



ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 65.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, One passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, and the other in the Eighth Year of the Reign of His present Majesty, for amending, widening, and keeping in Repair, the Road leading from the Thirty-nine Mile Stone at the upper End of *Stone Street* in the Town of *Maidstone*, in the County of *Kent*, to a certain Place called *Tubb's Lake* in the Parish of *Cranbrook*, in the said County.

[24th May 1802.]

[*Loc. & Per.*]

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WHEREAS

33 Geo. 2.

3 Geo. 3.

Acts con-
tinued.

WHEREAS an Act was passed, in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for amending, widening, and keeping in Repair, the Road leading from the Thirty-nine Mile Stone at the upper End of Stone Street in the Town of Maidstone, in the County of Kent, to a certain Place called Tubb's Lake in the Parish of Cranbrook, in the said County:* And whereas an Act was passed, in the Eighth Year of the Reign of His present Majesty, to enlarge the Term and Powers of the said Act: And whereas the Trustees appointed in or by virtue of the said Acts, have made great Progress in the Execution thereof, and have for that Purpose borrowed several considerable Sums of Money upon the Credit of the Tolls thereby granted, the greater Part of which still remains due, and cannot be paid off, nor the said Road effectually maintained, improved, and kept in Repair, unless the Term granted by the said Acts is further continued, and some of the Powers and Provisions thereof altered and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, and in the Eighth Year of the Reign of His present Majesty King *George* the Third, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties), shall be, and are hereby further continued for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted, in the Body of this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take Effect immediately upon the passing of this Act; and this Act, and the additional Term hereby granted, shall be subject and liable to the Payment of all the Money now due on the Credit or on Account of the said recited Acts, or which shall be borrowed on the Credit of the said recited Acts and this Act, and the Interest due and to grow due thereon respectively.

Trustees may
be sued in
the Name of
their Clerk.

II. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts and this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit, to be brought or commenced by the Direction of, or against the said Trustees, or any Five or more of them, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, nor by the Act of any such Clerk or Treasurer without the Consent of the said Trustees, or any Five or more of them; but that the Clerk or Treasurer, for the Time being, to the

the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit.

III. Provided always, That every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of the said recited Acts and this Act, shall be fully reimbursed and paid, out of the First Money to arise by virtue of the said recited Acts and this Act after such Action or Suit shall be commenced or discontinued, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall bear, pay, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Clerk to be reimbursed Expences.

IV. And be it further enacted, That the Right and Property of all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or had, by or by the Order of the said Trustees, or any Five or more of them, or their Surveyor for the Time being, and applicable for the Use and Benefit of the same Road, shall be, and the same are hereby vested in the Clerk, for the Time being, to the said Trustees; in which said Clerk, upon any Action or Indictment being commenced or prosecuted, such Property may, if required, be laid.

Tolls, etc. vested in Clerk.

V. And whereas the assembling a sufficient Number of Trustees as directed by the said recited Acts, or either of them, to carry the same into Execution, has often been attended with Difficulty, be it therefore enacted, That from and after the passing of this Act, where by the said last recited Act Seven Trustees are required to do any Act, or make any Order, Five Trustees shall be, and are hereby empowered to do such Act or make such Order; and where by the said last recited Act Nine Trustees are required to do any Act, or make any Order, Seven Trustees shall be and are hereby empowered to do such Act, or make such Order; and such Acts and Orders, when done or made by Five or Seven Trustees respectively, shall be as valid and effectual as if the same had been done by the Number of Trustees required to do or make the same by the said Acts, or either of them; any Thing in the said recited Acts, or either of them, contained to the contrary notwithstanding.

Quorum of Trustees reduced.

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

Orders of Trustees not to be revoked but by a greater Number of Trustees than made the Order.

VII. And

Application of
Monies where
amounting to
200/.

VII. 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 the said recited Acts and 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 in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said 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 Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less
than 200/.
and exceeding
20/.

VIII. 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

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, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

IX. 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 the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively. Where under
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X. And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be paid in the First Place, and all Monies lent to defray such Charges and Expences shall, in the next Place, be repaid with Interest, out of the Monies now in the Hands of the Treasurer of the said Roads, or out of any Money which hath arisen or shall arise by virtue of the said recited Acts and this Act, in Preference to all other Payments whatsoever. Expences
of the Act.

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

XII. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing hereof, cease and determine; and that the said Acts (subject to the Alterations hereinbefore mentioned), and this Act, shall from thenceforth continue, and Commence-
ment and
Continuance
of the Act.

[Loc. & Per.]

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be

be in force and be executed 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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