ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxxi.

An Act for amending and keeping in repair the Roads from *Dover* to *Barham Downs*; and from *Dover* to the Town of *Folkestone*, and from thence through the Parish of *Folkestone* to *Sandgate* in the County of *Kent*. [30th *May* 1823.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, widening, and repairing the Road leading from* Dover *to* Barham Downs, *in the County of* Kent: And whereas another Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for explaining and amending an Act made in the Twenty-sixth Year of the Reign of His late Majesty King* George *the Second, intituled* 'An Act for amending, widening,' *and* 'repairing the Road leading from Dover to Barham Downs, in the County 'of Kent;' *and also for amending, widening, and repairing the Road leading from* Cowgate *and* Archcliff Fort *in* Dover, *through* Folkestone, *to the Town of* Hythe *in the said County:* And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and altering the Powers of Two Acts, one made in the Twenty-sixth Year of the Reign of His late Majesty King* George *the Second, and the other made in the Fourth Year of the Reign of His present Majesty, for amending, widening, and repairing the Roads leading from* Dover *to* Barham Downs, *and from* Cowgate *and* Archcliff Fort *in* Dover, *through* Folkestone, *to the Town of* Hythe *in the County of* Kent, *and for repealing so much thereof as requires the Trustees therein named to keep in repair the several Roads leading from* Archcliff

26 G. 2. c. 68.

4 G. 3. c. 78.

41 G. 3. c. 45.

Fort *in* Dover *to* Folkestone, *and from the Parish of* Folkestone *to* Hythe: And whereas the Trustees appointed by or in pursuance of the said Acts have proceeded to put the same in Execution, and a considerable Sum of Money has been borrowed, and is now due and owing on the Credit of the Tolls authorized to be taken on the said Roads, which Money cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in Repair, unless some of the Powers of the said Acts be altered and enlarged, and the Tolls thereby imposed continued; and it would be convenient if the Powers for managing the said Roads were consolidated in one Act of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said Acts passed in the Twenty-sixth Year of the Reign of His said Majesty King *George* the Second, and in the Fourth and Forty-first Years of the Reign of His said Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and instead thereof this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair the Turnpike Roads herein-after described.

Acts repealed, and this Act to be put in force.

Powers of 3 G. 4. c. 126. extended to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act,

New Term and Tolls liable to Debts.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts, or any of them, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the respective Trustees of the said Roads, or to any other Person or Persons for the Benefit of the said Trusts, shall be liable to the Payment of all such Sum and Sums of Money to the respective Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees respectively of the said Roads, or any of them, or to or with any Person or Persons on behalf of the said Trustees, according to the Provisions and Directions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account

and for the Benefit of the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the respective Trustees of the said Roads to or with any Person or Persons shall remain in full Force and Effect, and be observed and kept by the respective Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

Roads to be divided into Two Districts.

IV. And be it further enacted, That the said Roads shall be divided into Two Districts, and that the Road from the Town and Port of *Dover* in the County of *Kent*, to *Barham Downs* in the said County, commencing at the South East Angle of that Part of a certain Building in *Dover* aforesaid called *The Maison Dieu*, which was lately used as a Victualling Office, shall be the First District of Road; and that the Road leading from *Dover* aforesaid to the Town of *Folkestone*, and from thence through the Parish of *Folkestone* to *Sandgate* in the said County of *Kent*, shall be the Second District of Road.

Trustees for the First District of Road.

V. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Kent*, together with Sir *Brook William Bridges* Baronet, Sir *Samuel Egerton Brydges* Baronet, Sir *William Geary* Baronet, Sir *Edward Knatchbull* Baronet, Sir *Henry Oxenden* Baronet, Sir *Thomas Mantell* Knight, Doctor *Edward Broderip*, *Thomas Bass*, *John Back*, *William Collins*, *William Coleman*, *John Coleman* of the *Priory*, *Thomas Coleman* of *Dover*, *William Cocke*, *John Coleman* of *Kersney*, *Henry Cooper*, *Stephen Roger Court*, *George Dell*, *William Rastall Dickinson*, *John Dell*, *George Dickinson*, *Michael Elwin*, *Philpott Elsted*, *John Elve*, *George Finch*, *George Finnis*, *John Finnis*, the Reverend *George Henry Teale Farbrace*, *James Gunman*, *John Hamilton*, *Thomas Horn*, *George Harrison*, *John Harnett* the younger, *Henry Pett Hannam*, *John Jeken*, *Richard Jell*, *George Jennings* the elder, *George Ralph Payne Jarvis*, *William Knocker*, *John King*, *Matthew King*, *Matthew Kennett*, *Thomas Knocker*, *James Sumner Kelsey*, *Michael Kingsford*, *William Kingsford* of *Charlton*, *William Kingsford* of *Buckland*, *John Jeken Kennett*, *Samuel Latham*, *Henshaw Latham*, *Charles Lamb*, *John Henry Latham*, *Thomas Loud*, *Henry Loud* the elder, *Henry Loud* the younger, *George Hatton Loud*, *Edward Matson*, *James Moon*, *Thomas Manger*, *John Lewis Minet*, *Isaac Minet*, *James Neales*, *Jonathan Osborn*, *Henry Chudleigh Oxenden*, *George Chichester Oxenden*, *Montague Oxenden* Clerk, *Graham Oxenden*, *Joseph Webb Pilcher*, *Edward Powell*, *Thomas Pain*, *Thomas Papillon*, *John Plumptre*, *Robert Potter* the elder, *Christopher Phipps*, *John Phipps*, *John Pilcher*, *Robert Potter* the younger, *James Pilcher*, *Henry Cooper Peckham*, *Edward Pilcher*, *John Plumptre*, *John Pemberton Plumptre*, *John Reynolds*, *Thomas Rutley*, *Edward Rutley*, *Thomas Russell*, *Edward Rice*, *George Stringer*, *John Shipdem*, *William Sharp*, *Du Bois Smith*, *Nicholas Ladd Steriker*, *Boyman George Sampson*, *William Slater*, *Edward Thompson*, *William Tournay* Doctor of Divinity, *Robert Walker*, *Stephen Witherden*, *James Walker*, *John Worsfold*, Admiral *Robert Winthrop*, *Henry Norris Watson*, and their Successors, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the present Turnpike Road leading from the Town and Port of *Dover* aforesaid to *Barham Downs* aforesaid, and for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

VI. And

Trustees for the Second District of Road.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Kent*, together with *William Pleydell Bouverie* commonly called *Viscount Folkestone*, Sir *Henry Oxenden* Baronet, Sir *William Geary* Baronet, Sir *Brook William Bridges* Baronet, Sir *Edward Knatchbull* Baronet, Sir *Samuel Egerton Brydges* Baronet, Sir *Thomas Mantell* Knight, *Benjamin Andrews*, *Thomas Andrews*, *Edward Andrews*, *James Drake Brockman*, *Julius Drake Brockman* Clerk, *William Brockman* Clerk, *James Brockman* junior, *Tatton Brockman* Clerk, *Edward Brockman*, *Thomas Baker*, *Thomas Steddy Baker*, *John Bateman*, *Thomas Bass*, *William Bennett*, *Lawrence Banks*, *John Back*, *Richard Boorn*, *James Bell* Clerk, *William Henry Champneys* Clerk, *John Castle*, *Thomas Castle* senior, *Thomas Castle* junior, *Robert Castle*, *Matthew Clark*, *William Coleman*, *Benjamin Cobb*, *Edward Coleman*, *William Collins*, *John Coleman* of the *Priory*, *Thomas Coleman* of *Dover*, *Richard Cullen*, *James Cullen*, *Stephen Roger Court*, *William Deedes*, *Henry Dawkins*, *William Deedes* junior, *Julius Deedes* Clerk, *Henry Deedes*, *George Dell*, *John Dell*, *William Evelyn*, *Michael Elwin*, *Philpot Elsted*, *John Elve*, *Elias Lott Eaton*, *George Elwyn*, *George Finch*, *George Finnis* of *Dover*, *Robert Finnis* of *Hythe*, *John Finnis*, *George Finnis* of *Hythe*, *Thomas Farley*, *Charles Fagg*, *James Gunman*, *John Gill*, *Willson Gates*, *Richard Hart* senior, *Richard Hart* junior, *John Hart* of *Fancy Street*, *John Hart* junior, *Ingram Hammon*, *George Harrison*, *John Holman*, *Thomas Holman*, *Richard Hobday*, *Thomas Horn*, *James Hook*, *Scroope Hutchinson*, *John Jeken*, *John Jenkins* (of *Stouting*), *George Jennings* the elder of *Dover*, *Henry Jeffery*, *James Jeffery* (of *Cheriton*), *John Innes*, *William Janeway*, *Matthew Kennett*, *John Jeken Kennett*, *James Kelsey*, *William Kemp*, *Matthew King*, *William Knocker*, *Thomas Knocker*, *William Kingsford* of *Buckland*, *Samuel Latham*, *Henshaw Latham*, *John Henry Latham*, *Thomas Loud*, General *Kenneth Mackenzie*, *Thomas Mackeson*, *Henry Mackeson*, *James Major*, *David Major* senior, *David Major* junior, *Thomas Manger*, *Robert Marsh* (of *Coolinge*), *Richard Marsh*, *William Marsh*, *Joseph Marsh*, *Rolfe Marsh*, *Richard Marsh* (of *Farthingloe*), *Richard Marsh* (of *Hope*), *John Minter*, *Thomas Minter*, *Robert Mummery*, *John Mackeson*, *James Neales*, *Jonathan Osborn*, *Henry Chudleigh Oxenden*, *George Chichester Oxenden*, *Montague Oxenden* Clerk, *Graham Oxenden*, *Thomas Papillon* senior, *David Papillon*, *Thomas Papillon* junior, *Thomas Pearce* Clerk, *John Papillon*, *Frederick Papillon*, *Joseph Webb Pilcher*, *Jesse Pilcher* senior, *Ralph Price* Clerk, *Robert Petman*, *James Prince*, *Thomas Pilcher*, *Jesse Pilcher* junior, *Thomas Randolph* Clerk, *William Richards*, *William Rigden* senior, *William Rigden* junior, *Thomas Russell*, *Edward Rutley*, *William Rayner*, *Joseph Sladen*, *George Stringer*, *Thomas Seaffeary*, *Mark Sandford*, *John Shipdem*, *James Shipdem*, *William Stace*, *Austin Stace*, *Thomas Squire* senior, *Jacob Stredwick*, *George Shipdem*, *Jacob Squire* senior, *Edward Thompson*, *William Tournay* Doctor of Divinity, *William Tournay* Clerk, *Isaac Tournay*, *Henry Tritton*, *William Tritton*, *George Christopher Thatcher*, *John Tournay*, *Thomas Valger*, *Thomas Viney*, *Robert Walker*, *Robert Avery Webb*, *Thomas Woolley*, *James Watts*, *Richard Castlehow Wakefield*, and their Successors, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the Road from *Dover* aforesaid through the Town and Parish of *Folkestone* to *Sandgate* in the said County of *Kent*, and for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly altered, varied, or otherwise provided for by this Act.

VII. And

Power to appoint additional Trustees.

VII. And be it further enacted, That it shall be lawful for the said respective Trustees, at a Meeting to be held by them respectively for that Purpose (of which respective Meetings, and of the Purpose thereof, Fourteen Days Notice shall be given as is directed by the said last recited Act respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons, not exceeding Five for each of the said Districts, to be Trustees, for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed by this Act.

Trustees to be sworn.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act passed in the Third Year of the Reign of His present Majesty is directed and prescribed, and unless being so qualified he shall before he shall act as a Trustee (except in administering the Oath or Affirmation mentioned in the said last-mentioned Act, and the Oath or Affirmation herein-after mentioned) take and subscribe, before One or more of the said Trustees (who is and are hereby empowered to administer the same), the Oath or Affirmation following; that is to say,

Oath.

'I *A. B.* do swear [*or, being one of the People called Quakers*, do solemnly affirm], That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and also an Act passed in the Third Year of the Reign of His said Majesty, intituled [*here set forth the Title of the General Turnpike Act*].

'So help me GOD.'

Penalty on Persons acting not being qualified.

And if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath or Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath or Affirmation previously to his having acted as such Trustee as aforesaid.

Meeting of Trustees.

IX. And be it enacted, That the Trustees for the First District shall meet in the Guildhall of and in the Town and Port of *Dover* aforesaid, on the Thirteenth Day of *June* One thousand eight hundred and twenty-three, and the Trustees for the Second District shall meet at the Guildhall in the Town of *Folkestone* aforesaid, on the Twelfth Day of

June One thousand eight hundred and twenty-three, and respectively proceed to put the said last recited Act and this Act into Execution.

Appointing Officers, Salaries, &c.

X. And be it further enacted, That the Trustees for each of the said Districts may, and they are hereby empowered, by Writing under their Hands, to appoint such Collector or Collectors of the Tolls arising on the said Roads, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees respectively shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead, and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of the said last recited Act and this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them, or any of them, in or about the Execution of the said last recited Act and this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees respectively shall deem reasonable.

Former Officers to continue.

XI. And be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer), who have been appointed under and employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced, or be removed by the said respective Trustees in manner aforesaid, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Treasurer and Clerk not to be the same Person.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or

by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Books, &c. relative to former Acts to be delivered to the Trustees under this Act.

XIII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the Roads by this Act directed to be improved and repaired, shall account for and pay and deliver over the same, and every Part thereof, to the respective Trustees in and by this Act named and appointed, in like Manner, and under the like Penalties, as the several Collectors and other Persons receiving any Money by virtue of the said last recited Act and this Act are required to pay or account for the same.

Books used under former Acts to be Evidence.

XIV. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, so far as the same relate to the said District of Road, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Power to continue and erect Toll Gates, Toll Houses, &c.

XV. And be it enacted, That the said respective Trustees may and they are hereby authorized to continue all or any of the Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Roads by virtue of the said Acts hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates and Toll Houses, Weighing Machine or Weighing Machines, in, upon, or across any Part of the said Roads, and also in, upon, and across such Parts, and in such Places of the said Roads by this Act directed to be widened, improved, or kept in Repair, and also such and so many Toll Gate or Toll Gates on the Sides of the said Roads, as they the said Trustees shall think proper and expedient, and also shall or may erect or provide a Toll House, with suitable Buildings, a Garden, and other Conveniences, not exceeding One-eighth Part of a Statute Acre of Land, at or near each of the said Toll Gates.

Power to sell the present Toll Houses.

XVI. And be it further enacted, That it shall be lawful for the said respective Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed, on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said respective Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can respectively obtain for the same; and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances, to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their

Heirs

Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said respective Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said first recited Act directed to be given, where any Piece or Pieces of Ground or old Road not wanted for the Purposes of any Turnpike Road is authorized to be sold and disposed of.

Power to take Tolls.

XVII. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Person or Persons to be appointed or continued by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls following at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates, already erected by virtue of the said Acts upon the said Roads to be repaired by virtue of this Act, and which by virtue of this Act shall be continued or erected in or upon the said Roads, or across or on the Side of any Street, Road, or Way leading into or out of any Part thereof, 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),

Tolls.

For every Horse or Mule drawing any Coach, Chariot, Phaeton, Calash, Curricle, Vis-a-vis, Chaise, Diligence, Caravan, Chair, Hearse, Litter, Taxed Cart, Market Cart, or other Cart, or other Carriage for the Conveyance of Passengers, the Sum of Three-pence:

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

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

For every Ass, the Sum of One Halfpenny:

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

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

Tolls to be paid before Cattle pass the Gate.

And the said respective Tolls shall (subject to the Restrictions in the said last recited Act and this Act contained) be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen, Cows, or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Roads by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same.

Tolls to be vested in Trustees.

XVIII. And be it further enacted, That all and every the Tolls by the said recited Act of the Third Year of the Reign of His present Majesty and this Act authorized to be taken, which shall be collected at any Gate erected or to be erected on the said First District, shall be vested in the Trustees for amending, widening, and keeping in repair the Roads in such District; and that all and every the said Tolls, which shall be collected

lected at any Gate erected or to be erected on the said Second District, shall be vested in the Trustees for amending, widening, and keeping in repair the Roads in the said District, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in Manner directed by the said last-mentioned Act and this Act.

Tolls to be taken but once a Day; One Toll at each District.

XIX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Collector of the said Tolls to demand or take any more than One Toll in any One Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), from any Person or Persons for or in respect of the same Horse, or other Beast or Cattle passing and repassing through the same or any other Gate or Turnpike situate upon such Part of the said Roads as lie in the said First District, or from any Person or Persons for or in respect of the same Horse, or other Beast or Cattle passing and repassing through the same or any other Gate or Turnpike situate in the said Second District, between the Towns of *Dover* and *Folkestone*; or from any Person or Persons for or in respect of the same Horse, or other Beast or Cattle passing and repassing through the same or any other Gate or Turnpike situate between the Town of *Folkestone* and *Sandgate*, all and every Person and Persons producing a Ticket denoting the said Toll had been paid that Day on such respective Parts of the said Roads, which Ticket or Tickets each and every Collector of the said Tolls is hereby required to deliver (*gratis*) on Payment of such Tolls respectively.

Stage Coaches to pay each Time of passing.

XX. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses, or other Beasts drawing Post Chaises and other Carriages travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day with a Ticket denoting a fresh Hiring.

Power to erect Weighing Engines; and Waggons, &c. coming within 100 Yards thereof to be weighed.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees or Commissioners, at any of their respective Meetings, if they think proper, to order and cause to be built and erected, at any of the Turnpikes or Toll Gates on the Roads under their Care and Management, or at such Distance therefrom as they shall think expedient, One or more Crane or Cranes, Machines or Engines, with a suitable House or other Building thereto, proper for the weighing of Waggons or Carriages conveying any Goods or Merchandize whatsoever, and by Notice on a Board for that Purpose to be put up at every such Weighing Machine, to order and direct all and every such Waggons or Carriages which shall come within One hundred Yards of any Crane, Machine, or Engine, to be weighed, together with the Loading thereof; and in case any Owner or Owners, Driver or Drivers of any such Waggon or Carriage, coming within One hundred Yards of any Weighing Crane,

Crane, Machine, or Engine, to be erected at any of the Turnpike or Toll Gates on the Roads herein-before mentioned, shall, on being required by the Keeper or Collector of any such Turnpike or Toll Gate, Weighing Crane, Machine, or Engine, neglect or refuse to drive, or to permit or suffer to be driven, his or their Waggon or Carriage, with the Goods, Wares, or Merchandize therein, to any such Weighing Crane, Machine, or Engine for the Purpose of being weighed, or shall in any Manner hinder, impede, or obstruct the driving or weighing of any Waggon or Carriage, Goods, Wares, and Merchandize, every Owner or Driver so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Exemptions for agricultural Produce.

XXII. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act 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 Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry, laden also with some other Thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty, or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of; or for any Horses or other Beasts employed in Husbandry going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said Roads; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Exemption for Sheep going to be washed, &c,

XXIII. And be it enacted, That no Toll shall be demanded or taken under or by virtue of this Act for any Sheep or Lambs that shall pass through any Toll Gate erected or to be erected on the said Roads in going from one Field to another to pasture, the said Fields not being more than the Distance of Two Miles from each other, and being the Property of or in the Occupation of the Owner or Owners of the said Sheep or Lambs, nor for any Sheep or Lambs going to be washed, or returning from being washed, previously to being shorn, such last-mentioned Sheep or Lambs not passing more than Two Miles on the said Roads, and the Lands from whence the same shall be driven, and the Place to which they shall be driven for the Purpose of being washed, being the Property of or in the Occupation of the Owner or Owners of the said last-mentioned Sheep or Lambs.

Enabling the Trustees to enter into an Agreement with the Trustees of

XXIV. Provided always, and be it enacted, That it shall and may be lawful to and for the Trustees of the said First District, and their Successors, or any Seven or more of them (by and with the Approbation of Five-sixths in Value of the Creditors of the said First District), at any General Meeting of the said Trustees to be called for that Purpose (Notice

(Notice of the Time and Place of such Meeting, in Writing under the Hand of the Clerk to the Trustees of the said First District, being affixed upon all the Gates which shall be then standing upon the said First District, and inserted in one or more of the public Papers circulated in the Eastern Parts of the said County of *Kent*, at least Ten Days before such Meeting), to enter into any Agreement with the Trustees acting by virtue of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and enlarging the Powers of an Act of the Forty-first Year of His late Majesty King* George *the Third, for repairing the Road from the Town and Port of* Dover *to the Town and Port of* Sandwich; *and also the Road from the present Turnpike Road leading from* Dover *to* Barham Downs *up* Kersney Court Hill *to the Parish of* Whitfield *otherwise* Beausfield *in the County of* Kent; for the Purpose of exempting from the Payment of Tolls, or for reducing the Rate of Tolls to be paid by virtue of this Act by any Person or Persons for or in respect of any Horses or other Beasts or Cattle passing through any Gate or Gates upon the said First District of Road; but no such Exemption from or Abatement of Tolls shall be made, save and except such Horses or other Beasts or Cattle shall on the same Day, in travelling from the Town and Port of *Sandwich* through the Parish of *Waldershare* to *Dover* aforesaid, have passed through Two or more Turnpike Gates erected or to be erected upon the Line of Road from *Sandwich* aforesaid through *Waldershare* to *Dover* aforesaid, and save and except the Person or Persons claiming any such Exemption or Abatement of Tolls shall produce to the Collector or Collectors of the Tolls of the said First District, a Ticket or Tickets denoting that the Tolls have been paid for or in respect of such Horses or other Beasts or Cattle at Two or more Gates on the said Line of Road.

the Waldershare Turnpike Road.

3 G. 4. c. 96.

XXV. And be it further enacted, That the Tolls to be collected and received by virtue of this Act shall be applied by the Trustees of the said respective Districts; in the first Place, in paying the Expences of procuring and passing this Act, each District paying One Moiety thereof; and the Remainder of such Tolls shall from Time to Time be applied, first, in paying the Interest of the Principal Money which for the Time being shall be due and owing upon the Credit of the said Tolls of the said Districts separately and respectively; and, in the next Place, towards the repairing, amending, and improving the Roads within each District, and in erecting Gates or Turnpikes and Toll Houses, and for carrying the Purposes of the said first recited Act and this Act into Execution; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed by virtue of the said Acts hereby repealed, or shall be borrowed by virtue of this Act, or the said recited Act of the Third Year of the Reign of His present Majesty, on the Credit of the Tolls arising within each District.

Tolls arising in each District to be applied to the Roads of that District.

XXVI. Provided always, and be it further enacted, That in case the said Trustees respectively shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of either of the said Districts of Road, it shall and may be lawful for them, at any Meeting to be holden as aforesaid (Notice of such intended Meeting, and of the Purposes thereof, being first given, at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed

For paying Creditors by Lot.

printed in or usually circulated in the Eastern Parts of the said County of *Kent*, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors, with the Consent of all the other Creditors; any thing herein or in the said last recited Act contained to the contrary thereof notwithstanding.

Trustees not personally liable for Mortgages.

XXVII. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security, to be made by virtue of or in pursuance of the said recited Acts or this Act: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees for any thing done by virtue of or in pursuance of the said recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, shall be defrayed out of the Tolls arising on the said Roads.

In case of Nonpayment of Compensation for Materials, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

XXVIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Costs, Charges, and Expences, as he shall be put unto by virtue of any such Warrant as aforesaid.

XXIX. And

Regulations as to Performance of Statute Work.

XXIX. 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, and the Inhabitants of all such Parishes, Townships, or Places liable to do Statute Work upon or to contribute towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereunto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Kent*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, 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, Townships, or Places liable thereto, or 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, Township, or Place, in lieu of or as Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justice from Time to Time to summon the Surveyor or Surveyors of the Highways, for every such Parish, Township, 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, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, 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 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 Surveyor or Surveyors of such respective Parishes, Townships, or Places to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them 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 any 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 such 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 refused or neglected 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 or Treasurers 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, Townships, 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, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and which Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Kent*, on Complaint made to such Justices by the Surveyor to the said Trustees.

Public Act.

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

Commencement and Continuance of this Act.

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

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