ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 51.

An Act for amending, widening, and keeping in Repair the Road leading from *Sturry Street* to *Herne Bay*, in the County of *Kent*.

[18th *May* 1814.]

WHEREAS the Road leading from and out of *Sturry Street*, in the Pariſh of *Sturry*, in the County of *Kent*, through the ſeveral Pariſhes of *Sturry*, *Chiſtlett*, and *Herne*, in the ſaid County of *Kent*, to the Sea Side at or near a certain Place called *Herne Bay*, in the Pariſh of *Herne* aforeſaid, in the ſaid County of *Kent*, is much out of Repair, narrow, and in many Parts very ſteep and incommodious for Travellers and Carriages, and cannot be maintained and kept in Repair by the ordinary Courſe of Law: And whereas it would be of great Advantage to the Neighbourhood and to the Public, if the ſaid Road were put under the Care and Management of Truſtees, and Toll Gates and Toll Houſes erected upon the ſaid Road, and certain Tolls and Duties collected and taken from Perſons travelling on the ſaid Road, to be by the ſaid Truſtees expended in amending, widening, diverting, and altering the ſaid Road, and keeping the ſame in Repair; but ſuch Purpoſes cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Sir *Edward Knatchbull*, Sir *Henry Oxenden*, Sir *William Geary*, and Sir *Henry Martin*, Baronets; *John Abbott*, *Thomas* Truſtees.

Thomas Aſhbee, *John Aſhbee*, *John Baker*, *James Birt*, *James Sladden Browne*, *William Henry Baldock*, *John Collard* of *Broomfield*, *John Collard* of *Eddinton*, *Robert Colegate*, *William Carey*, *William Chaſy* Clerk, *William Champion*, *Thomas Athenden Champion*, *John Clements*, *John Calloway* ſenior, *William Day*, *Thomas Denne*, *David Denne*, *George Denne*, *Charles Delmar*, *William Delmar*, *Henry Godfrey Fauſſett*, *Robert Foote*, *John Farley*, *Thomas Fairman*, *Thomas Foord*, *John Friday*, *William Hougham*, *Charles Hughes* Clerk, *Richard Halford*, *Richard Halford* the younger, *John Hodges*, *Samuel Hacker*, *Thomas Hammond*, *Anthony Jennings*, *Sampſon Kingsford*, *Stephen Rumbold Luſhington*, *John Lawrence*, *William Laſtlett*, *Philip Lehjeyt* Clerk, *Ruſſel Whitebread Lavender*, *Richard Milles*, *George May*, *William Moſs*, *John Minter*, *Thomas Neame*, *John Palmer*, *Gilbert Pembrook*, *John Pembrook*, *Deane John Parker*, *John Pierce*, *John James Pierce*, *George Plomer*, *John Partridge*, *William Petman*, *John Zachariah Plummer*, *Thomas Ridout*, *Francis Read*, *George Sladden*, *Smitheyt Spain*, *Charles Sandys*, *William Smith*, *Edward Taylor*, *John Toke* Clerk, *James Taylor*, *John Wood* Clerk, *William Wood*, *Thomas Wood*, and *Samuel Wright*, and their Succeſſors, to be elected in Manner herein-after directed, ſhall be and they are hereby declared to be Truſtees for amending, widening, diverting, altering, and keeping in Repair the Road herein-before mentioned, and for carrying the ſeveral Purpoſes of this Act into Execution.

Election of new Truſtees.

II. And for the continuing a ſufficient Number of fit and able Perſons to be Truſtees for putting this Act in Execution, and all and every the Powers therein contained, be it further enacted, That upon the Death, Refuſal, or Diſability of any of the ſaid Truſtees hereby appointed, or their Succeſſors, to be elected in Manner herein mentioned, to act in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for the Truſtees appointed or elected under or by virtue of this Act, or any Five or more of them, from Time to Time, at any Meeting to be held in purſuance of this Act, by Writing under their Hands, or by any Order entered in the Minute Book of their Proceedings, to elect, nominate, and appoint ſo many more fit and able Perſons reſiding in the ſaid County of *Kent*, or in the City of *Canterbury*, to be a Truſtee or Truſtees of and for the Purpoſes of this Act, in the room and ſtead of ſuch Truſtee or Truſtees ſo from Time to Time dying or refuſing, or being diſabled to act; and alſo in like Manner to elect, nominate, and appoint any Number of fit and able Perſons not exceeding Ten, as they ſhall think properly qualified according to the Directions of this Act, and reſiding in the ſaid County of *Kent*, or City of *Canterbury*, to be a Truſtee and Truſtees for the Purpoſes of this Act, in Addition to, and over and above the Number of Perſons herein-before nominated and appointed Truſtees; and Notice of the Time and Place of Meeting for every ſuch Election, ſhall be given by the Clerk to the ſaid Truſtees for the Time being, by affixing ſuch Notice in Writing at or upon all and every the Turnpikes erected, or to be erected in purſuance of this Act, Ten Days at leaſt before ſuch Meeting; and all and every Perſon and Perſons ſo elected a new or additional Truſtee or Truſtees as aforeſaid, ſhall be, and is and are hereby authorized and empowered to act in the Execution of this Act, in as full, large, and ample Manner, to all Intents and Purpoſes, as the ſaid Truſtees herein-before nominated and appointed are by this Act empowered to do.

III. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby empowered, at any Time or Times, (after such Notice as hereinbefore mentioned) to nominate and appoint any Number of additional Trustees, not exceeding Ten in the Whole, who shall have the same Power and Authority for executing this Act, as if they had been hereby nominated and appointed,

Electing an additional Number of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or be possessed of a Personal Estate to the Amount of One thousand Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed, before any One or more of the said Trustees, an Oath in the Words, or to the Effect following (that is to say),

Qualification of Trustees.

Oath.

'I *A. B.* do swear, That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife], in the actual Possession and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of above Reprizes, [*or*, am Heir Apparent of *A. B.* who, to the best of my Knowledge and Belief, is seized of such an Estate, of the clear yearly Value of], or am possessed of a Personal Estate of the Amount of after all my Debts are paid.
So help me GOD.'

Penalty on Trustees acting, not being duly qualified.

And if any Person not being so qualified, shall presume to act as a Trustee in the Execution of this Act, every such Person shall for 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 Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Persons holding any Place of Profit not to act as Trustees.

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

VI. Provided

Victuallers, &c. incapable of acting as Truſtees, &c.

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

Truſtees may act as Juſtices except where individually intereſted.

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

First Meeting of the Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet and aſſemble at the Guildhall in the ſaid City of *Canterbury*, on the Second *Saturday* after the paſſing of this Act, between the Hours of Ten in the Morning and One in the Afternoon, for the Purpoſe of carrying this Act into Execution, and ſhall then, and from Time to Time afterwards, adjourn themſelves to meet at the Place aforeſaid, or at any other Place or Places that the ſaid Truſtees ſhall think proper or convenient, as often as it ſhall be neceſſary for carrying this Act into Execution; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day, within Thirty Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe public Notice thereof to be inſerted in ſome Newſpaper or Newſpapers publiſhed in the ſaid City of *Canterbury*, or if no Newſpaper ſhall be publiſhed in the ſaid City, then in one or more of the public Newſpapers printed and circulated in the Eaſtern Parts of the ſaid County of *Kent*, and to be affixed on all the Turnpike Gates that ſhall be ſtanding on the ſaid Road, by virtue of this Act, Ten Days at leaſt before the Day to which ſuch Meeting ſhall be ſo adjourned, and that the ſaid Truſtees ſhall at their ſeveral Meetings defray their own Expences.

No Act valid unleſs at a Meeting.

IX. And be it further enacted, That no Act of the ſaid Truſtees, hereby nominated and appointed, or to be elected by virtue of this Act, ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be made or done at ſome Meeting to be holden in purſuance of this Act (except as herein excepted); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees, ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act, (the Number of Truſtees preſent at ſuch Meeting not being leſs than Five, except where otherwiſe directed); and all the Orders and Proceedings of the major Part of ſuch Truſtees preſent at ſuch their ſeveral Meetings ſhall have the ſame Force

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

and

and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being, ſave and except as herein excepted); and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed, and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion (including the Vote of the Chairman), then and in every ſuch Caſe the Chairman ſhall have, and he is hereby empowered to give, the deciſive or caſting Vote.

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

X. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice ſpecifying the Revocation or Alteration propoſed to be made be inſerted in ſuch Newſpaper or Newſpapers as aforeſaid, and be affixed upon all and every the Turnpikes that ſhall be ſtanding on the ſaid Road, at leaſt Fourteen Days before ſuch ſubſequent Meeting, nor unleſs a Majority of Three Fourths of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in favour of ſuch Revocation or Alteration.

No Order to be revoked but at a ſpecial Meeting, and by a Majority of Three-fourths of the Truſtees preſent.

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

Proceedings to be entered.

XII. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary or expedient that a Meeting of the Truſtees ſhall be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe the Clerk to the ſaid Truſtees (an Order in Writing, ſigned by Two or more of the ſaid Truſtees, mentioning the Time and Place and Purpoſe of ſuch earlier Meeting being given to him, or left at his laſt or uſual Place of Abode), ſhall forthwith cauſe Notice to be inſerted in ſuch Newſpaper or Newſpapers as aforeſaid, and to be affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, of ſuch earlier Meeting, and of the Time and Place which ſhall be mentioned in ſuch Order of the ſaid Truſtees (ſuch Time not being ſooner than Ten Days after ſuch Notice); and all Proceedings of the Truſtees preſent at ſuch earlier Meeting ſhall be as good and valid as they would have been in caſe ſuch Truſtees had met in purſuance of any Adjournment.

Meetings on Emergencies.

Truſtees to appoint Officers, &c.

XIII. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered, by Writing under their Hands, or by any Order entered in the Minute Book of their Proceedings, at any Meeting of the ſaid Truſtees to be holden in purſuance of the ſaid Act, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls and Duties hereby granted and made payable, and alſo a Surveyor or Surveyors of the ſaid Road, and all ſuch other Officers and Perſons for the Execution of this Act, as they the ſaid Truſtees ſhall think proper, and from Time to Time remove ſuch Officers and Perſons reſpectively, as they the Truſtees ſhall ſee Occaſion, and out of the Monies to be received by virtue of this Act, to allow and pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons as the ſaid Truſtees ſhall think reaſonable; and all ſuch Officers ſo to be appointed, and alſo all and every Perſon and Perſons appointed by virtue of or acting under this Act, ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall verify their ſaid Accounts upon Oath if required by the ſaid Truſtees (which Oath any One of the ſaid Truſtees, being a Juſtice of the Peace for the ſaid County of *Kent*, is hereby empowered to adminiſter), and if any ſuch Officer or Perſon ſhall refuſe or neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, after the ſame ſhall have been allowed, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Fourteen Days next after being thereunto required by the ſaid Truſtees, by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer or Perſon, all Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in every ſuch Caſe, upon Complaint made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, City, or Place wherein ſuch Officer or Perſon ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal, for the Officer or Perſon ſo refuſing or neglecting to appear before him, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way, and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes, upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or received by virtue of this Act, ſhall remain due from ſuch Officer or Perſon, ſuch Juſtice may and he is hereby authorized and required upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer

or

or Perſon; and if no Goods or Chattels of ſuch Officer or Perſon can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges for diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer or Perſon ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer or Perſon, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid or given ſatisfactory Security for the Payment of ſuch Compoſition in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Truſtees are hereby to make and receive, and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees; but no ſuch Officer who ſhall be committed on account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Time than Three Calendar Months.

Truſtees to take Security from the Treaſurer.

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

On the Death, &c of any Gatekeeper, Two Truſtees may appoint another till the next Meeting.

XV. And be it further enacted, That it ſhall be lawful for any Two or more of the ſaid Truſtees, upon the Death, Neglect, Refuſal, or Incapacity of any Collector of the Tolls by this Act granted, by Writing under their Hands, to nominate and appoint ſome other fit Perſon to be Collector in his or her Place until the next Meeting of the Truſtees, which Perſon ſo to be nominated and appointed ſhall have the like Power and Authority, and be accountable in the ſame Manner in all Reſpects as the Perſon in whoſe room or ſtead he or ſhe ſhall be ſo appointed, (any Thing hereinbefore contained to the contrary thereof notwithſtanding), but ſuch Appointment ſhall continue in force no longer than until the Day of the next Meeting of the ſaid Truſtees; and that if any Collector of the ſaid Tolls, who ſhall be diſcharged from his or her Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances, which he or ſhe enjoyed in Right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at ſuch Toll Houſe, in Writing, under the Hands of the ſaid Truſtees, or any Two or more of them, or if the Wife or Family of any ſuch Collector who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any Means whatſoever, ſhall refuſe to deliver up ſuch Toll Houſe, Buildings, and Appurtenances, within Two Days after Notice of ſuch new Appointment being made as aforeſaid, ſhall have been given to him, her, or them, or left at ſuch Toll Houſe, ſigned by any Two or more of the ſaid Truſtees, then and in either of the ſaid Caſes it ſhall be

Mode of Proceeding if any Gatekeeper, when diſcharged, ſhall refuſe to deliver up the Toll-houſe, etc.

lawful

lawful for any Juſtice of the Peace for the County, City, or Place where ſuch Toll Houſe ſhall ſtand or be, by Warrant under his Hand and Seal, to order a Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Day Time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Toll Houſe and other Premiſes, and to put the new appointed Collector in Poſſeſſion thereof.

Actions to be brought or defended in the Name of the Treaſurer or Clerk, or any Five of the Truſtees.

XVI. And be it further enacted, That in all Actions, Cauſes, Suits, Bills, Plaints, Indictments, Proſecutions, Trials, or Proceedings at Law or in Equity, to be had, brought, proſecuted, or defended againſt or by the ſaid Truſtees in purſuance of this Act, the ſaid Truſtees may ſue and be ſued in the Name of their Treaſurer or Clerk, or in the Name or Names of any Five or more of the ſaid Truſtees, on Behalf of the ſaid Truſtees; and no ſuch Action or Proceeding ſhall abate or be diſcontinued by the Death or Removal of the Perſon or Perſons in whoſe Name or Names or againſt whom the ſame ſhall be brought or defended; and ſuch Treaſurer, Clerk, or Truſtee, or any or either of them, ſhall be reimburſed and paid all Coſts, Damages, or Expences, on account thereof, out of the Money ariſing by virtue of this Act.

Truſtees may erect Toll-houſes, etc.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to erect, or cauſe to be erected, ſuch and ſo many Turnpikes or Toll Gates and Toll Houſes, with neceſſary Accommodations thereto, upon and acroſs the ſaid Road, and on or near the Sides thereof, or upon or acroſs any Lanes or Ways leading or that may hereafter lead out of the ſame, and may take in and incloſe ſuch and ſo much Land, not exceeding One Half of an Acre, for a Yard or Garden to each and ſuch Toll Houſe, as they the ſaid Truſtees, or any Five or more of them, ſhall deem neceſſary for the Scite of ſuch Toll Houſes, and for the Yards, Gardens, and Accommodations neceſſary to the ſame.

Truſtees may remove Toll Gates, etc.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered from Time to Time, when and as often as they ſhall think proper, by their Order, to be made at a Meeting to be held after Ten Days Notice, ſpecially ſtating the Purpoſe of ſuch Meeting, ſhall have been inſerted in ſuch Newſpaper or Newſpapers as aforeſaid, and affixed on all and every the Turnpike Gates then ſtanding on the ſaid Road, to cauſe any of the Turnpikes or Toll Gates, or any of the Weighing Engines which ſhall be erected in, upon, or acroſs or on the Side of the ſaid Road, to be taken down and removed, and the ſame or any other Turnpike or Toll Gate and Weighing Engine in lieu of every Turnpike or Toll Gate and Weighing Engine ſo taken down or removed, to be erected in, upon, or acroſs, or on the Side of any other Part or Parts of the ſaid Road, and from Time to Time as often as they ſhall think fit, upon the like Notice again to take down and remove the ſame Turnpikes and Toll Gates, and Weighing Engines, or any of them, and to cauſe the ſame or any of them to be erected in, upon, or acroſs, or on the Side of the Part or Parts of the ſaid Road, whereon the ſame or any of them formerly ſtood, or in, upon, or acroſs or on the Side of any other Part or Parts thereof.

Turnpikes, &c. vested in the Trustees.

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

Trustees empowered to receive Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the respective Turnpikes or Toll Gates which shall be erected in, upon, or across, or on the Side of the said Road, by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

For every Horse, Mare, Gelding, or Mule, drawing any Carriage, of whatever Name or Description, the Sum of Sixpence:

For every Ox, Steer, Gale, or Bull, drawing any Carriage, of whatever Name or Description, the Sum of Four-pence:

For every Ass, drawing any Carriage, of whatever Name or Description, the Sum of Two-pence:

For every Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

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

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

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

And the said respective Tolls shall be demanded and taken, before any Horse or Horses, or other Beast or Cattle whatsoever, shall be permitted to pass through such Turnpikes or Toll Gates respectively.

Half Tolls only to be paid at any Side Gate across the Road by Sharper's Hall, for Horses drawing to and from Herne Bay.

XXI. Provided nevertheless, That One Half only of the respective Tolls payable as aforesaid for any Horse or other Beast or Cattle, drawing any Carriage, of whatever Name or Description, shall be demanded or taken at any Turnpike or Toll Gate to be erected by the Side of the said Road, across the Road falling into the same, by or at a Place called *Sharper's Hall*, for or in respect of any such Horse or other Beast or Cattle drawing any such Carriage to and from *Herne Bay*, and not elsewhere.

Table of Tolls to be put up, and the Tolls to be recovered by Diſtreſs and Sale.

XXII. And be it further enacted, That a Table of the ſaid Tolls ſhall be put up and continued at each and every Toll Houſe or Turnpike erected on the ſaid Road; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls and Duties ſhall, after Demand thereof made by any Collector to be appointed as aforeſaid, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for ſuch Collector, by Authority of this Act alone, and without any Warrant or other Authority whatſoever, to ſeize and diſtrain, or cauſe to be ſeized and diſtrained, any Horſe or Horſes, or other Beaſt or Cattle chargeable with the ſaid Tolls, or any of their Bridles, Saddles, Harneſs, or Accoutrements, or any Part or Parts thereof, except the Bridle or Reins of any Horſe or other Beaſt apart from ſuch Horſe or other Beaſt; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within Five Days next after ſuch Seizure or Diſtreſs made, the Collector ſo ſeizing and diſtraining may ſell, or cauſe to be ſold, the Horſe or Horſes, Beaſt or other Cattle, and their Bridles, Saddles, Harneſs, or Accoutrements, ſo ſeized and diſtrained as aforeſaid, or any Part thereof, at or near the Turnpike where the ſaid Tolls and Duties ought to have been paid, rendering the Overplus (if any), upon Demand to the Owner or Owners thereof, after ſuch Tolls, and all reaſonable Charges for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Only One Toll to be taken in any One Day.

XXIII. Provided always, and be it further enacted, That no more than One Toll ſhall be demanded or taken at any of the Turnpikes or Toll Gates to be erected on the ſaid Road, from any Perſon or Perſons, for paſſing or repaſſing through the ſame Turnpike or Toll Gate any Number of Times in any One Day (ſuch Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next ſucceeding Night) for the ſame Horſe or Horſes or other Beaſts or Cattle, all and every ſuch Perſon and Perſons producing a Ticket, denoting that the ſaid Toll hath been paid in that Day at that ſame Turnpike, which Ticket the ſaid Collector and Collectors is and are hereby required to deliver *gratis*, on the Payment of ſuch Toll.

Perſons having paid the Tolls at one Turnpike to paſs through the other Turnpikes on the Road Toll-free.

XXIV. Provided alſo, and be it further enacted, That every Perſon who ſhall have paid the ſaid Tolls at any one Turnpike or Toll Gate to be erected upon the ſaid Road, for or in reſpect of any Horſe or Horſes, Beaſts or Cattle, in any one Day, to be computed as aforeſaid, ſhall, on the ſame Day, be permitted to paſs and re-paſs Toll-free with the ſame Horſe or Horſes, Beaſts or Cattle, through all the Turnpikes or Toll Gates then ſtanding or being upon the ſaid Road, on producing a Note or Ticket denoting ſuch Payment, and which Note or Ticket the ſeveral and reſpective Collectors are hereby required to deliver *gratis* on Receipt of ſuch Tolls.

Penalty on evading the Tolls.

XXV. And for preventing the evading of the Payment of the ſaid Tolls, be it further enacted, That if any Perſon or Perſons ſhall give, offer, or diſpoſe of to or receive from any other Perſon or Perſons any ſuch Ticket as aforeſaid, or ſhall counterfeit or knowingly make uſe of any counterfeited Ticket, or any Ticket which ſhall have been delivered on any other Day than that upon which it ſhall be offered to be made uſe of, in order to avoid Payment of the ſaid Tolls, or any Part thereof; or if any Perſon

or

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

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

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

Collectors of Tolls to be competent Witneſſes.

XXVII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls.

General Exemptions.

XXVIII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Beaſt, or Cattle, drawing any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Road doth lie, or undried Hops, green Clover for ſoiling Cattle, Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Out Houſes, or Yards, or on the Lands of the Owners or Occupiers thereof, or for any Horſe, Beaſt, or Cattle, drawing

any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, (except Lime, Chalk, and Beach, called Sea Beach) employed in Husbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands, or for any Horse, Beast, or Cattle going to or returning from the Farm of the Owners or Occupiers thereof, or going to or returning from being shoed or farried, or going to or returning from Pasture or Watering Place, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of religious Worship on *Sundays*, or any other Days on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road doth lie, or from any Clergyman going to visit or returning from visiting any sick Person, or on other his parochial or ministerial Duty, or for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beasts drawing any Cart, Carriage, or Waggon employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Horse or Horses or other Cattle drawing any Waggon, Cart, or other Carriage, which shall be employed in conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, (provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption); or for Horses, Carts, or Waggons, travelling with Vagrants, sent by legal Passes, or returning therefrom, after having been so employed; or for any Horses carrying any Persons, or drawing any Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Kent*, or of a Citizen or Citizens to serve in Parliament for the City of *Canterbury*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Fifty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXIX. An

Drivers of Carriages, provided for His Majesty's Service, in carrying Baggage, &c. not liable to any Penalty for carrying Over-weight.

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

Trustees may compound for Tolls.

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

Trustees may reduce the Tolls;

and afterwards advance them again.

Tolls not to be reduced without the Consent of Five Sixths of the Creditors.

XXXI. Provided always, and be it enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which One Calendar Month's previous 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 granted by this Act, and also any additional Tolls payable by any Act or Acts of Parliament now in force, for Over-weight, in such Manner as to them shall seem fit and convenient, for and during such Time as they 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 regard to Over-weight: Provided nevertheless, that when the whole Money borrowed on the Credit of this Act, shall not have been paid off and discharged, the Tolls hereby granted shall not be lessened or reduced, without the Consent, in Writing, of the Person or Persons entitled to Five Sixths of the Money remaining due upon the Credit of this Act.

Tolls may be let.

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

virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons at and for the largeſt yearly Sum that can be reaſonably got for the ſame; provided that the Leaſes, Contracts, or Agreements of or for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by Five or more of 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 of the ſaid Truſtees, ſo as that one Quarterly Payment of ſuch Rent ſhall always be in Advance, or ſufficient Security ſhall be given for the Payment of ſuch Rent, to the Satisfaction of the ſaid Truſtees, or in Default thereof any ſuch Leaſe, Contract, or Agreement ſhall be null and void to all Intents and Purpoſes whatſoever.

Leſſees of Tolls may appoint Perſons to collect them.

XXXIII. 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 any Writing or Writings under his or their Hand or Hands, authorize or appoint, to demand and collect the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof to all Intents and Purpoſes, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, collect, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Truſtees may borrow Money.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money (not exceeding in the Whole the Sum of Three thouſand Pounds) as they ſhall judge neceſſary for the Purpoſes of this Act, and by Writing under their Hands and Seals, to aſſign over or mortgage the Tolls hereby granted, or any Part thereof, and the ſeveral Turnpikes and Toll Houſes to be erected on the ſaid Road (the Charges of ſuch Aſſignments and Mortgages to be paid out of the ſaid Tolls), for any Term during the Continuance of this Act, as a Security for the Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, and Aſſigns; ſuch Intereſt to be paid and payable, by equal Quarterly Payments, at the Dwelling Houſe of the Treaſurer of the ſaid Truſtees for the Time being; all which Mortgages or Aſſignments ſhall be in the Words, or to the Effect following:

Form of Mortgage.

‘ BY virtue of an Act of Parliament, made in the Fifty-fourth Year of ‘ the Reign of King *George* the Third, intituled [*ſet forth the Title* ‘ *of this Act*], We whoſe Names are hereunto ſubſcribed, and Seals ‘ affixed, being 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 *A. B.* ‘ of do hereby grant, bargain, ſell, and demiſe, unto ‘ the

'the ſaid *A. B.* Executors, Adminiſtrators, and Aſſigns, ſuch Pro-
'portion of the Tolls ariſing by virtue of the ſaid Act, and alſo of the
'Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum
'of doth or ſhall bear to the whole Sum advanced, or
'to be advanced, on the Credit of the ſaid Act; to be had and holden
'from this Day of , in the Year of our Lord
' for and during the Continuance of the ſaid
'Act, unleſs the ſaid Sum of with Intereſt for the
'ſame, after the Rate of *per Centum per Annum*, ſhall be
'ſooner repaid and ſatisfied. Given under our Hands and Seals this
' Day of in the Year of our Lord .'

Copies of Mortgages to be entered.

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

Mortgages may be transferred.

Form of Transfer.

'I *A. B.* being entitled to the Sum of ſecured
'to Executors, Adminiſtrators, and Aſſigns, by virtue
'of a Mortgage or Aſſignment, bearing Date the Day of
' under the Hands and Seals of of the Truſ-
'tees acting in the Execution of an Act of Parliament, made in the Fifty-
'fourth Year of the Reign of King *George* the Third, intituled [*ſet forth*
'*the Title of this Act*] upon the Credit of the ſaid Act, do hereby transfer
'and aſſign all my Right and Title in and to the ſame, and all the Prin-
'cipal and Intereſt Money now due and owing thereon, unto *C. D.*
'Executors, Adminiſtrators, and Aſſigns. Dated this
'Day of in the Year of our Lord .'

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Truſtees, within Three Calendar Months next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred in the ſaid Book or Books to be kept for entering the ſaid original Mortgages to be made by virtue of this Act, and for which Entry the Clerk who ſhall enter the ſame, ſhall be paid the Sum of Five Shillings and no more; and after ſuch Entry or Memorial made, but not otherwiſe, every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and after ſuch Entry or Memorial made thereof as aforeſaid, it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or the Monies thereby due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfers ſhall be made as aforeſaid, ſhall be in Proportion to the Sums therein reſpect-

ively mentioned, Creditors on ſuch Tolls, Turnpikes, and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Monies, or of the Dates of ſuch Mortgages or Aſſignments: Provided nevertheleſs, that before any Sum or Sums of Money ſhall be taken up or borrowed, Twenty-one Days Notice at leaſt ſhall be given in ſuch Newſpaper or Newſpapers as aforeſaid, ſignifying the Intention of borrowing ſuch Money.

Power to compel Payment of Subſcriptions.

XXXV. And be it further enacted, That all Perſons who have ſubſcribed to pay any Money towards making and repairing the ſaid Road, ſhall, and they are hereby reſpectively required to pay their Subſcription Money to the Treaſurer to the ſaid Truſtees, at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees; and if any ſuch Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees to ſue for and recover the ſame by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be granted or allowed.

Application of the Money.

XXXVI. And be it further enacted, That the ſaid Tolls, and all the Monies to ariſe or be collected and borrowed by virtue of this Act, ſhall be veſted in the ſaid Truſtees, and that all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall, in the firſt Place, be paid and defrayed out of any Sum or Sums of Money ſubſcribed for the Purpoſes of this Act, or out of the Tolls collected by virtue of this Act, or out of the firſt Monies borrowed on the Credit thereof, or out of any other Monies which ſhall come to the Hands of the ſaid Truſtees or their Treaſurer, by virtue or for the Purpoſes of this Act; and the Remainder of the Money ſo raiſed ſhall be from Time to Time applied in the Re-payment of the Monies borrowed on the Credit of the ſame Tolls by virtue of this Act, and the Intereſt of ſuch Monies reſpectively, and in carrying this Act into Execution: Provided nevertheleſs, that the Intereſt of the Monies borrowed upon the Credit of this Act, ſhall in the firſt Place from Time to Time be duly and regularly paid, as the ſame ſhall become due and payable, out of the Tolls collected by virtue of this Act, before ſuch Tolls ſhall be applicable to any other Purpoſe whatſoever.

Truſtees may divert the Courſe of any Part of the Road.

XXXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized and empowered to divert, widen, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the ſaid Road in Manner herein-after mentioned, through or over any Common or Waſte Grounds, without making any Satisfaction for the ſame, and alſo in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premiſes through or upon which the ſaid Road or Alterations hereby authorized to be made, is or are intended to paſs, and alſo upon any adjoining Lands or Grounds, and to ſtake out the ſaid Road or Alterations, and alſo to cut and make any Drains or Ditches through or into

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

Plan, etc. depoſited at the Office of the Clerk of the Peace, to remain there for Inſpection, etc.

XXXVIII. And whereas a Map or Plan deſcribing the Line of the ſaid Road, and the Lands, Hereditaments, and Premiſes through which the ſame are to be made or carried, together with a Liſt of the Names of the Owners and Occupiers of ſuch Lands and Premiſes, have been depoſited at the Office of the Clerk of the Peace for the ſaid County of *Kent*; be it therefore enacted, That the ſaid Map or Plan ſhall remain in the Cuſtody of the Clerk of the Peace of the ſaid County, to the end that all Perſons may, at any ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace a reaſonable Compenſation for making ſuch Copies or Extracts; and that the ſaid Truſtees, in making the ſaid 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, Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Premiſes ſuch Deviation ſhall be made.

Truſtees to make the Road conformably to ſuch Plan, etc. notwithſtanding Errors.

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

Houſes, etc. not to be injured.

XL. Provided always, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or be conſtrued to extend to empower or authorize the ſaid Truſtees to take or pull down, injure or damage

damage any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained, other than and except ſuch as are marked or deſcribed in the ſaid Map or Plan; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Truſtees may contract for the Purchaſe of Lands, etc.

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

Corporations, etc. empowered to ſell.

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

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

ſaid

ſaid Truſtees, or any Five or more of them, to cauſe it to be inquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County of *Kent*, (which Oaths the ſaid Truſtees, or any Two or more of them, are hereby empowered to adminiſter,) what Damages will be ſuſtained by and what Recompence and Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted for or upon account of the taking or uſing of ſuch Lands, Tenements, or Hereditaments, for the Purpoſes of this Act, or ſuch Damages as aforeſaid; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time to ſummon and call before them all and every Perſon or Perſons who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, and ſhall examine ſuch Witneſs or Witneſſes before the ſaid Jury, upon Oath (which Oath the ſaid Truſtees, or any Two or more of them, are hereby empowered and required to adminiſter); and they ſhall and may order and cauſe the ſaid Jury to view the Place in queſtion, and may uſe all other lawful Ways and Means, as well for their own as the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Owners, Proprietors, or Occupiers of the ſaid Lands, Tenements, or Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe; and all and every ſuch Owners, Proprietors, Occupiers, and Perſons anywiſe intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall thereby be from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt, or Property of, in, to, or out of the ſame Lands, Tenements, or Hereditaments; and for ſummoning and returning any ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants, ſigned by any Five or more of them, to the Sheriff of the ſaid County of *Kent*, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff or his Deputy is hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Perſons of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve: Provided always, that all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter* is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy, who ſhall make Default in the Premiſes, and alſo on any

Verdict of Jury to be final.

Jury may be challenged.

Sheriff, etc. may be fined for Neglect, etc.

any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear without ſome reaſonable Excuſe, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or after having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being ſummoned or required to give Evidence before the ſaid Jury touching the Premiſes, ſhall neglect or refuſe to appear without ſome reaſonable Excuſe, or refuſe to be ſworn or examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed Twenty Pounds upon any ſuch Sheriff or Deputy, nor exceed Five Pounds upon any other Perſon for One Offence.

By whom the Expences of the Jury are to be paid.

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

Upon Payment of Sums awarded by the Jury, the Lands, etc. may be taken.

XLIV. And be it further enacted, That all Sums of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be and the ſame are hereby charged upon the Monies which ſhall be collected or raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees,

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

Old Road, etc. not wanted may be ſold.

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

Other Lands not wanted, may be ſold.

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

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

Application of Compensation when equal to 200*l.*

XLVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement,

ment, ſhall be exiſting undetermined, or capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed under the Authority of this Act, in caſe ſuch Purchaſe or Settlement was made.

Application where leſs than 200l. and exceeding 20l.

XLVIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two Hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall, at the Option of the Perſon or Perſons for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-after 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 by any Five or more of the ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Application where leſs than 20l.

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

Application when the Party entitled cannot be found.

L. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch

ſuch Caſe, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them) ſubject to the Order, Control, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes, as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons, as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

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

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

LII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act; it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time

Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees may contract for Work, &c.

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

For getting Materials.

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

either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Surveyor not to take any Beach at Herne Bay in front of the Store-houſes.

LV. Provided nevertheleſs, and be it enacted, That the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, ſhall not for the Purpoſes aforeſaid take away or remove any Beach or Stones from the Sea Shore at *Herne Bay* aforeſaid, in Front of any of the Meſſuages, Storehouſes, or other Buildings now ſtanding or hereafter to be erected there.

Notice to be given to the Occupier of incloſed Lands before Materials are to be taken.

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

Penalty on Perſons taking away Materials gotten by Order of the Surveyor.

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

Surveyor may make Drains, &c.

LVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and for any Perſon or Perſons whom he or they ſhall appoint, by Order of the ſaid Truſtees, at any Time or Times during the

the Continuance of this Act, notwithstanding the said Road shall be completed, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending and keeping in Repair any Part of the said 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, Paddock, planted Walk, or Avenue to any House) to be made use of as a Public Highway, whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall arise between such Owners or Occupiers and such Trustees, touching such Damage, then and in every such Case the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the Eastern Parts of the County of *Kent*, next after the Expiration of Twenty Days from the Time of doing such Damage, upon the Application of either Party, upon Ten Days previous Notice to the other, shall and they are hereby authorized and required to hear, settle, and determine the same; and their Determination therein shall be final and conclusive to all Parties.

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

LIX. And be it further enacted, That the said Trustees shall and they are hereby required to cause Mile Stones to be set up at or near the Sides of the said Road, at the Distance of one Mile from each other, and if they think fit may also cause Posts to be erected, to denote the Distance of every such Post from any Town or Place, and may also cause to be erected Guide Posts upon such Parts of the said Road, where the same is crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, or destroy any of such Stones or Posts, or obliterate or deface the Figures, Marks, or Inscriptions on any of the Stones or Posts erected or to be erected on any Part of the said Road, or shall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches on any Part of the said Road, every such Person shall forfeit and pay, over and above the Damage thereby done or occasioned, any Sum not exceeding Five Pounds for each Stone, Post, or Parapet Wall so broken, thrown down, injured, or destroyed, 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.

Mile Stones, &c. to be set up;

Penalty on damaging them.

LX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (by the Direction and under the Hands of Five or more of the said Trustees) from Time to Time to prevent and remove all Annoyances on or in any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or any other Thing lying on the said Road, or by Watercourses, Sinks, or Drains laid or running into the same, and may cleanse any Ditch or Watercourses

Surveyor may prevent and remove Annoyances.

adjoining to the ſaid Road, and alſo at proper Seaſons of the Year may cut down, lop, or top any Trees, Boughs of Trees, or Buſhes growing therein, or in the Hedges or on the Banks adjacent thereto, and take and carry away ſuch Trees, Boughs, or Buſhes, in caſe the Perſon or Perſons occaſioning ſuch Annoyances, or any of them, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down or top any ſuch Trees, Boughs, or Büſhes, ſhall refuſe or neglect ſo to do for the Space of Ten Days after Notice in Writing given for that Purpoſe, ſigned by any Two or more of the ſaid Truſtees, or by their Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons ſo refuſing or neglecting as aforeſaid; and in caſe any ſuch Perſon ſhall not upon Demand pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons in like Manner as any Penalty or Forfeiture may be recovered by virtue of this Act; and if after the Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted, ſhall for every ſuch Offence (over and above ſuch Charges as aforeſaid) forfeit and pay any Sum not exceeding Fifty Shillings, one Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act: Provided nevertheleſs, that no Tree or Trees ſtanding in the Hedges or on the Banks adjacent to the ſaid Road ſhall be cut down, unleſs by an Order to be made at ſome Meeting of the ſaid Truſtees to be held for that expreſs Purpoſe, upon Ten Days previous Notice to be affixed on all and every of the Turnpikes that ſhall be ſtanding on the ſaid Road, nor unleſs Three Fourths of the Truſtees preſent at ſuch Meeting ſhall agree to the making of ſuch Order.

Perſons liable to do Statute Work, &c. to continue ſo.

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

Statute Labour.

LXII. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road or any Part thereof ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Kent*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or 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 and 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, ſhall be by him or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place,

Place, to bring in Lists before such Justices, at some Place to expressed in such Summons, (within Ten Days after the serving of such Summons, either personally, or by leaving the same at his or their Dwelling House or Dwelling Houses,) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest), and 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 may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given or left for him, her, or them, for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wholly neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

LXIII. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic

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

Lands liable to repair the Road to continue ſo.

LXIV. Provided always, and it is hereby further enacted and declared, That if it ſhall appear to the ſaid Truſtees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents or Profits iſſuing out of any Lands, Tenements, or Hereditaments, now are or hereafter ſhall be liable and chargeable towards the repairing and amending of the Road by this Act intended to be repaired, or any Bridge or Bridges thereupon, ſuch Lands, Tenements, and Hereditaments, ſhall ſtill remain liable and chargeable; and the Poſſeſſors and Occupiers of ſuch Lands, Tenements, and Hereditaments, are hereby required and directed to pay ſuch Rents and Profits to any Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the Tolls and Duties granted by this Act, or to their Treaſurer; and upon Default of Payment thereof, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Party neglecting or refuſing to pay the ſame, in ſuch Manner as is herein-before mentioned, which Rents and Profits when recovered, ſhall be applied from Time to Time in repairing of the ſaid Road and Bridges, and to no other Uſe or Purpoſe whatſoever.

Penalty on drawing Timber, &c. on the Road except on Wheel Carriage.

LXV. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon any Wheel Carriage, to drag upon any Part of ſuch Road to the Prejudice thereof, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on riding on Cauſeways.

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

LXVII. And

Penalty on digging Pits within certain Distances of the Road.

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

Penalty on not using Skid Pans.

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

Gates not to swing into the Road.

LXIX. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of 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, or any Five or more of them, 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.

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

LXX. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers acting under this Act; be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, and other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them, before one or more Justice or Justices of the Peace for the County or Place where such Offence

or

or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing.

Penalties how to be recovered and applied.

LXXI. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed and incurred (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal of any One of His Majeſty's Juſtices of the Peace for the Eaſtern Diviſion of the ſaid County of *Kent*, which Warrant or Warrants ſuch Juſtice is hereby empowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of any credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby required and empowered to adminiſter), and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures, when recovered, (if not herein directed to be otherwiſe applied), ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the ſaid County of *Kent*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and diſcharged.

Recovery of Penalties above a certain Sum.

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

Form of Conviction.

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

the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

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

Distress not unlawful for Want of Form, &c.

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

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

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

Appeal.

LXXVI. 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 Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Two Days after such Notice entering into a Recognizance before such Justice of the Peace for the said County, with sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination thereon, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and such Determination shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Limitation of Actions.

LXXVII. 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

purſuance of this Act, after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County of *Kent*, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as herein-after mentioned, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Plaintiff not to recover without Notice, nor after Tender of Amends.

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

Public Act.

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

Commencement and Continuance of this Act.

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

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