ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 81.

An Act for repairing the Road from *Chatham* to *Canterbury* in the County of *Kent*.

[5th *May* 1812.]

WHEREAS an Act was passed in the Third Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Road from that Part of* Chatham *which lies next to the City of* Rochester, *to* Saint Dunstan's Cross *near the City of* Canterbury *in the County of* Kent; *and for repealing so much of a former Act, as appropriates Part of the Money arising by the Tolls or Duties therein mentioned, towards repairing the Road between the Town of* Chatham *and* Boughton-under-the-Blean *in the said County of* Kent: And whereas another Act was passed in the Seventeenth Year of the Reign of King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Third Year of the Reign of His present Majesty, for repairing and widening the Road from that Part of* Chatham *which lies next to the City of* Rochester, *to* Saint Dunstan's Cross *near the City of* Canterbury *in the County of* Kent: And whereas an Act was passed in the Sixteenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and varying the Powers of Two Acts, passed in the Third and Seventeenth Years of His late Majesty King* George *the Second, for repairing the Road from that Part of* Chatham *which lies next to the City of* Rochester, *to* Saint Dunstan's Cross *near the City of* Canterbury *in the County of* Kent; *and for the amending and widening the Road from the present Turnpike Road, at or near a Place called* Makenade Corner *in the Parish of* Preston *to* Bagham Cross *and* Shelmsford Lane End *in the Parish of* Chilham

3 G. 3. c. 15.

17 G. 2. c. 4.

16 G. 3. c. 69.

ham *in the said County*: And whereas another Act was passed in the Thirty-
37 G. 3. c. 155. seventh Year of the Reign of His said present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of Three Acts, passed in the Third and Seventeenth Years of His late Majesty King* George *the Second, and in the Sixteenth Year of the Reign of His present Majesty, for repairing the Road from that Part of* Chatham *which lies next to the City of* Rochester, *to* Saint Dunstan's Cross *near the City of* Canterbury *in the County of* Kent; *and for amending and widening the Road from the Turnpike Road, at or near a Place called* Makenade Corner *in the Parish of* Preston, *to* Bagham Cross *and* Shalmsford Lane End, *in the Parish of* Chilham *in the said County*: And whereas the Trustees, appointed under or by virtue of the said recited Acts, have in pursuance of the Power thereby to them given, borrowed a considerable Sum of Money on the Credit of the Tolls thereby granted; and the same is still due and owing and wholly unpaid: And whereas the Tolls and Duties granted and made payable in and by the said several recited Acts, and the Powers and Authorities thereby given, are insufficient for the Purposes thereby intended; and the said Roads, which are very much out of Repair, cannot be effectually amended, widened, diverted, and kept in good Repair; nor the Money, so borrowed by the said Trustees, as aforesaid, be repaid, unless the said recited Acts are repealed, and further and more ample Powers and Authorities are given in lieu thereof: And whereas the Roads comprised in or directed to be repaired by the said recited Acts of the Third Year of the Reign of King *George* the Second, are therein described as follows; (that is to say), the Roads leading from that Part of *Chatham* which lies next to the City of *Rochester*, to *Saint Dunstan's Cross* near the City of *Canterbury* in the County of *Kent*, through the Parishes of *Chatham*, *Gillingham*, *Raynham*, *Upchurch*, *Hartlipp*, *Halstow*, *Newington*, *Bobbin*, *Borden*, *Milton*, *Sittingborne*, *Murston*, *Bapchild*, *Tonge*, *Tenham*, *Linkstead*, *Norton*, *Stone*, *Ospringe*, *Faversham*, *Preston*, *Boughton-subter-Blean*, *Harble Down*, and *Saint Dunstan's*, in the said County, being Part of the High Road between *London* and *Dover*: And whereas by the said recited Act of the Sixteenth Year of the Reign of His present Majesty, a certain other Road was added to and declared to be Part of the Roads to be amended and kept in Repair by virtue of the said Acts of the Third and Seventeenth Years of the Reign of King *George* the Second, and which said additional Road is therein described as follows; (that is to say), the Road branching out of and leading from the present Turnpike Road at or near a Place called *Makenade Corner* in the Parish of *Preston*, over *Old Wives Lees*, to *Bagham Cross* and *Shalmsford Lane End*, in the Parish of *Chilham* in the said County of *Kent*: And whereas the Road between *Boughton-under-the-Blean* and *Harbledown* in the Ville of *Dunkirk*, which commences at a certain Bridge called *Rishon Bridge*, and extends to a certain other Bridge called *Stone Bridge* at the South-east End of the said Ville, is much out of Repair, and in Parts very incommodious and dangerous for Travellers and Carriages, by reason of a very steep high Hill called *Blean Hill*; and it would be of great Advantage to the Public, if such last-mentioned Piece of Road were added to and made Part of the Roads herein-before described; and if the said Roads were amended, widened, altered, improved, and kept in Repair: But as the several Purposes aforesaid cannot be effected and carried into Execution 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

of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral recited Acts made and paſſed in the Third and Seventeenth Years of the Reign of King *George* the Second, and in the Sixteenth and Thirty-ſeventh Years of the Reign of His preſent Majeſty, and the Tolls and Duties thereby granted and made payable, ſhall be and the ſame is and are hereby declared to be repealed, and null and void, to all Intents and Purpoſes whatſoever; ſave and except in all Caſes relating to the demanding, recovering, receiving, paying, and accounting for any Tolls and Duties thereby made payable, and which are now in Arrear and unpaid, or not accounted for; and except as to the recovering and collecting any Penalties or Forfeitures now incurred and unpaid. Former Acts repealed.

II. And be it further enacted, That Sir *Samuel Auchmuty* Knight, *Edward Auſten*, *John Abbott*, Sir *Brook William Bridges* Baronet, Sir *Samuel Egerton Brydges* Knight, Grand Commander of the Order of *Saint Joachim*, the Reverend *Moyle Breton* Doctor of Laws, *John Baker*, *George Beſt*, *James Drake Brockman*, *Thomas Brett*, *Andrew Hawes Bradley*, *William Boteler*, *Thomas Barrett Brydges Barrett*, *John William Head Brydges*, *William Fuller Boteler*, *William Bland*, *John Barnes Backhouſe* Clerk, Sir *Samuel Chambers* Knight, *William Carter* Doctor of Phyſic, *John Carter*, *William Stracey Coaſt*, *Benjamin Cobb* of *Romney*, *George Carter*, *Benjamin Cobb* of *Lydd*, *Thomas Cobb* Clerk, *William Chaſy* Clerk, *William Coleman*, *William Cantis*, *Charles Dering*, *William Deedes*, *John Deedes*, *Cholmley Dering*, *George Hughes D'Aeth*, *Thomas Elliott*, Sir *John Fagg* Baronet, *Henry Godfrey Fauſſett*, *Thomas Foord*, *Peter Fector*, *John Minet Fector*, *James Foord*, the Reverend Sir *John Filmer* Baronet Clerk, *Godfrey Fauſſett* Clerk, Sir *William Geary* Baronet, *Thomas Garrett*, *John Garrett*, *George Gipps*, *Charles Graham* Clerk, *John Gregory* Clerk, *Henry Gipps*, Sir *Philip Hales* Baronet, Sir *John Courteney Honeywood* Baronet, Sir *Edward Hales* Baronet, General *George Harris*, *Wiliam Hammond*, *George Finch Hatton*, *George Finch Hatton* the younger, *John Springett Harvey*, *Robert Herring*, *William Hougham*, *Thomas Gibbs Hilton*, *William Honeywood*, *John Hilton*, *James Hallett*, *Edward Huſſey* the younger, *Edward Haſted* Clerk, *Richard Harvey* the elder, Clerk, *Richard Harvey* the younger, Clerk, *Charles Hughes* Clerk, *Robert Hinde*, Sir *Edward Knatchbull* Baronet, *Edward Knatchbull*, *Wyndham Knatchbull* Clerk, Sir *Soulden Lawrence* Knight, *John Hobday Lade*, *William Luſhington*, *Stephen Rumbold Luſhington*, *Philip Le Geyt* Clerk, *William Lade* Clerk, Sir *Horace Mann* Baronet, *Richard Milles*, *Robert Maſcall*, *Henry Montreſor*, *George May*, *John Morris* Clerk, *George Morgan*, Sir *Henry Oxenden* Baronet, *Thomas Watkinſon Payler*, *Thomas Papillon*, *John Plumtree*, *Thomas Payler*, *Richard Cook Tylden Pattenſon* Clerk, *Montague Pennington* Clerk, *Iſaac Rutton*, *Robert Ruſhbrook*, *Thomas Rutton*, *John Shepherd*, *Julius Shepherd*, *Jacob Sharp*, *Samuel Elias Sawbridge*, *Joſeph Stewart*, *George Stringer*, *George Sayer* Clerk, *John Toke*, *Richard Tylden*, *Nicholas Roundell Toke*, *James Tillard*, *John Toker*, *Oſborn Tylden*, *Edward Taylor*, *William Twopeny*, *Henry Thomſon* Clerk, *John Toke* Clerk, *James Tappenden*, the Honourable *George Watſon*, *Edward Walſby* Doctor in Divinity, *James Wildman*, and *Cooper Willyams* Clerk, ſhall be and they and the Survivors of them are hereby nominated and appointed Truſtees for amending, widening, altering, improving, and keeping in Repair, the ſeveral Roads herein-before mentioned, and for carrying the ſeveral Purpoſes of this Act into Execution. Truſtees.

On Death or Removal of Truſtees, others to be choſen.

III. And, for the continuing a ſufficient Number of fit and able Perſons to be Truſtees for putting this Act in Execution, and all and every the Powers therein contained; be it further enacted, That upon Erroneouſneſs or Inadequacy of Deſcription, or on the Death or Removal or Refuſal to act of any of the ſaid Truſtees, in the Execution of this Act, it ſhall be lawful for the Truſtees appointed under or by virtue of this Act, or any Seven or more of them, from Time to Time, at any Meeting to be held in purſuance of this Act, by Writing under their Hands, or by any Order entered in the Minute Book of their Meetings, to elect, nominate, and appoint ſo many more fit and able Perſons reſidng in the ſaid County of *Kent*, to be a Truſtee or Truſtees of and for the Purpoſes of this Act, in the Room and Stead of ſuch Truſtee or Truſtees, ſo from Time to Time dying, removing, or refuſing to act, or being ſo erroneouſly or inadequately deſcribed; and alſo in like Manner to elect, nominate, and appoint, any Number of fit and able Perſons, not exceeding Ten, as they ſhall think proper, qualified according to the Directions of this Act, and reſiding in the ſaid County of *Kent*, to be a Truſtee and Truſtees for the Purpoſes of this Act, in Addition to and over and above the Number of Perſons herein-before nominated and appointed Truſtees; and Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees for the Time being, by affixing ſuch Notice in Writing at or upon all and every the Turnpikes erected or to be erected in purſuance of this Act, Ten Days at leaſt before ſuch Meeting; and all and every Perſon and Perſons ſo elected a new or additional Truſtee as aforeſaid, ſhall be and is and are hereby authorized and empowered to act in Execution of this Act, in as full, large, and ample Manner, to all Intents and Purpoſes, as the ſaid Truſtees herein-before nominated and appointed, are by this Act empowered to do.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of 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 clearly Value of Fifty Pounds, or ſhall be Heir apparent of a Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of One hundred Pounds, or be poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand Pounds, nor (except in adminiſtering the Oath herein-after mentioned) until he ſhall have taken and ſubſcribed before any One or more of the ſaid Truſtees, an Oath in the Words or to the Effect following; (that is to ſay),

'I *A. B.* do ſwear, that I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes; [*or*, am Heir apparent of *A. B.* who, to the beſt of my Knowledge and Belief, is ſeiſed of ſuch an Eſtate of the clear yearly Value of One hundred Pounds]; or am poſſeſſed of a Perſonal Eſtate of the Amount of One thouſand Pounds, after all my Debts are paid.

'So help me GOD.'

Perſons acting not being qualified, to forfeit Fifty Pounds.

And if any Perſon, not being ſo qualified, ſhall preſume to 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

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 Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: 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.

Truſtees to hold no Place of Profit ariſing out of the Tolls.

V. And be it further enacted, That no Perſon or Perſons appointed or to be appointed a Truſtee or Truſtees for putting this Act in Execution, who ſhall have or accept of any Place of Profit ariſing out of or by reaſon of any Toll or Duty by this Act granted, ſhall be capable of acting as a Truſtee or Truſtees in the Execution of this Act, during the Time of his or their Enjoyment of ſuch Place of Profit as aforeſaid.

Victuallers, &c. incapable of acting.

VI. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe, Alehouſe, or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, or 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 this Act, 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 public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by retail.

Truſtees may act as Juſtices except where perſonally intereſted.

VII. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace, 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 individually intereſted.

First Meeting of Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet and aſſemble at the Seſſions Houſe in *Saint Auguſtine's*, near to the City of *Canterbury*, and in the County of *Kent*, within One Calendar Month after the paſſing of this Act, between the Hours of Ten in the Morning and Two in the Afternoon, for the Purpoſe of carrying this Act into Execution, and ſhall then and from Time to Time afterwards adjourn themſelves to meet at the Place aforeſaid, or at any other Place or Places that the ſaid Truſtees, or any Five or more of them, ſhall think proper or convenient, as often as it ſhall be neceſſary for carrying this Act into Execution; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act at ſuch Meeting 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 public Notice thereof to be affixed on all the Turnpike

Gates already erected on the said Roads, or to be erected or continued by virtue of this Act, Ten Days at least before the Day to which such Meeting shall be so adjourned.

No Act valid unless at a Meeting.

IX. And be it further enacted, That no Act of the said Trustees hereby nominated and appointed, or to be elected by virtue of this Act, shall be or be deemed to be good, valid, or effectual, unless the same be made or 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 Trustees present at any Meeting not being less than Five, and all the Orders and Proceedings of the major Part of the 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 every such Case the Chairman shall have and give the decisive or Casting Vote.

Majority present may act, the whole Number not being less than Five.

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

No Order to be revoked, unless at a Meeting for the Purpose, nor unless a Majority 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, specifying the Revocation or Alteration to be made, be affixed upon all and every the Turnpikes that shall be standing on the said Roads, and published in Two at the least of the Newspapers usually published and circulated in the Eastern Division of the County of *Kent*, at least Fourteen 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 in Evidence in all Cases, Suits, and Actions touching or concerning any Thing done in pursuance of this Act; and such Book or Books shall at all 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 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 Number of Words.

Entries of Proceedings under former Acts good Evidence.

XII. Provided always, and be it further enacted, That all and every Book or Books, with any Entry or Entries of any Proceedings of any of the Trustees or other Person or Persons acting by and under the Authority

of the ſaid recited Acts or any of them, (ſuch Entry or Entries being made in ſuch Book or Books according to the Direction of and made Evidence by the ſaid recited Acts reſpectively,) ſhall be and be deemed to be good and ſufficient Evidence of ſuch Proceedings, in any Court whatſoever; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Meetings on Emergencies.

XIII. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary that a Meeting of the Truſtees ſhall be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe the Clerk to the ſaid Truſtees, (an Order in Writing ſigned by Two 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 not being ſooner 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.

Truſtees to appoint Officers,

and to remove them; and allow Salaries.

Officers under this Act or the repealed Act to account upon Oath, &c.

XIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby empowered, by Writing under their Hands, or by any Order entered in the Minute Book of that Meeting, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls and Duties hereby granted and made payable, and alſo a Surveyor or Surveyors of the ſaid Roads, and alſo ſuch other Officers and Perſons for the Execution of this Act, as they the ſaid Truſtees ſhall think proper, and from Time to Time to remove ſuch Officers and Perſons reſpectively as they the ſaid Truſtees 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 all ſuch Officers ſo to be appointed, and alſo all and every Perſon and Perſons appointed by virtue of or acting or who have acted in Execution of the ſaid recited Acts hereby repealed, or any or either of them, 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 the ſaid recited Acts or 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 the ſaid recited Acts or 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 all the ſaid Officers or Perſons ſo accounting as aforeſaid, ſhall verify their ſaid Accounts upon Oath, if required by the ſaid Truſtees (which Oath any of the ſaid Truſtees is hereby empowered to adminiſter); and if ſuch Officer or Perſon 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

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 or Persons, all Books, Papers, and Writings in his Custody or Power relating to the Execution of the said recited Acts or of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer or Person so refusing or wilfully 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 or Person so refusing or neglecting to appear before him; and upon his appearing, or having been summoned and not 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 received by virtue of this Act, or the said recited Acts, or either of them, shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment 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 or Person; and if no Goods and Chattels of such Officer or Person 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 or Person shall have refused or wilfully 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 the said recited Acts or of this Act, shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid; then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound 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; but no such Officer who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Time than Three Calendar Months.

Officers to give Security.

XV. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer or Receiver appointed or to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office; and if they think fit, may also take such Security from any other Officer to be appointed under or by virtue of this Act.

XVI. And

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

XVI. And be it further enacted, That it ſhall be lawful for any Two or more of the ſaid Truſtees, upon the Death, Neglect, Refuſal, or Incapacity to act of any Collector of the Tolls by this Act granted, by Writing under their Hands to nominate and appoint ſome other fit Perſon to be Collector in his or her Place, until the next Meeting of the Truſtees, 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, any Thing herein-before contained to the contrary notwithſtanding; but ſuch Appointment ſhall continue in force no longer than until the Day of the next Meeting of the ſaid Truſtees; and that if any Collector of the ſaid Tolls, who ſhall be diſcharged from his or her 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 Houſe, Buildings, and Appurtenances within Two Days after Notice of ſuch new Appointment being made as aforeſaid ſhall have been given to him, her, or them, or left at ſuch Toll Houſe, ſigned by any Five or more of the ſaid Truſtees; then and in either of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the County, City, 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 in Poſſeſſion thereof.

If diſcharged Gate-keeper refuſes to deliver up Toll Houſe, &c. any Juſtice may cauſe him to be put out.

Actions to be brought in the Name of the Treaſurer or Clerk, or one of the Truſtees; but neither of them to be liable to the Payment of Coſts.

XVII. And be it further enacted, That in all Actions, Cauſes, Suits, Bills, Plaints, Indictments, Proſecutions, Trials, or Proceedings at Law, to be had, brought, proſecuted, or defended in purſuance of this Act, the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk, or in the Name or Names of any One or more of the ſaid Truſtees on Behalf of the ſaid Truſtees, and no ſuch Action or Proceeding ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name or againſt whom the ſame ſhall be brought or defended; 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.

Truſtees empowered to continue the preſent Turnpikes, and to erect additional Turnpikes.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, if they ſhall think proper, to continue all and every the Turnpikes or Toll Gates and Toll Houſes now ſtanding and being in and upon or acroſs the ſaid Roads; and it ſhall alſo be lawful for the ſaid Truſtees to erect or cauſe to be erected ſuch and ſo many other Turnpikes or Toll Gates and Toll Houſes upon or acroſs the ſaid Roads, and on or near the Sides thereof, or upon or acroſs any Lanes or Ways leading or that may hereafter lead out of the ſame; and may take in and incloſe ſuch and ſo much

much Land, not exceeding One Half of an Acre for each, as they the ſaid Truſtees, or any Five or more of them, ſhall deem neceſſary, for the Site of ſuch additional Toll Houſes, and for the Yards, Gardens, and Accommodations neceſſary to the ſame.

Turnpikes may be removed.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered from Time to Time, when and as often as they ſhall think proper, by their Order, to be made at a Meeting to be held after Notice, ſpecially ſtating the Purpoſe of ſuch Meeting, to cauſe any of the Turnpikes or Toll Gates, or any of the Weighing Engines now ſtanding or being, or which ſhall be erected in, upon, or acroſs, or on the Sides of the ſaid Roads, to be taken down and removed, and the ſame, or any other Turnpike or Toll Gate and Weighing Engine, in lieu of every Turnpike or Toll Gate and Weighing Engine ſo taken down and removed, to be erected in, upon, or acroſs any other Part or Parts of the ſaid Roads; and from Time to Time, as often as they ſhall think fit, upon the like Notice and with the like Conſent, again to take down and remove the ſame Turnpikes or Toll Gates and Weighing Engines, or any of them, and to cauſe the ſame, or any of them, to be erected in, upon, or acroſs the Part or Parts of the ſaid Roads whereon the ſame, or any of them, formerly ſtood, or in, upon, or acroſs any other Part or Parts thereof: Provided always, that no Meeting ſhall be held for ſuch Purpoſe as aforeſaid, unleſs Fourteen Days previous Notice thereof at the leaſt ſhall have been given in ſome Newſpaper publiſhed or circulated within the ſaid County, and alſo upon the ſeveral Turnpikes or Toll Gates which ſhall be then ſtanding in, upon, or acroſs the ſaid Roads.

Turnpikes, &c. veſted in the Truſtees.

XX. And be it further enacted, That the Right and Property of the ſeveral Toll Houſes and Turnpikes or Toll Gates, Weighing Engine, or Weighing Engines now ſtanding or being upon the ſaid Roads, and of the Toll Houſe and Turnpikes or Toll Gates, Weighing Engine and Weighing Engines, and other Erections and Buildings to be erected by virtue of this Act, with the Materials, Grounds, Fences, and Appurtenances, and of all Arches, Bridges, Walls, and other Erections, Buildings and Premiſes, and of all Mile-ſtones and Poſts erected and to be erected, and alſo of all Materials, Tools, and Implements which are already provided, or which ſhall be provided for the Uſe of or for making and repairing the ſaid Roads by virtue hereof, ſhall be and the ſame are and is hereby veſted in the ſaid Truſtees, and they or any Five or more of them, are hereby empowered to cauſe any Action to be brought, and any Bill or Bills of Indictment to be preferred, againſt any Perſon or Perſons who ſhall ſteal, break down, take away, injure, ſpoil, or deface any ſuch Toll Houſes, Turnpikes or Toll Gates, or other Buildings or Erections, Fences, Mile-ſtones, Poſts, or any of them, or any ſuch Materials, Tools, or Implements as aforeſaid.

Tolls.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons appointed or to be appointed by virtue of this Act Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Toll Houſes, Turnpikes or Toll Gates, or Turnpike or Toll Gate which is

or

or shall be erected or continued in, upon, or across the said Roads by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Chariot, Phaeton, Calash, Curricle, Vis-a-Vis, Chaise, Diligence, Caravan, Chair, Hearse, or Litter, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Three-pence:

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

For every Ass drawing any Kind of Carriage whatsoever, the Sum of One Penny:

For every Ass not drawing, the Sum of One Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score; and so in Proportion after that Rate for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in Proportion after that Rate for any greater or less Number.

And the said respective Tolls shall be demanded and taken before any Coach, Berlin, Chariot, Phaeton, Calash, Curricle, Vis-a-Vis, Chaise, Diligence, Caravan, Chair, Hearse or Litter, Wain, Cart or other Carriage, or any Horse or Horses, or other Beast or Cattle whatsoever, be permitted to pass through any such Turnpike or Toll Gate.

Power of Distress for Tolls.

XXII. And be it further enacted, That a Table of the said Tolls shall be put up and continued at each and every Toll House or Turnpike erected on the said Roads; and if any Person or Persons, subject to the Payment of any of the said Tolls and Duties, 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 be lawful for such Collector to seize and distrain, or cause to be seized and distrained, any Carriage or Carriages, Horse or Horses, or other Beast or Cattle chargeable with the said Tolls, together with their Bridles, Saddles, Harness, or Accoutrements, or any Part or Parts thereof, except the Bridle or Reins of any Horse or other Beast, apart from such Horse or other Beast; 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 after such Seizure and Distress made, the Collector so seizing and distraining may sell or cause to be sold the Carriage or Carriages, Horse or Horses, Beast or other Cattle, and their Bridles, Saddles, Harness or Accoutrements so seized and distrained as aforesaid, or any Part thereof, at or near the Turnpike where the said Tolls and Duties ought to have been paid, 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.

Tolls to be paid but once a Day on Canterbury Road at same Gate.

XXIII. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken at any One Turnpike or Toll Gate erected or to be erected on the said Roads between *Chatham* and *Saint Dunstan's*

Dunſtan's Croſs aforeſaid, from any Perſon or Perſons, for paſſing or repaſſing through the ſame Turnpike or Toll Gate any Number of Times in any One Day, (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next ſucceeding Night), for or in reſpect of the ſame Horſes, Beaſts, Cattle, or Carriage; all and every ſuch Perſon and Perſons producing a Ticket, denoting that the ſaid Toll hath been paid in that Day at that ſame Turnpike, which Ticket and Tickets the ſaid Collector and Collectors is and are hereby required to deliver *gratis* on the Payment of ſuch Toll.

Tolls to be paid at Three Gates, and ſuch Payment ſhall clear the whole.

XXIV. Provided alſo, and be it further enacted, That every Perſon who ſhall have paid the ſaid Tolls at any Three Turnpikes or Toll Gates erected or to be erected upon the ſaid Roads, for or in reſpect of any Horſe or Horſes, Beaſts, Cattle, or Carriages, in any One Day, to be computed as aforeſaid, ſhall on the ſame Day be permitted to paſs and repaſs Toll-free with the ſame Horſe or Horſes, Beaſts, Cattle, or Carriages, through all the Turnpikes or Toll Gates then ſtanding or being on the ſaid Roads between *Chatham* and *Saint Dunſtan's Croſs* aforeſaid, on producing Notes or Tickets denoting ſuch Payment, and which Notes or Tickets the ſeveral and reſpective Collectors are hereby required to deliver *gratis* on Receipt of ſuch Toll.

Limiting the Number of Tolls.

XXV. And be it further enacted, That no more than One of ſuch Tolls ſhall be demanded or taken of or from any Perſon or Perſons for or in reſpect of the ſame Horſe or Horſes, Beaſt or Beaſts, Cattle or Carriages, in any One Day, to be computed as aforeſaid, for paſſing or repaſſing through all the Gates or Turnpikes erected or to be erected on the ſaid Road between *Chatham* and *Sittingbourne*, or more than One other ſuch Toll for paſſing or repaſſing as aforeſaid, through all the Gates or Turnpikes erected or to be erected on the ſaid Road between *Sittingbourne* and *Makenade Corner*, or more than One other ſuch Toll for paſſing or repaſſing as aforeſaid, through all the Gates or Turnpikes erected or to be erected on the ſaid Road between *Makenade Corner* and *Saint Dunſtan's Croſs* aforeſaid; any Thing in this Act contained to the contrary notwithſtanding.

Exemption from Second Toll at certain Side Gates.

XXVI. And be it further enacted, That all and every Perſon and Perſons who ſhall have paid the Toll at any of the Turnpikes erected or to be erected acroſs the ſaid laſt-mentioned Road, ſhall be entitled to and ſhall or may in the ſame Day and with the ſame Horſes, Beaſts, Cattle, or Carriages, paſs Toll-free through any Turnpike to be erected at the Side of the ſame Road, between the Turnpike at which ſuch Perſon or Perſons ſhall have ſo paid ſuch Toll and the next Turnpike, but not any other erected or to be erected acroſs the ſaid Road, all and every ſuch Perſon and Perſons producing a Ticket, denoting that the ſaid Toll hath been paid on that Day at the ſaid firſt-mentioned Turnpike, which Ticket and Tickets the ſaid Collector and Collectors is and are hereby required to deliver *gratis* on the Payment of ſuch Toll.

Exemption from Second Toll at certain Gates acroſs the Canterbury Road.

XXVII. And be it further enacted, That all and every Perſon and Perſons who ſhall have paid the Toll at any Turnpike to be erected at the Side of the ſaid laſt-mentioned Road, and between any Two Turnpikes erected or to be erected acroſs the ſaid Road, ſhall be entitled to and ſhall or may on the ſame Day and with the ſame Horſes, Beaſts, Cattle, or Carriages, paſs

paſs Toll-free through either, but not both of the Two Turnpikes between which ſuch Side Gate ſhall be ſtanding; all and every ſuch Perſon and Perſons producing a Ticket, denoting that the ſaid Toll hath been paid in that Day at the ſaid Side Gate; which Ticket and Tickets the ſaid Collector and Collectors is and are hereby required to deliver *gratis* on the Payment of the ſaid Toll.

Tolls to be taken but once a Day at Gates on Chilham Road.

XXVIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to enable any Collector of the ſaid Tolls to demand or take at any ſuch Turnpike or Toll Gate erected or to be erected on the ſaid Road from *Makenade Corner* to *Bagham Croſs* and *Shalmsford Lane End*, more than One Toll in any One Day, (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next ſucceeding Night), from any Perſon or Perſons, for or in reſpect of the ſame Horſes, Beaſts, Cattle, or Carriages paſſing and repaſſing through the ſame, or any other Turnpike on the ſame Road; all and every ſuch Perſon and Perſons producing a Ticket, denoting that the ſaid Toll hath been paid in that Day on the ſame Road; which Ticket the ſaid Collector is hereby required to deliver *gratis* on the Payment of ſuch Toll.

Penalty on evading the Tolls.

XXIX. And for 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 counterfeit Ticket in order to avoid Payment of the ſaid Tolls and Duties, or any Part thereof; or if any Perſon or Perſons owning, renting, or occupying any Lands adjoining to the ſaid Roads near unto any Turnpike erected thereon, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons 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 and Duties, 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 to any Part of the ſaid Roads, 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 thereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

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

XXX. Provided always, and be it enacted, That if any Diſpute ſhall happen about the Quantity of the Tolls due, or the Charges of diſtraining, keeping, and ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſon ſo diſtraining, to detain the Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls, or Charges of diſtraining, keeping, and ſelling the Diſtreſs, as the Caſe may be, ſhall be aſcertained by ſome Juſtice of the Peace for the County, City, or Place wherein ſuch Diſpute ſhall happen or ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or other Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby autho-

rized to adminiſter,) and ſhall determine the Quantity of Tolls then 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 Collector, before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after the Sale thereof, or of any Part thereof.

Collectors of Tolls to be competent Witneſſes.

XXXI. 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 not be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls.

Exemptions from Tolls.

XXXII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart or other Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Roads lie; or with Seed for ſeeding the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, Wood, Peat, or Turf, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure, employed in Huſbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horſes or other Beaſts going to or returning from Paſture or Watering-place, or going to be or returning from being ſhoed or farried; or from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Roads lie; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes or Carriages of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty, or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatſoever,

or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, or Barrack, or Commiſſariat, or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from having been ſo employed; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps at the Time of claiming the Exemption; or for Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; or for any Horſes, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire, to ſerve in Parliament for the ſaid County of *Kent*, on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XXXIII. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, or Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes drawing the ſame, be ſtopped or detained by Reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Truſtees may compound for Tolls.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to compound with any Perſon or Perſons, for any Period of Time not exceeding One Year, for any Waggons, Wains, Carts, Carriages, Horſes, or other Beaſts paſſing on the ſaid Roads, or on any Part or Parts thereof, for all or any of the Tolls to be paid in reſpect of ſuch Waggons, Wains, Carts, Carriages, Horſes, or other Beaſts; and all ſuch Compoſition Money ſhall be paid in Advance Half-yearly, 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.

Truſtees empowered to borrow

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, and they are hereby empowered from

Money on the Credit of the Tolls.

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 for the Repayment of the Money already borrowed and owing on the Credit of the said repealed Acts, or of any of them, and by Writing under their Hands and Seals to assign over or mortgage the Tolls hereby granted, or any Part thereof, and the several Turnpikes or Toll Houses erected or to be erected on the said Roads, (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 of the said Trustees for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following:

Form of Mortgage.

'BY virtue of an Act of Parliament, made in the Fifty-second Year of 'the Reign of King *George* the Third, intituled [*set forth the* 'Title of this Act,] We whose Names are hereunto subscribed and Seals 'affixed, being Nine of the Trustees acting in the Execution of the said 'Act, in Consideration of the Sum of to the Treasurer 'of the said Roads in Hand paid by *A. B.* of the of '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, and also of the Turnpikes 'and Toll Houses for collecting the same, as the said Sum of 'doth or shall bear to the whole Sum charged or advanced or to be charged 'or 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 Five Pounds *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 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 reasonable Times be perused and inspected without Fee or Reward; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, and the Mortgages or Assignments which were made by virtue of any of the said recited Acts, shall be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments respectively have been or shall be made as aforesaid, or who are or shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage therefrom, and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Transfer of Mortgages.

Form of Transfer.

'I *A. B.* being entitled to the Sum of secured to 'Executors, Administrators, and Assigns, by virtue 'of a Mortgage or Assignment, bearing Date the Day of 'under the Hands and Seals of of the Trustees 'acting

'acting in the Execution of an Act of Parliament, made in the Fifty-
'second Year of the Reign of King *George* the Third, intituled [*set forth*
'*the Title of this Act*], or made in the Third or Seventeenth Year of the
'Reign of His late Majesty King *George* the Second, or in the Sixteenth
'or Thirty-seventh Year of the Reign of His present Majesty, [*set forth*
'*the Title of either of the said recited Acts so repealed, as the Case may be*],
'upon the Credit of the said Act, do hereby transfer and assign all my
'Right and Title in and to the same, and all Principal and Interest Money
'now due and owing 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 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 to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, but not otherwise, 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 made 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 Transfers shall be made as aforesaid, (as well such Mortgages, Assignments, or Transfers made by virtue of any of the said recited Acts as of this present Act,) 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: 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 some Newspaper or Newspapers printed and circulated in the Eastern Division of the said County of *Kent*, signifying the Intention of borrowing such Money, and on all the Turnpikes then standing on the said Roads.

Trustees to give Notice previously to borrowing Money.

XXXVI. Provided always, and be it further enacted, That all Bonds and Securities made or granted to, and all Bonds, Mortgages, Assignments, and other Securities made or granted by the Trustees acting by or under the Authority of the said several recited Acts, shall be as good, valid, binding, and effectual, to all Intents and Purposes whatsoever, for and during the Continuance of this Act, as if the said recited Acts had not been repealed; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Old Securities to be made good.

XXXVII. And be it further enacted, That the said Tolls, and all the Monies to arise or be collected or borrowed by virtue of this Act, shall be vested in the said Trustees, and that the Tolls and Duties to be received and collected at the said several Turnpikes erected and to be erected upon the said Road leading from *Chatham* to *Saint Dunstan's Cross* aforesaid, and

Application of Money.

all Monies borrowed or to be borrowed on the Credit thereof, shall (after paying and discharging the Expences of obtaining and passing this Act, according to the Proportion assessed) be from Time to Time applied in the Repayment of the Monies borrowed on the Credit of the same Tolls and Duties by virtue of the said recited Acts, and of any Monies that shall hereafter be borrowed on the Credit thereof by virtue of this Act, and of the Interest of such Monies respectively, and the Remainder of such Tolls, Duties, and Monies (after defraying thereout the necessary Costs, Charges, and Expences of carrying the several Purposes of this Act, so far as the same may relate to the said Road, into Execution) shall be applied to the repairing, amending, widening, diverting, and turning the said Road leading from *Chatham* to *Saint Dunstan's Cross* aforesaid, and to and for no other Purpose whatsoever; and that the Tolls and Duties to be received and collected at the several Turnpikes erected and to be erected upon the said Road leading from *Makenade Corner* to *Bagham Cross* and *Shalmsford Lane End* aforesaid, and all Monies borrowed and to be borrowed on the Credit thereof, shall (after paying and discharging the Expences of obtaining and passing this Act, according to the Proportion aforesaid) be from Time to Time applied to the Repayment of the Monies borrowed on the Credit of the said Tolls and Duties by virtue of the said recited Acts, and of any Monies that shall hereafter be borrowed on the Credit thereof by virtue of this Act, and of the Interest of such Monies respectively; and the Remainder of such Tolls, Duties, and Monies last mentioned, (after defraying thereout the necessary Costs, Charges, and Expences of carrying the several Purposes of this Act, so far as the same may relate to the last-mentioned Road, into Execution), shall be applied to the repairing, amending, and maintaining the said Road leading from *Makenade Corner* to *Bagham Cross* and *Shalmsford Lane End* as aforesaid, and to and for no other Purpose whatsoever.

Charges of obtaining this Act to be defrayed in certain Proportions.

XXXVIII. Provided always, and be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act shall, in the first Place, be paid and discharged, and in the Proportions following; (that is to say,) Seven-ninth Parts thereof shall be paid out of the Tolls collected or to be collected at the said several Turnpikes erected and to be erected on the said Road from *Chatham* to *Saint Dunstan's Cross* aforesaid, or out of any Money borrowed or to be borrowed on the Credit thereof, and the remaining Two-ninth Parts shall be paid out of the Tolls collected or to be collected at the Gates erected or to be erected on the said Road leading from *Makenade Corner* to *Bagham Cross* and *Shalmsford Lane End*, in the Parish of *Chilham* aforesaid, or out of any Money borrowed or to be borrowed on the Credit thereof.

Power to alter the Roads, and to enter Lands.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, and they are hereby authorized and empowered to widen, turn, alter, and make the Course or Path of any Part or Parts of the said Roads, in Manner herein-after mentioned, through or over any Commons or Waste Grounds, without making any Satisfaction for the same, and also in, upon, through, or over, any private Lands, Grounds, Tenements, 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 be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, with

or without Carriages and Cattle, from Time to Time, to enter upon the Lands and Premiſes through which or whereupon the ſaid Roads or Alterations hereby authorized to be made, is or are intended to paſs, and alſo upon any adjoining Lands or Grounds, and to ſtake out the ſaid Roads or Alterations, and alſo 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 Roads; and alſo to make a temporary Way or Ways through or over any ſuch adjoining Lands or Grounds, to be made uſe of as a public Highway whilſt the narrow or ruinous Parts of the Roads are widening or repairing, and until the ſaid Roads ſhall be made ſafe and convenient for the Paſſage of Travellers and Carriages, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Owners and Occupiers of ſuch Lands and Grounds for the Damages that ſhall be thereby occaſioned; ſuch Damages to be aſcertained and ſettled, in caſe of Diſpute concerning the ſame, in the ſame Manner as diſputed Value of Lands, to be purchaſed or uſed by virtue of this Act, is herein-after directed to be aſcertained and ſettled; and if any Perſon ſhall pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out ſuch Roads or Alterations, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Forty Shillings.

Road to be made according to the Map or Plan depoſited at the Office of the Clerk of the Peace.

XL. And whereas a Plan and Section deſcribing the Line of the ſaid Roads, and the Lands, Hereditaments, and Premiſes through which the propoſed Alterations are to be made or carried, together with a Liſt of the Names of the Owners and Occupiers of ſuch Lands and Premiſes, have been depoſited at the Office of the Clerk of the Peace for the ſaid County of *Kent*; be it therefore enacted, That the ſaid Plan and Section ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace a reaſonable Compenſation for making ſuch Copies or Extracts; and that the ſaid Truſtees in making the ſaid Roads, ſhall not deviate more than One hundred Yards of Three Feet each, from the Line deſcribed in the ſaid Plan or Section, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politick, Corporate or Collegiate, through whoſe Lands or Premiſes ſuch Deviation ſhall be made.

Lands marked in the Plan may be uſed, notwithſtanding Errors.

XLI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid propoſed Alterations of Road into, through, acroſs, or over the ſeveral Lands, Hereditaments, or Premiſes of any Perſon or Perſons who is or are or may be Owner or Owners of Land or Premiſes over which the ſame is or are ſet out and deſcribed in the ſaid Plan or Section as aforeſaid, although ſuch Lands or Premiſes, or the Name or Names of ſuch Perſon or Perſons, may happen to be erroneouſly deſcribed, omitted, or miſ-ſtated in the ſaid Plan or Section or Liſt, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the County, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

XLII. Pro-

Truſtees reſtrained from pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

XLII. Provided always, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend, or be conſtrued to extend, to empower or authorize the ſaid Truſtees to take or pull down any Dwelling Houſe, or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained, other than and except ſuch as are marked or deſcribed in the ſaid Plan or Section; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Power to purchaſe Lands.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon by them duly authorized, to treat, contract, and agree with the Owners of and Perſons intereſted in any ſuch Lands, Tenements, or Hereditaments, as may be neceſſary for the Purpoſes of this Act, for the Purchaſe thereof, or for the Loſs or Damage the Perſon or Perſons intereſted therein, or in ſuch adjoining Lands as aforeſaid, or any of them, ſhall or may anyways ſuſtain by or by Means of ſuch widening, turning, making, altering, or completing the Courſe or Path of any Part of the ſaid Roads; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Committees, Huſbands, Guardians or other Truſtees for or on Behalf of any Infants, Femes Covert, *Ceſtuique* Truſts, Idiots, Lunatics, or other Perſons under Diſability, and for all and every other Perſon and Perſons who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in any ſuch Lands or Premiſes, to contract and agree with the ſaid Truſtees for the Sale of ſuch Lands, Tenements, or Hereditaments, or of their Intereſt therein, or for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to the ſaid Truſtees, all or any Part of ſuch Lands, Tenements, Hereditaments, or Premiſes, as Occaſion ſhall be and require; and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

In caſe of Difference, a Jury to be ſummoned.

XLIV. And be it further enacted, That in caſe 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 Politic, 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 Politic, Corporate or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Premiſes, ſigned by the Clerk to the ſaid Truſtees, ſhall for the Space of Fourteen 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 in every ſuch Caſe it ſhall be lawful for

the

the ſaid Truſtees to cauſe it to be enquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County of *Kent*, (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, or ſuch Damages as aforeſaid; and in order thereto, the ſaid Truſtees, or any Five or more of them, 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 or may order and cauſe the ſaid Jury to view the Place in Queſtion, and may 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 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, Tenements, or Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Judgment, Order, or Determination ſo had and made, ſhall be final 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 ſuch Lands, Tenements, 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 Lands, Tenements, or Hereditaments; and for ſummoning and returning any ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants, ſigned by any Five or more of them, to the Sheriff of the ſaid County of *Kent*, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff or his Deputy is 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 his Deputy 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: 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 his Deputy 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 without ſome reaſonable

Jury may be challenged.

Sheriffs, &c. may be fined for Neglect of Duty.

able Excuſe, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or after 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 ſummoned or required to give Evidence before the ſaid Jury touching the Premiſes, ſhall neglect or refuſe to appear without ſome reaſonable Excuſe, or refuſe to be ſworn or examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed Twenty Pounds upon any ſuch Sheriff or Deputy, nor more than Five Pounds upon any other Perſon for One Offence.

Expences of Jury, how to be defrayed.

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

On Payment of the Purchaſe Money, Land may be made uſe of

XLVI. And be it further enacted, That all Sums of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be and the ſame are hereby charged upon the Monies which ſhall be collected or raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or by their Treaſurer or Treaſurers, to the Perſons reſpectively entitled thereto, or to their Agents; and upon Payment thereof to ſuch

Perſons or their Agents, or in caſe of Refuſal to accept the ſame after Tender thereof, on depoſiting the ſame in the Bank of *England* in Manner by this Act directed, as the Caſe ſhall be, the ſaid Lands, Tenements, Hereditaments, and Premiſes ſhall be by virtue of this Act veſted in the ſaid Truſtees; and it ſhall be lawful for the ſaid Truſtees, their Surveyors, Workmen, or Agents, to enter into the Poſſeſſion of ſuch Lands, Tenements, Hereditaments, and Premiſes, and to cauſe the ſame to be laid into and made Part of the ſaid Roads, and to be well and ſufficiently drained, ditched, and fenced; and the ſaid Lands and Premiſes ſhall from thenceforth, to all Intents and Purpoſes whatſoever, become and be deemed and taken to be a public and common Highway, and Part of the ſaid Roads for ever, and ſhall be fenced and repaired, and kept in Repair by the ſaid Truſtees, and alſo by ſuch Ways, Means, and Methods, as the ſaid Road hereby directed to be widened, altered, or turned, was or ought to have been kept in Repair; and all Parties and Perſons ſhall for ever thereafter be diveſted of all Right and Title to ſuch Lands, Hereditaments, and Premiſes.

Truſtees may ſell Ground not wanted.

XLVII. And be it further enacted, That after ſuch Road ſhall be completed, the Ground conſtituting the former Road (unleſs leading to ſome Village, Town, or Place, to which ſuch new Road doth not lead) ſhall be veſted in, and ſhall or may be ſold and conveyed by the ſaid Truſtees for the beſt Price that can be gotten for the ſame; and it ſhall alſo be lawful for the ſaid Truſtees to ſell and diſpoſe of any other Piece or Pieces of Ground, of which they may become poſſeſſed by virtue of this Act, and which may not be wanted for the Purpoſes thereof, and the Money ariſing by ſuch Sale or Sales as aforeſaid reſpectively ſhall be applied for the Purpoſes of this Act; and the Conveyance to be made of ſuch old Road or Piece or Pieces of Ground, being executed by any Nine or more of the ſaid Truſtees, and inrolled with the Clerk of the Peace for the ſaid County, ſhall be good and effectual in the Law to all Intents and Purpoſes; and the Lords of the reſpective Manors ſhall have the ſame Intereſt and Property in ſuch new Road, as they were poſſeſſed of or entitled to in the former Road, in lieu whereof ſuch new Road ſhall be made.

First Offer to whom to be made.

XLVIII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground, not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto, provided ſuch Perſon ſhall then have any Land adjoining to the ſaid old Road, but not otherwiſe; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which ſuch Piece or Pieces of Ground ſhall be ſituate, (who are hereby reſpectively empowered to take ſuch Affidavit), by ſome Perſon or Perſons no Way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by

by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference, shall be borne and paid in like Manner as by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application of Compensation Money, if amounting to 200*l.*

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

of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed under the Authority of this Act, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and exceeding 20l.

L. Provided always, and be it further 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 Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or 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 of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Five or more of the ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where leſs than 20l.

LI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out a good Title, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of Chancery on Petition.

LII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit

of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

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

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

LIV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

LV. And

Truſtees may contract for Work, &c.

LV. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby authorized and empowered to contract with any Perſon or Perſons for making, altering, raiſing, widening, improving, or repairing the ſaid Roads or any of them, or any Part or Parts thereof reſpectively, or any Arches or Bridges upon the ſame; and for doing any other Work by this Act authorized to be done, in ſuch Manner, and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper.

For getting Materials to repair the Roads.

LXVI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Roads, 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 Roads, 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 Roads 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 aforeſaid, may by Order of the ſaid Truſtees, or of any Five or more of them, 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, planted 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 Roads, ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning ſuch Damages, it ſhall be lawful for any Two or more Juſtices of the Peace of the ſaid County, City, or Place where ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away, on Application made to them for that Purpoſe, 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 therein ſhall be final and concluſive to all Parties.

Notice to be given to the Occupier of incloſed

LVII. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons acting under

Lands before Materials are to be taken.

under the Authority of this Act, to dig, gather, get, take, or carry away any Materials whatever out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors of the said Roads, 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, City, or Place where such Premises shall lie or be situate, 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 and in such Case the said Trustees, or such Justices, may authorize such Surveyor or Surveyors, 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, pursuant to such Notice, the said Trustees, or such Justices, shall and may, upon Proof of such Notice to the Satisfaction of such Trustees or Justices, 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 Persons taking away Materials gotten by Order of the Surveyor.

LVIII. And be it further enacted, That if any Person or Persons whosoever shall take away any Gravel or Materials which shall have been dug or gathered by or by the Order of the said Surveyor or Surveyors, in any Lands, Fields, or Waste Grounds, River, or Brook, for the Purpose of amending the said Roads, 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 Roads, 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 or her own private Use only, and not for Sale,) every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Surveyor to make Drains, &c.

LIX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, at any Time or Times hereafter during the Continuance of this Act, notwithstanding the said Road or Alterations shall be completed, 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 Roads, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending and keeping in Repair any Part of the said Roads, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads (not being a Garden, Orchard, Park, 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 Roads 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

making reasonable Satisfaction.

Road

Road should 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 arise between such Owners or Occupiers and such Trustees, touching such Damage, then and in every such Case the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the Eastern Parts of the County of *Kent* next after the Expiration of Twenty Days from the Time of doing such Damage, shall, and they are hereby authorized and required to hear, settle, and determine the same; and their Determination therein shall be final and conclusive to all Parties.

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

LX. And be it further enacted, That the said Trustees shall and they are hereby required to cause Mile-stones to be set up at or near the Sides of the said Roads, at the Distance of One Mile from each other, and if they think fit, may also cause Posts to be erected, to denote the Distance of every such Post from any Town or Place, and may also cause to be erected Guide Posts on such Parts of the said Roads, where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, or destroy any of such Stones or Posts, or obliterate or deface the Figures, Marks, or Inscriptions on any of the Stones or Posts erected or to be erected on any Part of the said Roads, 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 on any Part of the said Roads, every such Person shall forfeit and pay, over and above the Damage thereby done or occasioned, any Sum not exceeding Five Pounds for each Stone, Post, or Parapet Wall so broken, thrown down, injured, or destroyed, on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go to the Informer, and the other Moietty shall be applied for the Purposes of this Act.

Road to be measured, and Mile-stones to be set up.

Penalty on damaging Mile-stones, &c.

LXI. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the Trustees) from Time to Time to prevent and remove all Annoyances on or in any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or any Thing lying on the said Roads, or by Watercourses, Sinks, or Drains laid or running into the same, and may cleanse any Ditch or Watercourses adjoining to the said Roads, and also at proper Seasons of the Year, may cut down, lop, or top any Trees, Boughs of Trees, or Bushes growing therein, and take and carry away such Trees, Boughs, or Bushes, in case the Person or Persons occasioning such Annoyances, or any of them, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top any such Trees, Boughs, or Bushes, shall refuse or neglect so to do for the Space of Ten Days 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 so 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 or Persons, in like Manner as any Penalty or Forfeiture may be recovered by virtue of this Act; and if after the Removal of any of the said Annoyances,

Surveyors may prevent and remove Annoyances.

Penalty on offending again after Removal of Annoyances.

noyances, any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted, 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.

Perſons liable to repair Bridges to remain ſo.

LXII. And be it further enacted, That all and every Perſon and Perſons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Bridge or Bridges in any of the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts, or Places through which the ſaid Roads, or any of them, do paſs, ſhall be liable to the Repair of the ſaid Bridges, and to perform their reſpective Works thereon in ſuch and the like Manner as heretofore.

Statute Labour.

LXIII. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and

Juſtices to determine Differences touching Statute Work.

it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Kent*, and they are hereby empowered and required, (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons,) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall or may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days, and at ſuch Times, (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Roads, as the ſaid Truſtees, or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money, in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof, as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at

at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees,) shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, 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 Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

LXIV. And be it further enacted, That it shall be lawful 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 Roads, 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 Roads 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 of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in advance, on or before the First Day of *May* in each and every Year, or otherwise such Person or Persons, Bodies Politick or Corporate, and the Inhabitants and Occupiers of such Parish or Place, shall not be permitted to compound for that Year.

Lands liable to repair the Roads, to continue so.

LXV. Provided, and it is hereby further enacted and declared, That if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be liable and chargeable towards the repairing and amending of the Roads by this Act intended to be repaired, or any Bridge or Bridges thereupon,

upon, such Lands, Tenements, and Hereditaments shall still remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments are hereby required and directed to pay such Rents and Profits to any Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls and Duties granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of the Party neglecting or refusing to pay the same, in such Manner as is herein-before mentioned; which Rents and Profits, when recovered, shall be applied from Time to Time in repairing of the said Roads and Bridges, and to no other Use or Purpose whatever.

Penalty on drawing Timber or Stone on the Roads otherwise than upon a Wheel Carriage.

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

Penalty for riding on Causeways.

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

Penalty on digging Pits within certain Distances of the Roads.

LXVIII. And be it further enacted, That no Chalk Pit, Gravel Pit, or other Pit already dug, sunk, or made within Twenty Feet of any of the said Roads, shall be dug, sunk, or made any nearer to the Road than the same now is; and that no Chalk Pit, Gravel Pit, or other Pit whatsoever already begun to be dug, sunk, or made, not at present within Thirty Feet of any of the said Roads, nor any which shall at any Time or Times hereafter be dug, sunk, or made near the said Roads, or any Part thereof, shall be dug, sunk, or made within less Distance than Thirty Feet from the said Roads, such Distance to be ascertained by Admeasurement on the Surface at Right Angles from the Edge of the said Roads; and in case any Chalk Pit, Gravel Pit, or other Pit shall at any Time hereafter be dug, sunk, or made at a less Distance from any of the said Roads than as aforesaid, or shall be excavated or undermined within such Distance, then and in every such Case all and every the Owners and Occupiers of every such Chalk Pit, Gravel Pit, or other Pit, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds; which Penalties shall be levied and recovered in Manner herein-after mentioned, and shall be paid to the Treasurer for the Time being of the said Trustees, and go and be applied in the Amendment and Repair of the said Roads.

LXIX. And

Penalty for not using Skid Pans.

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

Gates not to swing into the Road.

LXX. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any of the said Roads, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Roads, to be altered, and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Roads, shall, (after Ten Days Notice from the Surveyor of the said Roads requiring him, her, or them, to alter any such Gate or Gates, and to make the same to open and swing inwards), refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

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

Penalties how to be levied and applied.

LXXII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattels, by Warrant or Warrants under the Hand and Seal of any One of His Majesty's Justices of the Peace for the Eastern Division of the said County of *Kent*; which Warrant or Warrants such Justice is hereby empowered and required to grant upon the Confession of the Party or Parties, or upon the Information of any credible Witness upon Oath, (which Oath such Justice is hereby required and empowered to administer,) and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not herein directed to be otherwise applied) shall be paid to the 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 be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal,

to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County, City, or Place where the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months; unleſs ſuch Penalties, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and diſcharged.

Recovery of Penalties above a certain Sum.

LXXIII. Provided always, and be it further enacted, That all pecuniary Penalties impoſed on any Perſon or Perſons for Offences committed againſt this Act, and amounting to the Sum of Five Pounds or upwards, may be either levied or recovered in the Manner herein-before directed, or may be ſued for and recovered by or in the Name of the Treaſurer or Clerk, or in the Name of any One of the ſaid Truſtees, on Behalf of the ſaid Truſtees, in any of His Majeſty's Courts at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, Privilege, Wager of Law, or more than One Imparlance ſhall be allowed; and wherein the Plaintiff, if he ſhall recover any Penalty or Penalties, ſhall recover the ſame for the Uſe of the ſaid Truſtees for the Time being, to go and be applied in the Repair of the ſaid Roads, with Coſts of Suit; and no ſuch 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, nor any or either of them, ſhall be ſubject to the Payment of any Damages, Coſts, or Expences, on account thereof, but all ſuch Damages, Coſts, and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Form of Conviction.

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

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

Diſtreſs not to be unlawful for Want of Form.

LXXV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties ſo diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damages in an Action upon the Caſe.

LXXVI. And

Proceedings not to be quashed for Want of Form, nor removable by Certiorari.

LXXVI. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or 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.

Appeal.

LXXVII. 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 of the Peace at the first General or Quarter Sessions of the Peace to be holden for the Eastern Division of the said County of *Kent* next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given 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 within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or City, with sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination thereon, and to award such Costs to either of the Parties or otherwise, as they shall judge proper, and such Determination shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatever.

Limitation of Actions.

LXXVIII. 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 herein-after mentioned, or after the Time limited for bringing the same as herein-after mentioned, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Plaintiffs not to recover without Notice, or after Tender of Amends.

LXXIX. 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 the Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgment ſhall be made and given in and by ſuch Court, as in other Actions wherein the Defendant is allowed to pay Money into Court.

Commencement and Continuance of this Act.

LXXX. And be it further enacted, That this Act ſhall commence and take Place on the Day of the paſſing of this Act, 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.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1812.