true and perfect Account in Writing, under their reſpective Hands of all Monies which ſhall have been by them reſpectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers for ſuch Payments; and ſuch Officers and Perſons ſhall, and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in his or their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers relating to the ſame, or to pay the Balance remaining in their Hands, when thereunto required, in Manner aforeſaid; or if any ſuch Officers or Perſons 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 Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, anyways relating to the Execution of this Act, or to the ſaid Road, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, by any Five or more of the ſaid Truſtees, or by any Perſon or Perſons by them authorized on their Behalf, ſuch Juſtice may and he is hereby authorized and required to ſummon ſuch Officer or Officers, Perſon or Perſons, to appear before him; and in caſe of his or their not appearing upon ſuch Summons, the ſame having been ſerved upon him or them perſonally, or left at his or their uſual Place or Places of Abode, (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Non-appearance), to iſſue his Warrant or Warrants for his or their Apprehenſion; and upon his or their appearing upon ſuch Summons, or being apprehended and brought before him by ſuch Warrant, or having abſconded, or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if, upon the 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 credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, 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

Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame, or if ſuch Officer or Officers, or Perſon or Perſons, appearing or being brought before ſuch Juſtice in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Road, then, and in either of the Caſes aforeſaid ſuch Juſtice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol of the County where he or they ſhall live and reſide, or to any Houſe of Correction within the ſame, there to remain without Bail or Mainprize until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, as ſhall in that reſpect have been made, or until he or they ſhall have compounded with the ſaid Truſtees for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make); or until he or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof, to the ſaid Truſtees, or any Five or more of them; but no ſuch Officer or other Perſon, who ſhall be committed for Default of Diſtreſs only, ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Three Calendar Months.

Treaſurer to give Security.

XIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby authorized and required to take ſufficient Security from the Treaſurer or Treaſurers, Surveyor and Surveyors, and Collectors and Receivers of the Tolls, to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his or their Office or Offices, and, if they think fit, ſhall and may alſo take ſuch Security from any other Officer to be appointed under and by virtue of this Act.

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

XIV. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit to be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue of this Act, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the Clerk or Treaſurer for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action or Suit (as the Caſe may be): Provided always, that every ſuch Clerk or Treaſurer ſhall be reimburſed, out of the Monies to be received by virtue of this Act, all ſuch Coſts, Charges, and Expences as he ſhall be put unto, or become chargeable with, by reaſon of his being ſo made a Plaintiff or Defendant.

XV. And

Power to erect Turnpikes.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, if they ſhall think proper, to continue all and every or any of the Turnpikes, or Toll Gates, and Toll Houſes, now ſtanding and being in, and upon, or acroſs the ſaid Road, and to erect, and ſet up, and build, or cauſe to be erected, ſet up and built, upon, in, or acroſs any Part or Parts of the ſaid Road, or acroſs any Road or Lane that doth or ſhall lead into or out of the ſaid Road, one or more Gate or Gates, Turnpike or Turnpikes, Side Bar or Gate, or Side Bars or Gates, and alſo one or more Toll Houſe or Toll Houſes, with Out-buildings ſuitable thereto, and take in and incloſe, on the Sides of the ſaid Road, ſuitable Garden Spots, not exceeding Half a Rood for each Garden Spot.

Turnpikes not to be taken down but by Order of Truſtees on Ten Days Notice.

XVI. Provided alſo, and be it further enacted, That no Gate or Turnpike to be erected or ſet up by virtue of this Act upon the Road aforeſaid ſhall at any Time after the ſame ſhall be ſo fixed and ſet up, be taken down or removed to any other Place on the ſaid Road except by Order of the ſaid Truſtees, or any Seven or more of them, and whereof Ten Days Notice ſhall be given in Writing, by the Clerk or Clerks to the ſaid Truſtees, under his or their Hand or Hands, to be affixed on all the Turnpike Gates to be erected by virtue of this Act, any Thing in this Act contained to the contrary notwithſtanding.

Turnpikes, &c. veſted in Truſtees.

XVII. And be it further enacted, That the Right and Property of all the Turnpikes, and Side Gates, and Toll Houſes, and other Buildings already erected under the recited Acts, or to be erected by virtue of this Act, with the Grounds, Fences, and Appurtenances thereto reſpectively belonging, and of all Gates, Poſts, Rails, Bars, Fences, Mile Stones, Tables of Tolls, and Poſts already erected, or to be erected as aforeſaid, on the ſaid Road, and alſo of all Materials, Tools, and Implements, which have been provided or ſhall be provided for amending and improving the ſaid Road, ſhall be veſted in the ſaid Truſtees, and they are hereby empowered to cauſe any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred againſt any Perſon who ſhall ſteal, break down, take away, injure, or ſpoil any ſuch Turnpike, Toll Houſe, or other Building, Fence, Mile Stone, Table of Tolls, Gates, Rails, Bars, or Poſts, or any of ſuch Materials, Tools, or Implements as aforeſaid, or any of them, or any Part or Parts thereof; and in all ſuch Actions and Bills of Indictment reſpectively it ſhall be and be deemed to be ſufficient to ſtate generally that the Article or Articles, Thing or Things, for or in reſpect of which an Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Truſtees for maintaining and improving the *Sevenoaks* Road, without further Deſcription or Addition, and without ſpecifying the Name or Names of all or any of the ſaid Truſtees.

Power to take Tolls.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons (appointed or to be appointed by virtue of this Act), Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following at each and every of the ſeveral and reſpective Turnpikes or Toll Gates, or Toll Houſes, or Turnpike or Toll Gate, or Toll Houſe, or Side Bar or Side Gate, which are, or is, or ſhall be ſtanding or continued, or erected in, upon, acroſs, or on the Sides of the ſaid Road, by virtue of this Act; 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),

For every Horſe or other Beaſt of Draught, drawing any Coach, Barouche, Landau, Sociable, Chariot, Phaeton, Curricle, Hearſe, Chaiſe, Chair, or other ſuch Carriage, the Sum of Three-pence:

For every Horſe or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof, of the Breadth or Guage of Six Inches, the Sum of One Penny Halfpenny:

For every Horſe or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth or Guage than Six Inches, the Sum of Two-pence:

For every Horſe or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch Carriage, loaded with Chalk or Lime, to be uſed in the Cultivation of Land, the Sum of One Penny:

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

For every Drove of Oxen, Cows, or other neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Horſe drawing any Waggon, Wain, Cart, or other Carriage, laden with any Tree or Trees, Timber, Plank, or Hop Poles, between every Firſt Day of *October*, and the Firſt Day of *April* following, both Days incluſive, Double the Tolls herein-before mentioned.

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, Coach, Barouche, Landau, Sociable, Phaeton, Curricle, Chaiſe, Chair, or other Pleaſure Carriage, Hearſe, Waggon, Wain, Cart, or other Carriage whatſoever, be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate, already erected and continued, or to be erected by virtue of this Act, upon or acroſs the ſaid Road, or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame; and upon Payment of any of the Tolls herein-before mentioned, 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, naming and ſpecifying the ſeveral Gates freed by ſuch Payment, and which ſaid reſpective Tolls or Duties ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied for the Purpoſes of this Act, as herein-after is directed.

Penalty on refuſing to pay.

XIX. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize and diſtrain any ſuch Horſes, or other Cattle or Beaſts, or the Bridles, Saddles, Gears, Harneſs, Accoutrements, or a ſufficient Part thereof (except the Bridles or Reins apart from any Horſe or Beaſt);

and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs ſhall not be paid within the Space of Five Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, or other Things ſo diſtrained, or a ſufficient Part thereof, returning the Surplus (if any be), and what ſhall remain unſold, upon Demand to the Owners thereof, after ſuch Tolls, and the reaſonable Charges of making ſuch Diſtreſs, and keeping and ſelling the ſame, ſhall be deducted and paid, to be aſcertained, in caſe of Diſpute concerning the ſame, by ſome Juſtice of the Peace for the County of *Kent*, as herein-after mentioned.

One Toll only to be paid for paſſing and repaſſing on the ſame Day.

XX. Provided always, and be it further enacted, That any Perſon or Perſons who ſhall have paid the Tolls hereby granted at any Toll Gate or Turnpike to be continued or erected upon the ſaid Road by virtue of this Act, for or in reſpect of any Horſes, Cattle, Beaſts, or Carriages, ſhall on the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the ſucceeding Night, be permitted to paſs and repaſs with the ſame Horſes, Cattle, Beaſts, or Carriages, as often as he or they ſhall think proper, through the ſame Gate or Turnpike; and that no Perſon paſſing any of the ſaid Toll Gates or Turnpikes with any Horſes or other Beaſts not drawing a Carriage, and paying the Toll for ſuch Horſes, and returning the ſame Day (to be computed as aforeſaid), ſhall be ſubject or liable to pay any greater Toll in reſpect of the Horſes or Beaſts drawing ſuch Carriages than will, with what ſhall have been paid for ſuch Horſes or Beaſts as aforeſaid, make up the complete Toll authorized to be collected for the Horſes or Beaſts ſo drawing ſuch Carriage by virtue of this Act, ſuch Perſons reſpectively producing a Note or Ticket denoting ſuch reſpective Payments, (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*): Provided alſo, that in caſe any Poſt Chaiſe or other Carriage, drawn by the ſame Horſes, travelling for Hire, ſhall on the ſame Day return through any Gate or Turnpike now ſtanding upon the ſame Road, or to be erected by virtue of this Act, at which any Toll ſhall be payable, and the Driver, or any other Perſon, ſhall deliver to the Gate Keeper the Stamp Office Ticket, as required by Law, then ſuch Poſt Chaiſe or other Carriage ſhall be liable to pay the like Toll as would have been payable by virtue of this Act, if ſuch Chaiſe or Carriage had not before paſſed through ſuch Gate or Turnpike: Provided alſo, that no Perſon ſhall be liable to any Payment of Toll or increaſed Charge by reaſon of his paſſing through any Side Gate or Side Bars to be erected by virtue of this Act upon or acroſs any Lane or Road leading into or out of the ſaid Road, through any other of the Turnpikes to be erected by virtue of this Act acroſs ſuch Road, beyond what he would be liable to pay if he had paſſed through either of the ſaid Gates only, any Thing herein contained to the contrary notwithſtanding.

Perſons not liable to increaſed Charge for paſſing through any Side Gates.

Number of Tolls to be paid on Road.

XXI. Provided alſo, and be it further enacted, That no more than Two full Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing during the ſame Day, to be computed in Manner aforeſaid, with the ſame Horſes, Cattle, or Carriages reſpectively, through all the Toll Gates or Turnpikes to be continued or erected by virtue of this Act upon the whole Extent of the ſaid Road; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, by an Order

for

for that Purpoſe, to direct and appoint which of the ſaid Toll Gates ſhall be Pay Gates, and which of them Ticket Gates, with reſpect to each other.

Settling Diſputes concerning Tolls.

XXII. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and of the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs (as the Caſe ſhall happen), ſhall be aſcertained by ſome Juſtice of the Peace for the County, Liberty, or Place where ſuch Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof, forthwith by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Toll Collectors to put up their Names, &c.

XXIII. And be it further enacted, That all and every Toll Collector appointed either by the ſaid Truſtees, or any Five or more of them, by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected by virtue of the ſaid Act or this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board, in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate immediately upon his coming on Duty, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of this Act, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian and Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Road, or ſhall without ſufficient Cauſe detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

To prevent Evaſion of Tolls.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage, paſs through or over any Land, Ground

or

or Place lying by the Side of or near to any Part of the ſaid Road (except the Owner or Occupier of ſuch Land, Ground, or Place, or any of his or their Family or Servants), or if any Perſon or Perſons owning or occupying any ſuch Land, Ground, or Place, the ſame not being a Public Highway, ſhall knowingly permit or ſuffer any Perſon or Perſons (except as aforeſaid) to paſs with any Horſe, Cattle, Beaſt, or Carriage through or over the ſame, with Intent to evade the Payment of the ſaid Tolls or any Part thereof; or if any Perſon or Perſons ſhall forge or counterfeit, or ſhall give to or receive from any Perſon or Perſons any Note or Ticket by this Act directed to be given by the Collectors of the Tolls, or unload or cauſe to be unloaded any Goods, Wares, or Merchandize, or take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, or having paſſed through any Turnpike ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage, with an Intent to evade the Payment of the ſaid Tolls or any Part thereof, every ſuch Perſon ſo offending in any of the Caſes aforeſaid ſhall for each Offence forfeit any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied towards the Purpoſes of this Act.

Penalty on Perſons diſpoſing of or receiving Tickets to avoid the Payment of Tolls.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall give or diſpoſe of any Note or Ticket, Notes or Tickets, ſignifying the Payment of any of the Tolls or Duties by this Act granted to any Perſon or Perſons in order to evade the Payment of the ſaid Tolls or Duties, every ſuch Perſon giving or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon receiving or making Uſe of the ſame, or either of them, being thereof convicted reſpectively upon Oath before any one Juſtice of the ſaid County of *Kent*, (which Oath the ſaid Juſtice is hereby required and empowered to adminiſter), ſhall reſpectively forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and diſpoſed of, as any other Penalty and Forfeiture is hereby directed to be levied, recovered, and diſpoſed of.

Collectors of Tolls not incompetent Witneſſes.

XXVI. 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 by or under the Authority of the ſaid Truſtee, ſhall not by reaſon thereof be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

Exemptions from Toll.

XXVII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty from carrying or conveying, having been employed only in carrying or conveying, on the ſame Day, any Gravel, Chalk, Stone, Sand, or other Materials, for making or repairing the ſaid Road, or any of the Public Highways, in which any Part of the ſaid Road lies, or for carrying, conveying, or going empty to carry and convey any Dung, Mould, Soil, Marl, or Compoſt (Chalk and Lime only excepted), for manuring or improving Land; nor for any Horſe, Beaſt, or other Cattle or Carriage, employed in carrying or conveying any Ploughs, Harrows, or other Implements of Huſbandry, or any Graſs, Hay, Saintfoin, Fodder, Straw, Corn in the Straw, or Wood for Fuel,

to be laid up in the Houſes, Barns, and Premiſes of the reſpective Inhabitants, for their own private Uſe and Conſumption, in any of the Pariſhes in which ſuch Gates or Turnpikes ſhall be erected; nor for any Horſes or other Beaſts going to or returning from Plough or Harrow, or to or from Paſture or Watering Place; nor from any Perſon or Perſons going to or returning from his, her, or their Pariſh Church, Chapel, or other Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies; nor from any Rector, Vicar, or Curate, going to viſit or returning from viſiting any ſick Perſon, or other his Parochial or Miniſterial Duty; nor for any Horſes or Carriages of whatever 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 or guarding ſuch Mails or Expreſſes, or in returning back from conveying and guarding the ſame; nor for the Horſe or Horſes of any Soldier or Soldiers on their March, or on Duty; nor for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying and conveying the Arms or Baggage of any ſuch Officers or Soldiers, or employed in carrying and conveying, or returning empty from having been employed only in carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, the Horſe or Horſes or other Cattle whatſoever, drawing the ſame, employed in conveying any Ordnance, or Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements according to the Regulations of ſuch Corps, at the Time of claiming the Exemption; nor for any Horſes, Carts, or Waggons travelling with Vagrants ſent with legal Paſſes, or returning empty after having been ſo employed; nor for any Horſe or Horſes, Coaches, Chaiſes, or other Carriages, 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 the Day before or the Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall by any fraudulent or colluſive Means take any of the Exemptions aforeſaid, not being entitled thereto, or ſhall make uſe of any Fraud whatſoever, whereby the Payment of the ſaid Tolls, or any Part thereof ſhall be evaded, every ſuch Perſon or Perſons, for every ſuch Offence, ſhall forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Exempting Carriages conveying King's

XXVIII. 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, or Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes drawing the ſame, 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 the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Acts contained to the contrary notwithſtanding.

Stores, &c. from Penalties for Overweight.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, upon Twenty-one Days Notice, to be given by Advertiſement in ſome Newſpaper publiſhed in the County of *Kent*, or other Newſpaper uſually circulated in the Neighbourhood of the ſaid Road, from Time to Time, by Writing under their Hands and Seals, to let to farm the Tolls ariſing by this Act, or any Part or Parts of ſuch Tolls, to any Perſon or Perſons who ſhall be willing to take or farm the ſame from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any one Letting, and for the beſt Rent or Price ſuch Truſtees can get for the ſame, payable at ſuch Times and in ſuch Manner, and under ſuch Covenants, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; which Money ſo to be paid ſhall be applied and diſpoſed of, as the Tolls granted by this Act are directed to be applied and diſpoſed of.

Truſtees may leaſe the Tolls.

XXX. And be it further enacted, That during ſuch Time as the Tolls or any Part or Parts thereof ſhall be leaſed, demiſed, or let to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he 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, with the like Powers for the Recovery thereof, to all Intents and Purpoſes whatſoever, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the Regulations of this Act, and 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 liable to.

Leſſees or Perſons appointed by them may collect Tolls.

XXXI. And be it further enacted, That in caſe all or any of the 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 for the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for demiſing or letting thereof, then and in either of thoſe Caſes it ſhall be lawful for any Juſtice of the Peace, by Warrant under his Hand and Seal,

In caſe of Non-performance of Agreement, Commiſſioners may take Poſſeſſion of Toll Houſes, &c.

Seal, to order the Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, and they are hereby authorized, to put the Truſtees, or any Perſon or Perſons appointed by them, in the Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls from the Poſſeſſion thereof, and from the Collection of ſuch Tolls; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, (if they ſhall think fit) to vacate or determine the Contract or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Covenants and Agreements on the Part of the Leſſees) as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, 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.

Tolls to be leſſened or altered by Order of Truſtees.

XXXII. And be it further enacted, That the ſaid Truſtees or any Seven or more of them may, and they are hereby authorized and empowered, from Time to Time as they ſhall think proper, to leſſen and reduce all or any Parts or Part of ſuch Tolls at all, any, or either of the ſaid Turnpikes, as they ſhall think fit, and to raiſe the ſame again to any Sum not exceeding the Tolls by this Act granted; but no ſuch Reduction ſhall be made unleſs Notice in Writing be given for that Purpoſe in ſome Newſpaper publiſhed in the ſaid County of *Kent*, or other Newſpaper uſually circulating in the Neighbourhood of the ſaid Road, at leaſt Fourteen Days before the Meeting for making ſuch Reduction; and ſuch Tolls ſo leſſened or reduced, or raiſed again, ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected: Provided always, that until the whole Money charged and borrowed on the Credit of this Act and of the ſaid recited Acts ſhall have been paid off or diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five Sixths of the Money remaining due upon the Security of the ſaid Tolls of this Act.

Truſtees may compound for Tolls.

XXXIII. 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 compound and agree with any Perſon or Perſons for the paſſing of any Carriage, Horſes, Beaſts, or other Cattle travelling on the ſaid Road, for all or any of the Tolls to be paid in reſpect thereof, for any Term not exceeding Twelve Months at any one Time, which Compoſition Money ſhall be paid in Advance quarterly or otherwiſe, as the ſaid Truſtees or any Five or more of them ſhall appoint; and in Default of ſuch Payment, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default ſhall from thenceforth be void, and all ſuch Compoſition Money ſhall be applied in ſuch Manner as the Tolls are hereby directed to be applied.

For borrowing Money.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think proper, and to mortgage or aſſign the Tolls hereby granted, or any Part or Parts thereof,

and

and any of the Turnpikes and Toll Houſes for collecting the ſame (the Coſts and Charges of ſuch Mortgages or Aſſignments to be paid out of ſuch Tolls) to any Perſon or Perſons, his, her, or their Executors, Adminiſtrators, or Aſſigns who ſhall advance and lend his, her, or their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the ſeveral Sums of Money that ſhall be ſo borrowed and the Intereſt thereof; which Mortgages or Aſſignments ſhall be ſigned and ſealed by the ſaid Truſtees, or any Seven or more of them, and be in the following Words, or in any other Words to the like Effect; (that is to ſay)

'BY virtue of an Act made in the Fifty-ſixth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act,*] We whoſe Names are hereunto ſubſcribed and Seals affixed, being of the Truſtees acting in the Execution of the ſaid Act, in Conſideration of the Sum of to the Treaſurer of the ſaid Road in Hand paid by do hereby aſſign to the ſaid his or her Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls to ariſe by virtue of the ſaid Act, and alſo of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum charged and advanced, or to be charged or advanced on the Credit of the ſaid Tolls, to be had and holden from the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of *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 of Aſſignments or Mortgages to be entered.

And that Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the Tolls after the Firſt Meeting of the ſaid Truſtees, unleſs Notice be for that Purpoſe given in ſome Newſpaper publiſhed in the County of *Kent*, or other Newſpaper circulating in the Neighbourhood of the ſaid Road, at leaſt Fourteen Days before the borrowing thereof; and all and every Perſons and Perſon to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby reſpectively ſecured, are and is hereby empowered from Time to Time to aſſign over or transfer ſuch Security or Securities or any Share thereof, and all or any Part of the Monies due thereon, to any Perſon or Perſons whomſoever, by ſigning an Inſtrument to be annexed to ſuch Security, or by an Indorſement on the ſame in the following Words, or Words to the like Effect; (that is to ſay)

Form of Transfer.

'I being entitled to the Sum of ſecured to Executors, Adminiſtrators, and Aſſigns, by virtue of a Mortgage or Aſſignment bearing Date the Day of in the Year of our Lord under the Hands and Seals of of the Truſtees acting in Execution of an Act made in the Fifty-ſixth Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act,*] upon the Credit of the ſaid Act, do hereby transfer all my Right and Title in and to the ſame, and all the Principal and Intereſt Money now due and

' owing thereon, unto Executors, Administrators, and
' Assigns. Dated this Day of in the
' Year of our Lord .'

Transfers to be notified to the Clerk.

All which Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before mentioned Book or Books, specifying the Dates and Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums of Money therein transferred, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more by the Person or Persons to whom such respective Transfers shall be made; which said Book or Books shall and may be inspected at all reasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling and no more shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign again, and so *toties quoties*, and it shall not be in the Power of any Person who shall have made any such Transfer to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon; provided that nothing herein contained shall extend or be construed to extend personally to charge or subject the said Trustees, or any or either of them, by reason of their, or any, or either of their signing or sealing any such Mortgage, Assignment, or other Security to be made in pursuance of this Act, or signing or sealing any other Deed or Instrument, or entering into any Contract relating to the said Trust.

No Creditor to have Preference of another.

XXXV. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the said recited Acts, or who shall hereafter advance any Sum or Sums of Money on the Credit of this Act, his, her, or their Assignee or Assigns, in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgages or Assignments have already been made, as those to whom the same shall hereafter be made, his, her, and their Assignee and Assigns, shall be (in Proportion to the Sum or Sums therein mentioned) Creditors in this Act, and in equal Degree one with another.

For paying Creditors by Lot.

XXXVI. 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 Road, it shall and may be lawful for them, or any Seven 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 Fourteen Days preceding the same, by Advertisement in some Newspaper printed 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 a Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, any Thing herein contained to the contrary notwithstanding.

 XXXVII. And

Application of Monies.

XXXVII. And be it further enacted, That all the Monies which before the Commencement of this Act ſhall have been raiſed or produced by virtue of the ſaid ſeveral recited Acts, or any of them, and which ſhall be then undiſpoſed of, and alſo all the Monies which ſhall ariſe and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe or 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 applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in Manner following; (that is to ſay), in the Firſt Inſtance, in the Payment of all the Coſts, Charges, and Expences incident to or attending the obtaining and paſſing of this Act, and then in defraying the Expences of erecting and providing Turnpikes, Toll Houſes, and other Buildings, and repairing the ſame, and of altering, widening, turning, repairing, and improving the ſaid Road, and of executing the other Purpoſes of this Act, and in Payment of the Intereſt due, and from Time to Time to become due, in reſpect of all the Sums borrowed or owing on the Credit of the ſaid recited Acts or this Act, or of the Tolls thereof reſpectively; and laſtly, in Payment and Diſcharge of the Principal Monies due or owing, or to become due or owing, as aforeſaid.

For getting Materials for repairing the Road.

XXXVIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and all ſuch Perſon or Perſons as he or they ſhall employ to ſearch for, dig, cut, gather, get, and take away any Stones, Gravel, Chalk, Underwood, Furze, Heath, Sand, or other Materials proper for amending, altering, improving, or repairing the ſaid Road, out of any Waſte or Common, or out of any Common, River, or Brook in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, or in any adjoining Pariſh, Hamlet, Townſhip, or Place within the ſaid County of *Kent*, without paying any Thing for the ſame, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries ſo that the ſame may not be dangerous to Paſſengers or Cattle, and if a ſufficient Quantity of ſuch Materials cannot be had or found in or upon any ſuch Waſte or Common, or in any ſuch Common, River, or Brook contiguous to that Part of the ſaid Road therewith to be repaired, or ſo near or convenient as the ſame can be found and gotten in any private Lands or Grounds contiguous to the ſame Road, then and in ſuch Caſe the Surveyor or Surveyors, or other Perſons as aforeſaid, may by Order of any Juſtice or Juſtices of the Peace for the ſaid County of *Kent*, to be made upon the Application of the ſaid Truſtees, or any Five or more of them, ſearch for, dig, cut, gather, get, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons in any Pariſh, Hamlet, Townſhip, or Place, in which any Part of the ſaid Road ſhall lie or be ſituate, where the ſame may be had or found, (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Damage done to the Owners and Occupiers of any ſuch Lands, Fields, or Grounds, where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other

other Materials proper for amending, altering, improving, or repairing the ſaid Road, ſhall be carried, as ſhall be agreed upon between them and ſuch Owner or Occupier; or in caſe of their not agreeing, then and as any One or more Juſtice or Juſtices of the Peace, acting in and for the ſaid County of *Kent*, ſhall and may adjudge and determine to be reaſonable, which Judgment or Order of the ſaid Juſtice or Juſtices therein ſhall be final and concluſive to all Parties.

Notice to be given before Materials taken.

XXXIX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or other Perſon or Perſons acting under the Authority of this Act, to dig, cut, gather, get, take, or carry away any Materials proper for repairing ſuch Road out of or from any incloſed Land or Ground, until Notice in Writing ſigned by the Surveyor ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at the Houſe or laſt or uſual Place of Abode of ſuch Owner or Occupier, to appear before any One or more Juſtice or Juſtices of the Peace acting in and for the ſaid County of *Kent*, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier or Agen ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtice or Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſons to dig, gather, get, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or Agent, ſuch Juſtice or Juſtices may (upon Proof on Oath of the Service of ſuch Notice, and which Oath they or any of them are hereby empowered to adminiſter) make ſuch Order therein as he or they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier or his Agent had attended.

Penalty on taking away Materials.

XL. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which have been dug, cut, gathered, or got in any Lands, Fields, Grounds, Waſtes, or Commons, Rivers, or Brooks, for the Purpoſes of this Act, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and 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 for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

For removing Annoyances.

XLI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, and ſuch Perſon as he or they ſhall appoint, by Direction of and under the Hands of Five or more of the ſaid Truſtees, from Time to Time to remove all Nuiſances and Annoyances made on any Part of the ſaid Road by Timber, Stones, Carriages, Sawpits, Hovels, Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running along into or out of the ſaid Road to the Prejudice thereof, and to open, ſcour, cleanſe, widen, and make deeper any Watercourſes or Ditches adjoining or near thereto, and make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary, and to cut down,

down, lop or top, at proper Seaſons of the Year, any Trees, Branches, Shrubs, or Buſhes growing on the ſaid Roads, or in the Hedges or Banks adjacent thereto, (except Trees planted for Ornament or Shelter to the Houſe, Building, Garden, or Court Yard of the Owner thereof), and to cut and reduce all ſuch Hedges to the Height of Six Feet; in caſe the Perſons occaſioning ſuch Nuiſances and Annoyances ſhall neglect to remove the ſame within the Space of Seven Days, or the Owners or Occupiers of the Lands ſhall neglect to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or to lop, or top, and remove ſuch Boughs, Branches, or Lops, or reduce ſuch Hedges in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require, for the Space of Thirty Days, or to cut down ſuch Trees within the Space of Six Calendar Months next after Notice in Writing given for thoſe reſpective Purpoſes, under the Hand or Hands of ſuch Surveyor or Surveyors, or ſo near thereto as the proper Seaſon will allow for ſuch reducing of Hedges or cutting down, or topping, or lopping of Trees, the Charges whereof (to be ſettled by any Juſtice or Juſtices of the Peace for the ſaid County of *Kent*) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and ſhall be recovered in ſuch Manner as Penalties and Forfeitures are by this Act directed to be recovered; and if, after the Removal of any of the ſaid Nuiſances and Annoyances, any Perſon ſhall again offend in the like Manner, every ſuch Perſon ſhall for every ſuch ſubſequent Offence forfeit any Sum not exceeding Ten Pounds, over and above the Penalty and Charges before mentioned.

Againſt drawing Timber, &c. except on Wheel Carriages.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall draw or cauſe to be drawn upon any Part of the ſaid Road any Tree or Piece of Timber or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree, or Piece of Timber, or Stone, which ſhall be conveyed upon any Wheel Carriage to drag or trail upon any Part of the ſaid Road to the Prejudice thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

To make Cauſeways, &c. and build and repair Bridges.

XLIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors or ſuch Perſon or Perſons as he or they ſhall appoint or employ, ſuch Surveyor or Surveyors having an Order in Writing for that Purpoſe, ſigned by the ſaid Truſtees, or any Five or more of them, to make or cauſe to be made Cauſeways, and alſo covered or open Drains and Ditches in and upon or on the Sides of the ſaid Road, and alſo through any Grounds or Fields lying contiguous thereto, and to ſcour ſuch Ditches and Drains ſo as effectually to carry off the Water from any Part of the ſaid Road; and alſo to make or cauſe to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the ſaid Road, (ſuch Ground reſpectively not being the Ground whereon any Houſe or other Building ſtands, or a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Avenue to any Houſe, or any incloſed Grounds planted and ſet apart as a Nurſery for Trees), to be made uſe of as a public Highway whilſt the old Road is repairing or widening and until ſuch Time as it ſhall be convenient for Paſſengers and Carriages to paſs along the ſame, making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively for the Damage they ſhall or may thereby ſuſtain, as the Parties ſhall agree upon;

or if they ſhall not agree, then as ſhall be adjudged reaſonable by any Two or more Juſtices of the Peace for the ſaid County of *Kent*, but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid, upon or through any uncultivated Common or Waſte Ground; and alſo, by Order of any Five or more of the ſaid Truſtees, to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Road, and acroſs any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto; and alſo to repair and keep the ſame in Repair; Notice of ſuch Intention to build, erect, or repair any ſuch Bridge, being firſt given by affixing the ſame on the ſeveral Turnpikes on the ſaid Road, at leaſt Fourteen Days before ſuch Meeting, at which ſuch Order to build, erect, or repair any ſuch Bridge ſhall be made.

Penalty on riding on Cauſeways.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall ride on Horſeback or drive any Horſe or other Cattle or any Carriage over any Cauſeway or Footpath of any Part of the Road, which by virtue of this Act is or hereafter ſhall be under the Direction and Care of the ſaid Truſtees, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings, to be levied and recovered as herein-after is mentioned, and to be paid to the Treaſurer or Surveyor for the Time being of the ſaid Truſtees, to go and be applied in amending and repairing the ſaid Road.

Penalty on Perſons leaving Waggons, &c. on the Road.

XLV. And be it further enacted, That if any Owner or Driver of any Waggon, Wain, Cart, Coach, or other Carriage laden or unladen, ſhall ſet, place, or leave the ſame (except on account of ſome Accident having happened thereto, and then only until ſuch Time as the ſame can be conveniently removed or repaired), in any Part of the ſaid Road; or if any Perſon or Perſons ſhall leave or put any Rubbiſh, Dung, Compoſt, Clay, or Grain, or ſhall ſuffer any Oxen, Cows, Sheep, Lambs, Hogs, or other Cattle to lie or loiter in the ſaid Road or any Parts thereof, or ſhall ſet, place, or leave any Timber or Trees or other Matter or Thing thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on leaving Horſes, &c. to feed by the Side of the Road.

XLVI. And be it further enacted, That if any Horſe or Horſes, Mules, Aſſes, Cows, Bullocks, Sheep, Hogs, or other Cattle ſhall be found wandering, or depaſturing, and feeding upon the Side or Sides of the ſaid Road, or any Part thereof (except where the ſame ſhall paſs over any Common, Heath, or other Waſte), the Owner or Owners thereof ſhall reſpectively forfeit and pay any Sum not exceeding Twenty Shillings at the Diſcretion of the Juſtice or Juſtices before whom ſuch Perſon or Perſons ſhall be brought, and the Surveyor or Surveyors or any Perſon appointed by him is and are hereby authorized and required to impound any ſuch Horſe or Horſes, Mules, Aſſes, Cows, Sheep, Hogs, or other Cattle; and if ſuch Penalty, together with the reaſonable Charges of ſuch Seizure and of detaining and keeping the ſame, to be ſettled by ſuch Juſtice, ſhall not be paid within the Space of Three Days after Notice given to the Owner or Owners thereof, and if the Owner or Owners thereof cannot be diſcovered within the Space of Six Days next after ſuch Seizure made, then the Horſe or Horſes, Mules, Aſſes, Cows, Bulls, Sheep, Hogs, or other Cattle ſo impounded ſhall and may be ſold, and the ſaid Penalty and all the Charges of ſuch Seizure, as well for detaining and keeping the

ſame as well as otherwiſe, returning the Overplus (if any) on Demand to the Owner or Owners thereof.

Penalty on not uſing Skid-pans.

XLVII. And be it further enacted, That if the Driver of any Stage Coach, Waggon, Wain, Cart, or other ſuch like Carriage, ſhall drive any ſuch Carriage down any Hill, upon any Part of the Road under the Direction and Care of the ſaid Truſtees with one or more of the Wheels of ſuch Carriage ſkidded or faſtened, and without a Skid-pan to each of the Wheels ſo ſkidded or faſtened to keep them from the Road, every Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Twenty Shillings.

Gates not to ſwing into the Road.

XLVIII. And be it further enacted, That no Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the ſaid Road ſhall be made and hung to open and ſwing within Fifteen Feet of the Centre of the ſaid Road; and that in caſe there ſhall not be ſufficient Space for ſo doing, the ſaid Gates ſhall be made and hung to open and ſwing inwards towards ſuch Field or Ground, and not towards the Road; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order all ſuch Gates as are now erected or may be hereafter erected and open and ſwing outwards within Fifteen Feet of the Centre of the ſaid Road, to be altered and made to open and ſwing inwards, as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed, ſo as to open and ſwing outwards towards the ſaid Roads within Fifteen Feet of the Centre thereof, ſhall (after Ten Days Notice in Writing from the Surveyor of the ſaid Road, requiring him, her, or them to alter any ſuch Gate or Gates, and to make the ſame open and ſwing inwards) refuſe or neglect to make ſuch Alterations, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For puniſhing Perſons obſtructing Surveyor in his Duty.

XLIX. And be it further enacted, That if any Perſon or Perſons ſhall interrupt or hinder or cauſe to be interrupted or hindered any Surveyor or any Collector of the Tolls, or any other Perſon or Perſons by either of them, or by the ſaid Truſtees or any Five or more of them, employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Mile Stones and Direction Poſts.

L. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the ſame with Inſcriptions thereon, denoting the Number of Miles and Diſtances of Places, and alſo ſuch and ſo many Direction Poſts as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of the Mile Stones or Poſts erected upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Juſtice of the Peace for the ſaid County of *Kent*, by the Confeſſion of the Party, or by the Oath of any credible Witneſs, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds, together with all reaſonable Coſts and Charges of ſuch Information for every ſuch Offence, One Moiety of which Penalty ſhall be paid to the Informer and the other Moiety applied for the Purpoſes of this Act;

Act; and in case such Person or Persons so offending and convicted shall not be able, or shall refuse to pay the same, it shall be lawful for any Justice of the Peace for the said County of *Kent*, by Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol for the said County, or to any House of Correction within the same, there to remain for any Time not exceeding One Calendar Month, unless such Penalty, Costs, and Charges shall be sooner recovered and paid.

Trustees may repair the Road leading through the Town of Sevenoaks.

LI. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and empowered to cause any Sum or Sums of Money to be applied towards amending and keeping in Repair such Part of the Road directed to be repaired, as lies within the Town of *Sevenoaks*, as they shall think fit.

Trustees may widen, turn, or alter the Road.

LII. 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 repair or widen the Course or Path of any Part or Parts of the said Road, upon or over any Commons or Waste Lands, without making any Satisfaction for the same; and also upon, over, or through any private Lands or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and that it shall also be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen from Time to Time to enter upon the Lands and Premises through which or whereupon such Alterations are intended to be made or pass, and also upon any adjoining Lands, or Grounds, and to stake out such Alterations 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 such Lands or Premises respectively, for any of the Purposes of this Act; 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: Provided always, that nothing herein contained shall empower the said Trustees, their Surveyors or Surveyor or Workmen, to enter upon, or to take, or use, for the Purposes of this Act, any House or Building, or any Lands or Premises being a Garden, Orchard, Inclosed Pleasure Ground, or Court Yard, to any Dwelling House, without the Consent in Writing of the Owners and Occupiers thereof: Provided also, that nothing in this Act contained shall authorize or empower the said Trustees to divert, alter, vary, or turn the Course or Line of the said Road more than One hundred Yards from the present Line of the said Road, without the Consent in Writing of the Owners and Occupiers of the Lands and Premises through which such Alteration shall be made.

Trustees may purchase Lands for the Purposes of this Act.

LIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more, to treat, contract, and agree with the Owners of, and Persons interested in any such private Lands, Grounds, or Hereditaments for the Purchase thereof, or of their Interest therein, or for the Loss or Damage such Owners and Persons interested or any of them, shall or may in any Manner sustain or be put unto by such widening, turning, or altering any Part or Parts of the Road; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate

Aggregate or Sole, whether Eccleſiaſtical or Civil, Huſbands, Guardians, and all Feoffees in Truſt, Executors, Adminiſtrators, and all Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Femes Covert, or Iſſue unborn, Idiots, Lunatics, or other Perſon or Perſons whomſoever, and alſo for all Femes Covert who are or ſhall be ſeized of, or intereſted in their own Right, and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeized, poſſeſſed of, or intereſted in any ſuch Lands, Grounds, or Hereditaments, 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 the ſaid Truſtees all or any of ſuch Lands, Grounds, and Hereditaments or Intereſts therein, as Occaſion ſhall be and require for the Purpoſes aforeſaid; 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, Huſbands, Guardians, Femes Covert, and Truſtees, and other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

If Parties cannot agree, a Jury to ſettle the Value.

LIV. And be it further enacted, That in caſe the ſaid Truſtees, and any Owner or Owners or other Perſon or Perſons intereſted in any ſuch Lands, Grounds, and Hereditaments cannot agree as to the Price or Prices or the Value of the Lands or Hereditaments, ſo intended to be purchaſed, or the ſaid Owner or Owners or other Perſons intereſted, ſhall refuſe to treat, or ſhall be abſent from *England*, then the ſaid Truſtees or any Five or more of them, may and are hereby authorized and empowered, Ten clear Days before any General or Quarter Seſſions of the Peace to be holden for the Weſtern Diviſion of the County of *Kent*, to give or cauſe to be given to ſuch Owner or Owners and ſuch Perſons intereſted in ſuch Lands or Hereditaments, or to be left at the laſt Place of Abode of ſuch Owners or Perſons reſpectively, with ſome or one of their Families or Agents, a Notice in Writing denoting and deſcribing the reſpective Quantities of Land or Hereditaments ſo intended to be purchaſed and laid into the ſaid Road, and the Places where the ſame ſhall lie, and purporting that the Value or Values of ſuch Lands and Hereditaments reſpectively ſhall be adjuſted and ſettled by a Jury at the ſaid Seſſions; and it ſhall be lawful for the Juſtices in Seſſions aſſembled, upon Proof on Oath, (and which Oath they are hereby empowered to adminiſter) to them then and there made of ſuch Notice or Notices having been ſo given, and they are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men of the County of *Kent*, to be then and there impannelled and returned by the Sheriff of the ſaid County without Fee or Reward, and cauſe them to be ſworn well and truly, on their Oaths, to aſſeſs the Value of the Lands or Hereditaments compriſed in the ſaid Notices, and the Damages and Recompence to be given to the reſpective Owner or Owners thereof, or other Perſon or Perſons according to their reſpective Intereſts therein, (which Oath the ſaid Juſtices are hereby empowered to adminiſter to the ſaid Jurors) and to which ſaid Jurors, or any of them, the ſaid Truſtees and all Parties intereſted in the ſaid Lands ſhall have their

lawful Challenges; and the ſaid Jury, being ſo charged and ſworn as aforeſaid, and after proper Evidence on Oath (and which Oath it ſhall be lawful for the ſaid Court to adminiſter) to them given concerning the Nature, Quantity, and Value of the ſaid Lands and Hereditaments, ſhall by their Verdict aſſeſs the Damages and Recompence to be given for the ſaid Lands or Hereditaments to the reſpective Owner or Owners thereof, or other Perſon or Perſons according to their reſpective Intereſts, which Verdict the ſaid Jury and the Judgment of the ſaid Juſtices upon the ſame ſhall finally bind and be concluſive to and upon the ſaid Truſtees and Perſon and Perſons intereſted in ſuch Lands and Hereditaments whomſoever; and the ſaid Court of Seſſions, if they ſhall ſee Occaſion, ſhall by ordering a View or otherwiſe uſe all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premiſes.

Expences of Jury how to be defrayed.

LV. 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 or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands, Tenements, or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than ſhall have been offered by or on Behalf of the ſaid Truſtees, before the impannelling of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the ſaid Truſtees out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been offered by or on Behalf of the ſaid Truſtees, before the impannelling of the ſaid Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, 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 Difference, ſhall be paid and borne 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 the Juſtices at ſuch Seſſions, not intereſted in the Matter in Queſtion (who are hereby authorized and required to ſettle the ſame,) ſhall be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the ſaid Truſtees, by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in caſe any Perſon ſhall, by reaſon of Abſence from *England*, have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees out of any Money to be raiſed or received under or by virtue of this Act.

Upon Payment of Money indefeaſible Intereſt in Fee veſts in the Truſtees.

LVI. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money ſo to be agreed to, or adjudged, or awarded by the Jury to be paid for the Purchaſe of any Lands or Hereditaments, to be purchaſed by virtue of this Act, or upon depoſiting the ſame in the Bank of *England*, in the Manner hereinafter mentioned, or complying with the

other Regulations in this Behalf herein-after ſet forth (as the Caſe may be), all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Equity of Redemption, Claim, and Demand whatſoever in Law and Equity, of all and every Perſon or Perſons who ſhall be entitled to the Money of, into, from, and out of, the ſame Premiſes, or any Part thereof, ſhall veſt in the ſaid Truſtees, and they the ſame Truſtees ſhall be deemed in Law, to be in the actual Poſſeſſion thereof in Fee Simple, freed and diſcharged from all Claims, Demands, and Equity of Redemption whatſoever, either in Law or Equity, to all Intents and Purpoſes, as fully and effectually as if all and every Perſons and Perſon having any Eſtate, Right, Title, Truſt, Dower, Right or Title of Dower, and Equity of Redemption, of, in, to, from, and out of the ſame Premiſes, had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale enrolled, Feoffment with Livery of Seizin, Fine, and Recovery, or any other Conveyance in the Law whatſoever.

Upon Payment of the Purchaſe Money the Lands to be laid into the Road, and former Roads may be ſold or ſtopped up.

LVII. And be it further enacted, That every Sum of Money or Recompence to be agreed or awarded to be paid for any Lands or Hereditaments, or Intereſt therein, to be purchaſed, taken, or uſed for the Purpoſes of this Act, or made for any Loſs or Damage as aforeſaid, ſhall be paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls or other Money ariſing by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, to the Perſon or Perſons entitled thereto, or on depoſiting the ſame in the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Fourteen Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes become and be deemed a common Highway, and ſhall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right or Title to ſuch Lands and Hereditaments; and after ſuch new Road ſhall be formed and completed, then the Land (not being Common or Waſte Land) comprized in or conſtituting the old or former Road, ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up (unleſs the ſame may be wanted for any public Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead), or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, or exchanged for other Lands uſed for the Purpoſes of this Act, and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act, and the Conveyance to be made of ſuch Lands being executed by the ſaid Truſtees and enrolled with the Clerk of the Peace for the County of *Kent*, ſhall be good and effectual to all Intents and Purpoſes; and that in all Places where the Courſe of any Part of the preſent Road ſhall be diverted, by virtue of this Act, from the old Line of Road, or a new Road ſhall be made (except over or through any Common or Waſte Land), or where the old Road ſhall be widened, in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees or any Five or more of them ſhall and they are hereby required to cauſe good and ſufficient Mounds, Rails, and Fences to be made and provided, and Quickſets to be planted in an Huſband-

band-like Manner on both Sides of such new Road, where the same is necessary, and shall support such Mounds, Rails, and Fences, for and during the Term of Nine Years from the first making thereof.

Trustees empowered to sell Ground.

LVIII. And whereas by reason of the Purchases which the said Trustees are hereby empowered to make by virtue of this Act, they may happen to be seised of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees or any Five or more of them to sell and dispose of such Piece or Pieces of Ground either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same; and the Conveyance being made and enrolled as herein-before required, in the Case of Sales made by the said Trustees of Pieces of Ground of which they may become seised as aforesaid, by diverting any Part of the said Road, shall be good, valid, and effectual to all Intents and Purposes: Provided always, that the Monies to arise by all Sales which may be at any Time made by the said Trustees shall be applied to the Purposes herein-before directed, and no Purchaser or Purchasers shall be answerable or accountable for any Misapplication or Non-application of such Monies.

First Offer to whom to be made.

LIX. Provided always, and be it further enacted, That the said Trustees before they shall sell or dispose of any Piece or Pieces of Ground, not wanted for the Purposes of this Act, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto, and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on Behalf of 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 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 the Justices of the Peace for the County of *Kent*, at their General Quarter Sessions of the Peace holden for the Western Division of the said County, next after such Difference shall arise, and on Ten Days clear Notice thereof to be given to the said Trustees to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, the said Justices shall hear, settle, and determine the Matter of the said Difference and also the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be

be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Compenſation Money 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 or to be purchaſed by virtue of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Femes 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 Incumbrances, 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 not leſs than 20l.

LXI. Provided always, and be it further enacted, That if any Money ſo agreed and awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments

to 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 Five 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 under 20*l*.

LXII. Provided also, and be it further enacted, That when 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, Tenements, or Hereditaments so purchased for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

LXIII. And be it further enacted, That in case the Person or Persons to whom any such Sum or Sums of Money shall be adjudged or awarded by or for the Purchase of any Lands 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 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, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful 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 High Court of Chancery, to be placed to the Credit of the Parties interested in the said Lands 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, on Payment of the Dividends thereof, according to the respective Estates, Title, or Interest of the 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 is and are hereby required to give a Receipt or Receipts for the

same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title, to whom Money to be paid, &c.

LXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right; or Interest of any Lands 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 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 or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities, to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly; unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

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

LXV. Provided always, 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.

Trustees may contract for repairing the Road.

LXVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the amending, widening, improving, and keeping in Repair the said Road, or any Part or Parts thereof, or for all or any other of the Works to be done and performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper.

Persons liable to repair the Road, or maintain Bridges, to continue to do so.

LXVII. 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 amending or maintaining of any Part or Parts of the said Road, or any Bridge or Bridges thereon, or any Part or Parts thereof,

thereof, shall still remain liable and chargeable to the Repairs thereof, in such Manner and to the same Extent as they would have been liable and chargeable in case this Act had not been passed.

Statute Labour.

LXVIII. 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 for the said County of *Kent*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their 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 Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, 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, shall be by him or them paid to the said Trustees or to their Treasurer; 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 Sum 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 Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Road 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 Road, as the said Trustees 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 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

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 Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payment 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 or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Labour.

LXIX. And be it further enacted, That it ſhall or may be lawful to and for the ſaid Truſtees, or any Five or more of them, to compound or agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs of Statute Work to be by them done on the ſaid Road or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Pariſhes or Places in which the ſaid Road lies, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road, 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 or Treaſurers of the ſaid Truſtees in advance, on or before the Firſt Day ~~of~~ *May* in each and every Year, or otherwiſe the Inhabitants or Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

For ſecuring tranſient Offenders.

LXX. And be it further enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, or their Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as they or any of them ſhall call to their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any Perſon or Perſons (being unknown to ſuch Truſtees, Collectors, Surveyors, or other Officers) who ſhall commit any Offence or Offences againſt this Act, and take him, her, or them before any Juſtice or Juſtices of the Peace for the ſaid County, near to the Place where the Offence or Offences ſhall be committed, or ſuch Offender or Offenders ſhall be ſeized and apprehended, and ſuch Juſtice or Juſtices ſhall and is and are hereby required to proceed and act, with reſpect to ſuch Offender or Offenders, according to the Proviſions of this Act.

For compelling Witneſſes to attend.

LXXI. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before any Juſtice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence againſt this Act, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges,

and Expences, either on the Part of the Profecutor, or the Perſon or Perſons accuſed, and any ſuch Perſon or Perſons reſpectively ſhall refuſe or neglect to appear at the Time and Place to be for that Purpoſe appointed, without a reaſonable Excuſe for his, her, or their Refuſal or Neglect, or appearing ſhall refuſe to be examined upon Oath, and to give Evidence before ſuch Juſtice of the Peace, or at ſuch Seſſions or Adjournment thereof, then and in either of the ſaid Caſes, every ſuch Perſon ſhall forfeit for every ſuch Offence any Sum not exceeding Ten Pounds.

Penalties how to be recovered and applied.

LXXII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed and incurred (the Manner of levying and recovering thereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels by Warrant or Warrants under the Hand and Seal of any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Kent*; which Warrant or Warrants ſuch Juſtice is hereby empowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of any credible Witneſs upon Oath, (which Oath ſuch Juſtice is hereby required and empowered to adminiſter), and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs, and ſuch Penalties and Forfeitures when recovered (if not herein directed to be otherwiſe applied) ſhall be paid to the Treaſurers of the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the ſaid County of *Kent*, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and all reaſonable Coſts and Charges attending the Recovery thereof ſhall be ſooner paid and diſcharged.

Form of Conviction.

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

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

Diſtreſs not unlawful for want of Form.

LXXIV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect

or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties ſo diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damages in an Action upon the Caſe.

Proceedings not to be quaſhed for want of Form, nor removed by Certiorari.

LXXV. And be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Appeal.

LXXVI. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace, to be holden for the Weſtern Diviſion of the ſaid County of *Kent*, next after the Expiration of One Calendar Month from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Twenty Days Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Clerk of the ſaid Truſtees, and within Four Days after ſuch Notice entering into a Recognizance before ſuch Juſtice of the Peace for the ſaid County, with ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination thereon, and to award ſuch Coſts to either of the Parties or otherwiſe, as they ſhall judge proper, and ſuch Determination ſhall be final, binding, and concluſive to all Parties, to all Intents and Purpoſes whatſoever.

Limitation of Actions.

LXXVII. Provided always, 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, after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as herein-after mentioned, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe 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 or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

LXXVIII. And

Plaintiff not to recover without Notice, nor after Tender of Amends.

LXXVIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in Pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall have been commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Action wherein the Defendant is allowed to pay Money into Court.

Public Act.

LXXIX. 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.

LXXX. And be it further enacted, That this Act shall commence and take place on the Day of the passing thereof, and shall be in force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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