ANNO QUADRAGESIMO NONO

# GEORGII III. REGIS.

## *Cap.* 54.

An Act for continuing the Term and enlarging the Powers of Two Acts of His present Majesty, for repairing the Road from the Town of *Tenterden* to the several Places therein mentioned, in the County of *Kent*. [12th *May* 1809.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Road leading from the Turnpike Road in the Town of* Tenterden *to and over* Bull Green, *and to and through the Town of* Great Chart *to a House known by the Sign of the* Castle, *at the Entrance of the Town of* Ashford, *in the County of* Kent, *and also the Road leading from* Bull Green *aforesaid, through* High Halden *to* Dashmanden, *in the Parish of* Biddenden, *in the said County of* Kent: And whereas another Act was passed in the Twenty-sixth Year of His present Majesty's Reign, intituled, *An Act for continuing the Term of an Act of the Seventh Year of His present Majesty, for repairing and widening the Road leading from the Turnpike Road in the Town of* Tenterden *to and over* Bull Green, *and to and through the Town of* Great Chart *to a House known by the Sign of the* Castle, *at the Entrance of the Town of Ashford, in the County of* Kent, *and also the Road leading from* Bull Green *aforesaid to* Hothfield Heath, *and also the Road leading from* Bull Green *aforesaid, through* High Halden, *to* Dashmanden *in the Parish of* Biddenden, 7 G. 3. c. 103. 26 G. 3. c. 145.

*in the ſaid County of* Kent : And whereas the Truſtees appointed in or by virtue of the ſaid recited Acts have proceeded to put the ſame in Execution, and have for that Purpoſe, in purſuance of the Powers to them thereby given, borrowed ſeveral conſiderable Sums of Money on the Credit of the Toll thereby granted and authorized to be collected upon the ſaid Roads, and which have been expended in repairing and widening the ſaid Roads, (except the ſaid Roads leading from *Bull Green* aforeſaid to *Hothfield Heath*, and from *Bull Green* aforeſaid, through *High Halden*, to *Daſhmanden*, whereon no Toll hath been taken by virtue of the ſaid Acts, but great Progreſs hath been made in repairing and widening the Road leading from the Turnpike Road in the Town of *Tenterden* to and over *Bull Green*, through *Great Chart*, to the Houſe known by the Sign of the *Caſtle*, at the Entrance of the Town of *Aſhford*), which ſaid Money ſo borrowed ſtill remains due and owing, together with ſeveral Years Arrear of Intereſt ; and the ſaid Principal Money cannot be paid off, nor can the ſaid Road leading from the Turnpike Road in the Town of *Tenterden* to and over *Bull Green*, through *Great Chart*, to the Houſe known by the Sign of the *Caſtle*, at the Entrance of the Town of *Aſhford*, be effectually amended, widened, improved, and kept in Repair, unleſs the Term of the ſaid Acts be further continued, ſome of the Powers and Proviſions thereof altered, amended, and enlarged, and the Tolls granted by the ſaid firſt recited Act increaſed : May it therefore pleaſe Your Majeſty that it may be enacted ; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts of the Seventh and Twenty-ſixth Years of the Reign of His preſent Majeſty, and the Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things therein reſpectively contained, (except ſuch Parts thereof as relate to Exemption from Stamp Duties, and alſo except ſuch as are hereby varied, altered, or repealed), ſhall be and continue in full force and effect, and be executed for and during the Term herein-after mentioned, for the Purpoſe from Time to Time of amending, widening, improving, and keeping in Repair the Roads included in the ſaid recited Acts, as fully and effectually to all Intents and Purpoſes, as if the ſaid Acts and the Powers, Authorities, Proviſions, Clauſes, Matters, and Things therein contained, were repeated and re-enacted in the Body of this Act ; but ſubject nevertheleſs to the Proviſions, Amendments, Variations, and Additions herein contained, and which ſhall commence and take effect immediately after the paſſing of this Act ; and this Act and the additional Term and the Tolls hereby granted, ſhall be and they are hereby declared to be ſubject and liable, as well to the Payment of all Sums of Money now due and owing on the Credit or on Accouut of the ſaid recited Acts or the Tolls thereby granted and authorized to be taken, as alſo to the Payment of all Sums of Money which ſhall hereafter be borrowed for the Purpoſes of the ſaid Acts and this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Acts further continued.

Qualification of Truſtees.

II. And be it further enacted, That any Perſon or Perſons whomſoever may be appointed a Truſtee, and may act as ſuch in the Execution of the ſaid recited Acts and of this Act ; provided, during the Time he ſhall ſo act, he be in his own Right or in the Right of his Wife, in the actual Poſſeſſion or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the yearly Value

Value of Forty Pounds to his own Uſe above Reprizes, or be Heir Apparent of ſome Perſon or Perſons having an Eſtate of the yearly Value of Two hundred Pounds, or be poſſeſſed or entitled to Perſonal Eſtate of the Amount or Value of Eight hundred Pounds; and if any Perſon or Perſons not being in Poſſeſſion of ſuch Freehold or Copyhold Eſtate, or being ſuch Heir Apparent, or being poſſeſſed of ſuch Perſonal Eſtate, ſhall preſume to act, contrary to the true Intent and Meaning of the ſaid recited Acts or this Act, all and every ſuch Perſons and Perſon ſhall, for every ſuch Offence, be ſubject and liable to ſuch and the like Forfeitures and Penalties as are impoſed by the ſaid Firſt recited Act on Perſons acting as Truſtees not being qualified as therein mentioned.

Three Truſtees capable of making Orders, except in certain Caſes.

III. And be it further enacted, That all Acts, Matters, and Things authorized or required by the ſaid recited Acts and this Act, or either of them, to be done and executed by the Truſtees for carrying the ſame into Execution, (except certain Acts, Matters, and Things herein-after mentioned), ſhall and may be done and executed by any Three or more of the ſaid Truſtees preſent at any Meeting, being the Majority of ſuch of them as ſhall be then preſent; and the ſame when done and executed ſhall be as good, valid, and effectual, and ſhall have the ſame force and effect as if ſuch Acts, Matters, and Things had been done and executed by all or any greater Number than Three of the ſaid Truſtees.

No Act of Truſtees to be repealed, except at a ſpecial Meeting.

IV. And be it further enacted, That no Order made for carrying the ſaid former Acts or this Act into Execution by any Number of Truſtees ſhall be revoked or altered, unleſs a greater Number of Truſtees ſhall be preſent and concur in revoking or altering ſuch Order than were preſent when ſuch Order was made; nor ſhall any Order be revoked or altered as aforeſaid, unleſs at a Meeting to be held for that Purpoſe, public Notice of which Meeting ſhall be given, by affixing the ſame in Writing upon all the Turnpikes erected or to be erected in purſuance of the ſaid former Acts or this Act, declaring the Intention of repealing ſuch Order or Orders at leaſt Ten Days before ſuch Meeting.

All Acts done by unqualified Truſtees to be valid before Conviction.

V. And be it further enacted, That all Acts and Proceedings of any Perſon or Perſons who hath or have acted, or ſhall act as a Truſtee or Truſtees in the Execution of this or either of the ſaid Acts, although not duly qualified according to the Directions of the ſaid Act paſſed in the Seventh Year of the Reign of His preſent Majeſty or of this Act, previous to his or their being convicted of ſuch Offence, ſhall be as valid and effectual as if ſuch Perſon or Perſons had been ſo qualified.

Mortgagees may act as Truſtees.

VI. Provided always, and be it further enacted, That any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this or either of the ſaid recited Acts, or receiving Intereſt thereof for the ſame, ſhall not on that Account be deemed unqualified or be defeated from acting as a Truſtee in the Execution of this and the ſaid recited Acts reſpectively.

Certain Acts not to be done by leſs than Five Truſtees.

VII. Provided always, That no Appointment of Truſtees, in the Room of thoſe who ſhall die or refuſe to act, ſhall be made; and that no further Sum or Sums of Money ſhall be borrowed or taken up at Intereſt upon the Credit of the Tolls by this Act authorized to be taken for the Pur-

poſes of the ſaid recited Acts or of this Act, or ſhall the Intereſt thereof, or of any Part thereof, be leſſened or raiſed; and that no Bar or Bars, Toll Houſe or Toll Houſes, erected or ſet up, or to be erected or ſet up, upon or acroſs the ſaid Roads or at the Sides thereof, by virtue of the ſaid recited Acts or of this Act, or either of them, ſhall be taken down or removed to any other Place, or any other Toll Houſe, Bar, or Gate erected upon, acroſs, or at the Sides of the ſaid Roads; nor ſhall the Tolls or Duties hereby granted and made payable be leſſened or reduced, and again raiſed and advanced, as authorized and empowered to be done by the ſaid firſt recited Act, or ſhall the ſame Tolls be leaſed, demiſed, or letten to Farm; or ſhall any Clerk, Treaſurer, or other Officer be choſen, appointed, or removed; or ſhall any Houſes, Lands, Grounds, or Hereditaments be treated for or purchaſed, or any Act done relative to any Treaty or Purchaſe, except by the Order of the ſaid Truſtees, or any Five or more of them, at any General or Special Meeting, whereof Ten Days Notice ſhall be given in the Manner by the ſaid firſt recited Act directed.

Tolls.

VIII. And be it further enacted, That inſtead of the Tolls and Duties granted and made payable by the ſaid recited Acts, the Tolls and Duties following ſhall, from and after the Commencement of this Act, be demanded and taken at every Turnpike Gate, erected or to be erected upon, acroſs, or on the Sides of the ſaid Road by virtue of the ſaid recited Acts or of this Act, before any Cattle or Carriage whatſoever, upon which any Toll is hereby impoſed, ſhall be permitted to paſs through the ſame or any of them; (that is to ſay),

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

For every Horſe, Mare, Gelding, Mule, or other Beaſt of Draught, (a Pair of Oxen to be conſidered as One Horſe), drawing any Waggon, Wain, Tug, Dray, Cart, or other ſuch like Carriage, the Sum of Four-pence Halfpenny:

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

For each Aſs drawing any Kind of Carriage, the Sum of Three-pence:

For each Aſs not drawing, the Sum of One Penny:

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

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

For every Carriage laden with Timber, Plank, or converted Timber, Wood, Cord-Wood, Stones, Faggots, Hop-Poles, Chalk, Marle, Bricks, Tile, Mine, Charcoal, Seacoal, Iron Guns, or other Iron, paſſing through any of the ſaid Gates or Turnpikes between the Firſt Day of *October* and the Firſt Day of *March* Double the Tolls herein-before mentioned.

Tolls veſted Truſtees.

Which ſaid reſpective Tolls ſhall be and are hereby declared to be veſted in the ſaid Truſtees for executing this Act for the Time being, and they or any Five or more of them ſhall have ſuch and the ſame Powers, Authorities, and Remedies for varying, mortgaging, transferring, leaſing, and compounding for the Tolls and Duties hereby granted or made payable; and

and the ſame ſhall and may be collected, levied, recovered, and paid in the ſame Manner and Form as in and by the ſaid recited Acts are given and expreſſed with reſpect to the Tolls thereby granted or made payable.

Exemptions from Tolls.

IX. And be it further enacted, That from and after the paſſing of this Act, no Toll ſhall be demanded or received for any Horſe, Mare, Gelding, Mule, or other Cattle drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing of the ſaid Roads, or any of the Roads in the Pariſhes or Places in which the Roads hereby intended to be repaired or any Part thereof do lie, or any Dung, Mould, Soil, or Compoſt of any Kind, (Chalk and Lime excepted), for the manuring of any Garden, or other Land or Ground; nor ſhall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpoſe of or returning from ploughing, ſowing, tilling, or cultivating any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, Corn in the Straw, or Wood not ſold or diſpoſed of, but to be laid up in the Houſes, Out-houſes, or Yards, or on the Premiſes of the Owner or Owners thereof; or for any Plough, Harrow, Dray, or other Implement of Huſbandry, or for any Horſe, or other Beaſt or Cattle drawing or carrying the ſame in order for the repairing thereof, or uſing the ſame in Huſbandry; or for any Horſe or other Beaſt or Cattle going to or returning from Water or Paſture, or going to be or returning from being ſhoed or farried; or for any Horſes, Cattle, or Carriages, of whatſoever 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, fetching, or guarding the ſame, or in returning back from conveying the ſame; or for the Horſes of Soldiers on their March or on Duty, or Carriages, or Horſes or other Beaſts employed in carrying the Arms or Baggage of Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemptions; or for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes; nor ſhall any of the Tolls hereby granted be demanded or taken from any Inhabitant of any Pariſh through which any Part of the ſaid Roads doth lie, who ſhall paſs through any of the ſaid Turnpikes to or from his, her, or their reſpective Pariſh Church, Chapel, or other Place of Religious Worſhip tolerated by Law on *Sundays*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon dead and paſſing to be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial

Duty on a *Sunday*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor ſhall any Toll be demanded or taken for or in reſpect of any Horſe, Cattle, or Beaſt carrying any Paſſenger, or drawing any Coach, Landau, Berlin, Chariot, Calaſh, or Chair, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Kent*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, or ſhall make Uſe of any Fraud whatſoever, whereby the Payment of the Tolls granted and continued by the ſaid recited Acts and this Act, or any Part thereof, ſhall be evaded, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety ſhall be applied to the Purpoſes of the ſaid Acts and of this Act.

Carriages employed in the Public Service not to be ſubject to Penalties for Overweight or an additional Number of Horſes.

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

Collectors of Toll to be competent Witneſſes.

XI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe concerning the Tolls by this Act authorized to be collected, or any of them, the Perſon or Perſons appointed to collect the ſame, not being a Leſſee or Leſſees of the Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation by reaſon of his, her, or their being ſo appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

Clauſe in Act, 7 G. 3. repealed.

XII. And whereas by the ſaid firſt recited Act, it is provided that Perſons paying Toll at any of the Bars or Gates erected upon the Sides of the ſaid Roads, and producing a Ticket of ſuch Payment, ſhall paſs through the neareſt of ſuch Bars or Gates erected upon or acroſs the ſaid Roads to which the ſame is adjoining Toll free; and if any Perſon paying Toll at any of the ſaid Bars or Gates erected upon or acroſs the ſaid Roads as aforeſaid, upon producing a Ticket of ſuch Payment, ſhall paſs Toll free through the neareſt Bar or Gate erected on the Sides of the ſaid Roads: And whereas it is expedient, in order to prevent Evaſion of the Tolls by this Act authorized to be taken, to repeal the ſaid recited Clauſe or Proviſo; be it therefore further enacted, That, from and immediately after the paſſing of this Act, the ſame Clauſe or Proviſo ſhall be, and the ſame is

is hereby repealed and declared null and void to all Intents and Purpoſes whatſoever.

Private Gates not to open outwards upon the Road.

XIII. And be it further enacted, That all Gates, to be hereafter made and placed in any Field or Ground adjoining any of the ſaid Roads, ſhall be made and hung to open inwards towards ſuch Field or Ground, and not outwards towards the ſaid Road; and that it ſhall be lawful for the ſaid Truſtees to order all ſuch Gates as are now erected, or may hereafter be erected, and open outwards towards the ſaid Roads, to be altered and made to open inwards as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates are or ſhall be conſtructed ſo as to open outwards towards the ſaid Roads, ſhall (after Ten Days Notice from the Surveyor of the ſaid Roads, requiring him or them to alter ſuch Gate or Gates, and make the ſame to open inwards) refuſe or neglect to make ſuch Alterations, it ſhall and may be lawful for the ſaid Truſtees to exerciſe and apply the ſame Powers for this Purpoſe, with which they are by Law inveſted for the Removal of any Nuiſances, Obſtructions, or Annoyances made or committed upon the ſaid Roads.

Exemption not to extend to Waggons of leſs Breadth than Six Inches.

XIV. And be it further enacted, That no Perſon ſhall have or be entitled to any Exemption from Toll, by this Act authorized to be taken, for or in reſpect of any Waggon, Cart, or other ſuch Carriage, ſubject and liable to the Payment of Toll, having at the Time of uſing thereof, Wheels of leſs Breadth than Six Inches on the Sole or Bottom of the Fellies thereof, and upon which the Tire doth not lie flat, or ſo as not to deviate more than Half an Inch from a flat Surface, or which ſhall not have the Nails counterſunk ſo as not to riſe above the Surface; or for or in reſpect of any Cart or Carriage which, together with the Loading thereof, ſhall be of greater Weight than is allowed (by the Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*,) to Waggons, Carts, or Carriages of the ſame Kind reſpectively, and laden with ſuch Goods as do not exempt the ſame from the additional Toll hereby impoſed; and it ſhall and may be lawful to and for the Truſtees, or any Five or more of them, to order all ſuch Waggons, Carts, or other Carriages to be weighed in like Manner, and with the ſame Powers and Authorities, as are directed for weighing Carriages by the ſaid Act made in the Thirteenth Year of His preſent Majeſty's Reign.

Carriages laden with Grain not to be ſubject to Double Toll, unleſs returning with other Loading.

XV. Provided always, and be it further enacted, That no Carriage going or returning for or with Corn or Grain (except Malt) that ſhall be carrying from the Barn, Granary, or other Repoſitory of the Grower thereof to Market, ſhall be charged with or liable to the Payment of Double Toll, between the Firſt Day of *October* and the Firſt Day of *March* in any Year, and that if any Carriage, having paſſed through any Gate or Turnpike, between the Firſt Day of *October* and the Firſt Day of *March* in any Year, ſo laden with Corn or other Grain, for which the Toll payable in reſpect thereof ſhall have been paid at any ſuch Gate or Turnpike, ſhall return laden with any Loading whatſoever, then and in every ſuch Caſe the like Toll ſhall be paid again for every ſuch Carriage at each Gate or Turnpike, through

through which the ſame Carriage ſhall return or repaſs laden, as was paid for the ſame Carriage paſſing or going laden with Corn or other Grain on the ſame Day; any Thing in this Act contained to the contrary thereof notwithſtanding.

Truſtees authorized to compound for Tolls.

XVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to compound or agree with any Perſon or Perſons by the Year, or otherwiſe, for paſſing through any Gate or Turnpike erected or to be erected by virtue of the ſaid recited Acts or of this Act, provided that ſuch Perſon or Perſons ſhall not carry any Goods for Hire.

Power to call in Mortgages, and grant freſh Securities.

XVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, if thereunto required, receive in and cancel all or any of the Mortgages made by virtue of the ſaid recited Acts, or either of them, and give and execute another Mortgage or other Mortgages in lieu thereof reſpectively.

Preſcribes the Form of Mortgage and Aſſignment.

XVIII. And whereas upon the paſſing of the ſaid laſt recited Act, the Creditors on the ſaid Tolls advanced and paid to the Treaſurer, for the Purpoſes of defraying the Expences attending the paſſing of the ſaid Act, Eight Pounds *per Centum per Annum* upon the Principal Sums of Money due to them reſpectively on the Credit of the ſaid Tolls, but no further Aſſignment or Mortgage of the ſaid Tolls was made or executed to them by way of Security for the Money ſo advanced: And whereas there is a very conſiderable Arrear of Intereſt due and owing upon the ſeveral Principal Sums of Money borrowed and taken up at Intereſt by the Truſtees for the Purpoſes of the ſaid recited Acts: And whereas by the ſaid firſt recited Act the Truſtees are empowered to aſſign over or mortgage the Tolls or Duties thereby granted, or any Part thereof, as a Security for any Sum or Sums of Money to be borrowed by them on the Credit thereof, but the ſaid Act or the ſaid laſt recited Act has not preſcribed the Form of ſuch Aſſignment or Mortgage; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, upon the Credit of the Tolls ariſing by virtue of this Act, to borrow and take up at Intereſt ſuch further Sum or Sums of Money as they, or any Five or more of them, ſhall think fit, and may and they are hereby empowered to aſſign over or mortgage the ſaid Tolls, or any Part or Parts thereof, (the Coſts and Charges of ſuch Aſſignments or Mortgages to be paid out of ſuch Tolls), for any Term during the Continuance of this and the ſaid recited Acts, as a Security for the Repayment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, or Aſſigns; or, upon the Aſſignments or Mortgages already granted by the ſaid Truſtees being delivered up to be cancelled, to aſſign over or mortgage the ſaid Tolls, or any Part or Parts thereof, as a Security for the Repayment to the Mortgagee or Mortgagees ſo delivering up ſuch Security or Securities, his, her, or their Executors, Adminiſtrators, or Aſſigns, the Amount of the Principal Sum or Sums of Money due and owing on ſuch Mortgage or Mortgages reſpectively, and of the further Sum borrowed as aforeſaid for the Purpoſe of defraying the Expences of paſſing the ſaid laſt recited Act, and of the Intereſt due for or in reſpect of ſuch Sum or Sums of Money reſpectively, with Intereſt for the total Amount of ſuch Sums;

such Interest to be paid and payable at the Dwelling House of the Treasurer to the said Trustees for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following, (that is to say);

Form of Mortgage.

'BY Virtue of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Third, intituled, [*set forth the Title of the Act*], and of the Two Acts passed for continuing the Term and altering and enlarging the Powers of the said Act, We whose Names are hereunto subscribed, and Seals affixed, being Trustees acting in Execution of the said Acts, do hereby grant, bargain, sell, and demise unto *A. B.* of, &c. his Executors, Administrators, and Assigns, in Consideration of the Sum of by him the said *A. B.* paid to the Treasurer of the Road comprised in the said Act, [or due and owing to him the said *A. B.* upon an Assignment or Mortgage this Day delivered up and cancelled, as the Case may be], such Proportion of the Tolls arising by virtue of this 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 after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals, this Day of

And Copies of all such Mortgages or Assignments shall be entered in the Book or Books kept for that Purpose by the Clerk of the said Trustees, as by the said First recited Act is directed; but no Money (except the Sums already due and owing upon the Credit of the said Tolls) shall be borrowed by the said Trustees on the Credit of the said recited Acts or of this Act, unless Notice for that Purpose shall have been given as in the said First recited Acts is directed; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual, to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer the same Security or Securities, and all Benefit and Advantage thereof, and all their Right, Title, and Interest to the Principal, and Interest Money thereby 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;

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 the Trustees acting in Execution of a certain Act of Parliament, made in the Seventh Year of the Reign of His present Majesty King *George* the Third, intituled, [*set forth the Title of the Act*], and of the Two Acts passed, for continuing the Term and altering and enlarging the Powers of the said Act, upon the Credit of the said Act or Acts, do hereby transfer all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto *C. D.* of, &c. his 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 (as by the ſaid Firſt recited Act is directed) in the ſaid Book or Books, kept for entering the original Mortgages or Aſſignments.

Statute Duty.

XIX. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County, and for any Two or more Juſtices of the Peace for the Town and Hundred of *Tenterden*, in the ſaid County in which ſuch Roads are ſituate (as the Caſe may be), within their reſpective Diviſions or Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, or by their Order, yearly to adjudge and determine what Part or Portion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſame do lie; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work as aforeſaid upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done at ſuch Days, and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner, as any Penalty is by the ſaid recited Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given

to or left for him, her, or them at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to, by any Law or Statute in force or effect for Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs 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 as aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Application of Compenſation Money where exceeding 200l.

XX. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts or of this Act for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee for and 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 the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing the ſaid Acts and this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo

so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court, 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, or Hereditaments to be purchased by virtue of the said recited Acts and this Act, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* and exceeds 20*l.*

XXI. Provided always, and be it further enacted, That if any Monies 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five of the Trustees for executing the said recited Acts and 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 any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where Money less than 20*l.*

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid 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.

XXIII. And

In case of not making out Titles; or where Persons cannot be found; &c.

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, 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 Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*]; subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, 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.

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

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XXV. 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 the said recited Acts and this Act, the Purchase Money of the same shall be required to be paid into the 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 the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery, to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and 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 the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying the Expences of this Act.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged out of any Money already collected or received by virtue of the said recited Acts, or out of the First Monies to arise by virtue of the said recited Acts and of this Act, in preference to all other Payments whatsoever; and that after Payment thereof, the Tolls authorized to be collected and received by this Act shall, during the Continuance of the Term hereby granted, be and remain subject and liable to the Payment of all Monies now due and owing, and which shall or may hereafter be borrowed and become due on the Credit of the said Tolls, and of all Interest due and to grow due for the same respectively.

Public Act.

XXVII. 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.

Continuance of Acts.

XXVIII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Sessions of Parliament,

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