ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 92.

An Act for amending and improving the Road from *Stockerſhead*, at the Top of *Charing Hill*, to a certain Place where the ſame joins the Road from *Aſhford* to *Canterbury*, all in the County of *Kent*.

[20th *May* 1809.]

WHEREAS the Road from *Charing* in the County of *Kent* to the City of *Canterbury* is greatly out of Repair, circuitous, and in ſome Places narrow and incommodious, and it will be a great Accommodation to the Owners and Occupiers of Eſtates in that Part of the Country, and of public Utility, if the ſaid Road, commencing at or near a Place called *Stockerſhead*, at the Top of *Charing Hill*, in the Pariſh of *Charing*, and terminating at or near *Chilham Street*, in the Pariſh of *Chilham* in the ſaid County, where it joins the Turnpike Road from *Aſhford* in the ſaid County, to *Canterbury* aforeſaid, were altered, amended, widened, improved, and kept in Repair; but the ſame cannot be done without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Sir *Edward Dering*, Sir *Edward Knatchbull*, Sir *John Courtnay Honywood*, the Reverend Sir *John Fagg*, the Reverend Sir *Edmund Filmer*, Sir *Brook William Bridges*, and Sir *Horace Mann*, Baronets, *Edward Auſten*, *William Amos*, *James Amos*, *Richard Aſhbee*, *Moyle Breton* Clerk, Doctor of Laws, *George Beſt*, *Thomas Fairfax Beſt*, *George Beſt* the younger, *Thomas Brett*, *John Baker* of Saint Stephens, Canterbury, *William Belcher* Doctor of Phyſic, *William Baldwin*,

Appointment of Truſtees.

Baldwin, *William Baldock*, *William H. Baldock*, *Charles Barton* Clerk, Doctor in Divinity, *John Barwick* Clerk, *Edward Cage* Clerk, *Charles Cage* Clerk, *John Calcraft*, *William Coleman* of Boughton Malherb, *William Chapman*, *Edward Creed*, *John Chapman* of Westwell, *Benjamin Cobb* of Lydd, *Benjamin Cobb* of Romney, *George Nicholas Solomon Chapman*, *Edward Cheeseman*, *Thomas Clark*, *George Culmer*, *Cholmeley Dering* of Surenden, *Henry Darell*, *William Deedes*, *Edward Darell*, *Benjamin Davies* Clerk, *William Delmar*, *Baldwin Duppa Duppa*, *Thomas Dixon*, *John Skeere Loftie Eaton*, *Richard Foster*, *George Finch Hatton*, *George Finch Hatton* the younger, *Edward Finch Hatton*, *William Honywood*, *George Harris*, *Edward Hussey* the younger, *James Robinson Hayward* Clerk, *Peter Hawker* Clerk, *Thomas Harrisson*, *John Harrisson*, *William Hawker*, *John Huckstepp*, *Thomas Hinds*, *William Jemmett*, *Edward Knatchbull*, *Wyndham Knatchbull*, *Jarvis Kenrick* Clerk, *Henry Loud*, *Robert Mascall*, *William Mackenzie* Clerk, *John Mossop* Clerk, *Thomas Manclark*, *George Murton*, *George Norwood*, *John Rigden*, *Samuel Elias Sawbridge*, *George Sayer* Clerk, *Joseph Godfrey Sherer* Clerk, *Barling Sharp*, *Barling Sharp* the younger, *William Scudamore*, *William Smart*, *John Toke*, *Nicolas Roundell Toke*, *John Toke* Clerk, *Osborne Tylden*, *John Thurston*, *James Wildman*, *James Wildman* the younger, *Granville Hastings Wheler*, *George Witherden*, *Clement John Wasey* Clerk, *Thomas Prescott Wilks*, *Esau Whittle*, *William Webb*, and *John Wootten*, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, improving, and keeping in Repair the said Road.

Election of new Trustees.

II. And be it further enacted, That when and as often as any of the said Trustees hereby appointed, or their Successors (to be elected in Manner herein-after mentioned), shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Five or more of them, from Time to Time to elect and appoint One other fit Person to be a Trustee in the Room of each Trustee so dying or refusing to act, Notice of the Time and Place of the Meeting for every such Election, signed by the Clerk to the said Trustees for the Time being, having been inserted in some Newspaper or Newspapers printed and published in the Eastern Division of the said County of *Kent*, and also affixed on all and every the Turnpike Gates which shall be then standing on the said Road, at least Ten Days before such Meeting; and every Person so elected a new Trustee as aforesaid, being qualified as herein-after mentioned, shall be and he is hereby empowered to act in the Execution of this Act to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been elected.

Qualification of Trustees.

III. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or be possessed of or entitled to a Personal Estate alone, or Real and Personal together, of the Value of Eight hundred Pounds, or shall be Heir Apparent of some Person possessed of an Estate in Land of the clear yearly Value of Two hundred Pounds; nor shall any such Person be capable of acting in the Execution of this Act, save and except in administering the Oath or Affirmation

following to the other Truſtees, until he (not being ſuch Heir Apparent as aforeſaid) ſhall have taken and ſubſcribed the Oath following before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; (that is to ſay),

Oath.

'I *A. B.* do ſwear. [*or*, being one of the People called *Quakers*, do ſolemnly affirm], That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife, *as the Caſe may be*] in the actual Poſſeſſion or Enjoyment of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, [*or* poſſeſſed of or entitled to a Perſonal Eſtate alone, *or* Real and Perſonal Eſtate together] of the Amount or Value of Eight hundred Pounds. 'So help me GOD.'

Penalty on acting as Truſtee if not qualified.

And if any Perſon not being qualified as aforeſaid ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid, previous to his or their being convicted of the ſaid Offence, ſhall notwithſtanding ſuch Conviction be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

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

IV. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling-houſe or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, ſpirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, and to be collected on the ſaid Road, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling-houſe, Ale-houſe, or other Houſe of public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, ſpirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls, who ſhall not be under ſuch Incapacity.

Victuallers, &c. incapable of acting.

V. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be in the Commiſſion of the Peace for the ſaid County of *Kent* ſhall and may and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted; and that any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt for the ſame, ſhall not on that Account be deemed unqualified to act as a Truſtee.

Truſtees may act as Juſtices except where intereſted.

Mortgagees may act.

VI. And

Time and Place of first Meeting of Truſtees.

VI. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe called or known by the Name or Sign of the *Halfway Houſe*, on the Road between *Aſhford* and *Faverſham*, in the ſaid County of *Kent*, on the Second *Monday* next after the paſſing of this Act, or as ſoon after as conveniently may be, at Ten of the Clock in the Forenoon, and proceed to the Execution of this Act, and that the ſaid Truſtees, or any Two or more of them, ſhall then and from Time to Time afterwards adjourn themſelves to meet at the ſame Place, or at ſuch other Place or Places near to the ſaid Road, and at ſuch Times, as they ſhall from Time to Time order and direct, provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Truſtees to defray their own Expences.

All Acts may be done by Three Truſtees.

VII. And be it further enacted, That all Acts, Matters, and Proceedings relative to the Execution of this Act, may be done and executed by any Three of the Truſtees by this Act appointed and to be elected and appointed in Manner herein-before mentioned, except only in the Caſes herein-after mentioned, as requiring a greater or leſs Number of Truſtees to act in the Execution of this Act.

Meetings on Emergencies.

VIII. And be it further enacted, That if after Adjournment of any Meeting of the ſaid Truſtees it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by any Adjournment, or if for want of a proper Adjournment, or otherwiſe, it ſhall be neceſſary to call a Meeting of the ſaid Truſtees, the Clerk or Clerks of the ſaid Truſtees, upon an Order in Writing, ſigned by Five or more of them, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Ten Days after ſuch Notice); and ſuch Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment.

Orders of one Meeting not to be revoked by another, except in certain Caſes.

IX. And be it further enacted and declared, That all Orders and Determinations made at any Meeting of the ſaid Truſtees ſhall be made by a Majority of the Truſtees then preſent; and no Order or Determination ſhall be revoked or altered at any ſubſequent Meeting unleſs Nine Truſtees ſhall be preſent, and Two Thirds of them ſhall decide in favour of ſuch Revocation or Alteration, and unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order ſhall give Notice thereof in Writing to the Clerk or Clerks, or to the Perſon or Perſons acting as Treaſurer or Treaſurers to the ſaid Truſtees, to be by him or them affixed and inſerted in Manner herein-before directed with reſpect to Notices for the Election of new Truſtees, at leaſt Ten Days previous to any Meeting.

Truſtees may appoint Officers.

X. And be it further enacted, That the ſaid Truſtees ſhall and may at their firſt or any ſubſequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and ſhall take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers,

Receivers, Collector or Collectors for the due and faithful Execution of his or their Office or Offices as the ſaid Truſtees ſhall think fit, and ſhall alſo elect and appoint a Surveyor or Surveyors, and ſuch other Officers as the ſaid Truſtees ſhall think proper; and alſo may from Time to Time remove ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, or other Officers, or any of them, as the ſaid Truſtees ſhall ſee Occaſion, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die, reſign, or refuſe, or neglect to perform, or become incapable of performing their Duty; and the ſaid Truſtees ſhall and may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries, or make ſuch Allowance to the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed, for and in conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons who ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees ſhall ſeem proper; and all ſuch Officers and other Perſons ſhall upon their reſpective Oaths, if thereunto required by the ſaid Truſtees (which Oaths the ſaid Truſtees, or any one or more of them, are and is hereby empowered to adminiſter) from Time to Time, and as often as they ſhall be called upon for that Purpoſe, produce and give up to ſuch Truſtees full, true, and perfect Accounts in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies, and every Part thereof, ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall and are hereby reſpectively required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons, or for ſuch Uſes and Purpoſes as they ſhall direct and appoint; and if ſuch Officer or Perſon (being required ſo to do) ſhall refuſe or neglect to render and give up, or verify upon Oath ſuch Account or Accounts as aforeſaid, or to produce and deliver up to the ſaid Truſtees the Receipts and Vouchers relating to the ſame, or to pay as aforeſaid any Sum or Sums of Money which ſhall appear to remain in his or their Hands, or ſhall not deliver to the ſaid Truſtees, within Ten Days after being thereunto required by them, all the Books, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, then and in any of the ſaid Caſes any One or more of the Juſtices of the Peace for the ſaid County of *Kent* ſhall, upon Complaint of the ſaid Truſtees, or of any One or more of them, or by ſuch Perſon or Perſons as they or any One or more of them ſhall appoint for that Purpoſe, iſſue a Summons under his or their Hand or Hands for ſuch Officer or Perſon to appear before him or them, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, ſhall make Inquiry concerning ſuch Default, and hear and determine the Matter in a ſummary Way, and if upon the Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter, without Fee or Reward), it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies which ſhall have been raiſed or collected under this Act ſhall remain due from ſuch Officer or Perſon, ſuch Juſtice or Juſtices may and he and they is and are hereby authorized and required, upon Non-payment thereof, by Warrant under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon; and if no Goods or Chattels

Officers to account.

Proceedings againſt Officers refuſing to account, or deliver Books, &c.

tels of such Officer or Person can be found sufficient to satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if any such Officer or Person shall be convicted of any other of the Offences aforesaid, such Justice or Justices shall and may commit such Officer or Person to the Common Gaol for the Eastern Division of the said County of *Kent*, there to remain without Bail or Mainprize until such Officer or Person shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees for the same, and shall have paid such Composition Money to the said Trustees, or their Treasurer or Treasurers, (which Composition the said Trustees are hereby empowered to make and accept) or until such Officer or Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or other Person so committed as aforesaid shall be confined or detained in Prison under or by virtue of this Act for any longer Space of Time than Six Calendar Months.

Trustees may remove Collectors and appoint temporary ones.

XI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, neglect, or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform or incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls (to continue until the then next Meeting of the said Trustees) in the Stead of such Collector or Receiver as shall so die or be discharged, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll-house or Building, to be erected or set up on the said Road for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees (although not assembled at a Meeting) or by their Clerk or Clerks, Treasurer or Treasurers, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said County of *Kent*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer of the said County, with such Assistance as may be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Three or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Collectors refusing to deliver up Toll-houses.

Justices empowered to grant Warrant, and Constable to enter and remove such Collectors.

Trustees may erect Toll-houses, &c.

XII. And be it further enacted, That the said Trustees shall and may from Time to Time cause to be erected and set up such and so many Turnpikes or Toll Gates, in, upon, or across, or on the Side or Sides of any

Part

Part or Parts of the ſaid Road, and acroſs any Lane or Way leading into, from, or out of the ſame, and alſo ſuch Toll-houſe or Houſes, Weighing Engine or Engines to each Gate or Turnpike, or otherwiſe, as they ſhall think neceſſary, with ſuitable Out-buildings thereto, and alſo may incloſe from the ſaid Road convenient Garden Spots to the ſaid Toll-houſes, as they may judge proper, and may cauſe any ſuch Turnpikes, Toll Gates, Toll-houſes, Weighing Engines, or other Buildings, from Time to Time to be taken down, removed, or altered, as they ſhall judge proper; which ſaid Turnpikes, Toll-houſes, Weighing Engines, Buildings, and all Materials for making or repairing the ſame, are hereby veſted in the ſaid Truſtees; and that the following Sums of Money ſhall and may be demanded and taken as Tolls at any Two of the ſaid Turnpikes or Toll Gates before any Horſe, Cattle, or Carriage ſhall be permitted to paſs through the ſame; that is to ſay,

Shall receive Tolls at Two of the Gates.

Tolls.

For every Horſe, Mare, Gelding, or Mule, drawing any Coach, Chariot, Landau, Sociable, Berlin, Curricle, Chaiſe, Calaſh, Phaeton, Whiſky, Chair, or other ſuch Carriage, or Hearſe, the Sum of Four-pence Halfpenny:

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

For every Aſs drawing any kind of Carriage, the Sum of Three-pence.

And for every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

And for every Drove of Oxen, Cows, or neat Cattle, the Sum of Ten-pence *per* Score; and ſo in Proportion for any leſs Number:

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

Which ſaid reſpective Tolls 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 by any Collector or Collectors to be appointed as aforeſaid, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the ſaid reſpective Collectors of the Tolls, or other Perſon or Perſons whom they or any of them ſhall take to their Aſſiſtance therein, to ſeize and diſtrain any Horſe, Beaſt, or other Cattle upon which any ſuch Tolls are by this Act impoſed, or any other Goods and Chattels belonging to any Perſon or Perſons ſo neglecting or refuſing, or liable to pay the Tolls as aforeſaid (except the Bridle or Reins of any ſuch Horſe, or other Beaſt, ſeparate from ſuch Horſe or other Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe, or other Beaſt or Cattle, Goods, and Chattels ſo ſeized and diſtrained, rendering the Overplus (if any) on Demand to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted.

Tolls to be paid but Once paſſing and repaſſing.

XIII. And be it further enacted and declared, That no Perſon ſhall be liable to pay more than Once for paſſing or repaſſing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with the ſame Horſes, Cattle, or Carriages reſpectively, through any of the Turnpikes to be

be erected by virtue of this Act; but that any Person after having paid Toll Once, and producing a Note or Ticket denoting such Payment, shall afterwards be permitted to pass with every such Horse, Cattle, or Carriage, Toll free during such Day, through any of the said Turnpikes for which such Person or Persons shall have so paid Toll Once during such Day, which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll.

Trustees may reduce the Tolls,

and afterwards advance them again to any Sum not exceeding the Rates before granted, provided no Reduction be made without the Consent of Creditors.

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

Tolls may be let.

XV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, at any Meeting, upon Ten Days Notice being given in such Newspaper or Newspapers as aforesaid, and affixed on all and every the Turnpike Gates that shall be standing on the said Road, to let or farm the 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 gotten 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.

XVI. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in Farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with 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.

Truſtees may compound.

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

For ſettling Diſputes concerning Tolls.

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

Toll-bar Keepers competent Witneſſes.

XIX. 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, not being a Leſſee or Leſſees of the ſaid Tolls, 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.

Penalty for permitting private Paſſage or evading Tolls.

XX. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Lands, Grounds, or Hereditaments lying near any Turnpike or Toll Gate which ſhall be erected by virtue of this Act (the ſame not being a public Highway), or if any Owner or Occupier of ſuch Lands, Grounds, or Hereditaments ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame, or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons other than a Collector of the ſaid Tolls, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with

Intention to evade, or whereby the Payment of any of the ſaid Tolls or any Part thereof may and ſhall be evaded, or if any Perſon or Perſons ſhall fraudulently paſs through any ſuch Turnpike or Toll Gate with any Horſe, Beaſt, or other Cattle, without Payment of Toll, or ſhall take off or cauſe to be taken off any Horſe, Beaſt, or other Cattle from any Carriage, or having paſſed through any Turnpike or Toll Gate to be erected by virtue of this Act, ſhall afterwards add or put an additional Horſe or Horſes, Beaſt or Beaſts to ſuch Carriage, with intent to evade the Payment of the ſaid Tolls, or ſhall leave or cauſe to be left upon or near any Part of the ſaid Road any Carriage, Horſe, Cattle, or other Beaſt, with Intent to evade the Payment of the ſaid Tolls, or any Part thereof, or ſhall with ſuch Intent unload any Goods from or out of any Carriage, or in any other Manner whatſoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Perſon ſo offending ſhall for ſuch Offence forfeit any Sum not exceeding Five Pounds.

Exemptions from Toll.

XXI. And be it further enacted, That no Toll ſhall be demanded or taken for any Carriage, Horſe, or other Cattle, going unladen for, or being laden with, or returning after having gone laden only with any Materials for repairing the ſaid Road, or any other Highway or Road, or for any Carriage or Cattle carrying any Graſs, Hay, Saintfoine, Fodder, Straw, or Corn in the Straw not ſold or diſpoſed of, but paſſing to be laid up, uſed, or conſumed in the Houſes, Outhouſes, Barns, Yards, or Cloſes of the Owner or Owners thereof, or returning empty therefrom, or for any Horſes, Cattle, or Carriages going with or for any Ploughs, Harrows, or other Implements of Huſbandry, or for any Cattle going to or from Plough or Harrow, or for any Carriage or Cattle carrying any Lime, Marl, Dung, Mould, Compoſt, or Manure of any Kind whatſoever to be employed in Huſbandry, or for manuring or ſtocking of Land, but for no other Purpoſe, or for any Horſes or other Cattle or Carriages employed in the conveying of any Perſon or Perſons going to or returning from an Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Kent*, on the Day of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded, or going to or returning on *Sundays*, or any other Days on which Divine Worſhip is ordered by Authority to be celebrated, from any Church, Chapel, or other Place of Religious Worſhip which ſhall be ſituate within the ſame Pariſh in which any Turnpike or Toll Gate ſhall be erected, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the Pariſhes, Townſhips, Hamlets, or Places in which the ſaid Road hereby directed to be made lies, or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from viſiting his Sick Pariſhioners, or for any Cattle or Carriage employed only in carrying Corn to or Griſt from the neareſt or ſuch other Mill as ſhall be uſed by the Owners of ſuch Corn reſpectively; or 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 for any Horſe, Ox, Cow, Sheep, or other Cattle going to or returning from any Paſture or Watering Place, or from being ſhoed or farried, or for any Horſes belonging to Officers or Soldiers upon their March or upon Duty, or for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any

ſuch

such Officers or Soldiers, or 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, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, nor 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 Gorps respectively, at the Time of claiming such Exemptions as aforesaid; and if any Person shall by any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions allowed by this Act, not being entitled to the same, such Person shall forfeit and pay for every such Offence 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.

Exemptions granted to James Wildman, Esquire, and others.

XXII. And be it further enacted, That notwithstanding any Thing herein-before contained to the contrary, no Toll shall be demanded or taken for any Horse, Mare, Gelding, Mule, or other Cattle, whether drawing or not drawing any Carriage, or for any Calves, Sheep, Lambs, or Swine which shall pass through any Toll Gate or Turnpike to be erected by virtue of this Act at or near *Chilham Street*, and which shall belong to the Occupier, for the Time being, of a certain Mansion House called and known by the Name of *Chilham Castle*, and the Park contiguous thereto; or which shall belong to the Occupier or Occupiers, for the Time being, of the several Farms and Lands herein after mentioned and described, that is to say, *Dane Court* and *Soleshill Farms*, belonging to and now in the Occupation of *James Wildman* Esquire; and *Pym Farm*, belonging to the said *James Wildman*, and now in the Occupation of *George Meers*; all which said Mansion House, Park, Farms, and Lands are situate, lying, and being in the Parish of *Chilham*: Provided always, that no such Exemption from Toll shall be claimed by any Occupier or Occupiers of the said Mansion House, Park, and Farms above mentioned for any Horse, Mare, Gelding, Mule, or other Cattle lent or let for Hire, or drawing any Carriage lent or let for Hire, or which shall be laden with Hop-poles, Wood, or Timber for Sale, or to be used by such Occupier or Occupiers at any other Place, or upon any other Farm or Lands not herein-before mentioned, as intended to be exempt from Toll as aforesaid, or for any Horse, Mare, Gelding, Mule, or other Cattle, whether drawing or not drawing, belonging to any such Occupier or Occupiers for the Time being as aforesaid, which, either before or after going through such Toll Gate or Turnpike, shall go more than the Distance of One Mile upon the said Road, or shall go to or return from any other Farms then in his or their Occupation, lying either on the West, South-west, or North-west Sides of *Chilham Street* aforesaid.

No such Exemption to extend to Carriages let for Hire, or carrying Hop-poles, &c. for Sale.

XXIII. And be it further enacted, That no Toll shall be demanded or taken at any Toll Gate or Turnpike to be erected by virtue of this Act, on

No Tolls for crossing the Road only.

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 Tolls at any of the ſaid Turnpikes or Toll Gates, and the Payment of ſuch Tolls would be thereby evaded.

Owners or Drivers of Waggons employed in the Service of His Majeſty's Forces not to be ſubject to Penalties for Over-weight, &c.

XXIV. 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, or Commiſſariat or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage 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.

Power to borrow Money.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think fit, upon the Credit of the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, and by Writing under their Hands and Seals to aſſign over the ſaid Tolls, or any Part or Parts thereof, and the Turnpike Gates and Toll Houſes for collecting the ſame, (the Charges of ſuch Mortgages or Aſſignments to be paid out of the ſaid Tolls), to any Perſon or Perſons for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the ſeveral Sums that ſhall be borrowed, with Intereſt thereof; which Aſſignment ſhall be in the Words or to the Effect following:

Form of Aſſignment.

'BY virtue of an Act of Parliament, made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, 'An Act [*ſet forth the Title of this Act*] We, Five of the Truſtees acting in the Execution of the ſaid Act, in Conſideration of the Sum of to the Treaſurer of the ſaid Road in Hand paid by do hereby grant, bargain, ſell, and demiſe unto the ſaid Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act as the ſaid Sum of doth or ſhall bear to the whole Sum advanced or to be advanced on the Credit of the ſaid Tolls, to be had and holden from the Day of for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with lawful Intereſt for the ſame, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord

And Copies of ſuch Mortgages and Aſſignments ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, but no Money ſhall be borrowed unleſs Notice be for that Purpoſe given in ſome Newſpaper publiſhed or circulated within the Eaſtern Diviſion of

the ſaid County of *Kent*, and alſo upon the Turnpikes or Toll Gates which ſhall be then ſtanding upon the ſaid Road, at leaſt Fourteen Days before the borrowing thereof; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid, ſhall be good, valid, and effectual to all Intents and Purpoſes; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time, by Writing under their reſpective Hands and Seals, transfer their Right, Title, Intereſt, or Benefit in and to the ſaid Security, and the Principal and Intereſt thereby ſecured; to any Perſon or Perſons whomſoever, by Indorſement on the Back of ſuch Security, in the Preſence of one credible Witneſs; which Transfer ſhall be in the Words, or to the Effect following:

Form of the Transfer.

'I do transfer the within Mortgage, and all Principal and Intereſt now due thereon, unto Executors, Adminiſtraters, and Aſſigns. Witneſs my Hand and Seal this Day of .'

All which Transfers ſhall be produced and notified to the ſaid Clerk, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpoſe, for which the ſaid Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and after ſuch Entry made every ſuch Transfer ſhall entitle the reſpective Aſſignees or Perſons to whom the ſame ſhall be made, their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and every ſuch Aſſignee ſhall and may in like Manner aſſign and transfer again, and ſo *toties quoties*, and it ſhall not be in the Power of any Perſon making ſuch Aſſignment or Transfer afterwards to make void, releaſe, or diſcharge the ſame Security, or any Monies thereon due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfers ſhall be made as aforeſaid, ſhall be, in proportion to the Sums therein reſpectively mentioned, Creditors on ſuch Tolls, Turnpikes, and Toll Houſes, in equal Degree one with another, and ſhall have no Preference with reſpect to the Priority of advancing any ſuch Monies, or the Dates of ſuch Mortgages or Aſſignments.

Application of the Tolls and Money borrowed.

XXVI. And be it further enacted, That the Monies ariſing by virtue of this Act ſhall be applied and diſpoſed of by the ſaid Truſtees in Manner following (that is to ſay), in the firſt Place in Payment of the Coſts, Charges, and Expences incident to or attending the obtaining and paſſing of this Act; in the ſecond Place in paying the Intereſt accruing upon the ſeveral principal Sums of Money which ſhall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act; in the third Place in defraying the Expences of erecting and providing Turnpikes, Toll Houſes, and other Buildings, and repairing the ſame; and in altering, amending, widening, improving, and keeping in Repair the ſaid Road, and purchaſing Lands for the Purpoſe, and of executing the other Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging ſuch ſeveral Principal Sums as aforeſaid, and to and for no other Uſe or Purpoſe whatſoever.

Power to enter Lands and make or Roads.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and for their Surveyor or Surveyors,

or Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which and whereupon the said Road hereby authorized to be made is intended to pass, and to stake out and make the same of such Width, and in such Manner, as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damages that shall be done to the Lands or Grounds on the Sides of the said Road whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Trustees may make and divert the Road.

XXVIII. 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 (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), 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, or any Five or more of them, 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 the 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, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestui que* Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert 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

shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

For restraining the Trustees from deviating beyond certain Distances of the Line described in the Map, &c.

XXIX. And whereas a Map or Plan describing the Line of the said 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, have been deposited at the Office of the Clerk of the Peace for the 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, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling 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 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 whose Lands or Grounds such Deviation shall be made: Provided always, that it shall and may be lawful to and for the said Trustees to make the said Road notwithstanding any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Road through Grounds although the Owners Names are not in the Book of Reference.

XXX. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference.

Where Persons interested neglect or refuse to treat.

XXXI. 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 Recompense to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said County, from the Neighbourhood of the Place where such Land and Hereditaments do lie, and in order thereto the said Trustees are hereby empowered and required, from Time

Truſtees to iſſue Warrant to the Sheriff to empannel a Jury.

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 inquired of and aſſeſſed ſuch Damage and Recompenſe, 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, Idiots, 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 Warrants to the Sheriff of the ſaid County of *Kent*, requiring him to empannel, ſummon, and return an indifferent Jury of Twenty-four Perſons from the Neighbourhood of the Place where ſuch Lands and 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 empannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo empannelled, 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.

Truſtees may impoſe Fines on Sheriff, Jurymen, or Witneſſes making Default, &c.

XXXII. And

Expences of the Jury and Witneſſes, how to be paid.

XXXII. 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 be then 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 and 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 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 of *Kent*, 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.

XXXIII. 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, or in caſe of refuſal to accept the ſame, or the Parties not being to be met with, upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees for the Uſe of ſuch Parties or Perſons reſpectively, to be thereafter diſpoſed of as herein-after directed, and after Four 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, ſhall be laid into and made Part of the ſaid Road in ſuch Manner as the ſaid Truſtees 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.

XXXIV. 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, and other Perſons intereſted therein, firſt had and obtained.

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

XXXV. 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 Ground, 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 re-purchaſe 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 of *Kent* (who are hereby 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 re-purchaſing 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

Perſons whoſe Lands adjoin to have the Preference.

countable for any Misapplication or Non-application of such Money; and the said Trustees are hereby empowered to give in exchange any Part or Parts of the Lands constituting the former Roads for any Part or Parts of such new Road; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, shall be good and effectual in Law to all Intents and Purposes whatsoever.

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

XXXVI. And be it further enacted, That if any Money shall be agreed or be 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, or 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; 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.

Above 200*l.*

XXXVII. 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

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.

Under 20*l.*

XXXVIII. Provided always, 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, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles,

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

XXXIX. 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 any Five or more of them, 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, or any Five or more of them, to order the said 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.

XL. 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.

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

Gates not to swing into the Road.

XLII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Road shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Road, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is, or are, or shall be constructed so as to open and swing

outwards towards the ſaid Road, ſhall (after Ten Days Notice from the Surveyor of the ſaid Road, requiring him, her, or them to alter any ſuch Gate or Gates, and to make the ſame to open and ſwing inwards) refuſe or neglect to make ſuch Alterations, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Surveyors to make Drains, &c.

XLIII. 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 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 adjudge 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 Drains ſhall be cut, or on or over which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall and may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees; or 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 Eaſtern Diviſion of the ſaid County of *Kent* next after the Expiration of Twenty Days from the Time of doing ſuch Damage, ſhall and are hereby authorized and required to hear, ſettle, and determine the ſame, and their Determination therein ſhall be final and concluſive.

making reaſonable Satisfaction.

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

Surveyors may remove Annoyances.

XLIV. 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 prevent and remove 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 proper Seaſons 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 Ten Days next after Notice in Writing given for that Purpoſe, ſigned by any Five or more of the ſaid Truſtees, or by their Surveyor or Surveyors, the reaſonable

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 Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

For getting Materials to repair the Road.

XLV. And be it further enacted, That it ſhall be lawful 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, Chalk, 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 adjoining 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 or ſet the apart as a Nurſery for Trees), making or rendering 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 Ground, 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 ſaid County of *Kent*, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages, and the Judgement or Order of the ſaid Juſtices ſhall be final and concluſive to all Parties.

XLVI. Provided

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

XLVI. 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 ſaid County of *Kent*, to ſhow 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 ſhow ſufficient Cauſe to the contrary, or ſhall not undertake as herein-after mentioned, or having entered into ſuch Undertaking ſhall fail in the Execution thereof, then and in either of the ſaid Caſes the ſaid Truſtees or ſuch Juſtices ſhall or may authoriſe 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.

For allowing the Owner or Occupier of Lands, where Materials for the Road are to be taken, to dig the ſame, and to deliver them to the Surveyor at a Price to be paid.

XLVII. Provided nevertheleſs, and be it further enacted, That if any ſuch Owner or Occupier, or his Agent, having had ſuch Notice as aforeſaid, and appearing before the ſaid Truſtees or Juſtices of the Peace, ſhall then and there undertake to cut, dig, get, and gather out of ſuch his private Lands, Fields, or Grounds as aforeſaid, by means of his own Workmen or Servants, or otherwiſe, all ſuch Materials as by virtue of this Act the ſaid Truſtees or Juſtices would otherwiſe for ſuch Undertaking be authorized to empower ſuch Surveyor or Surveyors, or other Perſons, to dig, get, and gather from and out of the ſame, and to deliver the ſame in a reaſonable Time, and at a reaſonable Rate of Payment (the Value of the Land damaged, as well as the Materials, and the digging and getting of the ſame, being taken into Conſideration) to be then and there ſettled and affixed by the ſaid Truſtees or Juſtices, (ſuch Delivery to be made on the Spot where ſuch Materials ſhall be digged for or collected, to be by ſuch Surveyor or Surveyors taken and carried away for the Purpoſes of this Act), that then, and until Default ſhall be made by ſuch Owner or Occupier in reſpect thereof, it ſhall not be lawful for ſuch Surveyor or Surveyors, or other Perſon or Perſons, to come or ſend any Perſon or Perſons upon ſuch private Lands, Fields, or Grounds of ſuch Owner or Occupier as aforeſaid, for the Purpoſe of cutting, digging, getting, or gathering ſuch Materials from and out of the ſame; and in caſe ſuch Owner or Occupier ſhall be diſſatisfied with the Rate of Payment which ſhall be ſettled and affixed by the ſaid Truſtees or Juſtices for ſuch Materials as aforeſaid, then and in ſuch Caſe the Rate of Payment ſhall be ſettled and affixed by Two other Juſtices of the Peace in like Manner as is herein-before provided in caſe of the ſaid Surveyor or Surveyors entering the private Lands or Grounds of any ſuch Owner or Occupier as aforeſaid, for the Purpoſe of digging, getting, or gathering ſuch Materials as aforeſaid.

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

XLVIII. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall take away any Stones or Materials which ſhall have been dug or 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 Stones, Gravel, Chalk, or Materials, out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for amending the ſaid Road, or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen ſhall have diſcontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground wherein ſuch Pit or Quarry ſhall have been ſo made, and Perſons authoriſed 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 Five Pounds.

Penalty for riding on Footpaths, &c.

XLIX. 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 have 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 Coach, 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

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 to the Annoyance or Prejudice of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings.

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

L. 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 Stones, or Poſts 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 Five Pounds 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 on damaging them.

Penalty on obſtructing the executing this Act.

LI. 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 Five Pounds.

Perſons chargeable to Statute Work to continue ſo. Juſtices to determine Differences touching Statute Work.

LII. Provided always, and be it enacted, That all Perſons who by Law are liable to do Statute Work on any Part of the Roads within the Pariſhes, Townſhips, 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

Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be 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 Repair 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 Times (not being Haytime or Harveſt), and on ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who, by ſuch Liſts, ſhall appear to be ſubject and liable to the Payment of any Money in lieu of, or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by 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 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 to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to, by any Law or Statute in Force and Effect, for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or 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 Parts of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor or Surveyors ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

LIII. And

Truſtees may compound for Statute Work.

LIII. 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 Tenth Day of *May* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year,

Truſtees may contract for Repairs.

LIV. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, are hereby empowered to contract with any Perſon or Perſons for making, altering, raiſing, widening, and repairing the ſaid Road, or any Part or Parts thereof reſpectively, or any Arches or Bridges upon the ſame, and for doing any other Work by this Act authorized to be done, in ſuch Manner, and for ſuch Sum or Sums of Money, as the ſaid Truſtees ſhall think proper; and all Contracts in Writing for any of the Purpoſes aforeſaid, which ſhall be entered into purſuant to an Order made at any Meeting of the ſaid Truſtees, ſhall be binding to all Parties who ſhall ſign the ſame, his, her, and their Executors, and Adminiſtrators, and Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Power to compel Payment of Subſcriptions.

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

For ſecuring tranſient Offenders.

LVI. 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 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 ſaid County of *Kent*, 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 Eastern Division of the said County of *Kent* 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 of 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 said Eastern Division of the said County of *Kent*, there to remain for any Time not exceeding Twenty-one 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.

Actions to be brought in the Name of Treasurer or Clerk, or of Trustees;

who are not to be liable to the Payment of Costs.

LVII. 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, or any Five or more of them, at a Meeting held in pursuance of this Act; but no such Treasurer, Clerk, or Trustee, or either or any 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.

LVIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Kent*, (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 Forfeitures and Penalties 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 Forfeitures and Penalties shall not be paid forthwith, it shall and may be lawful to and for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction of the said County of *Kent*, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

Directing the Form of Conviction.

LIX. 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:

'Kent 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 convicted before me, [*or*, us] of His Majeſty's Juſtices of the Peace for the County of *Kent*, by virtue of an Act paſſed in the Forty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act*, &c. [*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 Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above written.'

Appeal.

LX. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the firſt General or Quarter Seſſions of the Peace to be holden for the Eaſtern Diviſion of the ſaid County of *Kent* next after the Expiration of One Calendar Month from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Twenty-one Days Notice at the 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 Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, 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.

LXI. 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 aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

LXII. And

Proceedings not to be quashed for Want of Form.

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

Notice of Action to be given; Plaintiff not to recover after Tender of Amends;

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

and if no Tender, Money may be paid into Court.

Limitation of Actions.

LXIV. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Kent*, and not elsewhere; and 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 made 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 Twenty-one Days Notice shall have been given, 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.

Orders and Proceedings of Trustees to be entered in a Book to be kept for that Purpose;

LXV. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept for that Purpose, and signed by the Trustees present at the Meeting or Meetings at which such Orders shall from Time to Time be made, or Proceedings shall be had, or the major Part of such Trustees, and that such Book or Books shall be opened at all reasonable Times for the Inspection

and the Originals or Copies thereof to be Evidence.

of any of the Truſtees appointed or to be appointed by virtue of this Act, without Fee or Reward; and ſuch Entries, being ſo ſigned, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence thereof in all Courts whatſoever.

Public Act.

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

Commencement and Continuance of the Act.

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

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