



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 5.

An Act for repairing, altering, widening, and improving the Road leading from the City of *Canterbury* to the Town of *Ramsgate*, in the Isle of *Thanet*, in the County of *Kent*; and for suspending and varying, for a limited Time, so much of an Act, passed in the Twenty-seventh Year of the Reign of His present Majesty, as relates to the Toll Gate, and to the Tolls now payable by virtue of the said Act, on the Road leading from the said City of *Canterbury* to the Isle of *Thanet*.

[19th March 1802.]

WHEREAS the Road leading from the City of *Canterbury* to the Town of *Ramsgate*, in the Isle of *Thanet*, in the County of *Kent*, is much out of Repair, and in many Parts thereof narrow, circuitous, frequently flooded, and incommodious, for Travellers and Carriages: And whereas it would be of great publick Utility, and of much Benefit to the Inhabitants of the said City of *Canterbury*, and of

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the

Canterbury
Paving Act
recited.

the said Town of *Ramsgate*, and the adjacent Country, if the said Road was repaired, altered, widened, and improved: And whereas by an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for paving, cleansing, lighting, and watching the Streets, Lanes, and other publick Passages and Places, within the Walls of the City of Canterbury and the Liberties thereof, and also several Streets and other Places near or adjoining to the said City, and for removing and preventing Incroachments, Obstructions, Nuisances, and Annoyances therein*, the Commissioners acting in the Execution thereof were (among other Things) empowered to cause to be erected One Turnpike, at any Distance not exceeding Three Miles from the North Gate of the said City, on the Road leading to the Isle of *Thanet*, and also a Toll House to such Turnpike, with suitable Outbuildings thereto; and certain Tolls, in the said Act mentioned, were, from and after the passing thereof, granted and allowed to be demanded, taken, and received, at such Turnpike, for the Purposes in the said Act mentioned: And whereas the said Commissioners, soon after the passing of the said Act, did, in pursuance thereof, cause such Turnpike to be erected on the said Road, at or near a certain Place called *Vauxhall*, in the Parish of *Saint Mary Northgate*, in the said City, within the Distance before mentioned from the North Gate of the said City, and also a Toll House to such Turnpike, and have from that Time taken and received, and still do take and receive, at such Turnpike, the Tolls granted by the said Act, and have applied and still do apply such Tolls for the Purposes in the said Act mentioned: And whereas by virtue of the Powers granted by the said recited Act, the Commissioners appointed to put the same in Execution, have borrowed the Sum of Ten thousand Pounds on the Credit thereof, the Whole of which Sum still remains unpaid: And whereas the Commissioners acting in Execution of the said Act, and the major Part in Value of the Creditors under the same, being satisfied that it is expedient and necessary, for the Benefit of the Publick, and for the better carrying this present Act into Execution, that the Tolls payable by virtue of the said recited Act, at the said Turnpike at or near *Vauxhall* aforesaid, (which cannot be wholly repealed, without material Prejudice to the said Creditors), should nevertheless be suspended during the Continuance of this Act, and that so much of the said recited Act as relates to such Tolls, should be varied or altered, upon such Terms, and in such Manner as hereinafter mentioned, have consented and agreed, that the said Tolls shall be suspended, and the said Act be varied or altered accordingly: But the several Purposes aforesaid 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 the Lord Warden of the Cinque Ports for the Time being, the High Sheriff of the said County of *Kent* for the Time being, the Knights of the Shire for the said County for the Time being, the Members of Parliament for the City of *Canterbury* for the Time being, the Members of Parliament for the Town and Port of *Sandwich* for the Time being, the Mayor and Recorder of the City of *Canterbury* for the Time being, the Mayor and Recorder of the Town of *Fordwich* for the Time being, the Honourable *George Watson*, *Sir Edward Knatchbull*, *Sir*
John

Trustees for
the First
District.

John Honeywood, Sir John Fagg, Sir Henry Oxenden, Sir Naborough D'Aeth, Sir Brook William Bridges, Sir Horace Mann, Sir William Geary, Sir Philip Stephens, Baronets; Edward Austen, Nathaniel Austen of Ramsgate, John Abbott of Saint Dunstan's, John Abbott the younger, of Saint Dunstan's, William Abbot of Canterbury, John Allen of Westbeer, Benjamin Addley, Thomas Biggs, John Baker of Saint Stephen's, William Breton, Eliab Breton, Thomas Barrett, John Charles Beckingham Clerk, Edward Tymewell Brydges Clerk, John Bridges, William Bates, James Sladden Browne, Cyprian Rondeau Bunce, William Bristow, Samuel Balderson, William Baldock, John Buckley, James Brooman, John Baker of Canterbury, John Brooman, Edward Boys, Edward Crayford, Ambrose Collard, Henry Collard of Gore Street, Henry Collard of Chistlett Park, Henry Collard of Sarr, Thomas Curling, William Chafy Clerk, John Cooper of Canterbury, William Carter M. D. John Cumming, William Cantis, George Culmer, William Curtis, John Callaway, Henry Croasdill, John Crux, Francis Cobb, Francis Cobb the younger, John Cowell, Charles Dering, Cholmeley Dering, George Dering, Thomas Denne of Sarr, Edward Daniel the younger, John Dilnot of Sandwich, John Denne of Chistlett, Thomas Denne of Upstreet, Thomas De Lasauk, Charles Delmar, John Elgar, Richard Elwyn, Thomas Evernden, James Evernden, Henry Godfrey Faussett, Peter Fector, John Minet Fector, Thomas Foord, Richard Friend, John Fisher, John Farley Francis, Robert Furley, Thomas Godfrey, Thomas Gillow, William Garrow, Thomas Garrett, John Garrett, William Gdy, John Gregory Clerk, Allen Grebell, Henry Gipps, James Goreley, Richard Herve Giraud, William Hammond of Saint Albans, John Springett Harvey, Thomas Hey D. D. James Hallett, Charles Hughes Clerk, William Hougham the younger, Richard Harvey Clerk, Richard Harvey the younger, Clerk, John Hooper, James Hacker, John Hodges, Richard Halford, Richard Halford the younger, John Halbét, Thomas Hammond, William Harnett, Thomas Hudson, William Hacker, Benjamin Hobday, James Henwood, George Hearne Clerk, Anthony Jennings, William Jones, Sampson Kingsford, William Kingsford, Gilbert Knowler, Henry Kemp, Henry Kirkby, George Keen, William Keen, John Lynch D. D. John Lade, Samuel Lepine, John Monins, Richard Mills, George May of Hearn, Richard Mount, William Miles, John Nutt, William Nutt, Austen Neame, Henry Oxenden, William Osborn M. D. William Ovenden, Robert Thomas Pyott, Thomas Watkinson Payler, John Plumtree, Thomas Pappillon, Gilbert Pembroke, James Petley, Isaac Pidduck, Thomas Parker, Herbert Packe M. D. Deane John Parker, William Patten, John Parnell, Charles Pout, Charles Robinson, Robert Rushbrooke, Joseph Royle, Edward Reynolds, James Simmons, William Scott, Daniel Swinford, Nicholas Simons Clerk, Jacob Sharp, Mathew William Sankey, William Webster Sankey, Thomas Edward Salmon, John Southée, Thomas Starr, George Stringer of Canterbury, George Stringer of Dover, John Hollingbery Stringer, Robert Stains, Thomas Simmonds, Richard Staines, Alexander Hanna Spratt, Jacob Sawkins, John Toke, Edward Taylor, John Tucker Clerk, Henry Tritton, Edward Taddy, Henry Verden Clerk, Thomas Woodland, William Williamson Clerk, William Wilcox, James White, John Wigzell, and their Successors, to be appointed as herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving, that Part of the said Road from Canterbury to Ramsgate, which is lying between the End of a certain Lane called Gold Harbour Lane, in the Street called Northgate Street, in the said

said City of *Canterbury*, near *Jesus Hospital* otherwise called *Boys's Hospital*, in the said City, and that Point in the said Road through *Sarr Street*, where the same divides and branches off in different Directions to *Ramsgate* and *Saint Nicholas at Wade*, in the said Isle of *Thanet*, by and near to a certain Chalk Pit belonging to *Thomas Denne* Gentleman, there, and for making such new Cuts or Lines of Road as may be necessary or adviseable for the better Improvement of the same Part of the said Road, and for otherwise carrying this Act into Execution, with regard to such Length of Road; which same Length of Road before described shall be, and is hereby declared to be, the First District of Road, hereby directed to be repaired, altered, widened, and improved.

Trustees for
the Second
District.

II. And be it further enacted, That the Lord Warden of the Cinque Ports for the Time being, the Knights of the Shire for the said County of *Kent* for the Time being, the Members of Parliament for the City of *Canterbury* for the Time being, the Members of Parliament for the Town and Port of *Sandwich* for the Time being, the Chairman of the Trustees of *Ramsgate* Harbour for the Time being, the Deputy Chairman of the same Trustees for the Time being, the Mayor of the Town and Port of *Sandwich* for the Time being, the Honourable *Francis Nathaniel Burton*, the Honourable *George Watson*, Sir *Edward Knatchbull*, Sir *John Honeywood*, Sir *John Fagg*, Sir *Henry Oxenden*, Sir *Narborough D'Aeth*, Sir *Brook William Bridges*, Sir *Horace Mann*, Sir *William Geary*, Sir *Philip Stephens*, Sir *Charles Kent*, Sir *John William Anderson*, Baronets; *William Abbott B. D.* *Edward Austen*, *Nathaniel Austen* of *Ramsgate*, *John Abbott* of *Saint Dunstan's*, *Stephen Bax*, *William Belfey*, *Thomas Belfey*, *Peter Blackburn*, *John Bourne*, *Edward Busbell*, *Benjamin Busbell*, *Peter Burgess*, *John Brooman*, *Edward Boys*, *Thomas Biggs*, *John Baker* of *Saint Stephen's*, *William Breton*, *Eliab Breton*, *Thomas Barrett*, *John Charles Beckingham* Clerk, *Edward Tymewell Brydges* Clerk, *John Bridges*, *William Bates*, *James Sladden Browne*, *Francis Cobb*, *Francis Cobb junior*, *Ambrose Collard*, *Henry Collard*, *Henry Collard junior*, *Thomas Collett*, *Henry Cull*, *Daniel Curling*, *John Cutler*, *William Curtis*, *Daniel Curling junior*, *John Cooper* of *Saint Lawrence*, *John Cowell*, *Anthony Calvert*, *Thomas Curling*, *Edward Crayford*, *Henry Collard* of *Gore Street*, *James Ramsay Cuthbert*, *Joseph Duplock*, *Joseph Dyason*, *Charles Dering*, *Cholmeley Dering*, *George Dering*, *Thomas Denne* of *Sarr*, *Edward Daniel* the younger, *John Dilnot* of *Sandwich*, *John Elgar*, *William Fox*, *Edward Foster*, *John Friend* of *Ramsgate*, *George Friend* of *Ramsgate*, *William Friend* of *Ramsgate*, *Henry Godfrey Faussett*, *Peter Fector*, *John Minet Fector*, *Thomas Foord*, *Thomas Forsyth*, *John Gibson*, *George Gibson*, *Robert George*, *John Gray*, *Thomas Godfrey*, *Thomas Gillew*, *William Garrow*, *Thomas Garrett*, *John Garrett*, *William Guy*, *John Gregory* Clerk, *William Garrett* Clerk, *George Hannam*, *Ambrose Harnett*, *John Harnett*, *William Tomlin Harnett*, *William Humble*, *William Hammond* of *Saint Alban's*, *John Springett Harvey*, *Thomas Hey D. D.* *William Hougham* the younger, *Richard Harvey* Clerk, *Richard Harvey* the younger, Clerk, *John Hooper*, *George Hooper*, *John Hodges*, *James Hacker*, *George Basage Hope*, *John Holman*, *Henry Jessard*, *Henry Jessard junior*, *Anthony Jennings*, *Sampson Kingsford*, *William Lilleford*, *George Louch*, *John Lade*, *Christopher Mayhew*, *John Maxted*, *John Monins*, *Richard Milles*, *Bernard Mercer*, *Thomas Oakly*, *Henry Oxenden*, *William Osborn M. D.* *Daniel Peake*, *William Peake*, *Robert Thomas Pyott*, *Thomas*

mas Watkinson Payler, John Plumptre, Thomas Papillon, Gilbert Pembroke, James Petley, George Quince, John Roberts, Charles Robinson, Robert Rusbbrooke, Paul Sackett, John Stevens, Richard Stevens, John Smith, George Strivens, John Swinford, Daniel Swinford, James Smith, Jacob Sawkins, James Strange, James Simmons, William Scott, John Smith, Edward Taddy, Richard Tomson, James Townley, John Toke, Edward Taylor, John Tucker Clerk, Robert Underdown, John Westbeach, John Winter, Thomas Wootton, Henry Wootton, Thomas Woodland, and their Successors, to be appointed as herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the other Part of the said Road from *Canterbury* to *Ramsgate*, which is lying between *Sarr Street* aforesaid and the said Town of *Ramsgate*, and for making such new Cuts or Lines of Road as may be necessary or adviseable for the better Improvement of the same last-mentioned Part of the said Road, and for otherwise carrying this Act into Execution, with regard to such last-mentioned Length of Road; which same Length of Road last described shall be, and is hereby declared to be, the Second District of Road, hereby directed to be repaired, altered, widened, and improved.

III. And be it further enacted, That no Act of the said respective Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except as may be herein excepted); and that all Powers and Authorities by this Act granted to the said respective 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, for each respective District of Road, the Number of such Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of such respective Trustees present at such their several and respective Meetings, shall have the same Force and Effect as if the same were made or done by all such respective Trustees for the Time being (save and except as may be herein excepted); and at every Meeting of the said respective Trustees, a Chairman shall and may be appointed, and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting, upon any Question, (including the Vote of the Chairman), it shall be lawful for the Chairman to give the decisive or casting Vote.

No Act valid, unless at a Meeting.

Majority present may act.

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

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting he shall have or be seised in his own Right, or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits of a Real Estate in the County of *Kent*, or in the City and County of *Canterbury*, of the clear yearly Value of Forty Pounds above Reprizes, or be Heir Apparent of some Person or Persons seised of such an Estate of the clear yearly Value of Eighty Pounds, or be in Possession of or entitled to a Personal Estate to the Amount of Eight hundred Pounds, nor (except in administering the Oath or Affirmation herein-after specified) unless he shall have taken and subscribed, before any Two or more of the said respective Trustees, (who are hereby authorized and empowered to administer the same), the Oath or Affirmation following; *videlicet*,

Qualification of Trustees.

[*Loc. & Per.*]

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Oath.

‘ I DO swear [*or*, being One of the People called *Quakers*, do solemnly affirm], That I truly and *bona fide* am seised of in my own Right [*or*, in the Right of my Wife, *as the Case may be*] and in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits of a Real Estate in Law or Equity, situate in the County of *Kent* [*or*, in the City and County of *Canterbury*, *as the Case may be*], of the clear yearly Value of Forty Pounds, [*or*, am Heir Apparent of a Person, who, to the best of my Knowledge and Belief, is seised of such an Estate of the clear yearly Value of Eighty Pounds], [*or*, am possessed of or entitled to a Personal Estate to the Amount of Eight hundred Pounds.]

‘ So help me GOD.’

And if any Person not being so qualified, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit 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 Imparalance, shall be allowed; and every Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Proceedings of Trustees not qualified, to be valid, notwithstanding any subsequent Conviction.

V. 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.

No Person holding any Place of Profit, to act as a Trustee, or where he is personally interested:

VI. Provided always, and be it further enacted, That no Person who shall have or enjoy any Place of Profit arising out of or by reason of the respective Tolls hereby granted, shall be capable of acting as a Trustee during his Enjoyment of such Place of Profit; nor shall any Trustee be capable of acting in any Case wherein he shall be personally interested, otherwise than as a Creditor on the respective Tolls hereby granted and made payable.

But Trustees may act as Justices, except where personally interested.

VII. Provided nevertheless, That such Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Election of new Trustees.

VIII. And be it further enacted, That when and so often as any Trustee or Trustees shall die, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees for each of the said Districts respectively, or any Five or more of them, by Writing under their Hands, or under the Hands of any Five or more of them, from Time to Time to elect and appoint One other Person to be a Trustee in the Room or Stead of each Trustee so dying or refusing to act; but Notice of the
Time

Time and Place of the Meeting for every such Election of a new Trustee or Trustees shall be given, by the Clerk for the Time being, to the said respective Trustees, by inserting the same in One or both of the Newspapers published in the said City of *Canterbury*, or if no Newspaper shall be published in the said City, then in some Newspaper circulated in the Eastern Parts of the said County of *Kent*, and affixing a Copy of such Notice on each of the Gates or Turnpikes which shall be then erected in the said respective Districts, at least Ten Days before every such Meeting; and every such Person who shall from Time to Time be so elected and appointed a new Trustee as aforesaid, shall be and he is hereby vested with the same Powers for putting this Act into Execution, in the said respective Districts for which he shall be so elected and appointed, as if such Person had been named in and appointed a Trustee by this Act.

IX. And be it further enacted, That the said respective Trustees in the Execution of this Act, shall and may sue and be sued in the Name of their respective Clerks; and that no Action which shall be commenced, sued, prosecuted, or defended, by or against the said respective Trustees, or any of them, by virtue or on account of this Act, in the Name of their respective Clerks as aforesaid, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act or Default of such Clerk, without the Consent of the respective Trustees, or any Five or more of them, at a publick Meeting to be holden in pursuance of this Act; but the Clerk to the said respective Trustees for the Time being, shall be deemed Plaintiff or Defendant in every such Action, as the Case may be.

Trustees may sue and be sued in the Name of their Clerk.

X. Provided always, That each such Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and Charges, as by the Event of every such Proceeding he shall be put to, or become chargeable with, by Occasion of his being so made Plaintiff or Defendant.

Clerk to be repaid his Costs and Expences.

XI. And be it further enacted, That the Trustees for the said First District shall meet in the Guildhall of the said City of *Canterbury*, and the said Trustees for the said Second District in the Town Hall of *Ramsgate* aforesaid, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, of which respective Meeting Notice shall be given by Advertisement in such Newspapers or Newspaper as aforesaid, at least Ten Days before such respective Meeting, by the Solicitors of this Act; and at which respective Meeting the said respective Trustees shall proceed in the Execution of this Act, in their respective Districts; and shall and may, at such respective Meeting, and at their several Meetings to be holden in pursuance of this Act in their said respective Districts, from Time to Time adjourn themselves, and afterwards meet there, or at any other Place or Places in or near the said respective Districts, and at such Time or Times as the said respective Trustees shall think most convenient, as often as it shall be necessary for putting this Act into Execution; and if at any Meeting there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day (Two Trustees being deemed sufficient for the Purpose of

Time and Places of the First Meeting of the respective Trustees.

Adjournment

Adjournment only); or in case the respective Trustees, at any Time assembled, shall omit or refuse to adjourn, or shall adjourn for any longer Time than Three Calendar Months, then and in either of the said Cases the Clerk to the said respective Trustees shall, by Notice to be inserted in such Newspapers or Newspaper, and affixed on such Gates or Turnpikes as aforesaid, at least Ten Days before the next Meeting, appoint the respective Trustees to meet at the Place where the last Meeting was holden, or was appointed to have been holden, or at some other convenient House in or near the said respective Districts, on that Day Three Weeks from the Day on which such Meeting was holden, or was appointed to have been holden; and in case the Clerk to the said respective Trustees shall refuse or neglect to give, or by any Means shall be prevented from giving such Notice as aforesaid, it shall be lawful for any Three or more of the said respective Trustees (although not assembled at a Meeting), at any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of such Clerk, by Notice in their own Names, to be inserted and affixed in Manner aforesaid, to appoint the said respective Trustees to meet at some convenient House in or near the said respective Districts, upon that Day Three Weeks after the Date of such last mentioned Notice; and that the said respective Trustees, at all their Meetings, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

No Order, etc. to be revoked or altered but at a Meeting holden for the Purpose, on Notice previously given.

XII. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the respective 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 intended to be made, be inserted in such Newspapers or Newspaper, and affixed on such Gates or Turnpikes as aforesaid, 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.

Meetings on Emergencies.

XIII. And be it further enacted, That if after any Adjournment it shall at any Time be thought necessary, by any Five or more of the said respective Trustees, that an earlier Day of Meeting should be appointed than that Day to which the last Meeting shall have been adjourned, the Clerk to the said respective Trustees, by an Order in Writing, signed by such Five or more of the said respective Trustees (although not assembled at a Meeting), appointing the Time, Place, and Purpose of such earlier Meeting, shall forthwith give Notice of such earlier Meeting, in the Manner before directed, such Time not being less than Ten Days after such Notice; and all Proceedings of the said respective Trustees at such Meetings, to be appointed as last mentioned, shall be as valid as they would have been in case the respective Trustees had met in pursuance of an Adjournment.

Orders and Proceedings to be entered in Books, and admitted as Evidence.

XIV. And be it further enacted, That all the Orders and Proceedings of the said respective Trustees in the Execution of this Act, with the Names of the Trustees present at each respective Meeting, shall be entered in Books to be kept by their respective Clerk for that Purpose, and signed by the respective Chairman and Clerk present at each Meeting, or either of them; and that every such Book shall be open at all seasonable Times,

to

to the Inspection of any of the said respective Trustees, or of the Creditors on the respective Tolls hereby granted and made payable, who shall be at Liberty to have and take Copies thereof, or Extracts therefrom, paying for every Copy or Extract, not exceeding One hundred Words, the Sum of Sixpence, and so in Proportion for any greater or less Number of Words; which said Entries, duly signed as aforesaid, shall be deemed Originals, and shall be read and admitted as Evidence in Cases of Appeal, and in all Suits or Actions, in any Court whatsoever, touching any Thing done in pursuance of this Act.

XV. And be it further enacted, That the said respective Trustees, at any Meeting to be holden in pursuance of this Act, shall and may, by Writing under their Hands, or the Hands of any Five or more of them respectively, nominate and appoint One fit Person to be Clerk for each respective District, and the same or One other fit Person to be Treasurer for the same respective District, and Three or more fit Persons to be Collectors of the respective Tolls; and shall and may, within One Month after the Appointment of such respective Treasurers, require and take such Security from such respective Treasurers, and (if they shall think proper) from such other Officers, by Bonds or otherwise, for the due and faithful Discharge of their respective Offices, as to the said respective Trustees, at any Meeting to be holden in pursuance of this Act, shall seem necessary and sufficient; and also shall and may, in like Manner, nominate and appoint One or more fit Person or Persons to be Surveyor or Surveyors of the said respective Districts, and also such other Officers as they or any Five or more of them respectively shall think necessary to employ in the Execution of this Act; and shall and may from Time to Time remove such respective Clerks, Treasurers, Collectors, Surveyors, or other Officers, as they or any Five or more of them, respectively shall see Occasion, and appoint others, in Cases of Death or such Removal; and that out of the Monies to be received by virtue of this Act, in each respective District, such Allowances and Compensations shall and may be made to the several Officers, to be appointed as aforesaid, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said respective Trustees, or any Five or more of them, shall seem proper.

Trustees may
appoint Officers;

and allow
them Salaries.

XVI. And be it further enacted, That all such Officers and other Persons to be appointed as aforesaid, shall from Time to Time when thereunto required by the said respective Trustees, deliver to such respective Trustees, or to such Person or Persons as they respectively shall for that Purpose appoint, a true and perfect Account, in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, by virtue of this Act, and how, and to whom, and for what Purpose the same or any Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify their said respective Accounts upon Oath; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said respective Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render or give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to

Officers to account on Oath

[Loc. & Per.]

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the same, or to verify the Articles thereof on Oath (which Oath the said respective Trustees, or any Two or more of them, are hereby authorized and empowered to administer), or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said respective Trustees, or to such Person or Persons as they respectively shall appoint, within Four Days after being thereunto required by the said respective Trustees or their Clerk, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, in anywise relating to the Execution of this Act, or to the said respective Districts, and Complaint shall be made of any such Refusal or Neglect to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall be or reside, by the said respective Trustees, or by any Person or Persons on their Behalf, duly authorized by their Order made at some Meeting to be holden in pursuance of this Act, such Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to summon such Officer or Officers, Person or Persons, to appear before him, and upon his, her, or their not appearing according to such Summons, then by Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be apprehended and brought before him, and upon his or their appearing, or being brought before him, such Justice may, and he is hereby authorized and required to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said respective Trustees might have done according to the Directions of this Act; and if upon the Settlement of such Account or Accounts, or upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, forthwith, or at such Time or Times as he shall allow and appoint for the Payment of the same, by a Warrant or Warrants 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 Officers, Person or Persons respectively; and if Goods or Chattels shall not be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale; or if such Officer or Officers, Person or Persons, when present before the said Justice at the Time and Place by him appointed for that Purpose, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of his, her, or their Receipts and Payments as aforesaid, or to verify the Truth of any such Account, or of the Articles thereof, upon Oath as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in his, her, or their Custody or Power, relating to the Execution of this Act, or to the said respective Districts in anywise, then and in any of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction in and for the County, District, or Place where he, she, or they shall be or reside, there to remain without Bail or Mainprize, until he, she, or they

they shall have delivered in and settled his, her, or their Accounts, and shall have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his, her, or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he, she, or they shall have compounded with the said respective Trustees, and paid the Composition Money to the said respective Trustees, or to such Person or Persons as they respectively shall appoint to receive the same (and which Composition the said respective Trustees are hereby in such Case empowered to make), or until he, she, or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof, to the said respective Trustees: Provided always, that no Person shall be committed for Want of sufficient Distress only, for any longer Space of Time than Six Calendar Months.

XVII. And be it further enacted, That upon the Death, Incapacity, absconding, Misbehaviour, or Absence of any Collector or Receiver of the respective Tolls, any Three or more of the said respective Trustees, though not assembled at a Meeting holden in pursuance of this Act, shall and may from Time to Time nominate and appoint One other proper Person to be a Collector or Receiver of the said respective Tolls, in the Stead of such Collector or Receiver so dying or becoming incapable, or absconding, misbehaving, or absenting him or herself, until the next Meeting of the said respective Trustees to be holden in pursuance of this Act, which Person, so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person in whose Room or Stead he or she shall have been so appointed would have had or been subject to; and that, if any Collector or Receiver of the said respective Tolls, who shall be discharged from his said Office by the said respective Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building to be erected or set up by virtue of this Act, and the Garden and Appurtenances belonging to the same, for the Space of Four Days after Demand thereof made, and Notice in Writing given or left on the Premises for that Purpose, by or under the Hands of any Three or more of the said respective Trustees, or their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County or Place in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer within the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Occupier or Occupiers thereof, and all and every Person and Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said respective Trustees, or any Three or more of them, or their Clerk, or their new-appointed Officer, into the Possession thereof, with the Appurtenances.

Trustees may appoint temporary Collectors.

XVIII. And be it further enacted, That the said Trustees for the said First District, shall and may erect and set up, or cause to be erected and set up,

Power to erect Turnpikes and Toll Houses.

up, Two or more Gates or Turnpikes, in, upon, and across that Part of the said Road which is lying within the same District; and that the said Trustees for the said Second District shall and may erect and set up, or cause to be erected and set up, One or more Gate or Turnpike, Gates or Turnpikes, in, upon, and across that Part of the said Road which is lying within the same last-mentioned District; and also shall and may respectively erect and set up, or cause to be erected and set up, across or on the Sides or Side of any Part of the said Road in their said respective Districts where any Highway joins or meets the same, as many Side Gates or Turnpikes as the said respective Trustees shall think proper, with a Toll House, and proper and necessary Buildings, Gardens, Conveniencies, and Fences, at or near to each such Gate or Turnpike, whether across the said Road, or on the Side or Sides thereof, and shall and may respectively purchase and take Land sufficient for such Toll Houses, with necessary Accommodations thereto: Provided nevertheless, that no such Gate, Side Gate, or Turnpike, shall be erected or set up in, upon, or across the Road lying between *Sarr Bridge* and *Sarr Street*, or in *Sarr Street*, or in, upon, or across the present Road from *Sarr Street* to *Saint Nicholas at Wade* aforesaid, and to the Road commonly called *The Summer Road*, leading through *Sarr Lane* to the Town of *Margate*, in the said Isle of *Thanet*.

Turnpikes not to be erected on certain Parts of the Road.

Tolls to be taken on the Road between *Canterbury* and *Sarr*.

XIX. And be it further enacted, That the respective Tolls following, shall be demanded and taken by such Person or Persons as the said Trustees for the said First District shall from Time to Time appoint, at each of the said Gates, and Side Gates, or Turnpikes, on that Part of the said Road which is lying within the same District, before any Horse, Beast, Cattle, or Carriage, shall be permitted to pass through the same; (that is to say),

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage, of whatsoever Name or Description, the Sum of Six-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 One Shilling and Eight-pence *per* Score, and so in proportion for any less Number than a Score: And

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence *per* Score; and so in proportion for any less Number than a Score:

And that the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees for the said Second District shall from Time to Time appoint, at each of the said Gates, and Side Gates, or Turnpikes on that Part of the said Road which is lying within the same last-mentioned District, before any Horse, Beast, Cattle, or Carriage, shall be permitted to pass through the same; (that is to say),

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage, of whatsoever Name or Description, the Sum of Three-pence:

For

Tolls to be taken on the Road between *Sarr* and *Ramsgate*.

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

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score; and so in proportion for any less Number than a Score :

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

XX. And be it further enacted, That the said respective Tolls shall be, and they are hereby vested in the said respective Trustees; and a Table thereof respectively shall be put up and continued at each Turnpike Gate and Side Gate where the same are respectively payable; and if any Person or Persons subject to the Payment of any such Tolls, shall, after Demand thereof made, refuse or neglect to pay the same, or any Part thereof, it shall and may be lawful for the Person or Persons appointed to collect the said respective Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary (and which Assistance all Persons are hereby required to give, if called upon), to seize and distrain any Horse, Mare, Gelding, Mule, Ass, or other Beast or Cattle, upon which such Toll is by this Act imposed, together with their Bridles, Saddles, Geers, Harness, or Accoutrements; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell the Horse or Horses, Mare, Gelding, Mule, Ass, Beast, or Cattle, or their Bridles, Saddles, Geers, Harness, or Accoutrements, so seized or distrained, or a sufficient Part thereof, returning the Overplus (if any), and what shall remain unsold, on Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Distress, shall be deducted and paid.

Tolls vested in the respective Trustees;

and may be levied by Distresses and Sale.

XXI. Provided always, That between the last Day of *October* and the First Day of *May*, there shall be demanded and taken, at each and every Gate, and Side Gate or Turnpike, erected in both of the said Districts, an additional Toll, equal to the Toll then payable at each and every such Gate, and Side Gate or Turnpike, for every Horse or other Beast of Draught, drawing any Carriage laden with any Timber, Tree or Trees, Hop Poles, or other Poles called *Use Stuff*.

Double Tolls to be paid in certain Cases.

XXII. Provided always, and be it further enacted, That if any Person or Persons shall have paid the respective Tolls by this Act granted and ascertained, for the passing of any Horse, or other Beast or Cattle, through any Gate, Side Gate, or Turnpike, erected by virtue of this Act, the same Person or Persons, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass and repass through the same Gate, Side Gate, or Turnpike, with the same Horse, or other Beast or Cattle, Toll free, at any Time or Times during the same Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night); which Note or Ticket the Collectors or Receivers of

Tolls to be paid but Once a Day at the same Gate.

[*Loc. & Per.*]

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the said respective Tolls for the Time being, are hereby required to give *gratis* (if demanded), on the Payment of such Toll.

Tolls to be paid but Once a Day between Canterbury and Sarr.

XXIII. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable any Collector or Receiver of the said Tolls hereby granted and made payable on that Part of the said Road which is lying within the said First District, to demand or take any more than One Toll (such One Toll being either a single or double Toll, as the Case may be, and being to the full Amount of the Toll or Tolls then payable at the Gate, Side Gate, or Turnpike where the same shall be paid), in any One Day (such Day to be computed as aforesaid), from the same Person or Persons, for or in respect of the same Horse, or other Beast or Cattle passing and repassing through any other Gate, Side Gate, or Turnpike, on the same Part of the said Road within the same District; all and every such Person or Persons producing a Note or Ticket, that the said Toll has been paid in that Day on such Part of the said Road as aforesaid, which Note or Ticket the Collector or Receiver to whom such Toll shall be paid is hereby required to give *gratis* (if demanded), on the Payment of such Toll.

Tolls to be paid but Once a Day between Sarr and Ramsgate.

XXIV. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable any Collector or Receiver of the said Tolls hereby granted and made payable on that Part of the said Road which is lying within the said Second District, to demand or take any more than One Toll (such One Toll being either a single or double Toll, as the Case may be, and being to the full Amount of the Toll or Tolls then payable at the Gate, Side Gate, or Turnpike where the same shall be paid), in any One Day (such Day to be computed as aforesaid), from the same Person or Persons, for or in respect of the same Horse, or other Beast or Cattle, passing and repassing through any other Gate, Side Gate, or Turnpike, on the same last mentioned Part of the said Road, within the same last mentioned District, all and every such Person and Persons producing a Note or Ticket that the said Toll has been paid in that Day on such last mentioned Part of the said Road as aforesaid, which Note or Ticket the Collector or Receiver to whom such Toll as last mentioned shall be paid, is hereby required to give *gratis* (if demanded), on the Payment of such Toll.

No Toll to be demanded for only crossing the Road.

XXV. Provided also, That no Toll shall be demanded or taken at any Side Gate or Turnpike within either of the said Districts, for any Horse, or other Beast or Cattle which shall only cross the said Road, and which shall not go or travel or be driven thereon, exceeding the Distance of One Quarter of a Mile.

Disputes concerning Tolls to be settled by a Justice.

XXVI. Provided also, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of taking, keeping, or selling any Distress or Distresses, it shall be lawful for the Collector or Person taking such Distress to retain the same, or the Money arising by Sale thereof, as the Case may happen, until the Quantity of Tolls due, and the Charges of taking, keeping, and selling such Distress or Distresses, shall be ascertained, either by some Justice of the Peace for the County of Kent, or by the Mayor or some other Justice of the Peace for

for the City of *Canterbury*, or for the Town and Port of *Sandwich*, or for the Town of *Fordwich* (in their respective Jurisdictions), who, upon Application made to him for that Purpose, shall examine the said Matter on the Oath of the Parties, or of any credible Witness or Witnesses (which Oath any such Justice is hereby empowered to administer), and determine the Quantity of the Tolls due, and assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collectors Attendance on such Justice for that Purpose; all which Sums so determined or assessed shall be paid to the said Collector or other Person, before he shall be obliged to return any Distress, or the Overplus Money after the Sale thereof, or of any Part thereof.

XXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said respective Tolls, or any of them, the Person or Persons appointed to collect the same respectively, or any other Person or Persons acting by or under the Authority of the said respective Trustees, shall be and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Collectors of
Tolls to be
competent
Witnesses.

XXVIII. And be it further enacted, That the Right and Property of all the said respective Turnpikes and Toll Houses, and other Buildings, with the Gardens, Fences, and Appurtenances thereto respectively to be erected or provided, upon, at the Side of, or near the said Road, in the said respective Districts, and of the Materials for building or altering the same respectively, and all the Materials, Tools, and other Things which shall be provided, collected, or made Use of for making, repairing, or improving the said Road, or for executing this Act in the same respective Districts, shall be, and the same respectively are hereby vested in the said respective Trustees for the Time being; and they the said respective Trustees are hereby authorized and empowered to bring Actions or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, or damage any of such Turnpikes, Toll Houses, or other Buildings, Gardens, Fences, Materials, Tools, or other Things as aforesaid, or resist or disturb the said respective Trustees, or any of their respective Collectors, or other Officers in the Possession thereof, or of any of them, or in the Execution of their or his Duty under this Act.

Turnpikes
and Toll
Houses vested
in the respec-
tive Trustees

XXIX. And be it further enacted, That the said respective Trustees, at any Meeting to be holden for that Purpose in their respective Districts (whereof Twenty Days Notice shall be inserted in such Newspapers or Newspaper, and affixed on such Gates or Turnpikes as aforesaid) may, and they respectively are hereby empowered, from Time to Time to lower or reduce all or any of the said respective Tolls hereby granted, 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 respectively shall seem fit and convenient, and to order such respective Tolls, so lowered or reduced, to be collected and received in such Manner, Parts, and Proportions as they respectively shall think fit, so as such Reduction be no Prejudice to, and be with the Consent of Three-fourth Parts in Value of the several Persons who shall have advanced any Money on the Credit of this Act within the said respective Districts at the Time of such Reduction; and

Trustees may
lower Tolls
and raise them
again, if ne-
cessary.

the

the said respective Trustees may, and they respectively are hereby empowered to raise the said respective Tolls again, or any Part thereof, so as the same do not exceed the respective Tolls herein-before granted, and now payable by any such Act or Acts of Parliament as aforesaid; and such respective Tolls so lowered or reduced and raised again, shall be collected, recovered, and applied in the same Manner as the respective Tolls herein-before granted and now payable as aforesaid, are respectively directed to be collected, recovered, and applied.

Trustees may compound for Tolls.

XXX. And be it further enacted, That it shall be lawful for the said respective Trustees from Time to Time to compound, for One Year only, or for any less Period of Time, as they respectively shall think proper, with any Person or Persons, for any Horses, Beasts, or Cattle, travelling on the said Road in their said respective Districts, for all or any of the Tolls to be paid in respect of such Horses, Beasts, or Cattle at the Gates, Side Gates, or Turnpikes, in each respective District; and all such Composition Money shall be paid in Advance quarterly, or otherwise as the said respective Trustees shall appoint, and in Default thereof the Composition shall be void.

Penalty on disposing of or using Tickets to evade the Tolls.

XXXI. And be it further enacted, That if any Person or Persons shall dispose or offer to dispose of any Ticket to any other Person or Persons, in order to evade the Payment of any of the said respective Tolls, every such Person so offering or disposing of such Ticket or Tickets, and the Person or Persons receiving and making Use of the same, shall respectively forfeit any Sum not exceeding Forty Shillings, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied towards the Purposes of this Act, within the said respective Districts.

Trustees empowered to lease the Tolls.

XXXII. And be it further enacted, That the said respective Trustees may, and they respectively are hereby authorized and empowered, at any Time or Times during the Continuance of this Act, upon Fourteen Days Notice being inserted in such Newspapers or Newspaper, and affixed on such Gates or Turnpikes as aforesaid, to lease or farm all the respective Tolls granted by this Act in their said respective Districts, or any Part or Parts thereof, to any Person or Persons whomsoever, at and for the largest yearly Sum or Sums which can be gotten for the same; provided every such Lease or Agreement be made in Writing, and duly executed by the Person or Persons taking or farming the said Tolls respectively, and by any Five or more of the said respective Trustees, and be not made for more than Three Years at any One Time; and that the Monies which shall be so agreed to be paid for the said respective Tolls, shall be made payable and be paid to the Treasurer of the said respective Trustees for each respective District as aforesaid, by quarterly Payments, and that the Person or Persons to whom the said respective Tolls shall be so leased, shall always pay One Quarter's Rent in Advance; and that the Person or Persons to whom the said respective Tolls shall have been leased or farmed as aforesaid, shall be liable to account for the same Rent to the said respective Trustees, and the same shall and may be levied and recovered upon and from him or them by the same Ways and Means and in such Manner as any Monies are herein directed to be levied and recovered, from any Officer or other Person appointed by, and liable to account with, the said respective Trustees as aforesaid.

XXXIII. And

XXXIII. And be it further enacted, That no Toll shall be demanded or taken in either of the said respective Districts for any Horse, Cattle, or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Stone, Brick, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road doth lie, or undried Hops, Green Clover for soiling Cattle, Hay, Straw, Corn in the Straw, or Wool not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Horse, Cattle, or Beast, employed in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Sullage, Compost, or Manures (except Lime and Chalk) employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod; or from any Person going to or returning from his or her proper parochial Church, Chapel, or other Place of religious Worship, tolerated by Law, on any *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die and 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 any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, 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, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horses of any Soldiers upon their March, or on Duty, or drawing any Carriages attending them with their Arms or Baggage; or for any Cattle or Carriages employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast, drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair, or conveying any Passenger on Horseback 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, Burgess or Burgesses, to serve in Parliament for the City of *Canterbury*, or for the Town and Port of *Sandwich*, 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 or Persons shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, such Person or Persons shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Exemptions
from Toll.

XXXIV. And be it further enacted, That if any Owner or Occupier of any Lands adjoining to any Part of the said Road, or near to any of the said Turnpikes, shall knowingly permit or suffer any Person or Persons to pass through or over any Part of their said Lands, or through any Gate, Passage, Inclosure, or private Way, with any Horse, Cattle, or Carriage; or if any Person or Persons shall pass through or over any such Lands, Gate, Passage, Inclosure, or private Way, with any Horse, Cattle, or Carriage; or if any Person or Persons shall take off or cause

Penalty on
permitting
Persons to go,
and on Persons
going, through
private
Grounds, to
avoid the
Tolls.

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to be taken off from any Carriage any Horse or other Beast, or any Part of the Loading of any such Carriage, in order to lessen or reduce its Weight, whereby the Payment of any of the said respective Tolls, or any Part thereof respectively, is or may be avoided, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Fifty Shillings nor less than Thirty Shillings.

Power to remove Gates within the Limits prescribed:

But no Gate to be removed, unless a Meeting is held for the Purpose.

XXXV. Provided always, and be it further enacted, That it shall be lawful for the said respective Trustees from Time to Time to take down and remove any Gate, Side Gate, or Turnpike, and any Toll House, Building, or other Conveniences erected or provided by virtue of this Act, in their said respective Districts, and to set up the same again at any other Place or Places within the same respective Districts, except as herein-before is mentioned: Provided nevertheless, that no Gate, Side Gate, or Turnpike to be erected or set up by virtue of this Act, shall at any Time after the same shall be so set up, be taken down or removed to any other Place, except by Order of the said respective Trustees, at a Meeting convened for that Purpose, and unless Notice specifying the Intention of taking down and removing such Gate, Side Gate, or Turnpike, and the Place to which the same is proposed to be removed, be inserted in such Newspapers or Newspaper, and affixed on such Gates or Turnpikes as aforesaid, Twenty-one Days at least before such Meeting; any Thing in this Act contained to the contrary thereof notwithstanding.

Trustees enabled to borrow Money on the Credit of the Tolls.

XXXVI. And be it further enacted, That the said Trustees for the said First District shall and may, and they are hereby empowered from Time to Time, to borrow and take up at Interest any Sum or Sums of Money which they shall think necessary and sufficient (not exceeding the Sum of Seven thousand Pounds in the Whole), for the repairing, altering, widening, and improving that Part of the said Road which is lying within the said First District, and for otherwise carrying this Act into Execution in respect of the same District, upon the Credit of the said respective Tolls herein-before granted and made payable at the several Gates, Side Gates, or Turnpikes, on that same Length of Road; and that the said Trustees for the said Second District shall and may in like Manner, from Time to Time borrow and take up at Interest any Sum or Sums of Money which they shall think necessary and sufficient (not exceeding the Sum of Four thousand Pounds in the Whole), for the repairing, altering, widening, and improving the other Part of the said Road which is lying within the said Second District, and for otherwise carrying this Act into Execution in respect of the same last mentioned District, upon the Credit of the said respective Tolls herein-before granted and made payable at the Gate or Turnpike, or several Gates, Side Gates, or Turnpikes on the same last mentioned Length of Road; and that the said respective Trustees shall and may from Time to Time, by Assignment or Mortgage, in Writing under the Hands and Seals of any Five or more of them respectively, assign over or mortgage the said respective Tolls, on the Credit whereof respectively any such Sum or Sums of Money shall or may be borrowed and taken up as aforesaid, or any Part or Parts of such Tolls respectively (the Charges of such respective Assignments or Mortgages to be paid out of such respective Tolls), for any Term during the

the Continuance of this Act, as a Security or Securities for the Repayment of such Sum and Sums of Money which shall or may be borrowed and taken up upon the Credit of such respective Tolls as aforesaid, together 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 respective Treasurer, for the Time being to the said respective Trustees; all which Assignments or Mortgages shall be in the Words or to the Effect following; (*videlicet*),

‘ BY virtue of an Act of Parliament, made in the Forty-second Year Form of
‘ of the Reign of His Majesty King *George* the Third, intituled, Mortgage.
‘ [*Here insert the Title of this Act*] We Five of the Trustees, acting in
‘ Execution of the said Act, for the First [*or, Second, as the Case may*
‘ *be*] District of Road therein mentioned, in Consideration of the Sum
‘ of _____ paid by _____ to the Treasurer
‘ to the Trustees for the same District, Do hereby grant, bargain, sell,
‘ and demise unto the said _____ his [*or, her*] Exe-
‘ cutors, Administrators, and Assigns, such Proportion of the Tolls
‘ arising by virtue of the said Act, within the said District, as the said
‘ Sum of _____ doth or shall bear to the
‘ whole Sum which may at any Time be borrowed, or become due and
‘ owing, or charged on the Credit thereof, 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 at 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 _____

And Copies of all such Assignments or Mortgages shall be entered in a Book or Books to be kept for that Purpose by each respective Clerk to the said respective Trustees, and which said Book or Books shall and may at all reasonable Times be perused and inspected by the said respective Trustees or Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person to whom any such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his or her Right, Title, Interest, or Benefit to the same, and to the Principal and Interest thereby secured, to any other Person or Persons whomsoever, by any Writing under his or her Hand and Seal, before One or more credible Witness or Witnesses, in the Words or to the Effect following; (*videlicet*),

‘ I _____ [*or, We,* _____ *as the Case* Form of
‘ *may be*] being entitled to the Sum of _____ Assignment.
‘ secured to _____ Executors, Administrators, and Af-
‘ signs, by virtue of an Assignment or Mortgage, bearing Date the _____
‘ _____ Day of _____ under the Hands
‘ and Seals of _____ of the Trustees acting in Execution of an
‘ Act of Parliament made in the Forty-second Year of the Reign of His
‘ Majesty _____

Creditors may
assign their
Securities.

' Majesty King *George* the Third, intituled [*Here insert the Title of this*
 ' *Act*], for the First [*or Second, as the Case may be*] District of Road
 ' therein mentioned, upon the Credit of the said *Act*, Do hereby transfer
 ' all my [*or our, as the Case may be*] Right and Title in and to the same,
 ' and all the Principal and Interest Money now due and owing thereon,
 ' unto Executors, Administrators, and Assigns.
 ' Dated this Day of in the Year of
 ' our Lord
 ' Witness hereto.'

Assignments
to be regis-
tered.

And every such Transfer shall be produced and notified to the respective
 Clerks for the Time being to the said respective Trustees, within Twenty
 Days after the Date thereof, who shall cause an Entry or Memorial to be
 made thereof, in the before-mentioned Book or Books, containing the
 Date, Names of the Parties, and Sum of Money therein mentioned to be
 transferred, for which the same Clerk shall be paid the Sum of Two Shil-
 lings; and such Transfer shall then entitle such Assignee or Assignees,
 his, her, or their Executors, Administrators, and Assigns, to the Bene-
 fit thereof, and Payment thereon; and such Assignee or Assignees may in
 like Manner transfer the same again, and so *toties quoties*, and every such
 subsequent Transfer shall in like Manner as aforesaid be produced and
 notified to the said respective Clerks, who shall cause an Entry or Memo-
 rial to be made thereof, and shall be paid the like Sum for making the
 same as aforesaid; and it shall not be in the Power of any Person or Per-
 sons (except such to whom the same shall be last transferred), to make void,
 release, or discharge the original Security, or Monies thereby due, or any
 Part thereof; and all Persons to whom any Mortgage or Transfer shall
 be made by virtue of this *Act*, shall be, in proportion to the Sums of
 Money therein respectively mentioned, Creditors on the respective Tolls
 upon the Credit whereof respectively the same shall be borrowed, 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 Assign-
 ments or Mortgages respectively.

Notice to be
given pre-
vious to bor-
rowing Mo-
ney

XXXVII. Provided nevertheless, That before any Money shall be
 borrowed, as aforesaid, Twenty-one Days Notice at the least shall be
 given in such Newspapers or Newspaper, and affixed on such Gates
 or Turnpikes as aforesaid, signifying the Intention of borrowing such
 Money.

Tolls payable
at the Turn-
pike at *Vaux-
hall* suspend-
ed.

XXXVIII. And be it further enacted, That from and after the passing
 of this *Act*, all and every the Tolls now payable by virtue of the said re-
 cited *Act* of the Twenty-seventh Year of the Reign of His present Ma-
 jesty, at the said Turnpike at or near *Vauxhall* aforesaid, and all Exemp-
 tions from any Tolls by the same *Act* allowed at the said Turnpike, shall
 be and the same respectively are hereby declared to be suspended during
 the Continuance of this *Act*; and that in lieu thereof the said Trustees
 appointed to put this *Act* in Execution within the said First District, shall
 and they are hereby required, out of the Tolls granted by this *Act*, and
 made payable at the Gates, Side Gates, or Turnpikes on the said Part of
 the said Road which is lying within the said First District, to pay or cause
 to be paid to the Commissioners for the Time being acting in Execution
 of the said recited *Act*, or to their Treasurer for the Time being, the Sum
 of

of One hundred and thirty Pounds of lawful Money of *Great Britain*, yearly and every Year during the Continuance of this Act, the same to be paid by Four equal quarterly Payments in every Year, and the First Payment thereof to begin and be made, at the End of Three Calendar Months next after the passing of this Act, which said yearly Sum of One hundred and thirty Pounds, shall be applied and disposed of by the said Commissioners for the Purposes of the said recited Act, in the same Manner as the said Tolls hereby suspended would or ought to have been applied and disposed of in case this Act had not been made; and that in case the said yearly Sum of One hundred and thirty Pounds, herein-before directed to be paid by the said Trustees for the said First District, or any quarterly Payment of the same, shall not be paid within Twenty-one Days next after the same shall become due and payable as aforesaid, it shall be lawful to and for the Commissioners for the Time being acting in Execution of the said recited Act, or their Treasurer or Clerk, to sue for and recover the same yearly Sum of One hundred and thirty Pounds, and the quarterly Payments thereof, by Action of Debt or upon the Case, in the Name of their Treasurer or Clerk for the Time being, against the said Trustees for the said First District, or their Treasurer for the Time being, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit; or otherwise it shall be lawful for the said Commissioners, or such Person or Persons as they shall from Time to Time in that Behalf appoint, and they and he is and are hereby fully authorized and empowered from Time to Time to enter upon and take Possession of the said Turnpike and Toll House at or near *Vauxhall* aforesaid; or any other of the Gates, Side Gates, or Turnpikes and Toll Houses to be erected by virtue of this Act, and then standing within the said First District, and to demand, collect, and receive the Tolls granted by this Act, and then payable at such Gates, Side Gates, or Turnpikes, until full Payment of all Arrears of the said yearly Sum of One hundred and thirty Pounds, together with the reasonable Costs, Charges, and Expences attending such Entry and Possession; and the demanding, collecting, and receiving of the said Tolls for such last mentioned Purpose: Provided nevertheless, that nothing herein contained shall extend; or be construed to extend, to suspend the Payment of the Duty on Coal, Coke, and Cinder, now payable at the said Turnpike at or near *Vauxhall* aforesaid, or the Tolls granted by the said recited Act, which are thereby authorized and allowed to be demanded, taken, and received, and which are now collected, at a certain other Turnpike at or near *Harbledown*, on the Road leading from the said City to *London*.

This Act not to suspend the Duty on Coals, etc.

XXXIX. And be it further enacted, That from and after the passing of this Act, and during the Continuance thereof, the Right and Property of and in the said Turnpike and Toll House, with the Appurtenances, at or near *Vauxhall* aforesaid, shall be, and the same are hereby vested in the said Trustees appointed to put this Act in Execution within the said First District, for the Purpose of collecting thereat, during the Continuance of this Act, the Tolls hereby granted and made payable on that Part of the the said Road which is lying within the same District; and the said last mentioned Trustees are hereby empowered to cause any Action to be brought, and any Bill of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, or spoil the same respectively, in like Manner, to all Intents and Purposes, as is herein

Turnpike and Toll House at *Vauxhall* vested in Trustees.

[Loc. & Per.]

P

enacted

enacted and declared with respect to the Gates, Side Gates, or Turnpikes and Toll Houses, to be erected by the said Trustees, by virtue of this Act; any Thing in the said recited Act of the Twenty-seventh Year of the Reign of His present Majesty to the contrary thereof in anywise notwithstanding.

Provision for continuing to collect the Duty on Coal, &c.

XL. And be it further enacted, That the Person or Persons who for the Time being shall be appointed by the said Trustees for the said First District, to collect and receive the Tolls granted by this Act at the said Turnpike at or near *Vauxhall* aforesaid, shall, and he, she, and they is and are hereby authorized and required, during the Continuance of this Act, to collect and receive the Duty granted by the said recited Act on all Coal, Coke, or Cinder, which shall be brought or conveyed through the said Turnpike, according to the Directions of the said recited Act, and duly pay all the Monies which he, she, or they shall so collect and receive, for or in respect of the said Duty at the said Turnpike, to the Treasurer for the Time being to the said Commissioners, for the Uses and Purposes in the said recited Act mentioned, at such Time and in such Manner, and according to such Orders and Directions, and under and subject to such Penalties and Forfeitures, as any Collector or Receiver of the said Duty immediately appointed by the said Commissioners is or ought by the said recited Act to collect, receive, and pay the same, or is or would be subject or liable to; and that neither the said Person or Persons nor the said Trustees, shall ask, demand, or receive, of or from the said Commissioners, any Allowance, Gratuity, Fee, or Reward, for collecting and paying the same, the said Commissioners only providing and furnishing all Books, Tickets, and Papers necessary or proper to be made Use of in collecting and receiving the said Duty.

The Tolls hereby suspended, when to revive.

XLI. Provided always nevertheless, and it is hereby enacted and declared, That from and immediately after the Expiration of the Term of Years for which this Act is hereby enacted to be in Force and have Continuance, the said Tolls hereby suspended as aforesaid, shall revive and become again payable, and be demanded, taken, and received, at the said Turnpike at or near *Vauxhall* aforesaid, under the Authority of the said recited Act, and the said Turnpike and Toll House, with the Appurtenances, shall be again vested in the Commissioners for the Time being, acting in Execution of the same Act, in the same or the like Manner, and for the same Intents and Purposes in every Respect, as if this Act had never been made; any Thing in this Act contained to the contrary in anywise notwithstanding.

Application of the Tolls, &c. between Canterbury and Sarr.

XLII. And be it further enacted, That the Monies to arise by the respective Tolls hereby granted and made payable at the several Gates, Side Gates, or Turnpikes, on that Part of the said Road which is lying within the said First District, and which may be borrowed on the Credit thereof, as aforesaid, and all other Monies and Payments whatsoever arising and to be paid or received as Compositions, Fines, or otherwise, by Authority and for the Purposes of this Act, within and for the said First District, shall be paid to the Treasurer for the Time being to the said Trustees acting within and for the same District; and the same respectively shall be applied and disposed of, in the First Place, in Payment and Discharge of a proportionable Part of all the Costs, Charges, and

and Expences incident to and attending the obtaining and passing this Act; and in the next Place, in paying to the Commissioners acting in Execution of the said recited Act of the Twenty-seventh Year of His present Majesty's Reign, or their Treasurer for the Time being, the aforesaid yearly Sum of One hundred and thirty Pounds, herein-before granted and directed to be paid in lieu of the Tolls payable by the said recited Act, and hereby suspended as aforesaid; and afterwards in paying and discharging the Interest and Principal of the Monies to be borrowed, by virtue of this Act, in respect of that same District, and the Charges and Expences of repairing, altering, widening, and improving the said Part of the said Road which is lying within the same District, and all other Charges and Expences of carrying this Act into Execution, in respect of that same Length of Road; provided nevertheless, that the said yearly Sum of One hundred and thirty Pounds, in the First Place, and the Interest of the Monies to be borrowed by virtue of this Act on the said Part of the said Road which is lying within the said First District, in the next Place, shall from Time to Time be duly and regularly paid, as the same respectively shall become due and payable, out of the Tolls to be collected within the same District, before such Tolls shall be applicable to any other Purpose whatsoever.

XLIII. And be it further enacted, That the Monies to arise by the respective Tolls hereby granted and made payable at the Gate or Turnpike, Gates, Side Gates, or Turnpikes on the other Part of the said Road which is lying within the said Second District, and which may be borrowed on the Credit thereof as aforesaid, and all other Monies and Payments whatsoever arising and to be paid or received for Compositions, Fines, or otherwise, by Authority and for the Purposes of this Act, within and for the said Second District, shall be paid to the Treasurer for the Time being to the said Trustees acting within and for the same District, and the same respectively shall be applied and disposed of, in the First Place, in Payment and Discharge of a proportionable Part of all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, and afterwards in paying and discharging the Interest and Principal of the Monies to be borrowed by virtue of this Act in respect of the same last mentioned District, and the Charges and Expences of repairing, altering, widening, and improving the said Part of the said Road which is lying within the same District, and all other Charges and Expences of carrying this Act into Execution in respect of the said last mentioned Length of Road; provided also, that the Interest of the Monies to be borrowed by virtue of this Act on the said last mentioned Part of the said Road which is lying within the said Second District, shall in the First Place from Time to Time be duly and regularly paid, as the same respectively shall become due and payable out of the Tolls to be collected within the same last mentioned District, before such Tolls shall be applicable to any other Purpose whatsoever.

Application
of the Tolls
between *Sarr*
and *Raingate*.

XLIV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be borne and paid between the said respective Districts, in proportion to the total Amount of the Tolls to be collected therein respectively within the First Year after the passing of this Act, first deducting from

Costs of
obtaining
this Act to be
proportion-
ably divided
between the
Two Parts of
the Road.

the

the Amount of the Tolls collected within the said First District the aforesaid yearly Sum of One hundred and thirty Pounds, charged thereon as aforesaid; and the said respective Trustees are hereby required and directed to apportion and pay the same thereout accordingly.

Trustees may make, alter, and divert the Road.

Bodies Politick, &c. empowered to sell.

XLV. And be it further enacted, That the said respective Trustees shall be, and they respectively are hereby fully empowered, from Time to Time, as they respectively shall think proper, to make, divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Road comprized in this Act, lying within their respective Districts; and that the said Road, or any Variation thereof, may be made of any Width, not exceeding Forty Feet; and that any Alteration, Diversion, Variation, or Widening of Road, may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private or inclosed Lands 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 and may be lawful for the said respective Trustees, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain, by the making, widening, diverting, or changing the Course or Path of any Part or Parts of the said Road through such Lands and Hereditaments; and it shall and may be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, and other Trustees whatsoever, not only for or on Behalf of themselves, their Heirs and Successors respectively, but also for and on Behalf of Infants, Females Covert, and Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said respective Trustees, for the Sale of such Lands and Hereditaments, or any Part thereof, or for their Interests therein, for the Purposes of this Act, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be and they are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Owners of Lands refuse to treat,

XLVI. And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any such Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or any other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice in Writing, by the respective Clerks for the Time being to the said respective Trustees, to him, her, or them given, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands and Hereditaments intended to be taken in and added to any Part of the said Road, or through which the said Road is intended to be diverted or varied as aforesaid, shall, for the Space of Ten Days after such Notice

Jurors may
be challenged,
and Sheriff
and Jury fined
for Default.

are hereby respectively required to impanel, summon, and return Twenty-four such Persons as aforesaid; and out of the Persons so impanelled and returned, or out of such of them as shall appear upon such Summons the said respective Trustees shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and in Default of a sufficient Number of Jurymen, the said respective Sheriffs or their Deputies, or the said Mayors, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and that the said respective Trustees and all Persons interested shall have their lawful Challenges against any of the said Jurymen; and that the said respective Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such respective Sheriffs or their Deputies, or the said Mayors, or on any Bailiffs or Agents, making Default in the Premises, and on any of the Persons, who being summoned and returned on such Jury, shall not appear (except for some reasonable Excuse), or appearing, shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give his or their Verdict, or shall in any other Manner wilfully neglect his or their Duty therein (contrary to the true Intent and Meaning of this Act), and on any Person or Persons, who being summoned to give Evidence before the said Jury as aforesaid touching the Premises shall not attend (except for some reasonable Excuse), or attending shall refuse to be sworn and examined, or to give Evidence touching the same, so that no such Fine exceed the Sum of Ten Pounds upon any Person for One Offence.

Money allow-
ed for Lands,
&c. how to be
charged and
tendered.

Although the
Money ten-
dered be not
accepted, the
Lands may be
laid to the
Roads.

XLVIII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged on the said respective Tolls, or upon the Monies to be borrowed on the Credit of such Tolls respectively, and shall be paid thereout accordingly, either into the Bank of *England*, or, as the Case may require, to the Persons respectively entitled thereto, or to their Agents; and that upon Tender or Payment thereof to such Persons respectively, or to their Agents; and in case of Refusal to accept the same, upon leaving the same in the Hands of the respective Treasurers for the Time being to the said respective Trustees, for the Use of such Persons, it shall be lawful for the said respective Trustees, their respective Surveyors, Workmen, or Agents, to enter into or upon, and to take or add to the said Road, such Lands and Hereditaments, and to do all and every such Act, Matter, and Thing, in relation to such Lands and Hereditaments as the said respective Trustees shall think proper; and the said Lands and Hereditaments so added to, taken in, or made Part of the said Road, shall be fenced from the adjoining Lands by the said respective Trustees, and shall be deemed and taken to be a Part of the said Road hereby directed to be repaired for ever hereafter, and shall, to all Intents and Purposes, be a publick and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Road hereby appointed to be repaired is by this Act to be repaired; and after such new Roads shall be completed, the Lands and Grounds constituting the old or former Road (unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead), shall be vested in the said respective Trustees, and shall and may be sold and conveyed by them respectively, or any Five or
more

more of them (if they respectively shall think fit), for the best Price that can be reasonably gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the Purposes of this Act, within the said respective Districts; and a Conveyance of the said old Road being executed by the said respective Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the said County of *Kent*, or with the respective Town Clerks of the City of *Canterbury*, or of the Town and Port of *Sandwich*; or of the Town of *Fordwich*, according to the Jurisdiction within which the same shall be lying, shall be good and effectual.

XLIX. Provided always, and be it further enacted, That wherever the Course of the said Road shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road (if the same shall be sold) shall be first made to the Owner of such adjoining Land, which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said respective Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the said Jury to be the Value thereof; and in case he shall refuse to pay such Money, upon Demand made thereof by the respective Treasurer or Clerk for the Time being to the said respective Trustees, and Tender of such Conveyance as aforesaid, the same shall and may be recovered by the said respective Trustees by Action of Debt in any of His Majesty's Courts of Record; provided nevertheless, that if such Owner shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful for the said respective Trustees, and they respectively are hereby required to assure the same to such Person, by causing the same to be entered in their respective Books of Proceedings in the Execution of this Act in their respective Districts, and delivering to such Person a Copy thereof, signed by any Five or more of the said respective Trustees; which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

Owners of Land used for new Road, to have the first Offer of the old Road.

L. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons for any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said respective Trustees, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by the said respective Trustees as the Purchase Money for any such old Road as aforesaid, then the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences incident thereto, shall be borne and paid by

How the Expence of the Jury shall be paid.

by the said respective Trustees, out of the Money to arise by virtue of this Act within their respective Districts; but if such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said respective 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, or for more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences incident thereto shall be borne and paid by the Person or Persons with whom the said respective Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace not interested in the Matter in question, and within whose Jurisdiction such Controversy or Dispute shall arise (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment 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 respective Clerks to the said respective Trustees by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said respective Trustees, the Whole of such Costs and Expences shall be borne and paid by the said respective Trustees in Manner aforesaid.

Application
of Compen-
sation Money
when amount-
ing to 200 £.

LI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said respective 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 or Redemption 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 the like Direction and Approbation of the

faid Court, in the Purchase of other Messuages, 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 Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the 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 hereby directed to be purchased, in case such Purchase or Settlement were made.

LII. 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 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 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, either 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 or more of the said respective Trustees (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 the Compensation shall be less than 200*l.* and above 20*l.*

LIII. 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 Hereditaments so purchased, taken, or used, for the Purposes of this Act, as the said respective Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to

Application where the Money is less than 20*l.*

[*Loc. & Per.*]

R

and

and for the Use and Benefit of such Person or Persons so entitled respectively.

Trustees not
to pull down
Houses, &c.

LIV. Provided always, and it is hereby declared and enacted, That the Power and Authority given to the said respective Trustees as aforesaid shall not extend to the pulling down or damaging of any Dwelling House or other Building, or to the taking in of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Part thereof respectively, without the Consent of the respective Owners and Proprietors thereof; other than and except,

IN THE FIRST DISTRICT :

A Messuage, Garden, and Orchard, in the Parish of *Sturry*, in the County of *Kent*, belonging to the Heirs of *John Foote* Esquire, deceased, in the Occupation of *Ann Watson* Widow :

A Messuage, used as the Poor House of the last mentioned Parish, and Garden in the same Parish, belonging to the Heirs of the said *John Foote*, in the Occupation of the Overseers of the Poor :

A Garden and Fore Court to a Messuage in *Water Lane*, in the same Parish, belonging to *Stephen Williamson*, in the Occupation of *Edward Moys* :

A Slip of Land of the average Breadth of Eight Feet or thereabouts, and the Ditch or Fence adjoining the same, Parcel of an Orchard next *Water Lane*, in the same Parish, belonging to the Vicarage House of the Reverend *William Chafy*, in the Occupation of *Ambrose Cullen* :

A Slaughter-house, Stable, Lodges, Yard, and Orchard, in the same Parish, belonging to, and in the Occupation of *Thomas Inge* :

A Messuage or Cottage in *Sturry Street*, in the same Parish, belonging to *Sampson Kingsford*, in the Occupation of *Richard Bowles* :

A Garden in *Sturry Street*, in the same Parish, or in the Parish of *Westbeer*, belonging to *Lady Mary Wilmot*, in the Occupation of *Thomas Holtum* :

An Orchard in the Parish of *Sturry* or *Westbeer*, belonging to and in the Occupation of the Heirs of *Thomas Denne*, deceased.

A Garden and Orchard in the Parish of *Westbeer*, belonging to and in the Occupation of *Robert Staines* :

A Garden at *Westbeer Butts*, in the Parish of *Westbeer*, belonging to *Luck*, in the Occupations of *Kendall Hall* and *Austen Holbrook* :

A Garden and Orchard at *Upstreet*, in the Parish of *Chistlett*, belonging to, and in the Occupation of *Edward Gurney*, and late inclosed from the Walte :

The Gardens and Fore Courts of Two Cottages or Tenements at *Upstreet*, in the same last mentioned Parish, belonging to the Heirs of *William Cock*, deceased, and now in the Occupation of *John Cock* :

A Messuage, Garden, and Orchard, at *Upstreet*, in the same Parish, belonging to *William Ovenden* and others, in the Occupation of *John Cock* Collar Maker :

Part of the Paddock or inclosed Ground in Front of the House of *Thomas Denne* Gentleman, at *Upstreet*, in the same Parish, belonging to him, and in his own Occupation :

Part

Part of a Bullock Yard, Farm Yard, and Fore Court or Garden of a certain Farm at *Upstreet*, in the same Parish, belonging to *Jemima Bridges* Widow, in the Occupation of *Elizabeth Henneker* Widow:

The Garden of a Cottage, Part of the same Estate, in the same Parish, belonging to the said *Jemima Bridges*, in the Occupation of *James Smith*:

The Orchard and Garden of a Messuage, other Part of the same Estate, in the same Parish, belonging to the said *Jemima Bridges*, in the Occupation of *Dennard Harrison*:

A Garden in the Ville of *Sarr*, belonging to and in the Occupation of *Daniel Swinford*:

A Yard in the same Ville, belonging to *Henry Collard*, in the Occupation of *Henry Lampard*:

A Garden in the same Ville, belonging to the said *Henry Collard*, in the Occupation of *James Brooman*:

A Bullock Yard and Lodge, in the same Ville, belonging to the Heirs of *Mary Rigden* Widow, deceased, in the Occupation of the said *James Brooman*:

A Garden in the same Ville, belonging to *Mary Perkins* Widow, in the Occupations of *William Oliver* and *Abraham Barnes*:

An Orchard and Garden in the same Ville, belonging to the Heirs of the said *Mary Rigden*, in the Occupation of the said *James Brooman*:

A Wash-house or Building in the same Ville, belonging to *Mary Perkins*, in the Occupations of *John Gore* and *William Savine*:

A Blacksmith's Forge in the same Ville, belonging to *John Culmer*, in the Occupation of *Richard Baker*:

A Building and Pig Styes in the same Ville, belonging to and in the Occupation of *Peter Knowler*:

And the South East Corner of a Garden belonging to a Messuage in the same Ville, belonging to *Eliza Catherina Bradley* Widow, and *Samuel Harvey*, in the Occupation of *Michael Mascal*, not exceeding in Depth Ten Feet.

IN THE SECOND DISTRICT:

An Orchard and Gardens in the Parish of *Saint Lawrence*, in the Isle of *Thanet*, in the County of *Kent*, belonging to *Herbert Hooper* and *Roger Hooper*, in the Occupations of *John Philpot*, *William Peters*, *Forwood* Widow, and *Henry Twyman*:

A Garden or Fore Court in the same Parish, belonging to *John Maxted*, in the Occupation of *Richard Claringbold*:

Two Gardens or Fore Courts in the same Parish, belonging to *Thomas Garrett*, *John Garrett*, and *Christopher Mayhew*, in the Occupation of *Elizabeth Pinnell* Widow:

A Garden or Fore Court in the same Parish, belonging to *Robert Tomlin*, in the Occupation of *Sayer*:

A Garden or Fore Court in the same Parish, belonging to and in the Occupation of *Stephen Stevens*:

A Garden or Fore Court in the same Parish, belonging to and in the Occupation of *Elizabeth Dale* Widow:

A Garden

A Garden or Fore Court in the same Parish, belonging to and in the Occupation of *Mary Kebell* and *Martha Kebell*:

And a Garden or Fore Court in the same Parish, belonging to *Elizabeth Stone* and *Henry Denne*, in the Occupation of *James Hall*.

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

LV. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Kent*, or City of *Canterbury*, or Town and Port of *Sandwich*, or Town of *Fordwich*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said respective Trustees yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road, in the said respective Districts, by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money, received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said respective Trustees, or their Treasurer or Treasurers; and in order thereunto, it shall and may be lawful to and for such Justices in their respective Jurisdictions, 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 respectively, 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 every such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices respectively shall and 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, in the said respective Districts, as the said Justices respectively shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest), and in such Parts of the said Road in the said respective Districts, as the said respective Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices respectively 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 respectively shall think proper, to the said respective Trustees, or their Treasurer or Treasurers, at such Time or Times as they the said Justices respectively shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall

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 of the said respective 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 publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road in the said respective Districts, shall be found idle or negligent by any Surveyor to the said respective 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 neglected or refused 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 or Treasurers to the said respective Trustees, and applied towards amending the said Road in the said respective Districts; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LVI. And be it further enacted, That it shall and may be lawful to and for the said respective Trustees, to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the said Road, in the said respective Districts, 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 respective 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, in the said respective Districts, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said respective Trustees in Advance, on or before the First Day of *February* in each and every Year.

Trustees may compound for Statute Work.

LVII. And be it further enacted, That the said respective Trustees, at any Meeting whereof Notice, specifying the Time and Place where, and the Purpose for which such Meeting is intended to be held, shall be inserted in such Newspapers or Newspaper, and affixed on such Gates or Turnpikes as aforesaid, at least Fourteen Days previous to the Time when such Meeting is appointed to be held, may, and they respectively are hereby authorized and empowered, when and as often as they respectively shall think fit and necessary, to direct Indictments to be preferred and prosecuted at the Expence of the Monies arising by virtue of this Act, within their said respective Districts, against the Inhabitants of all or any

Trustees may direct Prosecutions at the Expence of the Tolls.

[*Loc. & Per.*]

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of the Parishes or Places through which the said Road passes, and against the Hundred liable to repair Bridges, who shall have neglected or refused respectively to repair the same.

Surveyors
may remove
Annoyances,
turn Water-
courses, &c.

LVIII. And be it further enacted, That it shall be lawful for the said respective Turnpike Surveyor or Surveyors, and such Person or Persons as he or they shall direct or appoint (such Surveyor or Surveyors having an Order from the said respective Trustees for that Purpose), to remove and prevent all Annoyances on any Part of the said Road within the said respective Districts, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, and out of the said Road, to the Prejudice thereof, and to open, scour, and cleanse any Watercourses and Ditches adjoining to the said Road, and make the same as deep and large as he or they shall think proper and necessary, and to cut down, lop, or top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto, and within Ten Yards of the Centre thereof, and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to remove the same, or cut down, or carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such respective Surveyor or Surveyors; and the Charges thereof (to be settled by the said respective Trustees), shall be reimbursed to the said respective Surveyor or Surveyors, by such Owners or Occupiers, and the same shall be recovered in such Manner as the Penalties and Forfeitures are hereinafter directed to be recovered; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Fifty Shillings nor less than Thirty Shillings.

Surveyors
may make
Causeways,
cut Drains,
&c.;

LIX. And be it further enacted, That it shall be lawful for the said respective Surveyor or Surveyors, by Order of the said respective Trustees, to make, or cause to be made, Causeways in and upon the said Road in the said respective Districts, and to erect, support, and repair Arches and Watercourses upon the said Road, and cut and make Drains through any Lands lying contiguous to the said Road, and also to make or cause to be made a Road or Roads through the Grounds adjoining any narrow or ruinous Part or Parts of the said Road (not being the Ground whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Park, Paddock, Planted Walk or Avenue to any House), to be made Use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road, is widening or repairing, and till it shall be convenient and safe for Passengers and Carriages to pass thereon; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through which any such Drains shall be made, or whereon such Arches shall be erected, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged reasonable by the said respective Trustees; and in case of any Difference concerning the same between such Owners and Occupiers and the said respective Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them assembled at the next General or Quarter Sessions of the Peace for the said County of *Kent*, or for the said City of *Canterbury*,

making Satisfac-
tion for
the same.

Canterbury, or the said Town and Port of *Sandwich*, or the said Town of *Fordwich*, (within which the Difference shall arise or the Premises shall lie), or at their Second General or Quarter Sessions, at the farthest, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid, whose Determination therein shall be final.

LX. And be it further enacted, That it shall be lawful for the said respective Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Gravel, Furze, Heath, Sand, Beach, Stones, or other Materials for making or repairing the said Road, in and out of any River or Brook, or out of any Moor, Waste, or Common Grounds, or from the Sea Shore within a convenient Distance from any Part of the said Road, without paying any Thing for such Materials, such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, or otherwise causing the same to be railed or fenced off, where or from whence any such Materials shall be dug, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages done by landing, and for going over or through any Lands, Grounds, or private Lanes or Roads, for or with such Materials, to be ascertained as herein-after mentioned; and also that it shall be lawful for the said respective Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors first having an Order in Writing of any Five or more of the said respective Trustees for that Purpose), to search for, dig, gather, and take away all or any such Materials as aforesaid, in, upon, or out of, from, and over the private Grounds or inclosed Lands of any Person or Persons, (not being a Garden, Orchard, Park, Yard, Paddock, or planted Walk or Walks, or Avenue to a House, Lawn, or inclosed Plantation), paying or tendering to the Owners and Occupiers respectively, for the Damages done to such private Grounds or inclosed Lands, where and from whence any such Materials as aforesaid shall be dug, gathered, and taken away, or over which the same or any other Materials, for the Repair of the said Road shall be carried, such Equivalent in Money as the said respective Trustees shall adjudge reasonable; and in case of any Difference concerning the same, the Matter shall be subject to an Appeal to the Quarter Sessions as herein-after mentioned.

Surveyors may take Gravel, &c. in Waste Grounds, &c.;

and also out of private Grounds.

Differences to be settled at the Quarter Sessions.

LXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or other Person or Persons under the Authority of this Act, to take and carry away any Materials for repairing the said Road, from any inclosed Lands or private Grounds, until Notice in Writing shall have been given to the respective Occupiers thereof, from which such Materials are intended to be taken, or left for such Occupiers respectively at their respective usual Place of Residence, to appear before the said respective Trustees, or before any Two or more Justices of the Peace acting for the County, City, or Town where such Lands are situated, on a certain Day to be mentioned in such Notice, and not sooner than Ten Days from the Service thereof as aforesaid, to shew Cause why such Materials should not be had or taken from such inclosed Lands or private Grounds respectively; and in case such Occupier

Surveyors not to carry away Materials, without giving Notice.

Occupier shall attend pursuant to such Notice, but shall not be able to shew sufficient Cause to the contrary, the said respective Trustees, or such last mentioned Justices shall (if they think meet) authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials in, upon, out of, from, and over such inclosed Lands and private Grounds respectively, at such Time or Times as to such respective Trustees or to such Justices shall seem proper; and if any such Occupier shall neglect or refuse to appear by himself or his Agent, the said respective Trustees or such Justices shall and may nevertheless make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Road to be measured, and Mile Stones erected.

LXII. And be it further enacted, That the said respective Trustees shall cause the said Road in their said respective Districts to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as the said respective Trustees shall think proper, and also proper Direction Posts; and if any Person shall wilfully pull up or damage any of such Posts or Stones, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, and be thereof convicted before any One or more Justice or Justices of the Peace for the said County of *Kent*, or the said City of *Canterbury*, or the said Town and Port of *Sandwich*, or the said Town of *Fordwich*, in their respective Jurisdictions, either by Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings, for each Stone or Post, Letter, Figure, or Mark so wilfully broken, pulled up, obliterated, or defaced, to be levied and recovered as herein-after mentioned; or if any Person shall ride upon any Footway adjoining to any Part of the said Road, or shall wilfully or carelessly drive any Horse or other Beast or Cattle, or any Swine, or any Cart or Carriage thereon, or shall cause any Damage to be done to any of such Footways; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones erected for the Security of the said Footways, or drive the Wheel of his Carriage against the same, or the Side or Sides of the said Footways; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, 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 the said Road, or shall plough over, or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road, to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Road, to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with any sharp pointed Instrument, so as to damage the said Road, or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Sides of the said Road, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Piece

Penalty on riding upon or damaging Foot Paths.

of Timber, or any Stones, Brick, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person or Persons travelling thereon, and be convicted thereof respectively, by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County of *Kent*, or for the said City of *Canterbury*, or the said Town and Port of *Sandwich*, or the said Town of *Fordwich*, in his or their respective Jurisdictions, every Person so offending shall forfeit and pay a Sum not less than Ten Shillings nor more than Forty Shillings for every such Offence, One Moiety whereof shall be allowed and paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act, within the said respective Districts.

LXIII. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore further enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them, before One or more Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Power to Collectors to detain unknown Persons guilty of Offences

LXIV. And be it further enacted, That when any Penalty by this Act imposed shall have been incurred, or any Offence by this Act created shall have been committed, (the Method of proceeding in respect to which is not herein-before particularly directed), any One of His Majesty's Justices of the Peace for the County, City, or Liberty, within which any such Penalty shall have been incurred, or any such Offence shall have been committed, may and he is hereby required, upon Complaint and Information to him thereof made, to summon before him the Person or Persons against whom such Complaint or Information shall be made, to answer the Matter thereof; and at the Time and Place appointed by such Summons, upon the Person or Persons complained of or informed against appearing before the said Justice, or upon Proof being duly made of the personal Service of such Summons, or of a Duplicate or true Copy thereof having been left at the Dwelling House or last known Place of Abode of such Person or Persons, the said Justice may and he is hereby required, whether the said Person or Persons complained of or informed against do or do not appear, to proceed to examine the Merits of such Complaint and Information; and if such Offence or Offences shall be confessed by the Person or Persons so complained of or informed against, or be duly proved to the Satisfaction of such Justice, by the Testimony of One or more credible Witness or Witnesses upon Oath, such Justice may and he is hereby required forthwith to convict such Offender or Offenders, and to adjudge him and them to pay such Penalty or Penalties as he or they shall appear to have incurred or forfeited by virtue of this Act; and if such Penalty or Penalties shall not be paid immediately in case such Offender or Offenders shall be present at the Time of such Conviction, or within Three Days after Notice of such Conviction given to

Recovery of Penalties.

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such Offender or Offenders, or left at his, her, or their Dwelling House or last known Place of Abode, in case he, she, or they shall not have appeared and been present, such Justice shall and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause every such Penalty or Forfeiture, together with the reasonable Costs and Charges of such Complaint and Information, and of the Distress and Sale to be made pursuant to such Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; and if sufficient Goods and Chattels of such Offender or Offenders cannot be found to answer such Distress, then such Justice is hereby required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be apprehended and brought before him; and in case such Penalty or Penalties and the Costs and Charges of such Proceedings as aforesaid, to be settled as aforesaid, shall not be immediately paid, such Justice is hereby required forthwith to commit such Offender or Offenders to the House of Correction in and for the said County, District, or Place, there to remain without Bail or Mainprize until the said Penalties and such Costs and Charges as aforesaid shall be paid, or until such Offender or Offenders shall have compounded for the same with the said respective Trustees, and paid such Composition, which the said respective Trustees are hereby empowered to make and accept; provided, that no such Offender shall be detained in Custody, under any such Commitment as last mentioned, for any longer Period than Six Calendar Months.

Application
of Penalties.

Trustees to re-
ward Persons
assisting in ap-
prehending
Offenders.

LXV. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed (the Application whereof has not been herein-before otherwise directed), shall be paid to the said respective Trustees, their respective Treasurers or Surveyors, or other Person or Persons by them respectively appointed to receive the same, and shall be applied for the Purposes of this Act, within the said respective Districts; and that it shall be lawful for the said respective Trustees from Time to Time, if they respectively shall see Cause, to pay and apply any Part of such Penalties and Forfeitures or any of them, not exceeding One Moiety of them or any of them, to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing any Offender or Offenders, or assisting therein, any Thing herein contained to the contrary notwithstanding.

Form of
Conviction.

LXVI. And be it further enacted, That Convictions for Offences against this Act shall be drawn up in the Form or to the Effect following; (that is to say),

‘ to wit. } BE it remembered, That on the Day of
‘ in the Year of our Lord
‘ *A. B.* is convicted before me *C. D.* One of His Majesty’s
‘ Justices of the Peace for the County, [City, or Town and Port, or
‘ Town, *as the Case may be*] of on his
‘ own Confession [or, on the Oath of *E. F.* a credible Witness, or, on the
‘ Oaths of *G. H.* and *I. K.* Two credible Witnesses, *as the Case may be*]
‘ of [*here specify the Offence, and the Time and Place when and where the*
‘ *same was committed*] contrary to the Form of an Act of Parliament, made
‘ in the Forty-second Year of the Reign of King *George* the Third, inti-
‘ tuled [*here insert the Title of this Act*] and I the said Justice do adjudge
‘ the said *A. B.* to have thereby incurred the Penalty of

‘

‘ to

to be paid, recovered, and applied in Manner directed by the said Act. Given under my Hand and Seal, the Day and Year first aforesaid.

Which Conviction, in the Form or to the Effect aforesaid, shall be valid and effectual in Law to all Intents and Purposes.

LXVII. Provided always, and be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace for the Eastern Parts of the said County of *Kent*, or for the said City of *Canterbury* and County of the same City, or for the said Town and Port of *Sandwich*, or the said Town of *Fordwich* (within which the Matter of Appeal shall arise), 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 the least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the respective Treasurer or Clerk to the said respective Trustees within whose District the Matter of Appeal shall arise, and having also, with One or more Surety or Sureties, entered into sufficient Recognizance, before One or more Justice or Justices of the Peace for prosecuting such Appeal, and abiding by such Determination and Order as the Court shall make therein; and the Justices in such Session are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and award 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 and to all Intents and Purposes whatsoever.

Appeal to
Quarter
Sessions.

LXVIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form, or be removeable by *Certiorari*, or any other Writ or Writs or Process, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form.

LXIX. Provided always, and be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given to the respective Clerks to the said respective Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid, brought, and tried in the County of *Kent*, and not elsewhere; and the Defendant and Defendants in every such Action or Suit may, at his, her, or their Election, plead specially, or the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after

Limitation of
Actions.

after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then 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 the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

Subscribers to
pay their Sub-
scription
Money.

LXX. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the repairing, altering, widening, and improving the said Road within the said respective Districts, shall and are hereby required to pay the Sum or Sums so by them respectively subscribed, in such Parts and Proportions, within such Time and Times, and to such Person or Persons, as the said respective Trustees shall direct or appoint; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said respective Trustees to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Impar lance, shall be allowed.

Publick Act.

LXXI. And be it further enacted, That this Act shall be adjudged and taken to be a publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Commence-
ment and
Term of the
Act.

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

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