ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 18.

An Act for repairing the Road leading from the *Eynsford* Turnpike Road in the Parish of *Shoreham*, in the County of *Kent*, to the Turnpike Road leading from *Sevenoaks* to *Bromley*, in the said County.

[21st *March* 1810.]

WHEREAS the Road leading from the *Eynsford* Turnpike Road in the Parish of *Shoreham*, in the County of *Kent*, through the Village of *Shoreham*, to the Village of *Chelsfield*, over *Grinstead Green*, in the Parish of *Farnborough*, and to the Turnpike Road leading from *Sevenoaks* to *Bromley*, in the said County, is in a ruinous Condition, in many Places narrow, and incommodious to Travellers, and cannot be effectually repaired, widened, turned, altered, and kept in good Repair by the present Methods prescribed by Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Knights of the Shire for the County of *Kent* for the Time being, Sir *Walter Stirling* Baronet, Sir *Thomas Bloomfield* Baronet, Sir *John Lubbock* Baronet, *George Trenchard Goodenough*, *Henry Evelegh*, *John Martin*, *John Cock*, *Samuel Inman*, *Robert Horn*, *John William Lubbock*, *William Hodgson*, *Abraham Constable*, *John Hodsoll*, *James Hunt*, *John Druce*, *Francis M. Ommanney*, *William Thompson*, *Robert Thompson*, *William Round*, *John Gilbert*, *George Polhill*, *George Hughes D'Aeth*, Reverend *Fountain*, *William Stacy Coast*, *Christopher Cooke*, Sir *John Dixon Dyke* Baronet, *Thomas Dyke*, *Percyval Hart Dyke*, *George Hart Dyke*, *William Mumford*, *John Mumford*, Trustees.

ford, *Richard Leigh*, *Richard Leigh* the younger, *Francis Lucius Auſten*, Lord *Frederick Campbell*, *Francis Motley Auſten*, *Multon Lambard*, *Harry Woodgate*, *Francis Woodgate*, *Charles Willard*, Reverend *John Auſten*, Lieutenant Colonel *Thomas Auſten*, *George Children*, *John George Children*, Reverend *Arthur Onſlow*, Reverend *John Thompſon*, Reverend *Richard Taylor*, Reverend — — *Van Mildert*, *James Cazalet*, *Peter Cazalet*, *Alexander Pitcairne*, *John Warde*, *Charles Warde*, *Charles Warde* the younger, *Alexander Hume Evelyn*, *William Auſten*, Reverend *William Humphrey Thomas Selby*, *Thomas Thompſon*, *James Chapman*, Admiral *Charles Stirling*, *Nicholas Coxen*, *Peter Nouaille*, *Thomas Kibble*, *Hugh William Brown*, *John Turner*, *Patrick Hay*, *John Smith*, *Henry Johnſtone*, *Henry Swann*, *Thomas Coles*, *George Grote*, *Thomas Francis Jennings*, *Miles Peter Andrews*, *Frederick John Pigou*, *Richard Wilks*, *Frederick Wilks* Junior, *Samuel Love*, *Horatio Watſon*, *John Fuller*, *Joſeph Carttar*, *Richard Smith*, *John Dyer*, *John Temple*, *Henry Thorp*, *Henry Chambers*, *Benjamin Raſſell*, *Peter Gibſon*, *Edward Naſh*, *John Collier*, *William Collins*, and their Succeſſors, to be appointed in Manner herein-after mentioned, ſhall be, and they are hereby appointed Truſtees for amending, widening, turning, varying, altering, and keeping in Repair the ſaid Road, according to the Proviſions and Directions herein contained.

Power to chuſe others upon Vacancies.

II. And be it further enacted, That when any of the ſaid Truſtees ſhall die or be diſqualified, or by Writing under his or their Hand or Hands, delivered to any Clerk of the ſaid Truſtees, ſhall decline to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, by Writing under their Hands, to elect and appoint ſome other Perſon to be a Truſtee in the Room of every Truſtee dying or being diſqualified, or refuſing to act as aforeſaid; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpikes to be erected by virtue of this Act, at leaſt Fourteen Days before the Meeting for ſuch Election; and every Truſtee ſo elected ſhall be and is hereby empowered to act in the Execution of this Act, in as full and ample Manner, to all Intents and Purpoſes, as the Truſtees herein-before named are reſpectively empowered to act.

Qualification of Truſtees.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe, in the Execution of this Act, whilſt he holds any Place of Profit under the ſame, nor in any particular Caſe wherein he ſhall be perſonally intereſted, otherwiſe than as a Creditor; nor unleſs he ſhall at the Time of acting be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear Yearly Value of Fifty Pounds above Reprizes, or be poſſeſſed of, or entitled to a Perſonal Eſtate to the Amount or Value of One thouſand five hundred Pounds, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate of the Yearly Value of Two hundred Pounds, nor (if not ſuch Heir Apparent as aforeſaid) until he ſhall take and ſubſcribe an Oath to the Effect following, before any Two or more of the ſaid Truſtees; that is to ſay,

Truſtees to take an Oath.

'I *A. B.* do ſwear, that I truly and *bona fide* am in my own Right (or in the Right of my Wife) in the actual Poſſeſſion and Enjoy-

'ment

ment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear Yearly Value of Fifty Pounds above Reprizes, or poſſeſſed of or entitled to a Perſonal Eſtate of the Value of One thouſand five hundred Pounds, or that I am Heir Apparent of a Perſon who to the beſt of my Knowledge and Belief is poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear Value of Two hundred Pounds. So help me GOD.'

Penalty on acting if unqualified.

And if any Perſon, not being qualified as aforeſaid, ſhall nevertheleſs preſume to act, contrary to the Intent and Meaning of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than one Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings, which ſhall have been done and performed by ſuch Perſon in the Execution of this Act previous to his being convicted of the Offence before-mentioned, ſhall notwithſtanding ſuch Conviction be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Victuallers not to be Truſtees.

IV. And be it enacted, That no Perſon ſhall be capable of acting as a Truſtee, or of holding any Place of Profit under this Act, during the Time he ſhall ſell Wine, Ale, Beer, or Spirituous Liquors by Retail.

Truſtees First Meeting, &c.

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *King's Head*, in the ſaid Town of *Shoreham*, on the Second *Monday* after the paſſing of this Act, or as ſoon thereafter as conveniently may be, and proceed to the Execution of this Act; and that the ſaid Truſtees ſhall and may, from Time to Time, adjourn themſelves, to meet at ſuch Time and at ſuch Place or Places near the ſaid Road, as the ſaid Truſtees or any Five or more of them ſhall think proper, ſo that every ſuch Meeting ſhall be held as near the ſaid Road as conveniently may be; and the ſaid Truſtees ſhall, at their reſpective Meetings, defray their own Expences; and all Orders and Determinations of the Truſtees in the Execution of this Act ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and that no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent ſhall concur therein; and that all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted; and in all Caſes where the Truſtees, or any Juſtice or Juſtices of the Peace are authorized to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Truſtees, or Juſtice or Juſtices to adminiſter ſuch Oath: Provided always, that no Order made by Five or more Truſtees ſhall be revoked or altered, unleſs Thirteen Truſtees ſhall be preſent, and the major Part of them concur therein, at a Meeting to be held for that Purpoſe; of which intended Alteration or Revocation Fourteen Days Notice ſhall be given, at a previous Meeting of

the Truſtees, and entered into their Book of Proceedings for the ſaid Road; and ſuch Notice ſhall be affixed on all the Turnpike Gates Ten Days at leaſt before ſuch Meeting.

Meetings on emergent Occaſions.

VI. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhall be appointed than the Day to which ſuch Meeting ſhall be adjourned, the Clerk of the ſaid Truſtees, upon an Order in Writing, ſigned by Five or more of the ſaid Truſtees, mentioning the Time and Place of ſuch Meeting, ſhall forthwith give Notice in Writing, to be affixed upon all the Turnpike Gates then erected upon the ſaid Road in reſpect of which ſuch Meeting ſhall be held, of the Time and Place, which ſhall be mentioned in the Order of the ſaid Truſtees, expreſſing therein the Purpoſe for which ſuch Meeting is intended (ſuch Time not being leſs than Ten Days after ſuch Notice); and all Proceedings of the Truſtees at ſuch Meeting ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of any Adjournment.

Orders, &c. to be entered.

VII. And be it further enacted, That all Orders and Proceedings of the Truſtees at their ſeveral Meetings ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the ſaid Truſtees, or any Five or more of them, or by the Clerk by their Order; which Book or Books, and alſo the Book or Books herein-after directed to be kept for regiſtering the Mortgages and Aſſignments or Tranſcript thereof, ſigned by the Clerk of the ſaid Truſtees, ſhall be admitted as Evidence in all Courts whatſoever touching any Thing done in purſuance of this Act.

Officers.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time, by Writing under their Hands, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, Collectors, and other Officers and Perſons as the ſaid Truſtees or any Five or more of them ſhall think neceſſary, and from Time to Time remove all or any of ſuch Officers and Perſons whenever they ſhall judge neceſſary or expedient; and as often as any Collector of the ſaid Tolls ſhall die, or be rendered incapable of performing his Duty, it ſhall be lawful for any Three or more of the ſaid Truſtees, by any Writing under their Hands, although not aſſembled at a Meeting, upon Application to them by the Clerk to appoint One other Perſon in the Stead of ſuch Collector, and every ſuch Collector ſo appointed ſhall have the ſame Authority to act in the Execution of his Office, as the Perſon he ſhall ſucceed was veſted with, until the ſaid Truſtees, or any Five or more of them, ſhall, at a Meeting to be held by virtue of this Act, appoint a Collector of ſuch Tolls, and the ſaid Truſtees or any Five or more of them, ſhall and are hereby required to take ſuch Security from every ſuch Treaſurer and Collector for the due Execution of their reſpective Offices, as they the ſaid Truſtees or any Five or more of them ſhall think proper, and may by and out of the Money ariſing by virtue of this Act, allow and pay to ſuch Clerks, Treaſurers, Collectors, and Surveyors, and to ſuch other Perſon or Perſons as ſhall be aiding and aſſiſting, or anyways employed in the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, and Service, as to the ſaid Truſtees or any Five or more of them ſhall ſeem reaſonable;

able; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as the said Trustees or any Five or more of them shall for that Purpose appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the said Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them; and all such Officers and Persons shall, and they are hereby required to pay all such Monies, as upon the Balance of such Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees or any Five or more of them shall appoint to receive the same; and if any such Officer or Person shall refuse or wilfully neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in his Hands, when thereunto required in Manner aforesaid, or if any such Officer or Person shall refuse or wilfully neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, all Books, Accounts, Papers, and Writings in his Custody or Power, anyways relating to the Execution of this Act; and Complaint shall be made of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so refusing or neglecting shall live or reside, such Justice may, and is hereby authorized and required by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not appearing, to hear and determine the Matters of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees or any Five or more of them might have done; and if upon the Confession of the Officer or Person against whom any such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of such Officer or Person, such Justice may, and 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 and Person; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of distraining and selling the same, or if it shall in Manner aforesaid appear to such Justice that any such Officer or Person shall refuse or wilfully neglect to give or deliver such Account as aforesaid, or to verify the Truth of such Accounts and of the Articles thereof on Oath as aforesaid, or to produce and deliver up as aforesaid, the several Vouchers or Receipts relating to such Account, or any Books, Accounts, Papers, and Writings, in his or her Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid, the said Justice may, and he is hereby authorized and required by Warrant under his Hand and Seal to commit such Officer or Person to the Common Gaol or Bridewell of the County where such Officer or Person shall be or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled

Officers to account.

ſettled his or her Account, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in his or her Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, which ſhall in that Reſpect have been made, or until he or ſhe ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make), or until he or ſhe ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them; but no ſuch Officer or Perſon who ſhall be committed on Account of his or her not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Time than Three Calendar Months.

Turnpikes. IX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe ſuch and ſo many Turnpikes to be erected or built upon or acroſs the ſaid Road and at or near the Sides thereof, acroſs any Lanes or Ways leading into the ſame, as they ſhall think proper; and alſo ſuch Toll Houſes in or upon or on the Sides of the ſaid Road near the ſaid Turnpikes as to them ſhall ſeem meet; and the reſpective Collectors to be appointed by virtue of this Act ſhall and may demand, receive, and take the Tolls following at the ſaid reſpective Turnpikes, before any Horſe, Beaſt, Cattle, or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls. For every Horſe, Mare, Gelding, Mule, or other Cattle drawing any Coach, Berlin, Landau, Machine, Hearſe, Chariot, Chaiſe, Calaſh, Caravan, Chaiſe Marine, Litter, Bed Carriage, Curricle, Chair, or other Carriage, the Sum of Three-pence:

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

For every Horſe, Mare, Gelding, Mule, or Aſs, or other Beaſt or Cattle, except what are hereafter ſpecified, laden, or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen or other Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number: And,

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

Manner of Recovery. Which ſaid reſpective Sums of Money ſhall be demanded and taken as Toll, and ſhall be and are hereby veſted in the ſaid Truſtees; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall after Demand thereof made, neglect or refuſe to pay the ſame or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect the ſaid Tolls, to ſeize and diſtrain any Horſe or Horſes or other Cattle ſubject to or chargeable with the ſaid Tolls; and if ſuch Toll and reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Three clear Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining, ſhall and may ſell the Horſe or Horſes, Cattle or Carriages ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be) and what ſhall

remain unſold upon Demand, unto the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Diſtreſs and Sale, ſhall be deducted and paid.

Diſputes concerning Tolls to be ſettled by a Juſtice.

X. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Quantity of the Tolls due, or the Charges of taking and keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame or the Money ariſing from the Sale thereof, (as the Caſe may happen), until the Quantity of the Tolls due, and the Charges of ſeizing, diſtraining, keeping, and ſelling the ſame (as the Caſe ſhall happen) ſhall be aſcertained by ſome Juſtice of the Peace for the County of *Kent*, who upon Application made to him for that Purpoſe ſhall examine the ſaid Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Quantity of the Tolls due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo for the Collector's Attendance for that Purpoſe on the ſaid Juſtice; all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector, or other Perſon, before he ſhall be obliged to return the Diſtreſs or Overplus after the Sale thereof or any Part thereof.

Tolls to be paid but once a Day.

XI. Provided alſo, and be it further enacted, That no Perſon ſhall be ſubject to the Payment of any of the Tolls by this Act granted more than once in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), for paſſing and repaſſing any Time or Times with the ſame Carriage, Horſe, or other Beaſt or Cattle, through all or any of the Turnpike Gates to be erected by virtue of this Act, upon or at or near the Sides of the ſaid Road, which Toll ſhall be paid at the firſt Turnpike ſuch Carriage, Horſe, or other Beaſt or Cattle, ſhall paſs through, and ſhall be exempted from paying again at any other Turnpike to be erected on the ſaid Road, on his or her producing a Ticket denoting that the Toll hath been paid on that Day, which Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll.

Tolls to be leſſened, varied, or altered.

XII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them reſpectively may, and they are hereby authorized and empowered from Time to Time, as they ſhall think proper at their reſpective Meetings for the ſaid Road, to leſſen or reduce all or any Part or Parts of ſuch Tolls at all or any of the ſaid Turnpikes, and to raiſe the ſame again, ſo as not to exceed the Tolls by this Act granted; but no Reduction ſhall be made in the ſaid Tolls unleſs Notice in Writing be given for that Purpoſe by affixing the ſame upon all the Turnpikes erected acroſs the ſaid Road, at leaſt Fourteen Days before the Meeting for making ſuch Reduction; and ſuch Tolls, ſo leſſened or reduced, ſhall be collected and recovered in the ſame Manner as the Tolls hereby granted are directed to be collected and recovered: Provided always, that no Reduction of the ſaid Tolls ſhall be made, without the Conſent of the Perſons entitled to Five Sixths Part of the Money then due on the Credit of the ſaid Tolls.

Tolls may be let.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered at any Meeting, upon Twenty-one Days Notice being given in ſuch Newſpaper or Newſpapers

as

as aforeſaid, and affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, to let or farm the ſaid Tolls to be collected by virtue of this Act or any Part or Parts thereof, to any Perſon or Perſons at and for the largeſt Yearly Sum that can be reaſonably got for the ſame, provided that the Leaſes, Contracts, or Agreements of or for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by the ſaid Truſtees, but the ſame ſhall not be let for more than Three Years at any one Time; and the Rent which ſhall be agreed to be paid for the ſaid Tolls ſhall be made payable and ſhall be paid to the Treaſurer to the ſaid Truſtees, ſo that One Quarterly Payment of ſuch Rent ſhall always be in Advance, or ſufficient Security given for the Payment of ſuch Rent to the Satisfaction of the ſaid Truſtees, or in Default thereof every ſuch Leaſe, Contract, or Agreement ſhall be null and void to all Intents and Purpoſes whatſoever.

Leſſees of Tolls may appoint Perſons to receive the ſame.

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

Toll Bar Keepers competent Witneſſes.

XV. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, 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 incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being ſo appointed, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the ſaid Truſtees.

Exemptions from Tolls,

XVI. Provided always, and be it further enacted, That no Perſon ſhall be chargeable with any of the Tolls aforeſaid, for any Horſe or other Cattle going unladen for, or being laden with, or returning after having gone laden only with Gravel, Stone, or other Materials, for repairing any Part of the ſaid Road or any Roads in the Pariſhes in which the Road hereby directed to be repaired doth lie; or in carrying or conveying any Dung, Mould, Rubbiſh, or Compoſt, of any Nature or Kind whatſoever, for manuring of Gardens or Lands; nor for any Horſes or other Cattle employed in carrying or conveying any Hay or Corn in the Straw, to be laid up in the Houſes, Out-houſes, or Barns of the Owners thereof, or returning empty after having carried or conveyed the ſame, (except Hay, Corn, or Straw, ſold or diſpoſed of); or in carrying or conveying any Ploughs,

Ploughs, Harrows, or other Implements of Husbandry, already exempted; nor for any Horse or Cattle going to or from any Water or Pasture, or being shod or farried; nor shall any Toll be demanded or taken by virtue of this Act, for any Horse or other Beast carrying or conveying any Person or Persons going to or returning from his or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day or Days on which Divine Worship is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried within any of the said Parishes through which the said Road doth lead; or carrying or conveying any Clergyman or Minister going to or returning from visiting any sick Person within the Parish to which he belongs, or upon other his Parochial or Ministerial Duty; nor for any Carriages or Horses 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 from conveying or guarding the same; or carrying or conveying any Person going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Kent* during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty; or for any Horses or other Beasts employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces: Provided always, that if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Stores.

XVII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other publick 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 Over-weight; nor shall any such Waggon, Wain, Cart, or other Carriage, 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 any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to

Highways, or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Penalty on evading Tolls.

XVIII. And be it further enacted, That if any Person or Persons shall fraudulently, to avoid Payment of the Tolls, go or pass with, or ride or drive any Horse or Beast through or over any Land, Ground, or Place, not being in his own Occupation, and not being a publick Highway, lying by the Side of or near to any Part of the said Road; or if any Person or Persons owning or occupying any such Land or Ground shall knowingly or willingly permit or suffer any other Person or Persons to go or pass with any Horse or other Beast through or over such Land or Ground, in order to or whereby the Payment of the Tolls by this Act granted, or any Part thereof, shall be fraudulently avoided; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive of any Person or Persons, except the Collectors of the said Tolls, any Note or Ticket with Intent to avoid the Payment of any of the said Tolls; or if any Person or Persons shall unload or cause to be unloaded any Goods or Merchandize, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, or (having passed through any Turnpike) shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Turnpike, with Intent to avoid, or having by such Means avoided the Payment of any of the said Tolls; or if any Person or Persons shall do any other Act forcibly or fraudulently to avoid the Payment of the said Tolls, or any Part thereof, every such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds; One Moiety whereof shall be paid to the Informer.

No Tolls for crossing the Road only.

XIX. And be it further enacted, That no Toll shall be demanded or taken at any Toll Gate or Turnpike to be continued or erected by virtue of this Act, on the Side or Sides of any Part of the said Road, for any Horse, Cattle, or Carriage, which shall only cross the said Road, or shall not pass above One hundred Yards thereon, unless such Crossing shall be with Intent to evade the Payment of Toll at any of the said Turnpikes or Toll Gates, and the Payment of such Toll would be thereby evaded.

Turnpikes, &c. vested in Trustees.

XX. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses which shall be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the same, and for completing the said Road, and all other Materials made use of, or collected to be made use of, for the Purpose of this Act, shall be and are hereby vested in the said Trustees, and they or any Five or more of them are hereby authorized and empowered to dispose of the Materials of such of the said Toll Houses only as shall be erected on any Common or Waste Ground, and also the Land belonging to any of the said Toll Houses, provided such Lands shall have been first purchased by them, but not otherwise; and to cause to be brought any Action, or to cause to be preferred, any Bill of Indictment against any Person or Persons who shall steal, take away, break, or damage any such Turnpikes, Toll Houses, or Materials, or disturb them in the Possession thereof.

XXI. And

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow or take up at Interest upon the Credit of the Tolls arising by virtue of this Act upon the said Road, such Sum or Sums of Money as they or any Five or more of them shall think fit; and may and are hereby empowered to assign or mortgage, for and during the Continuance of this Act, the Tolls arising upon the said Road, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of every such Assignment or Mortgage to be paid out of such Tolls), as a Security to any Person or Persons, or their Trustees, who shall advance such Money, by Writing under their Hands and Seals to the following Effect; *videlicet*, For borrowing Money.

'BY virtue of an Act of Parliament made in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act*]; We, Five of the Trustees for putting the said Act in Execution, in Consideration of the Sum of to the Treasurer of the said Road in Hand paid by *A. B.* do grant, bargain, sell, and demise unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said Road, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit thereof; to be had and holden from this Day of for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of *per Centum* *per Annum* shall be sooner paid and satisfied. Given under our Hands and Seals this Day of in the Year of Our Lord' Form of Assignment.

And a Copy of every such Assignment or Mortgage shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Road; but no Money shall be borrowed upon the Credit of the Tolls arising on the said Road after the First Meeting of the said Trustees, unless Notice for that Purpose be affixed in Writing upon all the Turnpikes then erected across the said Road, at least Fourteen Days before the borrowing thereof, and the Intention thereof to be also advertised Twice at least in some Weekly Newspaper published in the County of *Kent*, or usually circulated in the Neighbourhood of the said Road; and all Persons to whom any Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to such Assignment or Mortgage, and the Principal and Interest thereby secured to any Person or Persons whomsoever, either by a separate Instrument or by Indorsement on such Security, in the Form or to the Effect following; Mortgages to be entered in Books.

'I *A. B.* do hereby transfer the within Mortgage (if by Indorsement or if by a separate Instrument, a certain Mortgage), bearing Date the Day of of the Tolls arising on the Road to be amended, widened, and kept in Repair by virtue of an Act of Parliament made in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*insert the Title of this Act*], and all my Right and Title to the Principal Money and Interest thereby secured, unto *C. D.* his Executors, Administrators, and Assigns. Dated this Day of' Form of Transfer.

Which said Transfer shall be produced and notified to the Clerk or Treasurer for the said Road, who shall cause an Entry to be made of such

Transfer, containing the Date, Names of the Parties, and Sums of Money therein transferred in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments or Mortgages, for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Three Shillings and Sixpence; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall entitle every ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof and Payment thereon; which ſaid Money ſo borrowed ſhall (after paying the Expences of procuring this Act) be applied and diſpoſed of for the Purpoſes of this Act, according to the true Intent and Meaning thereof, and to no other Uſe or Purpoſe whatever.

Expences of Act how to be paid.

XXII. And be it further enacted, That an Account ſhall be kept of the Tolls to be collected on the ſaid Road, and of the Money which ſhall be ſubſcribed and borrowed on the Credit thereof; and that the Expences and Coſts relating to procuring and paſſing this Act ſhall be paid out of the Tolls ariſing within the ſaid Road, or the Money which ſhall be ſubſcribed or borrowed on the Credit thereof; and that after Payment thereof, the ſaid Truſtees, or any Five or more of them, ſhall, from Time to Time apply the Tolls ariſing from the Road, and the Money to be ſubſcribed or borrowed on the Credit thereof, in defraying the Expences of erecting Turnpikes and Toll Houſes, and repairing, widening, altering, and amending the ſaid Road, and defraying all other neceſſary Coſts, Charges, and Expences attending the ſame, and the Purpoſes of this Act relating to the ſaid Road, and in paying the Principal and Intereſt of the Monies to be borrowed on the Credit of the Tolls hereby granted, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time, direct or appoint.

Application of the reſidue Money.

Truſtees to make and divert the Road.

XXIII. 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 fully authorized and empowered to make and repair, and from Time to Time widen, divert, ſhorten, vary, and alter, within the Diſtance herein-after mentioned, the Courſe or Path of any Part or Parts of the ſaid Road through any Waſte Grounds, Commons or uncultivated Lands, without making Satisfaction for the ſame, and alſo through any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damages they ſhall ſuſtain thereby, and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary for the Purpoſes aforeſaid, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by ſo making, widening, diverting, turning, or altering the Courſe or Path, of any Part or Parts of the ſaid Road through ſuch Lands or Hereditaments; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, or Feoffees in Truſt, Committees, Executors, or Adminiſtrators, and all other Truſtees whatſoever, not only for or on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Femes Covert, Infants, or Iſſue unborn, Lunatics, Ideots, or other Perſon or Perſons whomſoever, and to and for all Femes Covert who are or ſhall be ſeiſed of or intereſted in their own Right, and to and for all and every

Perſon

Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them all or any ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made ſhall be valid, to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they or any of them ſhall lawfully do by virtue or in purſuance of this Act.

Where Perſons refuſe to treat, Jury to ſettle Damages, &c.

XXIV. And be it further enacted, That if any Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Dwelling-houſes, Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of Lands or Hereditaments through which any Part of the ſaid Road is intended to be made, widened, diverted, turned or altered, ſhall for the Space of Thirty 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 ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees ſhall cauſe ſuch Damage, Value, or Recompence to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County, from the Neighbourhood of the Place where ſuch Lands and Hereditaments do lie, and in order thereto the ſaid Truſtees are hereby empowered and required, from Time to Time, as Occaſion ſhall require, to ſummon and call before ſuch Jury, and examine upon Oath all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and ſuch Truſtees ſhall, by ordering a View or otherwiſe, uſe all 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 enquired of and aſſeſſed ſuch Damage 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 ſaid Owners or other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; and ſuch Verdict or Inquiſition, Order and Determination thereon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming or to claim any Eſtate in Poſſeſſion, Reverſion, or Remainder in Fee, or in Fee Tail General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all

and every other Perſon and Perſons whomſoever; and for ſummoning and returning ſuch Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *Kent*, requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons from the Neighbourhood of the Place where ſuch Lands or Hereditaments lie, qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall and are hereby empowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be a Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees acting in the Premiſes ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, or ſhall otherwiſe wilfully miſconduct themſelves in giving their Evidence, ſo that no one Fine be more than Five Pounds on any one Perſon for one Offence.

Expences of Jury and Witneſſes how to be paid.

XXV. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Directions or Authority of this Act, 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 ſuch Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any 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 Treaſurer to the ſaid Truſtees out of any Money which ſhall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to or offered by the ſaid Truſtees, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the

the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne or paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County, not intereſted in the Matter in Queſtion, (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties or Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by Reaſon of Abſence have been prevented from treating about ſuch Recompence or Satisfaction as aforeſaid, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

Money allowed for Lands how to be charged or tendered

XXVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties reſpectively entitled thereto, or to their Agents; and upon Payment thereof, depoſiting the ſame in the Bank of *England*, as by this Act directed, as the Caſe may be, for the Uſe of ſuch Parties or Perſons reſpectively, to be thereafter diſpoſed of as herein-after directed; and after Ten Days Notice thereof given to ſuch Parties or Perſons or to their Agents, or left at their reſpective uſual Places of Abode, or with the Tenant or Tenants in Poſſeſſion of ſuch Lands or Hereditaments, then ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees, or any Five or more of them ſhall direct, and ſhall be by them or ſuch Perſon or Perſons as they ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes whatſoever become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the ſaid Road for ever thereafter.

Truſtees not to take down Houſes, &c.

XXVII. Provided always, and be it further enacted, That no Power or Authority by this Act given to the ſaid Truſtees ſhall extend to the taking down or injuring any Dwelling-houſes or other Buildings, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk or Avenue to a Houſe, or Plantation or Nurſery of Trees or of any Part or Parts thereof, without the Conſent in Writing of the Owners or Proprietors thereof firſt had and obtained, except ſuch as are mentioned and deſcribed in the Schedule hereunto annexed.

Truſtees empowered to ſell Ground not wanted for the Purpoſes of this Act.

XXVIII. And whereas, by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Road, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act: Be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and

diſpoſe of ſuch Pieces or Parcels of Grouud, either together or in Parcels, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall offer the ſame to the Perſon or Perſons from whom they ſhall have been purchaſed; or where the ſame ſhall ariſe by reaſon of diverting any Part or Parts of the ſaid Road, then to the Perſon or Perſons whoſe Lands ſhall adjoin thereunto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree (except with reſpect to and on account of the Price thereof as herein-after mentioned), or ſhall refuſe (except with reſpect to and on account of the Price thereof) to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid County, (who are hereby reſpectively empowered to take the ſame), 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 not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed 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 or repurchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before 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 herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel 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.

Reſtraining Truſtees from deviating beyond a certain Diſtance.

XXIX. And whereas a Map or Plan deſcribing the Line of the ſaid new Road, and the Lands through which the ſame is to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, has been depoſited in the Office of the Clerk of the Peace for the ſaid County of *Kent*: Be it therefore enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County of *Kent*, to the End that all Perſons may at all ſeaſonable Times have Liberty to peruſe and inſpect the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference, and that the ſaid Truſtees in making the ſaid new Road, ſhall not deviate more than One hundred Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate or Collegiate, through or over whoſe Lands or Grounds ſuch Deviation ſhall be made.

XXX. Provided

Truſtees may make Roads through Lands, although not in Book of Reference.

XXX. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to make the ſaid new Road into, through, acroſs, or over the ſeveral Lands or Grounds of any Perſon or Perſons who is, are, or may be Owner or Owners of Lands over which the ſame is ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County of *Kent*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees not reſtrained from diverting the Roads beyond 100 Yards, if Parties conſent.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prevent, hinder, or reſtrain the ſaid Truſtees from widening, diverting, turning, ſhortening, varying, or altering the Courſe or Path of any Part or Parts of the ſaid Road beyond the Diſtance of One hundred Yards through the Lands or Grounds of any Perſon or Perſons whomſoever, in caſe ſuch Perſon or Perſons ſhall be conſenting thereto, and ſhall ſignify his, her, or their Conſent in Writing to ſuch Diverſion or Alteration being made.

Application of Compenſation Money, if amounting to 200l.

XXXII. 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 Perſon or Perſons under any Diſability or Incapacity, as in this Act particularly mentioned, 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 there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or 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 the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſes ſhall be made, the ſaid Money ſhall by Order of the ſaid 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;

nuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall, from Time to Time, be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

Under 200l. and above 20l.

XXXIII. 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 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 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 Court of Chancery.

Application where leſs than 20l.

XXXIV. 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, and Hereditaments ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees 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 Titles.

XXXV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or ſhall refuſe to execute ſuch Conveyance or Conveyances, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid 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 and may be lawful for the ſaid Truſtees to order the ſaid Sum

Sum or Sums of Money ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid 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 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or 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.

Reſpecting diſputed Titles.

XXXVI. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to 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 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.

The Court of Chancery may direct the Payment of Expences.

XXXVII. 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 Court, 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 Court 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, together with the neceſſary Coſts and Charges of

of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials to repair the Road.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and to and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making and repairing the said Road, out of and from any Common or Waste Ground, River, Brook, or Pit, in any Parish, Township, Hamlet, Division, District, or Place in which any Part of the Road hereby directed to be made, amended, and repaired shall lie, or in any adjacent 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 Person or Persons as aforesaid, may (except as herein-after excepted) by Order of the said Trustees, (such Order to be made at some Meeting of the 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 or Clerks to the said Trustees), search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Grounds, as the said Trustees shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful to and for any Two or more Justices of the Peace of the County where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages, and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

Notice to be given before Materials are taken.

XXXIX. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Road out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors, shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such

Owner and Occupier at their reſpective uſual Places of Reſidence, to appear before the ſaid Truſtees or Two or more Juſtices of the Peace acting for the County, where ſuch Premiſes ſhall be ſituate, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier, or One of them, or their or his Agent, ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then the ſaid Truſtees, or ſuch Juſtices, ſhall or 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 Owner or Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier or his Agent had attended.

Penalty on taking away Materials.

XL. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall take away any Stone or Materials which ſhall have been dug, gathered, by or by the Order of the ſaid Surveyor or Surveyors, for the Purpoſe of making or amending the ſaid Road or any Part or Parts thereof, or ſhall get or take away any Stone, Gravel, or Materials, out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for amending the ſaid Road or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground wherein ſuch Pit or Quarry ſhall have been ſo made, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings.

Surveyors to make Drains, &c.

XLI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and to and for any Perſon or Perſons whom he or they ſhall appoint by Order of the ſaid Truſtees, to cut and make any Cauſeways or Footpaths upon the Sides of the ſaid Road, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Road, or to erect Bridges over any Drains or Watercourſes, in ſuch Manner as ſuch Surveyor or Surveyors ſhall deem and judge neceſſary and proper for amending or keeping in Repair any Part of the ſaid Road, and alſo to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road, (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted or ſet apart as a Nurſery for Trees), to be made uſe of as a public Highway, whilſt the narrow or ruinous Parts of the ſaid Road are widening or repairing, and until the ſame ſhall be convenient and ſafe for the Paſſage of Travellers and Carriages; making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Lands reſpectively through and into which any ſuch Drain ſhall be cut, or on or over which any ſuch temporary Roads ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and ſuch Truſtees, touching ſuch Damage, then and in ſuch Caſe the Juſtices of the Peace at

the First General or Quarter Sessions of the Peace to be holden for the said County of *Kent*, next after the Expiration of Twenty-one Days from the Time of doing such Damage, shall and are hereby authorized and required to hear, settle, and determine the same; and their Determination therein shall be final and conclusive.

Surveyors may remove Annoyances.

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

Road may be measured and Mile Stones and Guide Posts erected.

XLIII. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Mile Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Road where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Table of Tolls, Mile Stone, or Post erected on any Part of the said Road, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches on any Part or Parts of the said Road, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for each Table of Tolls, Stone, Post, Parapet Wall, and Arch, so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go

to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Penalty for riding on Foot-paths, &c.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage, or ſhall ride on, or drive or lead any Horſe, Beaſt, Cattle, or Carriage, over or upon any Footpath or Cauſeway made or to be made on the Side or Sides of any Part of the ſaid Road; or if any Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Footpaths or Cauſeways; or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Road, or in ploughing ſhall turn any Horſe or other Beaſt drawing any Plough upon any Part of the ſaid Road, to the Prejudice thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road with any Inſtrument, ſo as to damage the ſaid Road, or any Part thereof; or if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone, (otherwiſe than upon wheeled Carriages,) or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon a wheeled Carriage, to drag upon any Part of the ſaid Road, to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer the ſame to root up or damage the ſaid Road or any Part thereof, or the Fences, Hedges, Bankings, or Copſe on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, or Beaſt, to be and remain looſe on the ſaid Road; or if any Perſon driving any Coach, Chaiſe, or Waggon, Cart, or other Carriage upon the ſaid Road, and meeting another Carriage, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Road; or if any Perſon ſhall, in any Manner, wilfully prevent any other Perſon or Perſons from paſſing him, her, or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Road; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry, (without ſome reaſonable Cauſe to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned, or conveyed in order to his or her Conviction, and ſave and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Road as conveniently may be,) in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or if any Perſon ſhall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

XLV. And

Penalty on obſtructing the Execution of this Act.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Perſon or Perſons, by them or any of them, or by the ſaid Truſtees employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Pariſhes to be liable to Repairs.

XLVI. And be it further enacted, That all the Inhabitants of the ſeveral Pariſhes, Hamlets, Diſtricts, or Places through which the ſaid intended Road ſhall paſs, ſhall be liable to the Repair of ſuch Parts of the ſaid intended Road as are within their reſpective Pariſhes, Hamlets, Diſtricts, or Places, in ſuch and the ſame Manner as they are liable to the Repair of any other Highway within the ſame.

Statute Work.

XLVII. Provided always, and be it enacted, That all Perſons who by Law are liable to do Statute Work on any Part of the Road within the Pariſhes or Places through which the ſaid Road or any Part thereof paſſes, ſhall be liable to do the ſame on the ſaid Road, and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Kent*, and they are hereby required and empowered upon Application made to them 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 Road, by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or 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 ſo paid, which Liſts of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order, ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Time (not being Hay Time or Harveſt), and in ſuch Parts of the ſaid Road as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the

ſame

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

Truſtees may compound for Statute Work.

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

Compenſation to Dean and Chapter of Weſtminſter.

XLIX. And whereas the ſaid new Road paſſes through Part of the Glebe of the Dean and Chapter of the Collegiate Church of *Saint Peter, Weſtminſter*, and it hath been propoſed by the ſaid Sir *Walter Stirling* to give to the ſaid Dean and Chapter an Equivalent, Quantity and Quality conſidered, from his own Land on the North Side immediately contiguous to the ſaid Glebe, of which a Part ſhall be ſo taken or uſed in making the ſaid new

Road as aforeſaid, for ſuch Part of the ſaid Glebe that ſhall be taken or uſed by the ſaid new intended Road; be it therefore enacted, That ſuch Part of the ſaid Land, Quantity and Quality conſidered, now belonging to the ſaid Sir *Walter Stirling*, lying next the Glebe Land on the North Side, equal to the Glebe taken or uſed in making the ſaid new Road, and alſo to any Portion of ſuch Glebe as may be ſeparated from the Glebe on the North Side of the ſaid intended Road, and lying between the ſaid intended Road and the Church Yard from and immediately after the ſame, being taken for the Purpoſe of making ſuch new Road, and to be approved by ſome competent Surveyor to be appointed by the ſaid Dean and Chapter, ſhall be ſet out and allotted to and for the ſaid Dean and Chapter, and their Succeſſors; and the ſaid Sir *Walter Stirling*, and his Heirs, Executors, and Adminiſtrators, ſhall be and are hereby made chargeable with fencing the ſame with a good and ſufficient Stone Fence within Three Months after taking in the ſaid Piece of Glebe as aforeſaid, free of all Expence to the ſaid Dean and Chapter, and their Succeſſors: And the Fee Simple and Inheritance of the ſaid Piece of Land ſo to be ſet out and allotted to and for the ſaid Dean and Chapter, and their Succeſſors, ſhall be and is hereby veſted in them the ſaid Dean and Chapter and their Succeſſors for ever.

Road to Vicarage not to be ſtopped up.

L. And be it further enacted, That the preſent Road leading through *Shoreham* by the Vicarage Houſe ſhall not be ſtopped up or diſcontinued, and that no Gates ſhall be erected thereon by the ſaid Truſtees, or any other Perſon or Perſons, under the Authority of this Act.

For ſecuring tranſient Offenders.

LI. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace for the County or Diſtrict near to the Place where the Offence or Offences ſhall be committed, or ſuch Offender or Offenders ſeized and apprehended, and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her, or their Appearance at ſome Petty Seſſions to be holden within and for the ſaid County or Diſtrict in which ſuch Offence or Offences ſhall have been committed, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Petty Seſſions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the ſaid Complaint in a ſummary Way, and upon Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe, or they ſhall be firſt taken, or by the Juſtices at ſuch Petty Seſſions as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively, to commit him, her, or them to the Common Gaol or Houſe of Correction of the ſame County or Diſtrict, there to remain for any Time not exceeding Fourteen Days, unleſs he, ſhe, or they ſhall ſooner pay the reſpective Penalties by him, her, or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

LII. And

To compel Payment of Subscriptions.

LII. And be it further enacted, That the Person or Persons who have subscribed any Money for or towards defraying the Expences of executing this Act, shall, and they are hereby required to pay such Money within such Time and to such Persons as the said Trustees, or any Five or more of them, shall order and direct; and in Default of such Payment, such Money shall be recovered by Action of Debt, or on the Case, to be brought in the Name of the Clerk to the Trustees, in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit.

Actions to be brought in the Name of the Treasurer or Clerk.

LIII. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name of any One of the said Trustees on Behalf of the said Trustees, and no such Action 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 commenced, nor by the Act of such Person or Persons, without the Consent of the said Trustees at a Meeting held in pursuance of this Act; 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, collected or received by the said Trustees.

Recovery and Application of Penalties.

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

Form of Conviction.

LV. And be it further enacted, That for the more speedy Conviction of all Offenders against this Act, all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following;

to wit. } BE it remembered, That on the Day of
in the Year of our Lord
and in the Year of the Reign of His Majesty,

is

‘ is convicted before me [*or*, us]
‘ of His Majesty's Justices of the Peace for the by virtue of an
‘ Act of Parliament made and passed in the Fiftieth Year of the Reign of
‘ His Majesty King *George* the Third, intituled, [*here set forth the Title of*
‘ *this Act, and specify the Offence, and the Time and Place when and where*
‘ *the same was committed*]. Given under my [*or*, our] Hand and Seal [*or*,
‘ Hands and Seals] the Day and Year first above written.’

Appeal.

LVI. 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 County of *Kent*, within the Space of Thirty Days next after the Cause of such Complaint shall have arisen, the Person or Persons appealing having first given Ten clear Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Treasurers, or Clerk to the said Trustees, and within Three Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices in 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 therein and to award such Costs to either of the Parties or otherwise as they shall judge proper; and the said Justices may if they see Cause mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not to be unlawful for want of Form.

LVII. 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 Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for want of Form.

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

Notice of Action to be given.

LIX. 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 Thirty Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceeding, Order, and Judgement ſhall be made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Action.

LX. 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 One Calendar Month 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 the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead at his or their Election ſpecially, or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was lawfully done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought before Fourteen Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then 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.

General Iſſue.

Public Act.

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

Commencement and Continuance of Act.

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

SCHEDULE of Houses, Buildings, and Gardens, referred to by this Act.

Description of Property.	Proprietors.	Occupiers.
A Garden -	Dean and Chapter of Westminster -	George Polhill.
Tithe-Barn and Yard.	Ditto - - -	Richard Venner and another.
A Garden - -	James Martin -	Himself.
A Garden - -	Barbara Beardsworth	Herself.
A Garden - -	Mrs. Mary Wilks -	Richard Venner.
House and Garden -	Sir Walter Stirling Bart.	William Smith.
House and Garden -	William Ashdown -	William Adams.
House and Garden -	George Gilbert -	Samuel Yates.
House and Garden -	James Martin - -	Thomas Booker.
A Garden - -	Thomas Verrells -	Himself.

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