ANNO TERTIO

GEORGII IV. REGIS.

Cap. xl.

An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty-second Year of the Reign of His late Majesty King *George* the Third, for repairing and improving the Road from the City of *Canterbury* to the Town and Port of *Sandwich* in the County of *Kent*. [15th *May* 1822.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing, altering, widening, and improving the Road leading from the City of* Canterbury *to the Town and Port of* Sandwich *in the County of* Kent: And whereas a considerable Sum of Money has been borrowed on the Credit of the said recited Act, and charged on the Tolls arising upon the said Road, which still remains due and owing, and cannot be paid off, nor can the said Road be properly amended and kept in repair, unless the Term of the said Act be extended, and some of the Powers and Provisions thereof altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 42G 3. c. 6.

Act further continued.

of the same, That the said recited Act, and the Tolls thereby granted, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever therein contained (except such Parts thereof as are repealed, varied, or altered), shall be, continue, and remain in full Force and Effect; and the same, and together with this present Act, shall be executed for and during the Term herein-after mentioned, in as full and ample a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject, nevertheless, to the Provisions, Alterations, and Amendments in this Act contained; and that this Act, and the additional Term hereby granted, shall be and is hereby made subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on account of the said recited Act, or hereafter to be borrowed on the Credit of the said recited Act and this Act, and of all Interest due or to grow due for the same respectively.

Trustees.

II. And be it further enacted, That all and every His Majesty's Justices of the Peace acting for the Time being for the said County of *Kent*, and residing within the Eastern Division of the said County, together also with the Honourable *George Watson*, Sir *John Fagg* Baronet, Sir *Henry Oxenden* Baronet, Sir *William Garrow* Knight, *William Abbot* of *Canterbury*, *John Abbot* the younger, *Thomas Biggs*, *Brook Henry Bridges* Clerk, *Brook Edward Bridges*, *John Baker*, *William Wyborn Bradley*, *John Buckley*, *James Sladden Browne*, *Samuel Balderston*, *Robert Tournay Bargrave*, *Daniel Hitchings Bushell*, *John Boys* of *Each*, *William Bushell*, *Edward Morecock Brown*, *David Collard*, *William Carter* M.D., *William Cantis*, *John Cooper*, *John Callaway*, *George Culmer*, *Carr Culmer*, *Slodden Castle*, *John Maris Cocking*, *Cholmeley Dering*, *Henry Denne* of *Littlebourne*, *John Dadds*, *Thomas de Lasaux*, *Charles Delmar*, *Stephen Elgar*, *Henry Godfrey Faussett*, *William Friend* of *Ash*, *Richard Frend*, *Thomas Foord*, *John Fisher*, *John Farley Francis*, *John Fowle*, *John Gregory* Clerk, *Thomas Garrett*, *John Garrett*, *Richard Herve Giraud*, *John Springett Harvey*, *William Hugessen Hugessen*, *James Hallett*, *Richard Halford*, *Richard Halford* the younger, *Thomas Hope*, *John Harrison* of *Sandwich*, *James Heritage*, *William Harnett*, *William Harrison* of *Preston Court*, *Henry Wise Harvey*, *William Jones*, *Edward Kingsford*, *Henry Kemp*, *George Keen*, *William Keen*, *John Hobday Lade*, *William Lade* Clerk, *Thomas Manclark*, *Charles Matson* of *Wingham*, *Richard Mount*, *William Miles*, *John Nutt*, *William Nutt*, *Edward Nash*, *John Neame*, *Thomas Papillon*, *John Plumptre*, *Henry Plumptre* Clerk, *Ralph Price* Clerk, *Edward Penrice*, *Edward Bookey Penrice*, *Charles Porter*, *Thomas Pain*, *Herbert Packe* M.D., *Deane John Parker*, *John Parnell*, *Charles Pout*, *Robert Rushbrooke*, *Joseph Royle*, *Nicholas Simons* Clerk, *Edwin Humphrey Sandys*, *Matthew William Sankey*, *Thomas Starr*, *John Hollingbery Stringer*, *William Slaughter*, *Edward Slaughter*, *Thomas Saxby*, *Isaac Slaughter*, *John Slaughter*, *James Minet Sayer* Clerk, *Thomas Southee*, *William Smith* of *Ash*, *Edward Taylor* of *Bifrons*, *Thomas Tambs*, *James White*, *George Wood*, *Thomas Wood*, *James Warren*, *William Fuller Boteler*, *Charles Baker* Clerk, *William Henry Champneys*, Clerk, *John Smith* Clerk, *Stephen Sharp*, *Richard Peckham*, *Edward Slater*, *Richard Pembrook*, *Thomas Ashenden Champion*, *John Dilnott*, *William Sankey*, *William Bridger*, *John Elgar*, *William Pettman*, *William Famaris*, *John Addley*, *John Godfrey*, *James Tappenden*, *George Hollingbery*, *Henry*

Henry Collard, *Samuel Latham*, *Jarvis Bing*, *John Hawkes* of *Dean*, *John Hawkes* of *Brook*, *John Southee*, *Thomas Minter Tomlin*, *John Kelsey*, *Thomas Minter* of *Ickham*, *John Pemberton Plumptre*, *Charles Dimock* Clerk, *Charles Delmar* the younger, *John Goulder*, *John Ellenton*, *Henry Knight*, *James Dowker*, *Charles Horn*, *George Solly*, *Charles Emmerson*, *Richard Emmerson*, *Daniel Hodgson*, *George Hammond*, *Thomas Sutton*, *Thomas Turner*, *George Harris*, *John Matson Rigden*, *John Wood*, *George Quested*, *Charles Spencer*, *Henry Minter*, *William Minter*, *Alfred Kingsford*, *John Kingsford*, *William Kingsford*, *Edward Kingsford* the younger, *Henry Kingsford*, *George Curteis*, *Richard Laslett*, *John Hilton* Clerk, *William Watson Dickens* Clerk, *Charles James Burton* Clerk, *Osborn Snoulten* the younger, *John Furley*, *George Frend*, *Harry Carter* M.D., and *William Friend* the younger, shall be and are hereby appointed the Trustees for carrying this Act and the said recited Act into Execution.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at their First Meeting to be holden in pursuance of the said recited Act and this Act, or either of them, to elect any additional Number of fit and proper Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of the said recited Act and of this Act; and such Trustees so elected shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Act and this Act, as if they had been named and appointed Trustees in and by this Act.

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, whilst he holds any Place of Profit, or is concerned or interested in any Contract or Contracts under the said recited Act and this Act, or either of them, nor in any Case wherein he shall be personally interested otherwise than as a Creditor, nor shall any Person be qualified to act as a Trustee, unless at the Time of his acting he shall 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 issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed before the said Trustees an Oath (or being one of the People called *Quakers*, an Affirmation) in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear [*or being one of the People called Quakers*, do solemnly affirm,] That I truly and *bonâ fide* am in my own Right, [*or* in the Right of my Wife,] in the actual Possession and Enjoyment or Receipt of Rents and Profits issuing out of Freehold or Copyhold Tenements or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [*or* am possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, *or* am Heir Apparent of *A. B.* who, to the best of my Knowledge, is possessed of and in the Enjoyment or Receipt of Rents and

'Profits

'Profits issuing out of Freehold or Copyhold Lands, Tenements, or 'Hereditaments of the clear Value of One hundred and fifty Pounds,] 'and that I will truly, faithfully, and impartially act in the Execution of 'the Trusts and Powers vested and reposed in me by virtue of an Act 'passed in the Third Year of the Reign of His Majesty King *George* the 'Fourth, intituled *An Act, &c.* [*here insert the Title of this Act.*]

'So help me GOD.'

And if any Person unqualified by any of the Causes aforesaid, or not being qualified as herein-before mentioned, or not having taken and subscribed the said Oath, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to any Person who shall inform or sue for the same, to be recovered, together with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the same Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Trustee in the Execution of the said recited Act and this Act, or either of them, any thing in the said recited Act to the contrary notwithstanding: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said recited Act and this Act, or either of them (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Meetings of the Trustees, Quorum, &c.

V. And be it further enacted, That for putting the said recited Act and this Act in Execution, the said Trustees shall meet at the Sign of *The Red Lion* in the Parish of *Wingham* in the said County of *Kent*, on the Second *Monday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and afterwards meet yearly some Time in the Month of *April*, at the Place aforesaid, or at such other convenient Place upon or near the said Road as the said Trustees shall think proper for putting the said recited Act and this Act into Execution (which last-mentioned Meetings shall be deemed General Meetings, at which all Accounts relating to the said Trust for the Year ending the last Day of the preceding Month of *March* shall be examined, settled and adjusted); and the said Trustees shall and may from Time to Time, at their Discretion, at any such Meetings, adjourn themselves to some convenient Place upon or near the said Road, for putting the said recited Act and this Act in Execution; and if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to proceed in the Execution of the said recited Act and this Act, or in case the Trustees at any Time assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time in either of such Cases (by Notice in Writing to be affixed on all the Turnpike Gates then erected on the said Road, and also inserted once in some public Newspaper circulated in the Neighbourhood through which the said

said Road shall pass, at least Ten Days before the next Meeting), appoint the Trustees to meet at the Place where the last Meeting was appointed to be held on such Day as shall be specified in such Notice, not exceeding Three Calendar Months next after the Day on which such last-mentioned Meeting was appointed to be held; and in case the Clerk or Clerks to the said Trustees shall in the Cases aforesaid neglect, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the said Trustees (although not assembled at a Meeting held pursuant to this Act), at any Time after the Space of Ten Days from such Neglect or Prevention, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at the House where the last Meeting was held, or appointed to be held, or at some other convenient House or Place upon or near to the said Road, upon the Day Three Weeks next after the Date of such last-mentioned Notice; but no Business shall be proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, nor later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held, and the said Trustees at all their Meetings shall defray their own Expences (save and except the Charges for the Room in which such Meetings shall be held, which Charges the Treasurer to the said Trustees is hereby authorized to pay); and all Acts, Orders, and Proceedings relating to the said recited Act and this Act, which are authorized or directed to be had, made, done, or exercised by or before the said Trustees, shall and may be had, made, done, and exercised by or before any Three or more of them (except in such Cases where any other Number is herein mentioned), and all Orders and Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and be as binding on all Persons, to all Intents and Purposes, as if the same were had, made, or executed by or before all the said Trustees: Provided always, that no Order or Proceeding shall be or be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act (except as herein is particularly mentioned), unless there shall be present at such Meeting Three Trustees at the least, nor unless the Majority of the Trustees present shall concur therein, nor shall any such Order or Proceeding be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless the Person or Persons desirous of having any such Order revoked or altered, shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, to be by him or them affixed and inserted in Manner herein-before mentioned, nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration; and at every Meeting of the said Trustees a Chairman shall be appointed, and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every such Case the Chairman shall have, and he is hereby empowered to give a double or casting Vote.

Clerk restrained from acting as Treasurer, and vice versâ.

VI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them,

them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees, for executing the said recited Act and this Act, or either of them, and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or either of them; or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said recited Act and this Act, or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Books of Account to be kept, and to be open to Inspection of Trustees and Creditors.

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

Officers continued, except Treasurers.

VIII. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurers), who have been appointed under and employed in the Execution of the said recited Act, shall respectively hold and enjoy such their several and respective Offices and Employments under this Act, until they shall respectively resign or be removed or displaced by the Trustees for executing the said recited Act and this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been appointed by virtue of this Act.

IX. And

Trustees, not to administer Oaths on verifying Accounts.

IX. And be it further enacted, That nothing in the said recited Act contained shall extend, or be construed to extend, to authorize and empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer or Officers, now appointed, or hereafter to be appointed, under or by virtue of the said recited Act and this Act, or either of them, for the Purpose of verifying his or their Accounts.

Deviation not to exceed One hundred Yards from the present Line without Consent.

X. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Road, under the Powers of the said recited Act or this Act, shall not deviate more than One hundred Yards from the present Line of the said Road, without the Consent, in Writing, of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Houses, &c. not to be injured.

XI. And be it further enacted, That nothing in this Act, or the said recited Act, or either of them, shall extend or be construed to extend to authorize the said Trustees to take or pull down, injure, or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except Part of a certain Stack Yard and Orchard of and belonging to *Michael Becker*, *Mary Becker*, *James Hudson* and *Sarah* his Wife, *Harriet Becker*, *Anna Maria Stephens*, and *Shirley*, and held by them under a Lease from His Grace the Lord Archbishop of *Canterbury*, situate, lying, and being at a Place called *Guilton Town*, in the Parish of *Ash*, next *Sandwich*, in the said County of *Kent*; also Part of a certain Piece or Parcel of Meadow Land lying and being at or near the said Place called *Guilton Town*, in the said Parish of *Ash*, next *Sandwich*, belonging to the Trustees of *Cartwright's Charity*, also Part of the Garden and Plantation of a certain Messuage or Tenement and Public House called *The Red Lion*, lying and being at a Place called *Each End*, in the Parish of *Winsborough* otherwise *Woodnesborough*, in the said County of *Kent*, belonging to *Edward Iggulden* Esquire, and in the Occupation of *Samuel Munday*.

Table of Tolls to be put up.

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

Tickets to be provided denoting Payment of Toll.

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

XIV. And

Enabling Trustees to take Possession of Toll Houses when let to farm.

XIV. And be it further enacted, That in case all or any of the Tolls arising on the said Roads shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in Arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof, or in case such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Division, or Place where the Toll House, Toll Gate, Bar, or Chain shall be situated within their respective Jurisdictions, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for such Trustees, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part), as if such Lease, Agreement, or Contract had never been made; and it shall and may be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Agreement, or Contract had been made relative thereto.

Toll Collectors to put up their Names.

XV. And be it further enacted, That all and every the Toll Collectors or Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act and this Act, or either of them, shall be and 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 after coming on Duty, each of the Letters of such Name to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, 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

during the Time aforesaid; or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or either of them; or shall demand or 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 or Surname; or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been 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 deliver a Ticket *gratis*, denoting the Payment of the Toll, and naming and specifying the Name of the Gate at which such Payment shall have been made, and also the several Gates freed by such Payment; or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said 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 levied, recovered, and applied in such and the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

For settling Disputes concerning Tolls.

XVI. And be it further enacted, That if any Dispute shall happen or arise 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 the Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Tolls due, and the Charges of making, keeping, and selling of the Distress, be ascertained by some Justice of the Peace for the County, Division, or Place where such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), 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 or proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

An Action of Ejectment may be supported by one Mortgagee.

XVII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Toll Houses, and Buildings erected on the said Road, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof due to him, her, or them, it shall be competent for him, her, or them as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession;

but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

General Exemptions.

XVIII. Provided always, and be it further enacted and declared, That none of the Tolls by the said recited Act granted shall be demanded or taken for or in respect of any Carriage, Horse, Cattle, or Beast employed in carrying or conveying or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Stone, Bricks, Timber, Gravel, or other Materials for repairing of the said Road, or any Roads or public Bridges in the several Parishes or Townships in which any Part of the said Road is situate; or Hay, Grass, Turnips, Potatoes, or other Fodder, Straw, or Corn in or out of the Straw, or undried Hops or Wool, not sold or disposed of or passing for that Purpose, but passing to be placed or laid up in the Buildings or on the Premises of the Owners thereof, or for sowing therein; or for or in respect of any Carriage, Horse, Cattle, or Beast employed only in carrying or conveying, or going empty or unladen to carry and convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, Ashes, or other Manure (except Chalk and Lime) to be employed only in Husbandry for manuring or improving Lands, and not for printing, dying, or other Purposes of Trade, or having been employed only in conveying any Stones, Bricks, Tiles, or other Materials to be employed in draining Land; or for any Horse or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried, or employed in the ploughing, sowing, tilling, cultivating, or stocking any Land or Ground; or for or in respect of any Horse or Horses drawing any Waggon, Cart, or other Carriage going to or returning empty from being repaired; or from any Occupier of Land going to or returning from his or her Farm or Farms; or from any Person going to or returning from his or her parochial Church or Chapel; or from any Person going to or returning from his or her usual Place of religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried in any or either of the said Townships, Parishes, Hamlets, or Places; or from any Clergyman going to or returning from visiting sick Persons, or upon other his parochial or ministerial Duty on a *Sunday*, or on any Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Beast, Cattle, or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or returning from conveying the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family, or returning after having so attended; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the

same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of, for, or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to and returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Horse, Cart, Waggon, or other Carriage employed in the Conveyance of any Vagrants conveyed by a legal Pass, or of any Prisoner in Custody under a legal Warrant, or returning from such Employment; or for any Horse, Cattle, Beast, or Carriage, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Kent* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this and the said recited Act; and in all Cases the Proof of Exemption shall lie on the Person or Persons claiming such Exemption.

Owners or Drivers of Waggons in the King's Service not subject to Penalties for Overweight, nor for putting any Number of Horses to such Waggons.

XIX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for 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 Act contained to the contrary notwithstanding.

Abatement of Toll in certain Cases.

XX. And be it further enacted, That all Waggons, Carts, and other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be allowed an Abatement of One Fourth Part of the Tolls by the said recited Act granted and continued.

55 G. 3. c. 119.

Gates not to open into the Road.

XXI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said

said Road, so that no Part of the Gate, when open, shall project over any Part of the said Road, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed as to open or swing outwards towards the said Road, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing, from the Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate shall, when open, project over any Part of the said Road, or any Footpath belonging thereto; then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County, Division, or Place where the Cause of Complaint shall arise, shall upon Conviction, upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration, and hanging such Gate in a proper Manner; and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made, and such Penalty shall be levied, recovered, paid, and applied in manner herein-after mentioned.

Penalties for Offences against this Act.

XXII. And be it further enacted, That if any Person or Persons whomsoever, shall willfully pull, break, injure, or damage any Turnpike Gate or Turnpike Gates, or any of the Posts, Boards, Milestones, or Table of Tolls, on any Part of the said Road, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron, set up or affixed at or near to any of the said Turnpike Gates, or on any other Part of the said Road, or shall cause and procure the same to be done; or if any Person or Persons shall wilfully pull down, remove, break, injure, or damage any Wall, Post, Rail, or Fence, now or at any Time hereafter to be placed or put either by the Side or Sides of the said Road, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of the said recited Act and this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Trustees shall or may make or plant for the Purposes of the said recited Act or this Act, or which, by virtue of the same Act or either of them, they are authorized to keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road any Tree or Piece of Timber, Stone, or other Thing, otherwise than upon a Wheel Carriage, or shall suffer any Tree or Piece of Timber, Stone, or other Thing, which shall be conveyed upon a Wheel Carriage, to drag upon any Part of the said Road, to the Injury thereof; or if any Person or Persons shall, without being thereto authorized by the Surveyor or Surveyors for the Time being, acting under the said recited Act or this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Scrapings, Slutch, Dirt, Mud, Mire, Drift, or Soil from off the said Road, or any Part thereof; or if any Person or Persons shall ride upon any Footway or Footways, Causeway

way or Causeways, or any other Way or Ways already made or to be made upon the Sides of the said Road, for the Use of Foot Passengers; or shall wilfully lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine, upon, along, or against any such Footway or Causeway, or shall draw, carry, or wheel any Hurry, Truck, or Wheelbarrow upon any such Footway or Footways, Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, or to any Hedges, Fences, Breast Walls, Posts, Chains, Rails, or Paling, set up or along the Side of or upon any such Footway or Causeway; or if any Person or Persons shall turn loose or suffer to be turned loose or to wander and stray on the said Road, or any Part thereof, any Horse, Ass, Beast, or Swine, or to be or remain, or to graze or depasture on the Side or Sides of the said Road; or if any Person or Persons driving any Swine on the said Road shall suffer such Swine to root up and damage the said Road, or any Part thereof, or the Fences or Banks on either Side thereof; or if any Person or Persons on Horseback, or driving any Carriage, Waggon, Wain, or Cart in or upon the said Road, and meeting another Horse, Carriage, Waggon, Wain, or Cart, shall not keep his, her, or their Horse, Carriage, Waggon, Wain, or Cart, upon his, her, or their Left or Near Side of the said Road; or if any Person shall, in any Manner, wilfully prevent any other Person or Persons from passing him or her, or any Carriage, Waggon, Wain, or Cart, under his or her Care upon the said Road; or if any Person shall kill or bleed any Horse, Cattle, or other Beast, except by or in consequence of any sudden Illness or Accident to such Beast, or shall in or upon any Part of the same Road, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or hang up, or place wholly or in Part any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Building, Butcher's Shop or Shambles into the said Road, or burn, dress, or sweep any Piece or Pieces of Cork, or shall hoop, fire, cleanse, wash, or scald any Cask or Casks on any Part of the said Road, or in any exposed Situation near thereto; or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber, or make, bind, or repair any Wheel or Carriage on any Part of the said Road; or shall slack, mix, or wet any Lime or Mortar, or shall shoe or farry any Horse, Mule, or Ass (except in case of Accidents) upon any Part of the said Road; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatever upon the said Road, or within Eighty Feet of the Centre of the said Road, or play at Football or any other Game upon any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage longer than may be necessary for loading or unloading the same, (except in case of Accident) in, upon, or on any Part of the said Road, or on the Side or Sides thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall not place the same during the Time of such loading or unloading thereof as near to the Side of the said Road as conveniently may be; or if any Person shall erect or place any Tent, Camp, Awning, or Hut, on the Sides of the said Road, or any Part thereof, or make any Fire or Fires on the Sides of the said Road, or any Part thereof; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage, in going up a Hill or rising Gronnd, leave or suffer to be or remain on the said

Road, or any Part thereof, the Stone or other Thing with which any such Waggon, Wain, Cart, or other Carriage, shall have been blocked or stopped; or if any Person or Persons, shall lay, place, or leave, or cause or procure to be laid, placed, or left, any Timber, Bricks, Tiles, Stones, Hay, Straw, Dung, Goods, or other Things, or shall throw, cast, place, or empty, or cause or procure to be thrown, cast, placed, or emptied, any Manure, Soil, Ashes, Filth, Rubbish, Dirt, Dust, Earth, Water, Gravel, or other Nuisance or Annoyance on any Part of the said Road, or on the Side or Sides thereof, or shall set, place, or expose to Sale any Goods, Wares, or Merchandize in or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or if any Person driving any Horse or other Beast on the said Road, conveying Iron in Bars or Rods, or any other Matter or Thing, shall place such Bars or Rods, or other Matter or Thing, so that the Ends thereof shall project more than Twenty-four Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person or any Horse, Beast, or Carriage, travelling along the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Road, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light of such Shop shining into the said Road; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every such Offender shall also pay to the said Trustees, or their Treasurer or Treasurers, or One of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace, by or before whom such Offender shall be convicted of any of the Offences aforesaid; and such Satisfaction or Damages shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act: Provided always, that nothing herein contained shall extend to prevent or hinder the erecting, placing, or putting up any Hurdles, Coops, or Pens for Sheep, Hogs, or Cattle, or any Standings for the vending of Goods or other Purposes, at Fairs and Markets in any of the Streets through which the said Road leads, in such Manner as the same hath been heretofore immemorially used and accustomed.

For impounding Cattle or Swine straying on the Road.

XXIII. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other live Stock or Cattle, shall at any Time be found tied or fastened or wandering, straying or lying upon, about, or on the Side or Sides of the said Road, or any Part thereof respectively (save and except where the same shall pass over any open Common, or where the said Road shall not be inclosed or fenced on both Sides thereof), it shall be lawful for the Surveyor or Surveyors of the said Road for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, or other live Stock or Cattle in the common Pound (if any) of the Parish or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about or on the Side or Sides of the said Road, or any Part thereof, or in such other Place or Places as the said Trustees, or any Three or more of them, although not assembled at a Meeting, or the said Surveyor or Surveyors shall

shall find convenient, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other live Stock or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other live Stock or Cattle to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been.

Punishment of Persons guilty of Pound Breach.

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

For getting Materials to make and repair the Road.

XXV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, out of or from any Commons or Waste Grounds, Common River, Brook, or Pit in any Parish, Township, or Place in which any Part of the said Road shall lie, or in any adjoining Parish, Township, or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons, acting by his or their Appointment, 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 also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County or Place in which the said

said Road doth lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, in any Parish, Township, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Township, Parish, or Place (such Lands, Fields, or Grounds not being a Garden or 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 same, and for any Damages done thereby, to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken, or carried away, or over which the same, or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees, or any Three or more of them, shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages.

Notice to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XXVI. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two Justices of the Peace acting for the County or Place where such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices, by their Order, to authorize such Surveyor, or other Person or Persons, to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended; any thing in the said recited Act contained to the contrary notwithstanding.

Providing for the Payment of Compensation for Materials or Damages, &c.

XXVII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this or the said recited Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees,

Trustees, or any Person or Persons acting by or under their Authority; and such Sum or Sums of Money shall not be paid by the said Trustees, to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices; then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees, by virtue of the said recited Act and this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain, after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Penalty on taking away Materials got by the Surveyor.

XXVIII. Provided also, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials 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, the same to be recovered, levied, and applied in manner herein-after mentioned.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank,

XXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded, for the Purchase of Lands or Hereditaments to be purchased, by virtue or under the Authority of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Three or more of them; or in case the Person or Persons to whom any 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 be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties

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

Parties interested in the said Lands or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court; 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, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank, the Person in Possession of the Land, or at the Time of the Purchase, shall be deemed entitled thereto, unless such Possession was a wrongful Possession.

XXX. 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance of the said recited Act or of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any 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 shown 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 of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

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

Money allowed for Land, &c. how to be tendered.

XXXII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained in manner directed by the said recited Act and this Act, shall be and is and are hereby charged upon the said Tolls, or upon the Monies to be borrowed upon the Credit of such Tolls, and shall be paid thereout accordingly to the Persons respectively entitled thereto, and capable and willing to receive the same, or to their Agents; and upon Payment or Tender thereof to such Persons respectively, or their Agents, or upon Payment thereof into the Bank of *England* in manner by this Act directed, as the Case may be, it shall be lawful for the said Trustees, or any Three or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Possession of such Lands, Tenements, or Hereditaments, and to take for or add to the said Road, and to lay out and make, widen, divert, and turn such Road in and upon, through and over such Lands, Tenements, and Hereditaments, as the said Trustees, or any Three or more of them shall think proper; and the said Lands, Tenements, and Hereditaments so added to or taken for or made Part of the said Road, shall be fenced from the adjoining private Lands, Tenements, and Hereditaments, by the said Trustees, or any Three or more of them, and shall be deemed and taken to be Part of the Road hereby and by the said recited Act directed to be repaired for ever thereafter, and shall to all Intents and Purposes be a public and common Highway and shall be repaired and kept in repair by such Ways and Means as the Road hereby appointed to be repaired is by the said recited Act and this Act to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the old or former Road (unless leading to some Village, Town, or Place to which such new Road does not lead), shall be vested in the said Trustees, and shall and may be exchanged or sold, and conveyed by them, or any Three or more of them, for the best Equivalent or Price that can be gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the Purposes of the said recited Act and this Act; and a Conveyance of the said old Road being executed by the said Trustees, or any Three or more of them, shall be good and effectual in the Law to all Intents and Purposes.

Statute Labour.

XXXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road lies, and they are hereby required and empowered (upon Application made to them by the said Trustees, or any Three or more of them, 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 as aforesaid, shall be by him, her, 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

expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do 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 in such Parts of the said Road as the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of the Highways of such Parishes or Places respectively, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Trustees shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or 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 dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, in such and the same Manner 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 of the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner as aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any

Sum

Sum not exceeding Five Pounds to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by the said recited Act or this Act directed to be levied, recovered, paid, and applied.

Penalties and Forfeitures how to be recovered and applied.

XXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise particularly described), shall, upon Proof of the Offences respectively before any one or more Justice or Justices of the Peace of the County or Place where the Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and to administer such Oath *gratis*); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, when so paid and levied (if not directed to be otherwise applied by this Act), shall from Time to Time be paid to the said Trustees, or any Three or more of them, or to their Treasurer for the Time being, and shall be laid out and applied in putting the said recited Act and this Act in Execution; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance, or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction or other Prison for the said County of *Kent*, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

XXXV. And whereas Offences may be committed against the said recited Act and this Act, or one of them, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same Acts into Execution; be it therefore enacted, That it shall be lawful for any one or more of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall

commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, Division, or Place where the Offence or Offences shall have been committed, to be dealt with according to Law, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

Expences of Act how paid.

XXXVI. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid by the Trustees or their Treasurer, out of any Money now in the Hands of the Treasurer, or out of the first Money that shall be collected, raised, or received by virtue of the said recited Act and this Act, in preference to all other Payments whatsoever.

Public Act.

XXXVII. 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.

Continuance and Term of this Act.

XXXVIII. And be it further enacted, That this Act shall commence and take effect upon the passing of this Act, and that the said recited Act of the Forty-second Year of the Reign of His said late Majesty King *George* the Third (subject to the Additions, Alterations, and Amendments in this Act contained), and this Act, shall continue and be in force and be executed for and during the Residue now to come of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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