ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 13.

An Act for repairing, altering, widening, and improving the Road leading from the *Maidstone* Turnpike Gate, situate on the *Loose* Road near *Sutton Lane*, in the Parish of *Maidstone*, to *The King's Head Inn* in *Sutton Valence*, in the County of *Kent*.

[24th *March* 1803.]

WHEREAS the Road leading from the *Maidstone* Turnpike Gate, situate on the *Loose* Road near *Sutton Lane*, in the Parish of *Maidstone*, to the *King's Head Inn* in *Sutton Valence*, in the County of *Kent*, is much out of Repair, and in many Places narrow and incommodious for Travellers and Carriages: And whereas it would be of great publick Utility, and of much Benefit to the Inhabitants of *Maidstone* and the adjacent Country, if the said Road was repaired, altered, widened, and improved; but such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable *Charles* Trustees. *Marsham*, commonly called *Lord Viscount Marsham*, Sir *Beversham Filmer*, Sir *Charles Style*, Sir *John Papillon Twisden*, Sir *William Twisden*, Sir *Charles Middleton*, Sir *Horace Mann*, the Reverend Sir *John Head*, Sir *William*

William Geary, Baronets, the Knights of the Shire for the County of *Kent*, the Members of Parliament for the Town of *Maidſtone*, the Mayor and Recorder of *Maidſtone* for the Time being, the Honourable and Reverend *Jacob Marſham* Doctor in Divinity, the Honourable *Charles Finch*, Sir *William Biſhop* Knight; *Thomas Beſt*, *George Beſt*, *William Baldwin*, *Baldwin Duppa Duppa*, *John Coker*, *Thomas Turner*, *Filmer Honywood*, *William Horne* Clerk, *William Horne* the younger, Clerk, *James Edward Gambier* Clerk, *Samuel Proſſer* Clerk, *Edward Cage* Clerk, *Charles Cage* Clerk, *Lewis Cage*, *Robert Foote* Clerk, *Maurice Lloyd* Clerk, *Robert Parker*, *Edward Penfold*, *George Talbot Hatley Foote*, *James Mann*, *James Whatman*, *John Larking*, *Ingram Rider*, *John Iſmay*, *Samuel Godding*, *John Criſpe*, *Richard Barnard*, *William Acton*, *Thomas Shirley*, *John Shirley*, *James Waterman*, *John Richard Buckhurſt*, *Stephen Wilkins*, *William Willes*, *William Coleman*, *William Green*, *William Green* the younger, *Clement Taylor* of *New Barnes*, *William Elgar*, *James Alexander*, *Edward Homewood*, *Timewell Bentham*, *Samuel Chambers*, *Philip Corrall*, *Finch Hollingworth*, *Thomas Robert Hollingworth*, *William Balſtone*, *Edward Argles*, *Thomas Argles*, *John King*, *John Stone*, *Robert Stone*, *Stephen Page Seager*, *John Brenchley*, *John Wiſe*, *Liberty Taylor*, *James Smyth*, *Thomas Atkins*, *George Biſhop*, *Argles Biſhop*, *Thomas Watts*, *William Pettit*, *Thomas Boucher*, *William Mercer*, *Biddingfield Wiſe*, *Thomas Poole*, *John Bowles*, *Humphrey John Payne*, *Thomas Cherry* Clerk, *Thomas Charlton*, *Thomas Bliſſett Pope*, *Thomas Day*, *William Charles*, *Robert Harris*, *Thomas Alchin*, *William Alchin*, *John Blackburn*, *George Catt*, *Robert Rugg*, *Thomas Fiſher*, and their Succeſſors, to be elected in Manner herein directed, ſhall be, and they are hereby declared to be, Truſtees for repairing, altering, widening, and improving the Road leading from the *Maidſtone* Turnpike Gate, ſituate on the *Looſe* Road near *Sutton Lane*, in the Pariſh of *Maidſtone*, to *The King's Head Inn* in *Sutton Valence*, in the County of *Kent*, and for making ſuch new Cuts or Lines of Road as may be neceſſary or adviſeable for the better Improvement of the ſaid Road, and for otherwiſe carrying this Act into Execution.

No Act valid unleſs at a Meeting.

II. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act (except as may be herein excepted); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees, ſhall and may be exerciſed, from Time to Time, by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act, (the Number of ſuch Truſtees preſent at ſuch Meeting not being leſs than Five); and all the Orders and Proceedings of the major Part of ſuch Truſtees preſent, at ſuch their ſeveral Meetings, ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being (ſave and except as may be herein excepted); and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed, and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion (including the Vote of the Chairman) then and in ſuch Caſe it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

Chairman to be appointed, and to have the caſting Vote.

Election of new Truſtees.

III. And be it further enacted, That upon the Death, Refuſal, or Diſability of any of the ſaid Truſtees hereby appointed, or their Succeſſors,

ceſſors, to be elected in Manner herein mentioned, to act in the Execution of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining Truſtees, from Time to Time, to elect and appoint One other Perſon to be a Truſtee in the room of each Truſtee ſo dying, or refuſing or being incapable of acting; and Notice of the Time and Place of the Meeting for every ſuch Election ſhall, by the Clerk to the ſaid Truſtees for the Time being, be inſerted in ſome Newſpaper or Newſpapers publiſhed in the ſaid Town of *Maidſtone*; and if no Newſpaper ſhall be publiſhed in the ſaid Town, then ſuch Notice ſhall be inſerted in One or more of the publick Newſpapers printed and circulated in the ſaid County of *Kent*, and ſhall be affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, at leaſt Ten Days before ſuch Meeting; and every Perſon ſo elected a new Truſtee as aforeſaid ſhall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full and ample a Manner as the Truſtee in whoſe room or ſtead he ſhall have been ſo elected.

Qualification of Truſtees.

IV. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be, in his own Right or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Eight hundred Pounds, or ſhall be Heir Apparent of ſome Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of One hundred Pounds; and if any Perſon, not being ſo qualified, ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

All Acts of Truſtees not qualified, if done before Conviction, valid.

V. Provided nevertheleſs, That all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid, previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Victuallers, *etc.* incapable of acting.

VI. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors

quors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls, who ſhall not be under any ſuch Incapacity.

Truſtees may act as Juſtices.

VII. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace, ſhall and may, in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

First Meeting of the Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the Sign of the *Queen's Head*, in the Pariſh of *Sutton Valance*, in the ſaid County of *Kent*, on the Second *Friday* after the paſſing of this Act, between the Hours of Ten in the Forenoon and One in the Afternoon, and ſhall then and there proceed to carry this Act into Execution, and ſhall and may at ſuch Meeting, and at their ſeveral Meetings to be holden for the Purpoſe of carrying this Act into Execution, from Time to Time adjourn themſelves, and appoint their next Meeting to be holden there, or at ſuch other Place near to any Part or Parts of the ſaid Road, and at ſuch Time, as to them ſhall ſeem proper; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day within Thirty Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe publick Notice thereof to be inſerted in ſuch Newſpaper or Newſpapers as aforeſaid, and to be affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, at leaſt Ten Days before the Day to which ſuch Meeting ſhall be ſo adjourned, and that the ſaid Truſtees ſhall at their ſeveral Meetings defray their own Expences; and that no Perſon ſhall be capable of acting as a Truſtee in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act.

Truſtees to defray their own Expences.

Meetings on Emergencies.

IX. And be it further enacted, That if, after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time be thought neceſſary that a Meeting of the Truſtees ſhould be appointed on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in ſuch Caſe the Clerk to the ſaid Truſtees (an Order in Writing ſigned by Three or more of the ſaid Truſtees, mentioning the Time and Place and Purpoſe of ſuch earlier Meeting, being given to him, or left at his laſt or uſual Place of Abode) ſhall forthwith give Notice of ſuch earlier Meeting in Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time being not leſs than Ten Days after ſuch Notice); and all Proceedings of the ſaid Truſtees at ſuch earlier Meeting ſhall be as good and valid as they would have been in caſe ſuch Truſtees had met in purſuance of any Adjournment.

No Order to be revoked unleſs a Majority of Three Fourths of the Truſtees preſent concur.

X. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice in Writing, ſpecifying the Revocation or Alteration intended to be made, be

be inſerted in ſuch Newſpaper or Newſpapers aforeſaid, and be affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, at leaſt Twenty-one Days before ſuch ſubſequent Meeting, nor unleſs a Majority of Three Fourths of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in Favour of ſuch Revocation or Alteration.

Proceedings, to be entered.

XI. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman and Clerk then preſent, or either of them, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, and Actions, touching or concerning any Thing done in purſuance of this Act; and that ſuch Book or Books ſhall at all of the Meetings of the ſaid Truſtees, be open and liable to the Inſpection of all and every of the ſaid Truſtees and of the Creditors on the Tolls hereby granted and made payable, and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence, and ſo in Proportion for any greater or leſs Number of Words.

Truſtees to appoint Officers,

and remove them, and may allow them Salaries.

Truſtees to take Security from the Treaſurer.

Officers to account.

Treaſurer, etc. to account on Oath.

XII. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and alſo ſuch other Officers and Perſons for the Execution of this Act, as the ſaid Truſtees ſhall think proper, and from Time to Time remove ſuch Officers and Perſons reſpectively as they ſhall ſee Occaſion; and out of the Monies to be received by virtue of this Act, to allow and pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons, as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from every ſuch Treaſurer and otherOfficer for the due Execution of his Office, as they ſhall think proper; and all ſuch Officers ſo to be appointed ſhall under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer ſhall on the Firſt *Monday* in the Month of *March* yearly, or at the Firſt Meeting of the ſaid Truſtees then next following (although not thereunto required by the ſaid Truſtees) lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved of; and all the ſaid Officers ſo accounting as aforeſaid ſhall upon Oath (which Oath any One of the ſaid Truſtees

tees is hereby empowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath, any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees (or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame) within Fourteen Days next after being thereunto required by the ſaid Truſtees (by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer) all Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame; and if Complaint ſhall be made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid to any Juſtice of the Peace for the County, Town, or Place wherein ſuch Officer ſo refuſing or neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal, for the Officer ſo refuſing or neglecting to appear before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall remain due from ſuch Officer, ſuch Juſtice may, and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer, and if no Goods or Chattels of ſuch Officer can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have refuſed or neglected to deliver, or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and in every ſuch Caſe, ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, Town, or Place, where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize, for any Time not exceeding Twelve Calendar Months, or until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or have compounded with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees.

On the Death of a Gate-keeper, Truſtees may nominate another until the next Meeting.

XIII. And be it further enacted, That it ſhall and may be lawful to and for any Two or more of the ſaid Truſtees, upon the Death, Neglect, Refuſal, or Incapability to act, of any Collector of the Tolls hereby granted, to nominate and appoint ſome other fit Perſon in his or her Place, until the next Meeting of the Truſtees of the ſaid Road, which Perſon ſo to be nominated and appointed ſhall have the like Power and Authority, and be accountable in the ſame Manner, in all Reſpects, as the Perſon in whoſe room or ſtead he or ſhe ſhall be ſo appointed; and that if any Collector of the ſaid Tolls, who ſhall be diſcharged from his or her Office

Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances, which he or ſhe enjoyed in Right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at ſuch Toll Houſe, in Writing under the Hands of the ſaid Truſtees, or any Five or more of them, or if the Wife or Family of any ſuch Collector who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any Means whatſoever, ſhall refuſe to deliver up ſuch Toll Houſe, Buildings, and Appurtenances within Four Days after ſuch new Appointment ſhall be made as aforeſaid, then and in either of the ſaid Caſes it ſhall and may be lawful to and for any Juſtice of the Peace for the County, Town, or Place where ſuch Toll Houſe ſhall ſtand or be, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Day Time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Toll Houſe and other Premiſes, and to put the new appointed Collector of the ſaid Tolls in Poſſeſſion thereof.

Leſſees of Tolls may point Perſons to receive the ſame.

XIV. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall, by Writing or Writings under his or their Hand or Hands, authorize or appoint to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Truſtees empowered to erect Turnpikes and Toll Houſes, and receive Tolls.

XV. And be it further enacted, That the ſaid Truſtees ſhall and may cauſe to be erected ſuch and ſo many Turnpikes to ſecure the Tolls hereby granted, upon or acroſs the ſaid Road, and on or near the Sides thereof, in, near, unto, or acroſs any Lanes or Ways leading or that may hereafter lead out of the ſame, as they ſhall think proper, and ſuch and ſo many Toll Houſes as they ſhall think proper, and ſhall and may, in Manner herein directed, purchaſe and take Land ſufficient for ſuch Toll Houſe or Toll Houſes, with neceſſary Accommodations thereto, and from Time to Time remove, alter, or diſcontinue ſuch Turnpikes and Toll Houſes, or any of them, as they the ſaid Truſtees ſhall from Time to Time think meet and expedient; and ſhall and may cauſe to be demanded and taken at the ſaid Turnpikes and Toll Houſes the Tolls following, before any Horſe or other Beaſt or Cattle ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Coach, Chariot, Berlin, Landau, Chaiſe, Chaiſe Marine, Calaſh, Chair, or Hearſe, drawn by Six Horſes or Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Four Horſes or Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes or Beaſts

Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or Beast of Draught, the Sum of Three-pence:

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four or more Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or Beast of Draught the Sum of Three-pence:

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

For every Mule or Ass, laden or unladen, and not drawing, the Sum of One Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Tenpence *per* Score, and so in Proportion for any lesser Number; and

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two-pence Halfpenny *per* Score, and so in Proportion for any lesser Number:

And in taking of which said Tolls or Duties One Pair or Yoke of Oxen drawing in any Carriage, shall be deemed and taken to be but as equivalent to One Horse or Beast drawing in such Carriage.

Tolls vested in the Trustees.

XVI. And be it further enacted, That the said Tolls shall be and they are hereby vested in the said Trustees; and a Table thereof shall be put up and continued at each and every Turnpike erected on the said Road; and it shall and may be lawful to and for the several Persons who shall by virtue of this Act be appointed Collectors of the said Tolls, to demand, collect, and receive the Tolls hereby granted; and if any Person or Persons subject to the Payment of any of the said Tolls, shall after Demand thereof made by any Collector to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain, or cause to be seized and distrained, any Horse or Horses, or other Beast or Cattle chargeable with the said Tolls, and their Bridles, Saddles, Harness, or Accoutrements; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within Five Days next next after such Seizure and Distress made, the Collector so seizing and distraining shall and may sell the Horse or Horses, Beasts or other Cattle, and their Bridles, Saddles, Harness, or Accoutrements so seized and distrained, and any Part thereof, rendering the Overplus (if any) upon Demand, to the Owner or Owners thereof, after such Tolls, and all reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Additional Tolls on Carriages laden with Timber.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to demand and take, or cause to be demanded and taken, for every Horse or Beast (except an Ass) drawing any Carriage, of whatever Name or Description, laden with Timber, One Half the Toll or Sum in Addition to the Toll or Sum which could otherwise be demanded and taken by virtue of this Act, for such Horse or other Beast drawing any such Carriage, and not so laden as aforesaid.

In caſe of Diſpute concerning Tolls and Charges, the Matter to be ſettled by a Juſtice.

XVIII. Provided always, and be it enacted, That if any Diſpute ſhall happen about the Quantity of the Tolls due, or the Charges of keeping and ſelling any Diſtreſs it ſhall and may be lawful to and for the Collector or Perſon diſtraining to retain the Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls or Charges of diſtraining and ſelling the Diſtreſs, as the Caſe may be, ſhall be aſcertained by ſome Juſtice of the Peace for the County, Town, or Place, wherein ſuch Diſpute ſhall happen to ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter by Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Quantity of the Tolls due, and ſhall alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and all other reaſonable Coſts; all which Sum or Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after Sale thereof, or of any Part thereof.

Turnpikes, *etc.* veſted in the Truſtees.

XIX. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houſes, and other Buildings with the Ground, Fences, and Appurtenances thereto reſpectively belonging, and of all Mile Stones and Poſts erected by virtue of this Act, and alſo of all Materials, Tools, and Implements, which ſhall be provided for making and repairing the ſaid Road by virtue of this Act, ſhall be veſted in the ſaid Truſtees; and they are hereby empowered to cauſe any Actions to be brought, and any Bills of Indictment to be preferred, againſt any Perſon or Perſons who ſhall ſteal, break down, take away, injure, or ſpoil any ſuch Turnpike, Toll Houſes, or other Buildings, Fences, Mile Stones, Poſts, or any ſuch Materials, Tools, or Implements as aforeſaid.

Tolls to be taken but Once a Day.

XX. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable any Collector of the ſaid Tolls to demand or take any more than One Toll in any One Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) from any Perſon or Perſons, for or in reſpect of the ſame Horſe or other Beaſt or Cattle paſſing and repaſſing through the ſame Gate or Turnpike, all and every ſuch Perſon and Perſons producing a Ticket denoting that the ſaid Toll has been paid in that Day, which Ticket the ſaid Collector is hereby required to deliver *gratis* on the Payment of ſuch Toll.

Collectors of Tolls to be competent Witneſſes.

XXI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be, and he and they is and are hereby declared to be competent to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Penalty on evading the Tolls.

XXII. And, for the preventing the evading of the Payment of the ſaid Tolls, be it further enacted, That if any Perſon or Perſons ſhall give, offer, or diſpoſe of, to or receive from any other Perſon or Perſons, any ſuch Ticket as aforeſaid, or ſhall counterfeit or knowingly make uſe of any counterfeited Ticket, in order to avoid Payment of the ſaid Tolls, or any Part thereof, or if any Perſon or Perſons owning, renting, or occupying

cupying any Lands adjoining to the ſaid Road, near unto any Turnpike to be erected thereon, ſhall permit or ſuffer any Perſon to paſs through or over any Part of his, her, or their ſaid Lands with any Horſe or other Beaſt or Cattle, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided, or if any Perſon or Perſons ſhall ride or drive any Horſe or other Beaſt or Cattle through or over any Way or Paſſage (not being a publick Way or Paſſage), or through or over any Lands adjoining any Part of the ſaid Road, or near to any of the ſaid Turnpikes, or ſhall take off or cauſe to be taken off, any Horſe or other Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part thereof, is or ſhall be avoided, every ſuch Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

General Exemptions.

XXIII. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, and having been employed only in carrying or conveying, on the ſame Day, Stone, Brick, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Road doth lie; or undried Hops, Green Clover for ſoiling Cattle, Hay, Straw, or Corn in the Straw only, or Wool, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners thereof; or for any Horſe, Cattle, or Beaſt employed in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Sullage, Compoſt or Manures (except Lime and Chalk) employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed; or from any Perſon going to or returning from his or her Parochial Church, Chapel, or other Place of religious Worſhip tolerated by Law on any *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſes, Cattle or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſes of Soldiers upon their March or on Duty, or drawing any Carriages attending them with their Arms or Baggage; or for any Cattle or Carriages employed in the Conveyance of Vagrants ſent by legal Paſſes or returning therefrom; or for any Horſe, Cattle, or Beaſt, drawing any Coach, Landau, Berlin, Chariot, Calaſh, or Chair, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Kent*, or of a Citizen or Citizens, Burgeſs or Burgeſſes, to ſerve in Parliament for the

the Borough of *Maidſtone*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded: And if any Perſon or Perſons ſhall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, ſuch Perſon or Perſons ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings.

Truſtees may reduce Tolls at any publick Meeting,

XXIV. Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, at a Meeting to be holden for that Purpoſe, of which One Calendar Month's Notice ſhall be given in ſuch Newſpaper or Newſpapers as aforeſaid, and ſhall be affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road from Time to Time, to leſſen and reduce all or any of the ſaid Tolls granted by this Act, and alſo any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in ſuch Manner as to them ſhall ſeem fit and convenient, for and during ſuch Time as they the ſaid Truſtees ſhall think proper; and afterwards at any Meeting to be holden as aforeſaid from Time to Time, as they ſhall ſee Occaſion, to advance all or any of the Tolls ſo leſſened or reduced to any Sum or Sums of Money not exceeding the ſeveral Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with reſpect to Overweights: Provided nevertheleſs, that until the whole Money borrowed on the Credit of this Act ſhall have been paid and diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five Sixths of the Money remaining due upon the Credit of this Act.

and afterwards advance them again.

Provided that ſuch Alterations of Tolls be made with Conſent of the Creditors.

Tolls may be let.

XXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, at any Meeting, upon Ten Days Notice being given in ſuch Newſpaper or Newſpapers as aforeſaid, and affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons, at and for the largeſt yearly Sum that can be reaſonably got for the ſame; provided that the Leaſes, Contracts, or Agreements of or for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by the ſaid Truſtees; but the ſame ſhall not be let for more than Three Years at any One Time; and the Rent which ſhall be agreed to be paid for the ſaid Tolls, ſhall be made payable and ſhall be paid to the Treaſurer to the ſaid Truſtees, ſo as that One Quarterly Payment of ſuch Rent ſhall always be in Advance, or ſufficient Security ſhall be given for the Payment of ſuch Rent, to the Satisfaction of the ſaid Truſtees, or in Default thereof, every ſuch Leaſe, Contract, or Agreement ſhall be null aud void to all Intents and Purpoſes whatſoever.

Truſtees may compound.

XXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, from Time to Time, to compound with any Perſon or Perſons for any Time not exceeding One Year for any Horſes, Beaſts, or Cattle paſſing on the ſaid Road, or on any Part or Parts thereof, for all or any of the Tolls to be paid in reſpect of ſuch Horſes, Beaſts, or other Cattle; and all ſuch Compoſition Money ſhall be paid in Advance One Quarter, or otherwiſe, as the ſaid Truſtees ſhall appoint, and in Default thereof every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes whatſoever.

XXVII. And,

Truſtees may borrow Money.

XXVII. And, for the more ſpeedy raiſing Money for the Purpoſes of this Act, be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered, from Time to Time, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall judge neceſſary for the Purpoſes of this Act; and by Writing under their Hands and Seals, to aſſign over or mortgage the Tolls hereby granted, or any Part thereof (the Charges of ſuch Aſſignments and Mortgages to be paid out of the ſaid Tolls) for any Term during the Continuance of this Act, as a Security for the Repayment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, and Aſſigns; ſuch Intereſt to be paid and payable by equal Quarterly Payments, at the Dwelling Houſe of the Treaſurer to the ſaid Truſtees for the Time being; all which Mortgages or Aſſignments ſhall be according to the Form following:

Form of Mortgage.

'BY virtue of an Act of Parliament, made in the Forty-third Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*] We whoſe Names are hereunto ſubſcribed and Seals affixed (being Truſtees acting in Execution of the ſaid Act) in Conſideration of the Sum of to the Treaſurer of the ſaid Road in Hand paid by *A. B.* do hereby grant, bargain, ſell, and demiſe unto the ſaid *A. B.* Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, as the ſaid Sum of doth or ſhall bear to the whole Sum advanced or to be advanced on the Credit of the ſaid Act, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord

Copies of the Mortgages to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees; and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected, without Fee or Reward; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, according to the Form following:

Transfer of Mortgages.

Form of Aſſignment of Mortgage.

'I *A. B.* being entitled to the Sum of ſecured to Executors, Adminiſtrators, and Aſſignees, by virtue of a Mortgage or Aſſignment bearing Date the Day of under the Hands and Seals of of the Truſtees acting in Execution of an Act of Parliament made in the Forty-third Year of the Reign of King *George* the Third, intituled [*ſet forth*

'*forth the Title of the Act*] upon the Credit of the ſaid Act, do hereby 'transfer all my Right and Title in and to the ſame, and all the Princi-'pal and Intereſt Money now due and owing thereon, unto *C. D.* 'Executors, Adminiſtrators, and Aſſigns. Dated this Day of ' in the Year of our Lord

Notice of Transfers to be given to the Clerk in Three Calendar Months.

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Truſtees within Three Calendar Months next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments, and for which Entry the Clerk who ſhall enter the ſame ſhall be paid One Shilling and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and after ſuch Entry or Memorial thereof as aforeſaid, it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer to make void, releaſe, or diſcharge the ſame; or the Monies thereby due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfer ſhall be made as aforeſaid, ſhall be, in Proportion to the Sums therein reſpectively mentioned, Creditors on ſuch Tolls, Turnpikes, and Toll Houſes, in equal Degree One with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Monies, or of the Dates of ſuch Mortgages or Aſſignments.

Notice to be given previouſly to borrowing any Money.

XXVIII. Provided nevertheleſs, That before any Sum or Sums of Money ſhall be taken up or borrowed, Twenty-one Days Notice at the leaſt ſhall be given in ſuch Newſpaper or Newſpapers as aforeſaid, ſignifying the Intention of borrowing ſuch Money.

Truſtees may turn or alter the Courſe of any Part of the Road, and contract for the Purchaſe of Lands, *etc.*

XXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby fully empowered, from Time to Time as they ſhall think proper, to divert, widen, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the Road comprized in this Act, and that any Variation of Road may be made of any Width not exceeding Sixty Feet through any Common or Waſte Ground, without making any Satisfaction for the ſame, and through any private or incloſed Lands, Grounds, or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall and may be lawful to and for the ſaid Truſtees, or for their Clerk, or any other Perſon or Perſons by them duly authorized and deputed for that Purpoſe by Order of a Meeting of the ſaid Truſtees, to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands, Tenements, or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons intereſted may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands, Grounds, and Hereditaments; and the ſaid Lands, Grounds, and Hereditaments ſo purchaſed, or any Part thereof, ſhall and may, by Order and Direction of the ſaid Truſtees, be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees ſhall think convenient, and ſhall by ſuch Perſon or Perſons as they

they ſhall order and appoint be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after the ſaid Lands or Grounds ſhall be ſo drained, ditched, and fenced out, the ſame ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be a Publick and Common Highway, and to be Part of the Road to be amended, widened, and kept in Repair by virtue of this Act, and ſhall be repaired and kept in Repair by ſuch Ways and Means, and in ſuch Manner, as the old Road was and ought to have been kept in Repair; and after any ſuch Lands ſhall be made Part of the ſaid Road as aforeſaid, the Lands and Grounds comprized in or conſtituting the former Road, in lieu whereof ſuch Lands or Grounds ſhall be purchaſed as aforeſaid, ſhall be ſold by the ſaid Truſtees to ſuch Perſon or Perſons as ſhall be willing to become a Purchaſer or Purchaſers thereof, for the beſt Price that can be reaſonably had or gotten for the ſame; and the Conveyance thereof being executed by the ſaid Truſtees, and inrolled with the Clerk of the Peace for the ſaid County of *Kent*, or with the Town Clerk of the ſaid Town of *Maidſtone*, according to the Juriſdictions in which ſuch Lands or Grounds ſhall lie, ſhall be good and effectual to all Intents and Purpoſes.

Corporations, *etc.* empowered to treat.

XXX. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunaticks, and Huſbands, and all other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, or *Ceſtuique* Truſts, Idiots, Lunaticks, or other Perſons under any Diſability of acting for themſelves, and for all and every Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Tenements, or Hereditaments, to treat and agree with the ſaid Truſtees for the abſolute Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame to the ſaid Truſtees for the Purpoſe aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes, any Law, Uſage, or other Matter or Thing to the contrary thereof in anywiſe notwithſtanding; and that all ſuch Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Huſbands, and Truſtees, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, and other Perſons, are and ſhall be indemnified for what they do by virtue or in purſuance of this Act.

In caſe of Perſons not treating for the Sale of ſuch Lands, a Jury to ſettle the Recompence.

XXXI. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Perſon or Perſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for the Purpoſes of this Act, or any ſuch Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Huſbands, Committees, or other Truſtees, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Place of Abode of ſuch Perſon or Perſons, or of the Clerk or head Officer of any ſuch Body Politick, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Premiſes, ſhall by the Space of Twenty Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, then

and

and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees to cauſe it to be enquired into and aſcertained by and upon the Oath of a Jury of Twelve indifferent Men of the County of *Kent*, or of the Town of *Maidſtone*, according to the Juriſdiction in which the Premiſes in Queſtion ſhall happen to lie (which Oaths the ſaid Truſtees, or any Two or more of them, are hereby empowered to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted for or upon Account of the taking or uſing of ſuch Lands, Tenements, or Hereditaments, for the Purpoſes of this Act; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time to ſummon and call before them all and every Perſon or Perſons who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, and ſhall examine ſuch Witneſs or Witneſſes before the ſaid Jury upon Oath (which Oath the ſaid Truſtees, or any Two or more of them, are hereby empowered and required to adminiſter), and they ſhall order and cauſe the ſaid Jury to view the Place in Queſtion, and uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Owners, Proprietors, or Occupiers of the ſaid Lands, Grounds, or Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order or Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe; and all and every ſuch Owners, Proprietors, Occupiers, and Perſons anywiſe intereſted in any ſuch Lands, Grounds, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property, of, in, to, or out of the ſame; and upon Payment of the Money ſo aſſeſſed to the reſpective Perſons entitled thereto, or their Agents, or (in caſe of Refuſal to accept ſuch Money) upon paying the ſame into the Bank of *England*, in caſe the ſame ſhall be equal to or exceed the Sum of One hundred Pounds, or upon leaving the ſame in caſe the ſame ſhould be leſs than the Sum of One hundred Pounds in the Hands of the Treaſurer to the ſaid Truſtees for the Uſe of ſuch Perſons, and to be paid to them upon Demand, it ſhall and may be lawful to and for the ſaid Truſtees to cauſe the Premiſes in reſpect whereof ſuch Money ſhall be aſſeſſed, to be diſpoſed of, and ſuch Acts to be done thereto as if the Purchaſe thereof had been agreed upon and completed, and the ſaid reſpective Premiſes were untenanted; and the Purchaſe or Conſideration Money received by the Perſon or Perſons entitled thereto; and for ſummoning and returning any ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue out their Warrant or Warrants, ſigned by any Five or more of them, to the Sheriff of the ſaid County of *Kent*, or Mayor of the ſaid Town of *Maidſtone*, in their reſpective Juriſdiction, thereby commanding and requiring ſuch reſpective Sheriff or Mayor to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to be and appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and ſuch Sheriff or

Verdict of the Jury to be final.

Mayor, or their reſpective Deputies, is and are hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear, according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or Mayor, or their reſpective Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve.

Jury may be challenged.

XXXII. Provided always, That all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter* is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriff or Mayor, or their reſpective Deputies, who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in Queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe to be ſworn, or to be examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed Ten Pounds upon any One Perſon for One Offence.

Sheriff may be fined for Neglect of Duty.

Owner of the Land uſed in altering the Road, to have the firſt Offer of the old Road.

XXXIII. Provided always, and be it enacted, That wherever the Courſe of any Part of the Road ſhall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Lands which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer, then the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch Manner as the Price for any Land to be taken in purſuance of this Act is directed to be ſettled and aſcertained in and by this Act; and ſuch Owner ſhall be deemed the Purchaſer thereof, at the Sum to be aſcertained by a Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money upon Demand made thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees by Action of Debt in any of His Majeſty's Courts of Record; and in caſe any ſuch Owner ſhall not agree or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons not intereſted in the Premiſes to make an Affidavit, to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, Town, or Place, where ſuch old Road ſhall lie, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Truſtees, and that

ſuch

ſuch Owner has not agreed, or has refuſed to purchaſe ſuch old Road as the Caſe may be, and ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and not agreed to or refuſed by ſuch Owner.

By whom the Expences of Jury to be paid.

XXXIV. And be it further enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money than ſhall by or on Behalf of the ſaid Truſtees have been offered before the ſummoning and returning ſuch Jury as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for leſs Money than ſhall have been offered to be accepted or taken by or on Behalf of the ſaid Truſtees as the Purchaſe Money for any ſuch old Road as aforeſaid, then the Coſts and Charges of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees out of the Money ariſing by virtue of this Act; and if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall by or on Behalf of the ſaid Truſtees have been offered before the ſummoning and returning ſuch Jury as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for the ſame, or any more Money than ſhall have been offered to be accepted or taken as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and maintaining the ſaid Jury and Witneſſes 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 ſhall be aſcertained and ſettled by ſome Juſtice of the Peace, not intereſted in the Matter in Queſtion, and within whoſe Juriſdiction ſuch Controverſy or Diſpute ſhall ariſe (who is hereby authorized and required to examine and ſettle the ſame), and 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 as the Payment or Tender of the Remainder of ſuch Monies, ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk of the ſaid Truſtees, by ſuch Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees, in Manner aforeſaid.

Perſons abſent, Truſtees charged with the Expences

Houſes, *etc.* not to be injured.

XXXV. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable the ſaid Truſtees to take, uſe, injure, or damage any Dwelling Houſe or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, without the Conſent of the Owners or Proprietors thereof.

Application of Compenſation when equal to 200*l.*

XXXVI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any

any Infant, Lunatick, Idiot, Feme Covert, or other *Ceſtuique* Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation ſhall be leſs than 200*l.* and exceed 20*l.*

XXXVII. Provided always, and be it enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being, entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees,

to

to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Five or more of the ſaid Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under their Hands, of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XXXVIII. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the 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 or Lunacy, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

For getting Materials to repair the Road.

XXXIX. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Road, and to and for all ſuch Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Beach, Stones, Gravel, Sand, or other Materials for making or repairing the ſaid Road, out of or from any Common or Waſte Ground, River, or Brook, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, in which any Part of the Road hereby directed to be made, amended, and repaired, ſhall lie, or in any neighbouring Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or Surveyors, or other Perſons as aforeſaid, may by Order of the ſaid Truſtees (ſuch Order to be made at ſome Meeting of the ſaid Truſtees to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk to the ſaid Truſtees), ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons where the ſame may be had or found (ſuch Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Damages done thereby to the Owners and Occupiers of ſuch Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame, or any other Materials for making and repairing the ſaid Road, ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them,

concerning

concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace of the County, Town, or Place, where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgement or Order of the said Justices shall be final and conclusive to all Parties.

Notice to be given to the Occupiers of Lands before Materials are to be taken for repairing the Road.

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

Penalty on taking away Materials, *etc.* got by Order of the Surveyor.

XLI. And be it further enacted, That if any Person or Persons whomsoever shall take away any Gravel or Materials which shall have been dug or gathered by or by Order of the said Surveyor or Surveyors, in any Lands, Fields, Wastes or Grounds, River or Brook, for the Purpose of amending the said Road, or any Part or Parts thereof, or shall get or take away any Gravel or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Road, or any Part or Parts thereof, 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 any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit, for every such Offence, any Sum not exceeding Five Pounds.

Surveyor to make Drains, &c.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining

joining to any narrow or ruinous Part or Parts of the ſaid Road, (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any Houſe) to be made uſe of as a publick Highway, whilſt the narrow or ruinous Parts of the ſaid Road are widening or repairing, and until the ſame ſhall be convenient and ſafe for the Paſſage of Travellers and Carriages; making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Lands reſpectively through and into which any ſuch Drain ſhall be cut, or on or over which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and ſuch Truſtees, touching ſuch Damage, then the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the County of *Kent*, or Town of *Maidſtone*, according to the Juriſdiction in which the Lands ſhall lie, next after the Expiration of Twenty Days from the Time of doing ſuch Damage, ſhall and are hereby authorized and required to hear, ſettle, and determine the ſame, and their Determination therein ſhall be final and concluſive.

making reaſonable Satisfaction.

In caſe of Difference, the Juſtices in Seſſions to determine the ſame.

XLIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (by Direction and under the Hands of any Five or more of the ſaid Truſtees), from Time to Time to remove and prevent all Annoyances on any Part or Parts of the ſaid Road by Rails, Steps, Sign Poſts, or other Poſts, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of any Part of the ſaid Road, to the Prejudice thereof, and to make the ſame as large and deep as he or they ſhall think proper, and to cleanſe any Ditch or Watercourſe next adjoining to any Part of the ſaid Road, and to cut down, lop, or top any Trees or Buſhes growing in any Part of the ſaid Road, or in the Hedges or Banks adjacent thereto, in caſe the Perſon or Perſons occaſioning ſuch Annoyance, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down, lop, or top ſuch Trees or Buſhes, ſhall refuſe or neglect ſo to do, for the Space of Ten Days next after Notice in Writing given for that Purpoſe, ſigned by any Five or more of the ſaid Truſtees, or by their Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons refuſing or neglecting as aforeſaid; and in caſe any ſuch Perſon ſhall not, upon Demand, pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every Perſon ſhall for every ſuch Offence, over and above ſuch Charges as aforeſaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Surveyors may remove Annoyances.

XLIV. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber, which

Penalty on drawing Timber on the Road.

shall be conveyed upon any Wheel Carriage, to drag upon any Part of such Road to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Road to be measured, and Mile Stones, *etc.* erected.

XLV. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Mile Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, and Posts to be erected to denote the Distance of every such Post from any Town or Place, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Road where the same is crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate or deface any of the Stones or Posts erected or to be erected on any Parts of the said Road, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or on any Parts of the said Road, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for each Stone, Post, or Parapet Wall broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on damaging Mile Stones, &c.

Penalty on riding on the Footpaths, &c.

XLVI. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Road, or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Foot-path or Causeway, or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast, drawing any Plough, upon any Part of the said Road, to the Prejudice thereof, or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Road to be made into Manure, or shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road with any Instrument, so as to damage the said Road or any Part thereof, or if any Person or Persons shall, without some reasonable Cause to be allowed by the Justice before whom such Person or Persons shall be summoned or conveyed, in order to his, her, or their Conviction, leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Sides of the said Road, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not less than Ten Shillings nor more than Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XLVII. And

Powers to Collectors to detain unknown Persons guilty of Offences.

XLVII. And whereas Persons guilty of Offences against this Act may be transient Persons to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and to convey him, her, or them before One or more Justice or Justices of the Peace for the County, Town, or Place, where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

XLVIII. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Kent*, or Town of *Maidstone*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them, paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto, it shall and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work so to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay Time or Harvest) and in such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees, or their Treasurer, at such Time or Times as they the said Justices shall direct, and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is

by

by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Parts of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending, shall for every Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in Advance, on or before the Tenth Day of *May* in every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Application of the Money.

L. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall in the first Place be paid and defrayed out of any Sum or Sums of Money subscribed for the Purposes of this Act, or out of the Tolls collected by virtue of this Act, or out of the first Money borrowed on the Credit thereof or out of any other Monies which shall come to the Hands of the said Trustees, or their Treasurer, by virtue or for the Purposes of this Act, and the Remainder of the Money so raised shall from Time to Time be applied in repaying the Monies borrowed by virtue of this Act, and the Interest thereof, and in carrying this Act into Execution: Provided nevertheless,

nevertheleſs, That the Intereſt of the Monies borrowed upon the Credit of this Act ſhall in the firſt Place, from Time to Time, be duly and regularly paid as the ſame ſhall become due and payable out of the Tolls collected by virtue of this Act, before ſuch Tolls ſhall be applicable to any other Purpoſe whatſoever.

Recovery and Application of Penalties.

LI. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of *Kent*, or for the Town of *Maidſtone*, where the Offence ſhall happen (which Warrant ſuch Juſtice is hereby empowered to grant upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath); and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and the Penalties and Forfeitures when recovered (if not herein-before directed to be otherwiſe applied) ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender to be committed to the Common Gaol or Houſe of Correction of the County or Town where the Offence ſhall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures ſhall be ſooner fully paid and ſatisfied.

Power to compel Payment of Subſcriptions.

LII. And be it further enacted, That all Perſons who have ſubſcribed to pay any Money towards making and repairing the ſaid Road, ſhall, and they are hereby reſpectively required to pay their Subſcription Money to the Treaſurer to the ſaid Truſtees, at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees; and if any ſuch Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees to ſue for and recover the ſame by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*.

Actions to be brought in the Names of the Treaſurer or Clerk, or One of the Truſtees.

Treaſurers, Clerks, or Truſtees, not liable to the Payment of Coſts.

LIII. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Truſtees, againſt any Perſon or Perſons by virtue of or in purſuance of this Act, the ſame may be brought in the Name or Names of their Treaſurer or Clerk, or in the Name of any One of the ſaid Truſtees, on Behalf of the ſaid Truſtees; and no Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought; but no ſuch Treaſurer, Clerk, or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on Account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Appeal.

LIV. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices

tices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the Western Division of the said County of *Kent*, or for the said Town of *Maidstone* (within which the Matter of Appeal shall arise) next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees; and the Justices in such Sessions are hereby authorized and required to hear and determine the Matter of Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and such Determination shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Distress not to be unlawful for want of Form.

LV. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the 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 done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings not to be quashed for want of Form, or removeable by *Certiorari*.

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

Plaintiffs not to recover after Tender of Amends.

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

LVIII. Provided

Limitation of Actions.

LVIII. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Kent*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited; or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

LIX. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without being specially pleaded.

Commencement and Continuance of the Act.

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

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