ANNO TERTIO

GEORGII IV. REGIS.

Cap. lxx.

An Act for repairing, widening, and maintaining the Road leading from *Dartford* to and through *Northfleet* and *Gravesend*, and thence to the *Stones End*, near the Parish Church of *Strood*, in the County of *Kent*. [24th *May* 1822.]

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rendering more effectual several Acts passed in the Tenth Year of Her late Majesty Queen* Anne, *in the Eleventh Year of His late Majesty King* George *the First, and in the Eleventh Year of His late Majesty King* George *the Second, for enlarging, amending, and maintaining the Road from* Dartford *to* Northfleet *and* Gravesend; *and from* Gravesend *to* Chalk, *and from* Northfleet *to* Chalk, *and from thence to the* Stones End, *near the Parish Church of* Strood, *in the County of* Kent: And whereas another Act was passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering the Powers of an Act of the First Year of His present Majesty, for amending the Road from* Dartford *to* Northfleet, *and other Roads therein mentioned, in the County of* Kent, *and for allowing an annual Payment out of the Tolls arising upon the said Roads to the Trustees for the Care of the Road leading from* Rochester *to* Maidstone, *in the said County, to be applied for the Purposes therein mentioned:* And whereas another Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering the Powers of Two several Acts, made respectively in the First and Twenty-second Years of the Reign of His present Majesty, for amending*

1 G. 3. c. 40.

22 G. 3. c. 98.

41 G. 3. c. 60.

amending and maintaining the Road from Dartford *to* Northfleet, *and other Roads therein mentioned, in the County of* Kent, *and for other Purposes in the said Acts mentioned:* And whereas the Trustees of the said Roads have borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected for amending and improving the same, and which Money still remains due and owing and cannot be paid off, nor can the said Roads be kept in repair, unless the Term and Powers granted and continued by the said several Acts, and now near expiring, are enlarged: And whereas it will facilitate the Execution of the Purposes aforesaid if the said Acts were repealed, and if such of the Powers and Provisions of the said Acts as shall be continued or amended were consolidated and comprised in one Act, and if further Powers and Provisions were granted and made: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Acts of the First, Twenty-second, and Forty-first Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby repealed, and that this Act shall thenceforth commence and take Effect and be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, amending, making, widening, improving, and keeping in repair the Road from *Dartford* in the County of *Kent*, through *Northfleet*, *Gravesend*, and *Chalk*, and from thence to the *Stones End*, or End of the Pavement near the Parish Church of *Strood* in the said County of *Kent;* and this Act and the Tolls hereby granted and to arise on the said Roads, shall be and the same are hereby made subject and liable to the Payment of all Monies which have been borrowed, and which yet remain due and owing on the Credit of the Tolls authorized to be taken by the said Acts, or any of them, on the said Roads, 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.

Recited Acts repealed.

Tolls made liable to the Payment of the existing Debt, and the Interest thereof.

Appointment of Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Kent*, together with the Honourable *George Charles Pratt* commonly called Earl of *Brecknock*, the Honourable *Edward Bligh* commonly called Lord *Clifton*, the Honourable and Reverend *Jacob Marsham* Doctor in Divinity, the Honourable *Edward Bligh* senior, the Honourable *William Bligh*, Sir *Edward Knatchbull* Baronet, Sir *John Gregory Shaw* Baronet, Sir *Thomas Dyke* Baronet, Sir *William Geary* Baronet, Sir *Henry Hawley* Baronet, Sir *William Curtis* Baronet, Sir *Thomas Blomefield* Baronet, Sir *William Leighton* Baronet, *John Julius Angerstein*, *John Atkins*, *John Rose Baker*, *Samuel Baker*, *Samuel Tuffnell Barrett*, *Samuel Bayly*, *Charles Beckett*, *John Bennett*, *James Best* of *Chatham*, *William Brown*, *John Brenchley*, *John Brenchley* junior, *John Kenward Shaw Brooke* Clerk, *Robert Gascoyne Burt* Clerk, *John Calcraft*, *Richard Carew*, *William Crawford* Clerk, Doctor in Divinity, *William Colyer*, *Thomas Colyer* of *Southfleet*, *Thomas Colyer* junior, *John Currie* Clerk, *Thomas Dalton*, *George Davies* Clerk, *Oliver de Lancey*, *John Drinkald*, *Percival Hart Dyke*, *Henry Edmeades*, *William Edmeades*, *James Edmeades*, *Nicholas Gilbee*, *William Gladish*, *George Groves*, *George Gunning*, *Robert Gunning*, *William Gunning*, *Thomas Harman*, *Samuel Hazard*, *Jeremiah*

Howard, Edward Thomas Day Hulkes, Thomas Johnson, Hugh Jones Clerk, *John Law* Clerk, Doctor in Divinity, Admiral *John Lawford, Joshua Lomas, William Lomas, Charles Lefebure, Richard Leigh, Edward Manclark, Charles Milner, William Mumford, Edward Murrell, Jarvis Noakes, William Pemble, Luke Phillips* Clerk, *Thomas Pitcher, Henry Jones Pitcher, Robert Price* Clerk, Doctor in Divinity, *Peter Rashleigh* Clerk, *George Rashleigh* Clerk, *George Rich, Jeremiah Rosher, Laurence Ruck, Claude Scott, Samuel Scott, George Smith* of *Camer, William Masters Smith, Robert Talbot, John Henry Talbot, John Thompson* Clerk, *William Twopeny*, and their Successors to be elected in Manner hereafter mentioned, shall be and they are hereby appointed Trustees for repairing, widening, improving, and keeping in repair the said Roads, and for otherwise carrying this Act into Execution.

Trustees appointed by this Act may appoint Five other Trustees.

III. And be it further enacted, That it shall and may be lawful for the Trustees hereby nominated, and they are hereby authorized and empowered, at any Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five 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 as herein-after mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Trustees may fill up Vacancies.

IV. And be it further enacted, That when and so often as any of the Trustees hereby named and appointed (except Justices of the Peace acting for the said County of *Kent*), or to be appointed by virtue of this Act, shall die or become disqualified, by Bankruptcy, Insolvency, or otherwise, or by Writing under his or their Hand or Hands, delivered to the Clerk to the Trustees of the said Roads, shall signify his or their refusal to act, it shall be lawful for the surviving or remaining Trustees to elect and appoint some other Person or Persons to be a Trustee or Trustees in the room of the Trustee or Trustees so dying or becoming disqualified or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, or by any Three or more of the said Trustees, by affixing a Notice in Writing on every Turnpike Gate, which by virtue of this Act shall be then continued or erected on the said Roads, at least Fourteen Days previous to such Meeting; and every Person who shall be so elected and appointed, shall immediately upon such Election and Appointment be a Trustee for the Purposes of this Act, and having taken the Oath or made the Affirmation herein-after prescribed (as the Case may be), shall be vested with the same Powers and Authorities for carrying this Act into Execution, as if he had been originally named and appointed a Trustee by this Act.

Notices of Meetings to fill up Vacancies to be affixed on the Turnpike Gates.

Qualification.

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, (except in administering the Oath or receiving the Affirmation of Qualification herein-after mentioned), 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 in the 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 of a Person seised of Real Estate, consisting of Freehold or Copyhold

Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes; or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; nor until he shall have taken and subscribed, or made and subscribed (as the Case may be), before any Two or more of the said Trustees, an Oath or Affirmation in the following Form of Words; and which Oath or Affirmation the said Trustees or any One of them, at any Meeting held in pursuance of this Act, are and is hereby authorized to administer or receive; (that is to say),

Trustees Oath or Affirmation.

'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 of or in the 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*, am Heir Apparent of , who, to the best of my Knowlege, is seised of Real Estate, consisting of Freehold and Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes; *or*, am possessed of a Personal Estate alone, or Real and Personal Estate together, of the Value of Four thousand Pounds, *as the Case may happen*]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*]. So help me GOD.'

['*Or*, being a Quaker, omit the Words, 'So help me God.']

No interested Person or Victualler to act as a Trustee.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested otherwise than as a Creditor, nor while he holds any Place of Profit under this Act, or who shall sell any Ale, Beer, or Wine, or Spirituous Liquors by Retail, or who shall be interested or concerned in any Contract, or who shall be Lessee or Farmer of the Tolls or of any Part thereof under this Act; and if any Person not being qualified as aforesaid, or not having taken and subscribed the Oath as aforesaid, or being a Quaker not having made and subscribed the Affirmation as aforesaid, or being disqualified by any of the Causes 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, 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, or more than one Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is 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 such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of

Any Person disqualified, or not having taken the Oath, who shall act as a Trustee to forfeit 50*l.*

Acts of disqualified Persons to be valid.

any

any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for the said County of *Kent*, or shall be Justices of the Peace for the Corporation of *Gravesend* and *Milton*, shall not by reason of being such Trustees, be deemed disqualified to act as Justices of the Peace in the Execution of this Act, except only in such cases where they shall be individually interested.

Trustees in the Commission of the Peace not disqualified from acting as Justices in execution of this Act.

VI. And be it further enacted, That the Trustees for executing this Act shall meet together at the *New Inn* in *Milton* next *Gravesend* aforesaid, on the First *Wednesday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places upon or near the said Roads as they shall think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not attend at any appointed Meeting, then the Trustees or Trustee present at any such appointed Meeting, and if no Trustees or Trustee shall appear, then the Clerk to the Trustees, shall and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Forty Days, nor sooner than Ten Days from the Day of such last intended Meeting; and in such case the Clerk shall give at least Six clear Days Notice of such adjourned Meeting, by Notice to be inserted in some public Newspaper usually circulated in the Neighbourhood of *Gravesend* aforesaid, or affixed on all the Turnpike Gates then continued or erected by virtue of this Act upon the said Roads; and in case at any Time no Adjournment or Notice of any Meeting or intended Meeting shall be made or given as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Three or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees by Notice to be inserted in some public Newspaper usually circulated in the Neighbourhood of *Gravesend* aforesaid, or affixed on all the Turnpike Gates then continued or erected by virtue of this Act upon the said Roads, appointing the Trustees to meet at such Time as the said Clerk or the said Trustees giving such Notice shall think proper, not exceeding Forty Days nor sooner than Ten Days from the Date of inserting or affixing such Notice (as the Case may be,) and at the same Place at which the last Meeting was appointed to have been held; and all the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things by this Act directed or authorized to be done by the said Trustees, shall and may be executed and done by or before the Majority of them assembled at their several Meetings, to be held in pursuance of this Act, the whole Number present not being less than Three, and shall be of as full Force and Effect as if executed and done by or before all the Trustees for executing this Act, (except in such Cases where any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be executed or done by any other Number of Trustees or in any other Manner); and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act, made at any such Meetings, consisting of Three or more Trustees, wherein the major

Meetings and Adjournments of Trustees, &c.

major Part of the Trustees present at such Meeting shall concur, shall be as valid and effectual as if all the Trustees present at such Meeting had concurred therein; and at all such Meetings a Chairman shall or may be appointed, and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act, or of the said former Acts, or any of them, may be revoked or altered, if occasion shall require, provided that no such Order shall be revoked or altered, except at some Meeting where not less than Five Trustees shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Ten Days Notice at the least of such intended Revocation or Alteration shall have been given at a previous Meeting of the Trustees, and entered in Books herein-after directed to be kept of their Proceedings, and also affixed on all the Turnpikes Gates which by virtue of this Act shall be then continued or erected upon the said Roads, Six Days at the least before such Meeting, and the Trustees shall at their several Meetings pay their own Expences.

Provision for calling an early Meeting if necessary.

VII. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the Trustees, it shall at any Time be thought necessary by any Three or more of the said Trustees, that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall and may be lawful for any Three or more Trustees, or the Clerk to the said Trustees, by an Order in Writing signed by Three or more of such Trustees (although not assembled at a Meeting), to appoint the Time and Place, and to give Notice of such earlier Meeting, by Notice to be inserted in some public Newspaper usually circulated in the Neighbourhood of *Gravesend* aforesaid, or affixed on all the Turnpike Gates then continued or erected by virtue of this Act upon the said Roads; and in such Notice shall be expressed the Time and Place and Purpose of such earlier Meeting; such Time not being less than Six Days after such Notice; and all Proceedings of the Trustees at such Meeting, shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of any Adjournment.

Proceedings of Trustees to be entered in a Book, &c.

VIII. 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 their Clerk for the Time being, in which Book or Books all Orders and Proceedings of the Trustees shall be regularly entered; and such Orders and Proceedings so entered shall be signed by the Chairman of the Meeting at which the same were made, or by the Trustees making the same; and the said Book or Books, and all Books of Proceedings of the Trustees in the Execution of the said recited Acts, and the Book or Books hereinafter directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Trustees to cause Books of Accounts to be kept.

IX. And be it further enacted, That the said Trustees shall and they are hereby also required from Time to Time, and at all Times during the Continuance of this Act, to order and direct that a Book or Books be provided and kept by their Clerk for the Time being, in which Book or

Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out and expended, for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied in Manner herein-after provided.

Trustees may appoint and remove Officers.

X. And be it further enacted, That the said Trustees, at any of their Meetings held in pursuance of this Act, by Writing under their Hands, shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary, and may from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint any other Person or Persons in his or their Stead; and Twenty-one clear Days Notice of the Intention of such Appointment shall be given in some public Newspaper usually circulated in the Neighbourhood of the said Roads, of every Meeting at which any such Appointment is to be made after the First Meeting of the said Trustees; and the said Trustees 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, or who shall assist in the Execution of this Act, for their Services in or about the carrying the same into Execution, as they the said Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail.

Officers under former Acts to continue till removed.

XI. Provided always, and be it further enacted, That every Clerk, Receiver, Collector, Surveyor, and other Officer, save and except the Treasurer, appointed under and by virtue of the former Acts, or any of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; 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 had been appointed by virtue of this Act.

Offices of Clerk and Treasurer not to be held by one Person.

XII. Provided also, 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 who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or who

may

may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, 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 this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, 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.

Toll Collector neglecting his Duty, or refusing to deliver Possession of Toll House, may, after Notice, be summarily evicted by Warrant of a Justice.

XIII. Provided always, and be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall refuse, neglect, or become incapable to perform his Duty, or shall abscond or absent himself, it shall and may be lawful for any Three or more of the said Trustees, although not assembled at a Meeting held in pursuance 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 appointed Meeting of the Trustees; and the 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 appointed at a Meeting of the Trustees held under or by virtue of this Act; and also, 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 or Family, or other Representative of any Collector or Receiver who shall die or be discharged, or any other Person who shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be continued or erected 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 Three or more of the said Trustees, although not assembled at a Meeting held under or by virtue of this Act, or under the Hand of the Clerk for the Time being to the Trustees, then and in any of the said Cases, it shall and may be lawful for any Justice or Justices of the Peace for the County or Place wherein the Toll House shall be situate, upon Application made by such Trustees, or by any Person by them appointed on that 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 or Place, 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 such Trustees or any One or more of them, or their new appointed Officer, into Possession thereof.

Officers to deliver in Accounts, pay Balances, &c. when required.

XIV. And be it further enacted, That all Officers and other Persons appointed under or by virtue of the former Acts or any of them, and who shall be appointed under or by virtue of this Act, shall, from Time to Time, when thereunto required by the said Trustees, on Seven Days Notice in Writing, under the Hands of any Three or more of them, deliver to such Trustees, or to such Persons as they for that Purpose shall appoint, a true

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 the former Acts and this Act, or any of them, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall, and they are hereby respectively required, on being also thereunto required by the said Trustees, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands, to such Person or Persons as the said Trustees 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 and Receipts relating to the same, or to pay the Balance remaining in their or his 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 in anywise relating to the Execution of this Act, or to the said Roads, 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 or reside, by the said Trustees, or by any Person or Persons by them authorized on that 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 to the Satisfaction of the said Justice being shown for such Non-appearance), to issue a 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 virtue of such Warrant, or having absconded, or not being to be found, it shall be lawful for such Justice to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; 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 and 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 shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, Person or Persons, appearing or being brought before the said Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such 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 and Receipts 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 Roads, then and in any of the said Cases 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 or House of Correction of the County or Place where he or they shall live or reside, there to remain without Bail or Mainprize until he or they shall have delivered up the Vouchers and Receipts 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 which 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 to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees are hereby empowered to make, and also to receive such Composition Money), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof to the said Trustees; but no such Officer or other Person who shall be committed for Default of sufficient Distress only shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Treasurer, &c. to give Security.

XV. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act for the due and faithful Execution of his or their Office; and may also, if they think proper, take such Security from any Collector or Receiver of the Tolls or other Officer acting in the Execution of this Act.

Trustees may sue and be sued in the Name of the Clerk or one of the Trustees.

XVI. And be it further enacted, That the said Trustees may sue or be sued for or concerning any thing relating to the Execution of this Act, in the Name or Names of their Clerk or Clerks for the Time being, or in the Name of any one of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks or Trustee, or by the Act of any such Clerk or Clerks or Trustee, without the Consent of the said Trustees, but that the Clerk or Clerks or Trustee, in whose Name or Names any such Action or Suit shall have been brought, shall always be deemed the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, Informant or Informants, Appellant or Appellants, Defendant or Defendants, Respondent or Respondents, in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent.

Act made subject to the Payment of

XVII. And be it further enacted, That all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to

or with the Trustees for executing the said former Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account of and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements made and entered into by the said Trustees for executing the said former Acts shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Stipulations thereof respectively, the Repeal of the said former Acts or any Law to the contrary notwithstanding.

all Monies borrowed on the Credit of the former Acts.

XVIII. 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, and Side Gates or Side Bars now standing and being in and upon or across or on the Sides of the said Roads, or any Part thereof, and to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said Roads, or any Part thereof, or in, upon, or across the Entrance of any Public Road or Lane that doth or shall lead into the said Roads, or any Part thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and any Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Roads a suitable Garden Spot for each such Toll House, not exceeding One Fourth of an Acre, with such Lamp or Number of Lamps at or near each such Toll House as they shall think necessary, and from Time to Time to take down and remove, or again to put up in a different Situation, or to alter and discontinue the same or any of them, as the said Trustees shall think proper and direct or appoint; any thing contained in any Act, Law, or Statute relating to the Turnpike Roads of this Realm to the contrary notwithstanding.

Trustees may continue the present Toll Gates, &c. and erect such others as they think proper.

XIX. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpikes, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereto belonging, and the Materials thereof, which have been provided or erected under and by virtue of the said recited Acts, or any of them, and which shall be provided, erected, or made by virtue of this Act, and all Materials for repairing or building the same, and for repairing the said Roads or any Part thereof, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, or for the said Roads, shall be vested in the Trustees for the Time being, and they are hereby empowered to sell and dispose of so much of the same as shall not be wanted for the Purposes of this Act, in such Manner as they shall think proper, and to bring or cause to be brought, in the Name of the Clerk or Clerks for the Time being to the said Trustees, or in the Name of any one of the said Trustees, any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such House or the Appurtenances thereunto belonging, or who shall

Property of Toll Gates, Materials, &c. to be in the Trustees.

shall break down or damage, steal or take away, any such Turnpikes, Toll Gates, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houses, and other Houses and Buildings, Conveniences and Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles, or Things, or who shall disturb them (the said Trustees, or their Agents or Servants) in the Possession thereof; and in all Actions and Proceedings whatsoever, either Civil or Criminal, it shall be sufficient to state the same to be the Property of "The Trustees of the Road leading from *Dart-*"*ford* to *Strood* in the County of *Kent*," without naming or otherwise describing the said Trustees; and in all Civil and Criminal Proceedings whatsoever relating to the said Roads, or any Part thereof, no Person being a Trustee or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of, or other Person employed by the said Trustees, or any of their Officers, or any Inhabitant of any Township, Parish, or Place through or into which the said Roads or any Part thereof do or shall pass, shall be incompetent to give Testimony or Evidence therein by reason of his or her being such Trustee, Collector, Clerk, Treasurer, Surveyor, Officer, or Servant, or Person employed as aforesaid, or Inhabitant as aforesaid, or by reason of such Trustee or Clerk being made Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Proceedings.

Any Trustee, Clerk to the Trustees, or other Person, may give Evidence.

Tolls to be taken.

XX. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, 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 the Turnpikes or Toll Gates, or Toll Houses, or Side Bars, or Side Gates, or Chains which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads, or any Part thereof, subject to the Restrictions herein-after contained, 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 Mule drawing any Coach, Chariot, Phaeton, Calash, Curricle, Vis-a-vis, Chaise, Diligence, Caravan, Hearse or Litter, the Sum of Sixpence:

For every Horse, Mule, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

For each Ass drawing any Kind of Carriage, the Sum of Two-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Four-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Sheep, Lambs, or Hogs, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

And that in case of Oxen drawing any Carriage, Two Oxen shall be considered and paid for as One Horse:

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage what-

whatsoever shall be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate or Chain already erected and continued, or to be erected by virtue of this Act upon or across the said Roads, or upon or across any Lane or Way leading into the same; 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 in Manner herein-after directed.

Toll Collectors to give Tickets.

XXI. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by virtue of this Act, 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; and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free, and all such Notes or Tickets shall be provided by the said Trustees or their Lessees.

No Person to pay Toll at more than One Gate in the same Day.

XXII. Provided always, and be it further enacted, That no Person having paid Toll at any one or more of the Gates or Turnpikes on the said Road shall afterwards be liable to pay Toll again for passing or repassing at any Time or Times during the same Day, to be computed from Twelve of the Clock in the preceding Night to Twelve of the Clock in the succeeding Night, with the same Horse, Beast, Cattle, and Carriage, through the same Gate or Gates at which he or she shall have already paid Toll; and any Person having paid the Toll herein directed to be taken in respect of any Horse or other Beast or Cattle and Carriage at any one Gate through which any such Horse or other Beast or Cattle and Carriage shall pass upon, across, or on the Side of the said Roads hereby directed to be repaired, shall not be liable or compellable to pay any Toll at any other Gate thereon during the same Day (to be computed as aforesaid) for or with the same Horse, Beast, Cattle and Carriage, such Person producing a Note or Ticket denoting the Payment of such Toll, which Note or Ticket the Collectors or Receivers of the Tolls are hereby respectively required to give *gratis* on Receipt of the Toll, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Tickets shall free.

Trustees may divide the Tolls, first giving Notice of the Meeting for that Purpose.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Ten or more of them, if they shall think proper, notwithstanding any thing herein contained to the contrary thereof, to order the said Tolls to be divided in equal Parts, so that One Half of the said Tolls may respectively be paid and payable at one Toll Gate, Turnpike, Sidebar, or Chain, and the other Half at another Toll Gate, Turnpike, Side Bar, or Chain, so that in every Instance any Person going through Two Toll Gates or Turnpikes, or Two Side Bars or Chains, or One Toll Gate or Turnpike, and one Side Bar or Chain, shall pay the full and entire Toll; and provided that Notice in Writing of the Time and Place of Meeting for making such Order shall be given by the Clerk to the said Trustees, or by any Three or more of the said Trustees, to be affixed on every Turnpike Gate which by virtue of this Act shall be then continued or erected on the said Roads, at least Fourteen Days previous to such Meeting, and also inserted in some

public Newspaper or Newspapers usually circulated in the Neighbourhood of the said Roads at least Fourteen Days previous to such Meeting.

A Person driving the same Horse with a different Carriage to pay Toll again.

XXIV. Provided always, and be it further enacted, That if any Horse or other Beast shall have passed through any of the said Gates or Turnpikes drawing any Carriage of what Nature or Description soever, and shall return during the same Day (such Day to be computed as aforesaid) not drawing the same, but any other Carriage, then and in every such Case the same Toll may be demanded and taken for every Horse or other Beast drawing such other Carriage as if such Horse or other Beast had not passed through any of the said Gates or Turnpikes on that Day, any thing herein contained to the contrary thereof notwithstanding.

Post Horses returning.

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

Privileges to Broad-wheeled Waggons according to 55G.3. c.119.

XXVI. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages having the Wheels of the Width and Description and the Axletrees fixed as mentioned and set forth in or 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 their carrying extra Weight in certain Cases*, and the several Horses or other Beasts drawing the same, shall be entitled to and have and enjoy the Privileges and Exemptions granted by the said Act.

Toll Collector may distrain Goods of Persons refusing to pay.

XXVII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable shall, after Demand thereof made, either at the Gate, Bar, or Chain where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins, (except the Bridle or Reins apart from the Horse or Horses or other Beast), Saddles, Gears, or Accoutrements, or their Loading, or a sufficient Part thereof, or any of the Goods or Chattels carried or drawn by or on any such Cattle or Carriage, or any other Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay as aforesaid; and if such Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress made, be not paid, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Beast or Beasts, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning upon De-

mand the Surplus (if any) of the Money to arise by such Sale, and what shall remain unsold of such Distress, to the Owner thereof, after such Toll and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted, such Toll and Charges to be ascertained or determined, in case of Dispute concerning the same, by some Justice of the Peace of the County or Place where such Dispute shall happen.

Justice of the Peace to settle Disputes respecting Amount of Tolls.

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

Penalty on Persons evading Tolls.

XXIX. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Lane, Road, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants who may have occasion to pass into or from the same Land or other Premises); or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds near to the said Roads, or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Lane, Road, Lands, or Grounds, in order or with the Intent thereby to evade the Payment of the said Tolls or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of any Toll shall be thereby evaded; or if any Person not having paid the said Toll shall offer to produce and use any such Ticket with Intent to evade or avoid the Payment of any of the Tolls which shall be due or payable by virtue of this Act; or if any Person shall take off or suffer to be taken off any Horse or other Beast from any Carriage either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or other Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, or unload wholly or in part any Carriage with

Intent

Intent to evade Payment of any of the said Tolls; or if any Person shall forcibly or wilfully pass through any Turnpike or Toll Gate with any Horse or other Beast or Cattle without Payment of the Toll or of any Part thereof, every such Person shall for each such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Exemptions from Toll.

XXX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning from such Attendance; nor for any Horses, Beasts, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for any Horses, Cattle, or Carriages employed in carrying or conveying only the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers, or returning empty from having been so employed; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Beasts or Cattle drawing the same, employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review (provided that at the Time of claiming such Exemption such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively); nor from any Rector, Vicar, or Curate going to officiate or returning from officiating at his proper Parish Church or other Place of Divine Worship, or on other his Parochial or Ministerial Duty, or visiting his sick Parishioners; nor from any Person residing in any Parish, Township, or Place, going to or returning from his or her proper Parochial Church or Chapel; nor from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Person who shall be buried in any such Parish, Township, or Place; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *Kent*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or any Prisoner in Custody under any legal Warrant; or of carrying or conveying Hay, Grass, Saintfoin, Fodder, Turnips, Potatoes, or Straw, or Corn in the Straw only, or Wood, Heath, or Furze, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards, or on the Lands of the

the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Plough, Harrow, or other Implement of Husbandry or Things used therein, or any Dung, Mould, Manure, or Compost, save and except Lime, for manuring or improving Lands or Gardens; nor for any Cattle, Horses, or Farming Stock, going from Lands or Grounds in the Occupation of any Person or Persons, within any Parish through which the said Roads pass, to the other Lands in the Occupation of the same Person or Persons, and being within the same Parish; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or to or from Water or Pasture, or going to be or returning from having been shod or farried; nor for any Horse, Beast, or Cattle, Waggon, Wain, Cart, or other Carriage, used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Corn, Grain, Malt, or Flour, ground or to be ground for the Use and Consumption of the Owner thereof in his or her Dwelling House, and not for Sale, to or from any Corn Mill; or any Gravel, Sand, Stone, or other Materials for making or repairing the said Roads, or any other Highway or Public Road within any Parish, Township, or Place in which any Part of the said Roads lies, or for building or rebuilding, enlarging, or repairing any present or future public Bridge or Bridges on the said Roads; nor for any Horse, Beast, Cattle, or Carriage crossing or going no more than One hundred Yards upon the said Roads; and if any Person shall, by any fraudulent or collusive Means whatever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulently claiming Exemptions.

XXXI. Provided always, 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, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses or other Beasts or Cattle drawing the same, whilst so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, for the Purpose of drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

No Penalty for Overweight on Carriages laden with public Stores.

Such Carriages may have any Number of Horses.

Tolls may be lessened and again advanced.

XXXII. And be it further enacted, That it shall and may be lawful for the said Trusttees, and they are hereby empowered, at any Meeting to be holden for that Purpose, whereof at least Twenty-one Days Notice in Writing shall be given, to be affixed on all the Turnpike Gates which by virtue of this Act shall be then continued or erected on the said Roads, and in some public Newspaper or Newspapers usually circulated in the Neighbourhood of the said Roads, from Time to Time as they shall think proper, to lessen or reduce and again to raise and advance all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed in Number or Amount the Tolls by this Act authorized to be taken; and provided that no such Reduction be made without the Consent of the Persons who shall then be entitled to Five-sixth Parts of the Money which shall be then due upon the Credit of the Tolls intended to be reduced, or if such Tolls shall then be leased under the Power for that Purpose hereinafter contained without the Consent of the Lessee or Lessees of the said Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, levied, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, levied, and applied.

Trustees may compound with Individuals for Payment in lieu of Tolls.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound for any Term, not exceeding One Year at any one Time, with any Person or Persons for any Horses, Beasts, Cattle, or Carriages travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Horses, Beasts, Cattle, or Carriages, and such Composition Money shall be paid in advance quarterly or otherwiee, and in Default of such Payment the Composition or Agreement with the Person so making Default shall thenceforth be void; and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act.

Trustees may lease the Tolls.

XXXIV. And be it further enacted, That the said Trustees shall be and are hereby empowered, after giving Ten Days Notice thereof in one or more of the public Newspapers usually circulated in the County of *Kent*, and also in Writing to be affixed upon the Turnpike or Turnpikes, the Tolls whereof are intended to be leased from Time to Time, to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Two Calendar Months in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take to farm the same, under such Conditions and Agreements and with such Sureties for the Payment thereof as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to one or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or

in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Existing Leases to remain in force.

XXXV. Provided always, and be it further enacted, That every Lease of the Tolls granted and made by the Trustees for executing the said former Acts and now unexpired, and the several Covenants therein contained, shall, notwithstanding the Repeal of the said Acts, remain and continue in full Force and Effect until the Expiration of the Term thereby granted, and the same and the Lessee or Lessees shall be subject to the Powers and Provisions of this Act in the same Manner as if such Lease had been granted or made by the Trustees for executing this Act, and as if the Trustees therein named had been Trustees for executing this Act.

Lessees of Tolls may occupy Toll Houses, and receive Tolls.

XXXVI. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, during so long Time only as such Lessee or Lessees, Farmer or Farmers shall regularly and duly pay, his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed (such Rent and Covenants being duly paid and performed) shall and may demand and take the said Tolls so leased, demised, farmed, or let, with the like Powers for the Recovery thereof to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed or continued by virtue of this Act is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains and Penalties, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed or continued by virtue of this Act is subject or liable to.

Such Lessees liable to same Penalties as other Toll Collectors.

Penalty on Lessee of the Tolls, or his Agent, demanding or taking improper Toll.

XXXVII. And be it further enacted, That if any Lessee, Farmer, or Renter of the said Tolls, or the Servant or Agent of any such Lessee, Farmer, or Renter, shall demand or take or cause to be demanded or taken from any Person or Persons any Toll or Duty not hereby authorized to be taken, or a greater or less Toll or Duty than so authorized and directed by the said Trustees to be taken under the Authority of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and the Contract for renting the

Penalty on any other Collector for such Offence.

the Tolls shall be vacated if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, or the Servant or Agent of any such Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such respective Forfeitures to be recovered, levied, apportioned, and applied in manner herein-after provided for the Recovery and Application of Penalties and Forfeitures: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said Penalties or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Toll Collector to put up a Board with his Name;

XXXVIII. And be it further enacted, That every Toll Collector, whether a Lessee of the said Tolls, or continued or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee or Lessees, to collect the Tolls or Duties payable at any Turnpike or Toll-gate to be continued or erected by virtue of this Act, shall and he is hereby required, on every Day previous to his entering on Duty for Collection of the said Tolls, to place his Christian and Surname, painted on a Board in legible Characters, on the Front or some other conspicuous Part of the Toll House or Toll Gate, each of the Letters of such Names 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 the Time aforesaid, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate at which such Payment shall have been made, and also the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll 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, levied, apportioned, and applied in manner herein-after provided for the Reeovery and Application of Forfeitures and Penalties.

Penalty of 5*l.* in case of Default, or of other Misbehaviour.

Penalty of 5*l.* on Persons molesting Toll Collector.

XXXIX. Provided always, and be it enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned and applied in the same Manner as such last-mentioned Penalty.

XL. And

If Lessee of Tolls neglect to perform the Conditions, Justices of the Peace may evict Person in Possession, and give Possession to the Trustees.

XL. And be it further enacted, That in case all or any of the Tolls or Duties 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, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Three Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case 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 of the Peace for the County or Place where such Toll House shall be situate, upon Application made by any Three or more of the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter 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 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 the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls and Duties to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save and except 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, Contract, or Agreement had never been made, such Possession to be taken and delivered, and Lease, Contract, or Agreement to be void, without the Necessity of any Proceeding at Law by way of Ejectment or otherwise; and it shall and may be lawful for the said Trustees in every such Case to demise or to 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, Contract, or Agreement had been made relative thereto.

Arrears of Tolls and other Property vested in Trustees under former Acts, to vest in Trustees of this Act.

XLI. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and all Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the Trustees under the said former Acts of the First, Twenty-second, and Forty-first Years of the Reign of His late Majesty King *George* the Third, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees named in and to be elected and appointed by virtue of this Act, who shall be and they are hereby enabled to recover the same, or any Part or Parts thereof, which shall or may be withheld from them, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in such Trustees under and

by virtue of this Act; or such Arrears of Tolls or Rents or other Monies so due to the Trustees under the said former Acts, or any of them as aforesaid, by virtue of any Deed or Specialty, shall and may be sued for and recovered in the Name or Names of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, or in the Name or Names of the Clerk or Clerks for the Time being, or in the Name of any one of the Trustees for carrying into Execution this Act, at the Option or Election of the Trustees named or to be appointed by virtue of this Act; and that all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act; and the Monies when recovered shall be paid over to the Treasurer to the said Trustees, to be applied for the Purposes of this Act.

Trustees may borrow Money and mortgage Tolls.

XLII. And be it further enacted, That the said Trustees may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted or authorized to be taken on the said Roads, such Sum or Sums of Money as they shall think necessary, and they the said Trustees are hereby also authorized and empowered, either at any Meeting or Meetings, or afterwards by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls and Duties) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, and Assigns, as shall advance and lend the same; which Mortgage or Mortgages shall be in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], We, Three of the Trustees acting in the Execution of the said Act, whose Names are hereunto set and Seals affixed, in consideration of the Sum of to the Treasurer of the said Trustees in Hand paid by do hereby grant, bargain, sell, and demise unto the said his [her *or* their] Executors, Administrators, and Assigns, such Proportion of the Tolls and Duties arising by virtue of the said Act, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the Whole of the Monies owing and secured on the Credit thereof, 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, at the Rate of *per Centum per Annum*, shall be sooner paid and satisfied. Given under our Hands and Seals, this Day of in the Year of our Lord One thousand eight hundred and '.

Copies of Mortgages to be entered in a Book.

Money not to be bor-

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls unless Notice in Writing shall be for that Purpose affixed upon all the Turnpikes or Toll Gates then continued or erected on the said Roads by virtue of this

Act, or inserted in such public Newspaper or Newspapers as is or are usually circulated in the Neighbourhood of the said Roads, as the said Trustees shall direct, at least Twenty-one Days before the borrowing of such Money; and every Person to whom any such Mortgage shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Act, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his or her Right, Title, Interest, or Benefit of, in, and to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing before One credible Witness an Instrument, whether indorsed upon such Mortgage or not indorsed but separate, in the following Form of Words, or in Words to the like Effect; (that is to say),

rowed without Notice given.

Mortgages may be assigned.

Form of Transfer.

'I being entitled to the Sum of secured to Executors, Administrators, and Assigns, 'by virtue of a Mortgage or Assignment, dated the Day of 'in the Year of our Lord under 'the Hands and Seals of of the Trustees acting in the Execution 'of an Act passed in the First, *or* of an Act passed in the Twenty-second, 'or of an Act passed in the Forty-first Year of the Reign of His late 'Majesty King *George* the Third, *or* of an Act passed in the Third Year 'of the Reign of His Majesty King *George* the Fourth, [*as the Case may be*] intituled *An Act, &c.* [*here insert the Title of the Act*] upon the 'Credit of the said Act, do hereby transfer, assign, and set over all my 'Right and Title in and to the same, and all the Principal and Interest 'Money now due and owing thereon, unto Exe- 'cutors, Administrators, and Assigns. Dated this Day of 'in the Year of our Lord One thousand eight hundred and

'Witness *C. D.* *A. B.*'

Transfer to be produced to the Clerk who shall make an Entry thereof.

All which Transfers shall be produced and notified to the Clerk to the said Trustees within Fourteen Days 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 Amount of the Sum transferred, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more, and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns to all Benefit thereof and the Payment thereon; and such Assignee or Assignees may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

Mortgagee's Remedy in obtaining Possession of the Tolls.

XLIII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings shall seek to obtain Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, or any of them, or any Part thereof, 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

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.

Application of the Tolls.

XLIV. And be it further enacted, That out of the Monies already received by virtue of the said former Acts or any of them, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or by the Mortgages thereof, or of any Part thereof or otherwise, under this Act, the said Trustees shall, in the First Place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, and the Remainder of all such Monies shall from Time to Time be applied, in the Second Place, in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the said former Acts or any of them, and which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof, and in amending, repairing, improving, altering, turning, and rendering commodious the said Roads by this Act directed or authorized to be amended, repaired, improved, altered, turned, and rendered commodious; and lastly, in repaying the Principal Monies already borrowed by virtue of the said former Acts or any of them, or hereafter to be borrowed by virtue of this Act, and in otherwise putting this Act into Execution.

Trustees may alter Course of Roads, &c.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time to widen, alter, turn, or divert the Course or Path of any Part or Parts of the said Roads, (provided that such Part or Parts of the said Roads which shall be so widened or diverted be not thereby made wider than Forty Feet) upon, over, or through any private Lands or Grounds, and lay into the said Roads any Lands or Grounds of any Person or Persons, (not being at the Time a House or other Building, Yard, Garden, Orchard, Lawn, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or Nursery for Trees,) making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and also upon or over any Commons or Waste Grounds, and by, over, and along any other public Road or Roads, without making any Satisfaction for such Commons or Waste Grounds or Road; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Roads or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Roads or 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, or shall prevent or obstruct the putting down of such Stakes or other Marks, every Person so offending shall

Penalty on removing Stakes used as Marks for new Line of Road.

shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Trustees not to deviate more than 100 Yards, or to take down Buildings, &c. without Consent.

XLVI. Provided always, and be it further enacted, That the said Trustees in widening, altering, turning, diverting, or making any Part of the said Roads to be repaired, amended, and made under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line thereof, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate through whose Lands or Grounds such Deviation shall be made; and provided also, that the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Land which at the Time shall be used as a Yard, Garden, Orchard, Lawn, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any Nursery for Trees, or any Part thereof, without the previous Consent in Writing of the Owner or Proprietor thereof or other Person interested therein.

Trustees may treat with Owners of Land for Purchase thereof; and Corporations and incapacitated Persons may sell.

XLVII. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments to be taken or made use of for the Purposes of this Act, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, turning, altering, diverting, or repairing the said Roads or any Part thereof, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, and Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract with the Trustees for executing this Act for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto such Trustees any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons shall be and are hereby indemnified for what they shall do by virtue of this Act.

If Corporations, &c. shall refuse

XLVIII. And be it further enacted, That if any Bodies Politic, Corporate, Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors,

to treat, Trustees to ascertain the Value by a Jury.

Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice in Writing to them, him, or her given, or left at the Dwelling House or Houses or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in possession of such Lands or Hereditaments, shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees for executing this Act shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County of *Kent*; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall be or require, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever, (which Oath any One or more of such Trustees is and are hereby empowered to administer), and the said Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of, ascertained, and assessed such Damages and Recompense, such Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition and Judgment, Order, and Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Idiots, Lunatics, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Kent*, requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy is hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot and to swear or cause to be sworn Twelve Men who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, such Sheriff or his Deputy, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or who can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines upon any such Sheriff or Deputy, or upon any Bailiff or Agent making Default in the Premises, and on any of the Persons who shall be sum-

Manner of summoning such Jury, &c.

moned and returned on such Jury, and who shall not appear, without showing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without any reasonable and sufficient Excuse, or appearing shall refuse to be sworn or examined or to give Evidence, so that no such Fine be more than Twenty Pounds upon any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person for One Offence, such Fine or Fines to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

If Jury give a greater Recompence than has been offered by the Trustees, they shall pay Expences of Jury;

XLIX. And be it further enacted, That in case any Jury shall give 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 or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and have been offered by or on the Behalf of the said Trustees, before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, 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; and such Costs and Expences shall be settled and determined by any Justice of the Peace for the County or Place in which such Lands or Hereditaments shall be situate, not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels of the Treasurer to the said Trustees, under a Warrant to be issued for that Purpose by any Justice of the Peace for such County or Place, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose, by the Party or Person entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and have been offered by or on the Behalf of the said Trustees, before the impannelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled

but if Jury give the same or a less Sum than has been offered, the Vendor to pay Expences.

settled by any Justice of the Peace for such County or Place, not interested in the Matter in question, (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums of Money so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and 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, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised and received under or by virtue of this Act.

In case of Absence of Party, Expences to be paid by Trustees.

Land to be vested in Trustees on Tender of the Money.

L. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls or out of the Monies to be raised by virtue of this Act, either into the Bank of *England*, as herein-after mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or their Agents, and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to widen, turn, alter, and divert such Roads through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things with relation to such Lands or Hereditaments as the said Trustees shall think fit, according to the Directions of this Act; and all Lands and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes be deemed a common Highway, and shall be repaired and kept in Repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in Repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and the Land constituting Part or Parts of any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the new Road does not lead, shall be vested in the said Trustees, and be by them sold as herein-after mentioned, or shall and may be shut up and discontinued or left unrepaired.

Trustees may sell such Parts of the Road as are useless, making the First Offer to the Person of

LI. And whereas by reason of the Purchases which the said Trustees are empowered and authorized to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, 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, or of some Piece or Pieces of old Road as aforesaid; be it therefore enacted, That it shall be lawful

lawful for the said Trustees to sell and dispose of such Pieces or Parcels of overplus Ground, or of such Pieces or Parcels of old Road (not being Common or Waste Land) as aforesaid, either together or in Parcels, and either by public Sale or private Contract, as they shall think fit, and convey the same for the best Price that can or may be reasonably had or gotten for the same to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall dispose of any Piece or Pieces of overplus Ground or old Road as aforesaid, shall first offer the same for Sale to the Person or Persons of whom such overplus Ground shall have been purchased, or 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, on an Affidavit being 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 County or Place in which such Lands shall lie (who are hereby respectively empowered to take such Affidavit), by some Person or Persons in no respect interested in the Premises, stating that such Offer was made by and on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of overplus Ground or old Road, and he, she, or they, and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner in this Act directed with respect to the disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of overplus Ground or old Road, shall be applied by the said Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money, and every Conveyance of such Piece or Pieces of overplus Ground being executed by any Three or more of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof in any Manner they may think proper, and the same shall be held by such Purchaser or Purchasers by or under the same Tenure as the same was held before the Purchase thereof by the said Trustees for the Purposes of this Act, or as the same would or might have been held if this Act had not been passed; and all Conveyances of such Pieces of old Road, being executed by any Three or more of the said Trustees, and enrolled with the Clerk of the Peace for the County of *Kent*, shall be good and effectual in Law to all Intents and Purposes.

whom they have been purchased, or whose Lands adjoin.

LII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act,

Application of Purchase Money when amounting to or exceeding 200*l.*

Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee for or on the Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands or Hereditaments are limited in strict or other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, 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 may 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 or Hereditaments, in case the same had not been so purchased or taken as aforesaid), in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; 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 or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined, or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery upon Application thereto, such Application to be made in manner aforesaid, 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest 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 or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where Purchase Money is less than 200*l.* and exceeds 20*l.*

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments to be purchased, taken, or used 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 exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments

taments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, 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 Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be appropriated 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 the Trustees for executing this Act, as the Case may be (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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the same shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where less than 20*l.*

LIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-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 or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out good Titles.

LV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act as aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Hereditaments to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate or respective Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order

in

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

In case of disputed Titles, Persons in Possession to be deemed lawfully entitled.

LVI. 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 to any Estate, Right, Title, or Interest in any such Lands or Hereditaments, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands 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 High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to 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.

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

LVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, or Hereditaments, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, or be applied in the Purchase of other Lands 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 such Purchases from Time to Time to be made in pursuance of this Act, or of so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, and who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials.

LVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, and carry away any Furze, Heath, Stones, Chalk, Gravel, Sand, Earth, Soil, or other Materials for amending, altering, turning, widening, improving, and keeping in repair the said Roads, or any Part thereof, and any Footways and Paths on the Sides thereof, out of any Waste or Common, or out of any common River or Brook in any Parish, Township, or Place in which any Part of the said

Road shall lie or be situate, or in any adjoining Parish, Township, or Place, 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 or sloping down the Ground wherefrom 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 paying for the Damage done by going through or over any inclosed Lands or Grounds for or with such Materials, which they are hereby authorized and empowered to do (such inclosed Lands not being a Yard, Garden, Orchard, Lawn, Park, Paddock, Plantation, planted Walk or Avenue to a House, or Nursery for Trees), such Damage to be ascertained as hereinafter mentioned; and if a sufficient Quantity of Materials, proper in the Judgment of the said Trustees for the Repair of the said Roads, cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, 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 County or Place in which the Lands, Fields, or Grounds shall lie or be situated (as the Case may be), search for, dig, gather, and carry away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons, Bodies Politic or Corporate, in any Parish, Hamlet, Township, or Place in which any Part of the said Roads shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being the Ground whereon any Dwelling House or other Building stands, nor any Yard, Garden, Orchard, Lawn, Park, Paddock, Plantation, planted Walk or Avenue to a House, or Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, and Grounds where and whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for amending, altering, improving, or repairing the said Roads shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as such Justice or Justices of the Peace acting in and for such County or Place as aforesaid, on Ten Days Notice thereof being given by the Surveyor or Surveyors of the said Trustees to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or one of their respective Families or Servants (as the Case may be), shall and may adjudge and determine to be reasonable.

Materials not to be taken from inclosed Grounds until Notice has been given to the Owner.

LIX. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, take, or carry away any Materials for repairing the said Roads out of or from any inclosed Land or Ground until Notice in Writing, signed by the Surveyors, 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 Justice or Justices of the Peace acting in and for the County or Place where such Land or Ground shall lie, to show cause why such Materials shall not be had from such Land or Ground; 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, such Justice or Justices shall, if he or they shall think proper, authorize

authorize such Surveyor or other Person or Persons to dig, gather, 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 herself, or by his or her Agent, such Justice or Justices may, upon Proof on Oath of the Service of such Notice (and which Oath he, they, or any of them is and 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 or her Agent had attended.

Trustees may carry Materials over private Grounds, making Compensation for Damage.

LX. And be it further enacted, That it shall also be lawful for the said Trustees to carry any Materials for the Repair of the said Roads, which shall be purchased by or for them, and be brought in Boats or other Vessels by any public Canal, over any private Lands or Grounds (not being a Yard, Garden, Orchard, Lawn, Park, Paddock, Plantation, planted Walk, or Avenue to any House, or Nursery for Trees), making full Satisfaction to the Owners and Occupiers thereof, to be settled in manner last-mentioned in case of Dispute respecting the Amount of such Satisfaction.

Penalty on Persons taking Materials, &c.

LXI. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug or gathered for the Repair or Use of the said Roads, or any of the Purposes aforesaid, or shall raise, take, or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of procuring Materials for making and repairing the said Roads, or any of the Purposes aforesaid, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his or her own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, to be levied, recovered, apportioned, and applied in maaner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

In case of Non-payment of Compensation for Materials, &c. the same to be levied by Distress.

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

pose 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.

Surveyor may remove Nuisances, lop Trees, &c.

LXIII. And be it further enacted, That it shall be lawful for every such Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove any Windmill or Windmills which shall, after the passing of this Act, be erected within Three hundred Feet from the Centre of any Part of the said Road, and from Time to Time remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, by Timber, Wood, Stone, Carriages, Sawpits, or other Pits, Ashes, Dung, Filth, Rubbish, Straw, Heaps of Earth, or other Matter or Thing, and to turn any Watercourses, Gutters, Sinks, Conduits, or Drains running into, along, or out of the said Roads to the Prejudice thereof, and to open, scour, or cleanse, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part thereof, and to make the same as deep and large as such Surveyor or Surveyors shall think necessary; and also to prune, cut, or lop, at proper Seasons of the Year, any Shrubs or Bushes or Branches of Trees growing in the Hedges or Banks on the Sides of the said Roads, within Fifteen Feet of the Centre thereof (so as the same be not planted for Ornament or Shelter to any House or other Building, or in any Yard, Garden, Orchard, Lawn, Park, Paddock, Plantation, planted Walk, Avenue to a House or Nursery for Trees), and to cut and reduce the Hedges on the Sides of the said Roads to the Height of Five Feet above the Level of the Road, exclusive of the Bank on which such Hedge shall stand, and to take and carry away the said Prunings or Loppings and Cuttings in case the respective Owners or Occupiers of the Lands where such Annoyance shall happen to be shall neglect so to do for Seven Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and the Charges of removing the said several Annoyances (such Charges being settled by any Justice of the Peace of the County or Place where the same shall occur, by Writing under his Hand), shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers so neglecting to turn, open, scour, or cleanse, or to deepen, widen, or enlarge any such Gutter, Ditch, Drain, or Watercourse, or to prune, cut, lop, and remove such Boughs, Bushes, or Lops, or to cut or reduce such Hedges, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed are herein-after directed to be levied and recovered.

Penalty on Persons encroaching on the Road.

LXIV. And be it further enacted, That if any Person shall, from and after the passing of this Act, encroach by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch, or other Fence on any Part of such Roads (except Turnpike Houses erected by Order of the said Trustees), or by planting any Timber or other Trees on any

any Part of the said Roads, every Person so offending shall forfeit for every such Offence the Sum of Five Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, by Order under their Hands made at a Meeting to be held in pursuance of this Act, or at some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Walls, Hedges, Ditches, or Fences to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand; and that no Building shall be erected by any Proprietor or Occupier of Lands adjacent to any Part of the said Roads within Ten Feet on either Side of the said Roads, and if any such Building shall hereafter be erected, contrary to the true Intent and Meaning of this Act, the same shall be deemed a common Nuisance.

No Pit to be dug within a certain Distance of the Road.

LXV. And be it further enacted, That from and after the passing of this Act, no Chalk Pit, Gravel Pit, or other Pit already dug, sunk, or made within Thirty Feet of the said Roads, shall be dug, sunk, or made nearer thereto than the same now is; and that no Chalk Pit, Gravel Pit, or other Pit whatsoever, already begun to be dug, sunk, or made, not being at present within Thirty Feet, or which shall at any Time or Times hereafter be dug, sunk, or made near the said Roads or any Part thereof, shall be dug, sunk, or made within less Distance than Thirty Feet from the said Roads, such Distance to be ascertained by Admeasurement on the Surface at Right Angles from the Edge of the said Roads; and that where any Chalk Pit, Gravel Pit, or other Pit now is or hereafter shall be dug, sunk, or made within less Distance than Forty Feet from the said Roads, such Distance to be ascertained as aforesaid, the Owner or Owners, Occupier or Occupiers of every such Pit, shall, within Three Days after Notice in Writing given for that Purpose, under the Hand or Hands of the Surveyor or Surveyors to the said Trustees (such Notice being served either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), well and sufficiently and to the Satisfaction of the said Trustees, or their Surveyor or Surveyors, fence off such Pit from the said Roads; and in case any Chalk Pit, Gravel Pit, or other Pit, shall at any Time hereafter be dug, sunk, or made at a less Distance from the said Roads than as aforesaid, or shall be excavated or undermined within such Distances without the Consent of the said Trustees, as herein-after mentioned, then and in every such Case all and every the Owners and Occupiers of every such Chalk Pit, Gravel Pit, or other Pit, shall forfeit and pay for every such Offence the Sum of One hundred Pounds, or in case the same shall not be fenced off as aforesaid, after such Notice as aforesaid, then and in every such Case all and every the Owners and Occupiers of every such Pit shall forfeit and pay for every such Offence the Sum of Ten Pounds; such several Penalties of One hundred Pounds or Ten Pounds to be levied, recovered, apportioned, and applied in manner hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

LXVI. Pro-

Such Pits may be made with Consent of Trustees.

LXVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the Owner or Owners, Occupier or Occupiers of any such Chalk Pit, Gravel Pit, or other Pit as aforesaid, to dig, sink, or make the same so as to excavate or undermine the said Roads, with the Consent and Permission in Writing of the said Trustees, or any Ten or more of them, under their Hands, at a Meeting to be held by virtue of this Act, and in such Manner as shall be by such Trustees directed, permitted, or approved of in such Writing under their Hands.

No Gate to open into the Road.

LXVII. And be it further enacted, That from and after the passing of this Act no Gate of any Park, Paddock, Field, or Inclosure whatsoever, now standing or hereafter to be made, shall remain placed or be placed so as to open or swing into or towards any Part of the said Roads, except the Hanging Post shall be so far removed from the Centre of the said Roads, as that no Part of such Gate when opened shall swing or hang over any Part of the said Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of any Park, Paddock, Field, or Inclosure, having any Gate opening outwards, contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, by or from any Surveyor of the said Roads, cause such Gate to be hung in such a Manner as that no Part thereof when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in case of the Neglect or Default of any such Occupier or Occupiers, then the Surveyor of the said Roads shall and may and is hereby authorized to cause the Gate or Hanging Post to be removed, and to be placed and hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where such Gate shall be situate, and upon Conviction upon the Oath of One credible Witness of the giving of such Notice and of such Neglect or Default (which Oath such Justice or Justices is or are hereby empowered to administer), pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate; and shall also forfeit and pay a further Sum not exceeding Five Pounds for his, her, or their Neglect or Default therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made, and such Penalty shall be recovered, levied, apportioned, applied, and disposed of in Manner hereinafter provided for the Recovery and Application of Penalties and Forfeitures.

Trustees may make and repair Footpaths, Bridges, Drains, &c.

LXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or for the said Surveyor or Surveyors, and 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 Five or more of the said Trustees) to make and keep in Repair or cause to be made and kept in Repair any Causeway or Causeways for the Use of Foot Passengers along any Part of the said Roads, in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto (such Ground not being the Site whereon any House or Houses stand, nor being at the Time used as a Yard, Garden, Orchard, Lawn, Park, Paddock,

Plantation, planted Walk or Avenue to any House, or as a Nursery for Trees), and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains where necessary, and 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 Roads (such Grounds respectively not being the Site whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Lawn, Park, Paddock, Plantation, planted Walk or Avenue to any House, or Nursery for Trees) to be made use of by all Passengers, Cattle, and Carriages as a Public Highway, whilst such ruinous or narrow Part of the said Roads shall be repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the County or Place within which the said Lands shall be situate, on Ten Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties.

Trustees may erect Milestones, Direction Posts, &c.

LXIX. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think fit, to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of any Stone or Post from any Town or Place; and also to set up and maintain Direction Posts and Boards on the principal Side Openings of the said Roads, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead, and the Distances to such Places respectively; and also to order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected and maintained by the Side or Sides of the said Roads, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act, and from Time to Time to cause the same to be cleansed and kept legible, and also to cause proper Tables of the Tolls, by this Act granted and made payable, to be affixed and put up at the several Toll Houses continued or to be erected by virtue of this Act.

Statute Work.

LXX. And be it further enacted, That all Persons who by Law are or shall be liable, or who 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 they were before the passing of this Act; and it shall and may be lawful for any Two or more Justices of the Peace for the County or Place in which the said Roads or any Part thereof lie, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, Townships, Divisions, or

Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, Township, Division, 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 their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of every such Parish, Hamlet, Township, Division, or Place, to bring in a List in Writing before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, (either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), containing the Names of the several Persons who within such Parish, Hamlet, Township, Division, 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 is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors by their Order, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Hamlet, Township, Division, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, 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 this Act authorized or directed to be recovered; 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 or her at his or her last or usual Place of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his or her 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 or her, be subject and liable to such Pains, Penalties, and Forfeitures as such Person may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge 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

the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, Townships, Divisions, or Places, shall refuse or wilfully neglect to give in 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 aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Trustees may compound with Individuals for Statute Work.

LXXI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Surveyor or Surveyors by their Order, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Roads, or on any Part thereof, and also with the Inhabitants and Occupiers of Lands or Hereditaments of and in all or any of the Parishes, Hamlets, Townships, Divisions, or Places in which the said Roads lie, or with the Surveyor or Surveyors of such Parishes, Hamlets, Townships, Divisions, or Places, for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or their Surveyor or Surveyors by their Order, shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants, Occupiers, or other Persons done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer of the said Trustees, in advance, on or before the First Day of *November* in each and every Year, or otherwise the Inhabitants, Occupiers, or other Persons, or Surveyors of such Parish, Hamlet, Township, Division, or Place, shall not be permitted to compound for that Year.

Trustees may contract for any of the Work to be done.

LXXII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, or repairing the said Roads or any Part thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, by their Clerk or Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding on the said Trustees and their Successors, and upon all other Parties who shall sign the same, and the Executors and Administrators of such other Parties; and Actions and Suits shall and may be maintained thereon by the said Trustees, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts

and

and Agreements respectively; and such Sum or Sums of Money as shall be requisite for making, altering, diverting, widening, or repairing the said Roads or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Trustees not bound to repair Pavements, Bridges, &c.

LXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or require the said Trustees to repair or amend the Foot Pavement in the Streets of any Town through which the said Roads do lead, or any County or Hundred Bridge or Bridges; and that such Bridges, Drains, and Sewers, lying and being in any Part of the said Roads, as have been heretofore and ought to be maintained and repaired by any particular Person or Persons, Bodies Politic or Corporate, or by the Inhabitants of any Town or Place, shall from Time to Time be maintained, repaired, and kept in repair by such Person or Persons, Bodies Politic or Corporate, or by the County, Parishes, Townships, Hamlets, Divisions, and Places, and the Inhabitants thereof respectively, liable to the said Repairs, in such Manner as the same were or ought to be respectively kept in repair before the passing of this Act; and that no such Person or Persons, Bodies Politic or Corporate, County, Parishes, Townships, Hamlets, Divisions, Places, or Inhabitants shall, by virtue of this Act or any thing herein contained, be discharged from any such Repairs.

For preventing Nuisances on the Roads.

LXXIV. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Roads, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze, or be and remain loose on the said Roads, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path formed upon or on the Side of or belonging to the said Roads, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage upon the said Roads, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him

or her, or any Carriage under his or her Care upon the said Roads; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Roads; or bait any Bull, Badger, or other Animal, or play at Foot Ball, or any other Game or Games on the said Roads, or on any Part or Parts thereof, or on any Footway or Path belonging thereto, to the Annoyance of any Passenger or Passengers; or if any Person riding, attending, or driving any Horse or other Beast on the said Road, and carrying Iron in Bars or Rods, any Basket, Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket, Pannier, or other Matter or Thing, or any of them, across such Horse or other Beast in such Manner as that the same shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person or Persons, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Roads; or if any Hawker, Pedlar, Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Roads or any Parts thereof; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads; or if any Person or Persons shall in or upon any Part or Parts of the said Roads, or by the Side or Sides thereof, slaughter, singe, scald, burn, dress, or cut up any Beast or Swine, Calf, Lamb, or other Cattle; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, (except in Cases of Accident) upon or on the Side of the said Roads, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person, after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Matter or Thing used in such blocking; or shall scrape off any Soil or other Thing from the said Roads or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof without Leave of the said Trustees, or any Five or more of them, or the Surveyor or Surveyors; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; or if any Person or Persons shall wilfully commit any other Nuisance or Annoyance upon the said Roads, or on the Side or Sides thereof, every Person so offending in any or either of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in like Manner as any other Penalty is directed to be levied and recovered by the said recited Acts, or any or either of them, or by this Act.

LXXV. And

Straying Cattle may be impounded.

LXXV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said Roads or any Part thereof, or by the Sides thereof (except on such Parts of the said Roads as lead or pass through or over any Commons or uninclosed Lands), it shall and may be lawful to and for the Surveyor to the said Trustees for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every such Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded pay the Sum of Five 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 Four Days after such impounding, it shall and may be lawful to and for the said Trustees to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Surplus of the Money arising from such Sale, after deducting the said Penalty and the Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Punishment of Persons guilty of Pound Breach.

LXXVI. 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, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County 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.

Recovery and Application of Penalties.

LXXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby imposed or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed, or where the Offender shall be or reside, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which

(which Oath such Justice is in every such Case hereby fully authorized to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Surplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale shall have been deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the Treasurer to the said Trustees, to be applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines shall not be paid forthwith upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no such sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties may be mitigated.

LXXVIII. Provided always, and it is hereby enacted, That it shall be lawful for all and every Justice, Justices, and others hereby authorized to inflict the several Penalties by this Act imposed, to lessen and mitigate the same, as to him or them shall seem proper, and as the Nature of the Case may require, any thing in this Act contained to the contrary thereof in anywise notwithstanding, so that the same shall not be less than One Fifth Part of the Penalties hereby respectively imposed, except nevertheless the general Power of mitigating Penalties inflicted on Toll Collectors, and wholly exonerating them therefrom in certain Cases.

Offenders may be apprehended without Warrant.

LXXIX. And be it further enacted, That it shall be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and for such Person or Persons as they or any of them shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons 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 County, or Place where such Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and 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.

LXXX. And

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

'to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before of His Majesty's Justices of the Peace for the said by virtue of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act, and specify the Offence, Time and Place when and where the same was committed, as the Case may be*]. Given under our Hands and Seals [*or*, my Hand and Seal] the Day and Year first above written.'

LXXXI. 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, and for which no particular Method of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace for the County or Place where the Cause of Appeal shall arise, unless such Cause of Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants, in either Case, first giving or causing to be given Fourteen Days Notice in Writing preceding either such Sessions, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, or other the Respondent or Respondents, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be), with Two sufficient Sureties, conditioned to try such Appeal and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or may vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the Justices may at such Sessions, or at any subsequent Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction for such County or Place for any Time not exceeding the Term of Six Calendar Months, or until the Payment of such Costs. Appeal.

Convictions not to be quashed for Want of Form.

LXXXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed, set aside, or vacated for Want of Form, 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*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by such Party or Parties therein, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case, but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

Limitation of Actions.

LXXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty-one Days Notice in Writing thereof shall be given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Four Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his and their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other Court, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

General Issue.

Treble Costs.

Trustees of the Dartford Trust to pay annually 100*l.* to the Maidstone Trust.

LXXXIV. And whereas by the said recited Act of the Twenty-second Year of the Reign of His said late Majesty King *George* the Third, after therein reciting that an Act of Parliament was made in the Thirteenth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of Three Acts passed in the First, Ninth, and Twenty-second Years of the Reign of His late Majesty King* George *the Second, for repairing and enlarging the Road leading from the House called* The Sign of the Bells, *in the Parish of* Saint Margaret *in* Rochester, *to* Maidstone, *and*

other Roads therein mentioned, in the County of Kent, and a considerable Sum of Money borrowed and then due and owing on the Credit of the Tolls by the same Act granted, which Money had been applied in amending the said Road; and also reciting that there was a very steep high Hill upon the same Road, between *Rochester* and *Maidstone*, called *Boxley Hill*, and that it would be of great Benefit to Travellers if the Course of the said Road were altered so as to avoid the said Hill, and that such Alteration might induce many Persons having Occasion to travel between *London* and *Maidstone* to pass through *Rochester*, whereby the Tolls granted by the said Act of the First Year of the Reign of His said late Majesty would be increased; but that the Tolls arising by virtue of the said Act of the Thirteenth Year of the Reign of His said late Majesty were not sufficient to defray the Expences of such Alteration, and of carrying the same Act into Execution; and that the Trustees appointed by virtue of the said Act of the First Year of the Reign of His said late Majesty King *George* the Third, were willing to allow the clear annual Sum of One hundred Pounds out of the Tolls arising by virtue of the same Act, towards defraying the Expences of altering the Course of the said Road between *Rochester* and *Maidstone* as aforesaid, and of carrying the said Act of the Thirteenth Year of the Reign of His said late Majesty into Execution; it was by the said now reciting Act of the Twenty-second Year of the Reign of His said late Majesty King *George* the Third enacted, that the Trustees appointed by virtue of the said Act of the First Year of the Reign of His said late Majesty, or any Seven or more of them, should and were thereby authorized and required from Time to Time, out of the Tolls arising by virtue of the same Act, to pay to the Trustees for the Care of the said Road between *Rochester* and *Maidstone*, or any Seven or more of them, or to such Person as they should by Writing under their Hands appoint to receive the same, the clear annual Sum of One hundred Pounds; which said annual Sum should be paid upon the Twenty-ninth Day of *September* in every Year, and that the First of such Payments should be made on the Twenty-ninth Day of *September* One thousand seven hundred and eighty-two; and that it should be lawful for the Trustees for the Care of the said Road between *Rochester* and *Maidstone*, or any Seven or more of them, and they were thereby authorized and empowered to borrow and take up at Interest, upon the Credit of the said annual Payment, such Sum or Sums of Money as they should think proper, and by Writing under their Hands and Seals to mortgage and assign over the said annual Payment, or any Part thereof, for the Security of the Money so to be borrowed, and the Interest thereof, in the same Manner as by the said Act of the Thirteenth Year of the Reign of His said late Majesty they were authorized to do with respect to mortgaging and assigning over the Tolls thereby granted; and that all the Money which by virtue of the said now reciting Act of the Twenty-second Year of the Reign of His said late Majesty should come to the Hands of the Trustees for the Care of the said Road between *Rochester* and *Maidstone*, or of their Treasurer, should (after Payment and Discharge of the Money to be borrowed as aforesaid, and the Interest thereof,) be applied in the First Place in defraying the Expences of changing the Course of the said Road at *Boxley Hill* as aforesaid, and afterwards in carrying the said Act of the Thirteenth Year of the Reign of His said late Majesty into Execution: And whereas by the said Act of the Forty-first Year of the Reign of His said late Majesty King *George* the Third herein-before recited or referred to, the said annual Payment was

was continued to the Trustees for the Care of the said Road between *Rochester* and *Maidstone*, for and during the Term and Continuance of the said last-mentioned Act: And whereas the Trustees for the Care of the said Road between *Rochester* and *Maidstone* borrowed and took up at Interest considerable Sums of Money, amounting to Three thousand one hundred Pounds, and with the same and other Monies arising upon the said Road changed the Course of the said Road at *Boxley Hill* aforesaid, and the Sum of Two thousand nine hundred Pounds, Part of the said Sum of Three thousand one hundred Pounds, still remains due and owing, and cannot be paid off unless the said annual Payment be further continued to the said Trustees for the Care of the same Road; be it therefore enacted, That it shall and may be lawful to and for the said Trustees for the Care of the said Road between *Dartford* and *Strood*, now and for the Time being, or any Three or more of them, and they are hereby authorized and required from Time to Time, out of the Tolls arising by virtue of this Act, to continue to pay to the Trustees for the Care of the said Road between *Rochester* and *Maidstone*, now and for the Time being, or any Three or more of them, or to such Person as they shall by Writing under their Hands appoint to receive the same, the said clear annual Sum of One hundred Pounds, upon the Twenty-ninth Day of *September* in every Year, to be by the said Trustees for the Care of the said Road between *Rochester* and *Maidstone* received and exclusively applied in the Liquidation and Discharge of the Sum of Two thousand Pounds, Part of the said Sum of Three thousand One hundred Pounds so borrowed and taken up at Interest for the Purpose aforesaid; and that when the said Sum of Two thousand Pounds shall have been fully paid and satisfied as aforesaid, then the said annual Payment shall cease and determine; and the said Trustees for the Care of the said Road between *Rochester* and *Maidstone* shall and they are hereby required, yearly and every Year, when and so soon as they shall have received the said annual Payment of One hundred Pounds, to apply the same in discharge of the aforesaid Principal Sum of Two thousand Pounds, until the whole shall be fully paid off and discharged.

Justices of Gravesend to have Jurisdiction within their Limits.

LXXXV. Provided also, and be it enacted, That the Mayor and other His Majesty's Justices of the Peace for the Time being, acting in and for the said Corporation of *Gravesend* and *Milton*, shall have Authority in all Matters arising within the Limits of the Jurisdiction of the said Corporation, in like Manner as the Justices of the Peace for the said County of *Kent* have Authority within the said County.

Public Act.

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

Continuance of Act.

LXXXVII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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