



ANNO QUADRAGESIMO QUARTO

# GEORGII III. REGIS.

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## Cap. I.

An Act for keeping in Repair the Roads leading from *Saint Dunstan's Cross* to *North Lane*, near to the City of *Canterbury*, and to the Seaside at *Whitstable*, in the County of *Kent*. [9th March 1804.]

**W**HEREAS by an Act made in the Ninth Year of the Reign of His late Majesty King *George the Second*, intituled, *An Act for repairing and widening the Road leading from Saint Dunstan's Cross, near the City of Canterbury, to the Waterside at Whitstable, in the County of Kent*; and by One other Act, made in the Twenty-seventh Year of the Reign of His said Majesty, intituled, *An Act for enlarging the Terms and Powers granted by an Act, made in the Ninth Year of His present Majesty's Reign, intituled, 'An Act for repairing and widening the Road leading from Saint Dunstan's Cross, near the City of Canterbury, to the Waterside at Whitstable, in the County of Kent*;' and by One other Act, made in the Twenty-third Year of the Reign of His present Majesty, intituled, *An Act for continuing and amending Two Acts of the Ninth and Twenty-seventh Years of His late Majesty, for repairing and widening the Road leading from Saint Dunstan's Cross, near the City of Canterbury, to the Waterside at Whitstable, in the County of Kent*; several Tolls and Powers were given to certain Trustees therein mentioned, which were to continue for the several and respective Terms therein expressed: And whereas the said Trustees have proceeded in the Execution of the said several Acts, and have borrowed Money on the Credit of the Tolls thereby granted; which

[Loc. & Per.] A 2 Money

9 G. 2. c. 10.  
27 G. 2. c. 26.  
23 G. 3. c. 97.

Money is still due and owing, and the said Roads are now very much out of Repair, and it would greatly facilitate the Execution of the several Purposes intended by the said Acts, if the same were repealed, and further and better Provisions made for such Purposes; and it would be attended with Benefit to the Publick, if Powers were given for amending, widening, and repairing, a certain Branch of Road, being in Length about Seventy-eight Rods, leading from *Saint Dunstan's Cross* aforesaid to the West Corner of *North Lane*, in the Parish of *Westgate*, in the said County of *Kent*; but as such several Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several recited Acts, made in the Ninth and Twenty-seventh Years of the Reign of His said late Majesty King *George* the Second, and in the Twenty-third Year of the Reign of His present Majesty, shall be, and the same is and are hereby declared to be repealed, and null and void, to all Intents and Purposes whatsoever.

Former Acts repealed.

Trustees of the present Act appointed.

II. And be it further enacted, That the Reverend Sir *John Fagg* Baronet, *John Abbott* the elder, *John Abbott* the younger, *James Abbott*, *John Baker*, *William Baldock*, *Samuel Balderson*, *Browning*, *Brown*, *John Bose Bunce* Clerk, *Edward Crayford*, *John Cumming*, *William Cantis*, *Henry Croasdail*, *Michael Child*, *John Collard* the elder, *John Collard* the younger, *William Denne*, *Thomas Delasaux*, *Charles Delmar*, *Allen Fielding* Clerk, *Henry Godfrey Fauisset*, *William Foord*, *Thomas Foord*, *Richard Friend*, *Robert Francis*, *Thomas Fleet*, *Richard Gibbs*, *Henry Gissps*, *William Goldfinch*, *William Hammond*, *William Hougham*, *Richard Halford* the elder, *John Hodges*, *Thomas Hammond*, *Thomas Hyder*, *Benjamin Hobday*, *William Homersham*, *James Homersham*, *William Horsley*, *Richard Halford* the younger, *Gilbert Knowler*, *Sampson Kingsford*, *Michael Kingsford*, *Jonas King*, *John Lade*, *William Loftie*, *John Monins*, *Richard Mount*, *William Miles*, *William Nutt*, *Deane John Parker*, *John Peirce*, *Thomas Parker*, *John Zachariah Plummer*, *Thomas Pain*, *Charles Eaten Plater* Clerk, *Charles Robinson*, *Robert Rusbrooke*, *Joseph Royle*, *Robert Stains*, *George Stringer*, *James Simmons*, *Edward Smith*, *Stephen Salisbury*, *John Hollingbery Stringer*, *Thomas Starr*, *William Webster Sankey*, *Matthew William Sankey*, *John Spencer*, *John Saunders* the younger, and *Wotton Smith*, and their Successors to be elected in Manner herein mentioned, shall be, and they are hereby declared to be Trustees for repairing, widening, turning, altering, and improving the Road leading from *Saint Dunstan's Cross*, near to the City of *Canterbury*, through the several Parishes of *Saint Dunstan's Harbledown*, *Blean Hearn Hill*, *Sea Salter*, and *Whitstable*, to the Seaside at *Whitstable*; and also the Road leading from *Saint Dunstan's Cross* aforesaid, through the several Parishes of *Saint Dunstan's* and *Holy Cross*, *Westgate*, to the West Corner of a certain Lane called *North Lane*, in the said Parish of *Westgate*, in the said County of *Kent*; and for otherwise carrying the several Purposes of this Act into Execution.

No Act valid unless at a Meeting.

III. And be it further enacted, That no Act of the said Trustees hereby nominated, or to be elected by virtue of this Act, shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting

Meeting to be holden in pursuance of this Act, (except as may be herein excepted); and that all the Powers and Authorities by this Act granted to the said Trustees, shall and may be exercised from Time to Time, by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, the Number of such Trustees present at every Meeting not being less than Five, and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being, (save and except as may be herein excepted); and at every Meeting of the said Trustees, a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting, upon any Question (including the Vote of the Chairman) then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

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

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

IV. And, for continuing a sufficient Number of Persons to be Trustees for putting this Act into Execution, and all and every the Powers therein contained; be it further enacted by the Authority aforesaid, That upon the Death, Refusal, or Disability, of any of the Trustees hereby appointed, or their Successors to be elected in Manner herein mentioned, to act in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees, from Time to Time, to elect and appoint One other Person to be a Trustee in the room of each Trustee so dying or refusing, or being incapable of acting; and Notice of the Time and Place of the Meeting for every such Election shall be given by the Clerk to the said Trustees for the Time being, by affixing such Notice on all and every the Turnpikes that shall be standing on the said Roads, at least Ten Days before such Meeting; and every Person so elected a new Trustee as aforesaid, shall have the like Powers and Authorities to act in the Execution of this Act in as full and complete a Manner, to all Intents and Purposes whatsoever, as the Trustee in whose room or stead he shall have been so elected.

On Death or Removal of Trustees, how others are to be chosen.

V. Provided always, and be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Twenty Pounds, or be possessed of or entitled to a Personal Estate of the Value of Five hundred Pounds, or be possessed of or entitled to a Real and Personal Estate together of the Value of Five hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; and if any Person not qualified as aforesaid, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by any Person or Persons who will inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid,

Qualification of Trustees.

Persons acting not being qualified, to forfeit 50<sup>l</sup>.

[*Loc. & Per.*]

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Act of Trustees not qualified, if done before Conviction, valid.

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: 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.

Victuallers, &c. incapable of acting, etc.

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

Trustees may act as Justices, except where personally interested.

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

First Meeting of Trustees.

VIII. And be it further enacted by the Authority aforesaid, That the said Trustees shall meet at the *Rose Inn*, in the said City of *Canterbury*, on the *Thursday* Fortnight after the passing of this Act, and shall then and there proceed to carry this Act into Execution, and shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves; and appoint their next Meeting to be holden there, or at any other Place in or near to the said City of *Canterbury*, as the said Trustees shall think convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Thirty Days then following, to be holden at the same Place; and the said Clerk shall cause publick Notice thereof to be affixed on all the Turnpike Gates erected by virtue of the said recited Acts or any of them, or to be erected by virtue of this Act, Ten Days at least before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences; and no Person shall be capable of acting as a Trustee in the Execution of this Act during such Time as he shall hold any Place of Profit under this Act.

IX. And

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

Meetings on Emergencies.

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

No Order to be revoked, unless at a Meeting for the Purpose, nor unless a Majority of the Trustees present concur.

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

Proceedings to be entered.

XII. Provided always, and be it enacted, That all and every Book or Books in which any Entry or Entries of any Proceedings of any of the Trustees, or other Person or Persons acting by and under the Authority of the said recited Acts, or any of them, (such Entry or Entries being made in such Book or Books according to the Direction of, and made Evidence by, the said recited Acts respectively) shall be and be deemed to be good and sufficient Evidence of such Proceedings in any Court whatsoever; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Entries of Proceedings under former Acts good Evidence.

XIII. And be it further enacted, That the said Trustees may, and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer

Trustees to appoint Officers;

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44<sup>o</sup> GEORGII III. Cap. 1.

and remove  
them;  
and allow  
them Salaries.  
Trustees to  
take Securi-  
ty from the  
Treasurer.  
Officers to  
account.

Treasurer to  
account on  
Oath.

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

by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of such Officer, and he shall have refused, or wilfully neglected, to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place, where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees.

XIV. And be it further enacted by the Authority aforesaid, That all and every Person and Persons appointed by virtue of or acting, or who have acted in Execution of the said recited Acts, or any or either of them, who shall have in his, her, or their Custody or Power, any Monies collected by virtue of, or any Books, Papers, or Writings, relating to the Execution of the said several recited Acts, shall, when thereunto required by Notice in Writing, signed by Five or more of the said Trustees acting in Execution of this Act, given to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, within Fourteen Days after the Receipt of such Notice, deliver up to the said Trustees, or to such Person or Persons appointed by them for that Purpose, at the Time and Place mentioned in such Notice, all the Monies received by him, her, or them, by virtue of the said Acts respectively, and all the Books, Papers, and Writings, relating to the Execution thereof, and all the Accounts of the several Monies received or disbursed by him, her, or them, together with the Vouchers relating thereto; and every such Person or Persons so accounting, shall, upon Oath (which Oath any One of the said Trustees is hereby empowered to administer), verify all their said Accounts; and if any such Person or Persons shall refuse or wilfully neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver up in Manner aforesaid, all Books, Papers, and Writings, relating to the Execution of the said recited Acts, or any of them, or give Satisfaction to the said Trustees in respect of the same, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place wherein such Person or Persons so refusing or neglecting shall be or reside, upon Complaint made to him by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal, for the Person or Persons so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to bear and determine the Matter in a summary Way; and if upon the Con-

Officers acting under the Acts repealed, to account to the Trustees under this Act.

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feffion of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of the said recited Acts, or any of them, shall be due from such Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Person or Persons as aforesaid; and if no Goods and Chattels of such Person or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling such Goods and Chattels, or if it shall appear to such Justice that such Person or Persons shall have refused or neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of the said recited Acts, or any of them, shall be in the Custody or Power of such Person or Persons, and he, she, or they shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit every such Offender to the Common Gaol or House of Correction of the County, City, or Place, where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and make Payment as aforesaid; or until he shall compound with the said Trustees for the said Money, and shall have paid such Composition in Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up all such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees.

On the Death of a Gatekeeper, Trustees may nominate another until the next Meeting.

If discharged Gatekeeper refuses to deliver up Toll House, etc.

any Justice may cause him to be put out.

XV. And be it further enacted, That it shall and may be lawful to and for any Two or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapability to act, of any Collector of the Tolls hereby granted, by Writing under their Hands to nominate and appoint some other fit Person in his or her Place, to act as a Collector of such Tolls, until the next Meeting of the Trustees of the said Roads, which Person so to be nominated shall have the like Power and Authority, and be accountable in the same Manner in all Respects, as the Person in whose room or stead he or she shall be so appointed; and if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances, which he or she enjoyed in Right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at such Toll House, in Writing, under the Hands of the said Trustees, or any Three or more of them; or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in the Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Buildings, and Appurtenances within Four Days after Notice of such new Appointment being made as aforesaid, shall have been given to him, her, or them, or left at such Toll House, signed by any Three or more of the said Trustees, then and in either of the said Cases it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place, where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary



necessary, to enter such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new appointed Collector in Possession thereof.

XVI. And be it further enacted, That the said Trustees shall and may continue the present Turnpike, and (in case they shall think proper) cause to be erected such and so many other Turnpikes to secure the Tolls hereby granted upon, or cross the said Roads, and on or near the Sides thereof, in, near unto, or cross any Lanes or Ways leading or that may hereafter lead out of the same, and shall and may continue the present Toll House, and erect or cause to be erected such and so many other Toll Houses as they shall think proper; and shall and may, in Manner herein directed for the purchasing and taking of Land for the turning or widening of the said Roads, purchase and take Land sufficient for such Toll House or Toll Houses, with necessary Accommodations thereto, and from Time to Time remove, alter, or discontinue such Turnpikes and Toll Houses, or any of them, as they the said Trustees shall from Time to Time think meet and expedient; and shall and may cause to be demanded and taken at the said Turnpike or Turnpikes, the Tolls following, before any Coach, Berlin, Chariot, Calash, Chaise, Curricule, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, Afs, or any Sort of Cattle whatsoever, shall be permitted to pass through the same; (that is to say),

Trustees empowered to erect Turnpikes and Toll Houses, and receive Tolls.

For every Coach, Berlin, Chariot, Calash, Chaise, Hearse, or Litter, Tolls; drawn by Four or more Horses, the Sum of One Shilling:

For every Coach, Berlin, Chariot, Calash, Hearse, Litter, Chaise, Curricule, or Chair, or other such Carriage, drawn by Three or Two Horses, the Sum of Sixpence:

For every Calash, Chaise, Chair, or other such Carriage, drawn by One Horse, the Sum of Three-pence:

For every Waggon, Wain, Cart, or other such Carriage, drawn by more than Four Horses or other Beasts, the Sum of One Shilling:

For every Waggon, Wain, Cart, or other such Carriage, drawn by Three or Four Horses or other Beasts, the Sum of Eight-pence:

For every Waggon, Wain, Cart, or other such Carriage, drawn by Two Horses or other Beasts, the Sum of Four-pence:

For every Waggon, Wain, Cart, or other such Carriage, drawn by One Horse or other Beast, the Sum of Three-pence:

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

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

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

XVII. And be it further enacted, That the said Tolls shall be and they are hereby vested in the said Trustees, and a Table thereof shall be put up, and continued, at each and every Turnpike erected on the said Roads, and it shall and may be lawful to and for the several Persons who shall by virtue of this Act be appointed Collectors of the said Tolls, to demand, collect, and receive the Tolls hereby granted; and if any Person or Persons subject

Tolls vested in the Trustees.

subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Collector to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain, or cause to be seized and distrained, any Carriage or Carriages, Horse or Horses, or other Beast or Cattle, chargeable with the said Tolls, or their Bridles, Saddles, Harness, or Accoutrements, or any Part or Parts thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within Five Days next after such Seizure and Distress made, the Collector so seizing and distraining shall and may sell, or cause to be sold, the Carriage or Carriages, Horse or Horses, Beasts or other Cattle, and their Bridles, Saddles, Harness, or Accoutrements, so seized and distrained, or any Part thereof, at or near the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any) upon Demand, to the Owner or Owners thereof, after such Tolls, and all reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

In case of  
Dispute con-  
cerning the  
Tolls, and  
Charges, the  
Matter to be  
settled by a  
Justice.

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

Turnpikes,  
etc. vested in  
the Trustees.

XIX. And be it further enacted, That the Right and Property of the Turnpike and Toll House erected by virtue of the said recited Acts, and of all the Turnpikes and Toll Houses, and other Buildings to be erected by virtue of this Act, with the Grounds, Fences, and Appurtenances thereto respectively; and of all Mile Stones and Posts erected and to be erected, and also of all Materials, Tools, and Implements, which are or shall be provided for making and repairing the said Roads by virtue of the said recited Acts hereby repealed, or of any of them, or of this Act, shall be vested in the said Trustees hereby appointed; and they are hereby empowered to cause any Action to be brought, and any Bill or Bills of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, or spoil such Turnpikes, Toll Houses, or other Buildings, Fences, Mile Stones, Posts, or any of them, or any such Materials, Tools, or Implements as aforesaid.

Tolls to be  
taken but once  
a Day.

XX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend, so as to enable any Collector of the said Tolls to demand or take any more than One Toll in any One Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) from any Person or Persons, for or  
in

in respect of the same Horse or other Beast or Cattle, Coach, Berlin, Chariot, Chaise, Curricule, Chair, Litter, Hearse, Waggon, Wain, Cart, or other Carriage, passing and repassing through the same, or any other Gate or Turnpike on the said Roads, all and every such Person and Persons producing a Ticket, denoting that the said Toll hath been paid in that Day on the said Roads, which Ticket the said Collector is hereby required to deliver *gratis* on the Payment of such Toll.

XXI. And, for preventing the evading of the Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer, or dispose of, or receive from any other Person or Persons, any such Ticket as aforesaid, or shall counterfeit or knowingly make use of any counterfeited Ticket, in order to avoid Payment of the said Tolls, or any Part thereof; or if any Person or Persons owning, renting, or occupying any Lands adjoining to the said Roads, near unto any Turnpike erected thereon, shall permit or suffer any Person or Persons to pass through or over any Part of his, her, or their said Lands, with any Horse or other Beast or Cattle, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall ride or drive any Horse or other Beast or Cattle through or over any Way or Passage (not being a publick Way or Passage) or through or over any Lands adjoining to any Part of the said Roads, or near to any of the said Turnpikes; or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, is or shall be avoided, every such Person so offending in any of the Cases aforesaid, shall, for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on evading the Tolls.

XXII. And be it further enacted, That no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses, 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 any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie; or undried Hops, or old Hop Poles for Fuel, Hay, Straw, or Corn in the Straw only, 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 Waggons, Wains, Carts, Carriages, or Horses, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Sullage, Compost, or Manures, 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 a *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

General Exemptions.

[*Loc. & Per.*]

)

going

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 any Horses, Carts, or Waggon, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horses, Carts, or Waggon, employed in the Conveyance of Vagrants sent by legal Passes, or in the Conveyance of Patients to the General *Kent* and *Canterbury* Hospital near to the said City of *Canterbury*, or returning therefrom; or for any Horse, Cattle, or Beast, drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or 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 any Citizen or Citizens to serve in Parliament for the City of *Canterbury*, 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, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Collectors of Tolls to be competent Witnesses.

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

Trustees may reduce the Tolls, etc. with the Consent of the Creditors;

and afterwards advance them again.

XXIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, at any Meeting to be holden for that Purpose, to lessen or reduce all or any Part or Parts of the Tolls granted by this Act, and also any additional Tolls payable by any Act or Acts of Parliament now in Force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and afterwards at any Meeting to be holden as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with respect to Overweights: Provided nevertheless, that when the whole Money charged and borrowed on the Credit of the said recited Acts, or any of them, or of this Act, shall not have been paid off and discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five Sixths of the Money remaining due upon the Credit of this Act.

Tolls may be let.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered at any Meeting upon

upon Ten Days Notice being given, and affixed on all and every the Turnpikes that shall be standing on the said Roads, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons, at and for the largest yearly Sum that can be reasonably gotten for the same, provided that the Leases, Contracts, or Agreements of or for the same, be in Writing, and be duly executed by the Person or Persons taking such Tolls, and also by the said Trustees; but such Tolls shall not be let for more than Three Years at any One Time; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable, and shall be paid to the Treasurer to the said Trustees, so that One Quarterly Payment of such Rent shall always be in Advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Trustees; or in Default thereof, every such Lease, Contract, or Agreement, shall be null and void to all Intents and Purposes whatsoever.

XXVI. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so levied, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Lessees, or Persons appointed by them, may collect the Tolls.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time, to compound with any Person or Persons for any Period of Time not exceeding One Year for any Waggon, Wain, Cart, Carriage, Horse, or other Beasts, passing on the said Roads, or on any Part or Parts thereof, for all or any of the Tolls to be paid in respect of such Waggon, Wain, Cart, Carriage, Horse, or other Beasts; and all such Composition Money shall be paid in Advance Half-yearly or otherwise, as the said Trustees shall appoint; and in Default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

Trustees may compound for Tolls.

XXVIII. Provided always, and be it enacted, That all Bonds, Mortgages, Assignments, Grants, Conveyances, Leases, and other Securities, made or granted by any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, or any others whomsoever, acting by or under the Authority of the said several recited Acts, shall be as good, valid, binding, and effectual, to all Intents and Purposes whatsoever, for and during the Continuance of this Act, as if the said recited Acts had not been repealed; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Old Securities to be good.

XXIX. And

Trustees may  
borrow Mo-  
ney not ex-  
ceeding 7000/.

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

Form of  
Mortgage.

‘ BY virtue of an Act of Parliament, made in the Forty-fourth Year of  
‘ the Reign of King *George* the Third, intituled, [*set forth the Title of*  
‘ *this Act*] We, whose Names are hereunto subscribed, and Seals affixed,  
‘ being Trustees acting in the Execution of the said Act, in Consideration  
‘ of the Sum of \_\_\_\_\_ to the Treasurer of the said Roads  
‘ in Hand paid by *A. B.* do hereby grant, bargain, sell, and demise un-  
‘ to the said *A. B.* Executors, Administrators, and Assigns, such  
‘ Proportion of the Tolls arising by virtue of the said Act, and also of the  
‘ Turnpikes and Toll Houses for collecting the same, as the said Sum of  
‘ \_\_\_\_\_ doth or shall bear to the whole Sum charged  
‘ or advanced, or to be charged or advanced on the Credit of the said Act,  
‘ to be had and holden from this \_\_\_\_\_ Day of \_\_\_\_\_ in  
‘ the Year of our Lord \_\_\_\_\_ for and during the  
‘ Continuance of the said Act, unless the said Sum of \_\_\_\_\_  
‘ \_\_\_\_\_ with Interest after the Rate of \_\_\_\_\_ *per Centum*  
‘ *per Annum*, shall be sooner repaid and satisfied. Given under our Hands  
‘ and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord

Copies of  
Mortgages to  
be entered.

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

Transfer of  
Mortgages.

‘ I *A. B.*

I A. B. being entitled to the Sum of \_\_\_\_\_ secured  
 to \_\_\_\_\_ Executors, Administrators, and As- Form of  
 signs, by virtue of a Mortgage or Assignment, bearing Date the Transfer.  
 \_\_\_\_\_ Day of \_\_\_\_\_ under the Hands and Seals of  
 \_\_\_\_\_ of the Trustees acting in the Execution of an  
 Act of Parliament, made in the Forty-fourth Year of the Reign of  
 King George the Third, intituled [*set forth the Title of this Act*] or  
 made in the Ninth (or Twenty-seventh) Year of the Reign of King  
 George the Second, [*set forth the Title of either of the said recited Acts*  
*so repealed, as the Case may be*] upon the Credit of the said Act, do  
 hereby transfer all my Right and Title in and to the same, and all Prin-  
 cipal and Interest Money now due and owing thereon, unto C. D.  
 Executors, Administrators, and Assigns. Dated this  
 \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And every such Transfer shall be produced and notified to the said Trust-  
 tees within Three Calendar Months next after the Date thereof, who shall  
 cause an Entry or Memorial to be made thereof, containing the Date,  
 Names of the Parties, and Sum of Money therein mentioned to be  
 transferred, in the said Book or Books to be kept for entering the said  
 original Mortgages or Assignments to be made by virtue of this Act, and  
 for which Entry the Clerk who shall enter the same shall be paid the Sum  
 of Two Shillings and Sixpence, and no more; and after such Entry  
 made, every such Transfer shall entitle the Person or Persons to whom  
 the same shall be made, his, her, or their Executors, Administrators,  
 and Assigns, to the Benefit thereof and Payment thereon; and after such  
 Entry or Memorial made thereof as aforesaid, it shall not be in the Power  
 of any Person or Persons making such Transfer, to make void, release, or  
 discharge the same, or the Monies thereby due, or any Part thereof; and all  
 Persons to whom such Mortgages, Assignments, or Transfers, shall be  
 made as aforesaid (as well such Mortgages or Assignments made by virtue  
 of any of the said recited Acts, as of this present Act) shall be, in Pro-  
 portion to the Sums therein respectively mentioned, Creditors on such  
 Tolls, Turnpikes, and Toll Houses, in equal Degree one with another,  
 and shall have no Preference in respect of the Priority of advancing any  
 such Monies, or of the Dates of such Mortgages or Assignments: Pro-  
 vided nevertheless, that before any Sum or Sums of Money shall be  
 taken up or borrowed, Twenty-one Days Notice at the least shall be given  
 in some Newspaper or Newspapers printed and circulated in the Eastern  
 Division of the said County of *Kent*, signifying the Intention of bor-  
 rowing such Money.

Notice of  
 Transfers to  
 be given to  
 the Clerk, in  
 Three Calen-  
 dar Months.

Trustees to  
 give Notice  
 previously to  
 borrowing  
 Money.

XXX. And be it further enacted, That it shall and may be lawful to  
 and for the said Trustees, and they are hereby fully empowered, from  
 Time to Time, as they shall think proper, to divert, widen, turn, shorten,  
 vary, or alter the Course or Path, or any Part or Parts of the Roads  
 comprized in this Act; and that any Variation of Road may be made  
 of any Width not exceeding Sixty Feet, through any Common or Waste  
 Ground, without making any Satisfaction for the same, and through any  
 private or inclosed Lands, Grounds, or Hereditaments, first making Sa-  
 tisfaction to the Owners thereof, and Persons interested therein, for the  
 Damage they may sustain thereby; and for that Purpose it shall and may be  
 [Loc. & Per.] \_\_\_\_\_ E \_\_\_\_\_ lawful and may con-  
 tract for the  
 Purchase of

Trustees may  
 turn or alter  
 the Course of  
 the Roads;

and may con-  
 tract for the  
 Purchase of

Lands for that  
Purposes

lawful to and for the said Trustees, or for their Clerk, or any other Person or Persons by them duly authorized and deputed for that Purpose, by Order of a Meeting of the said Trustees summoned for that Purpose, to treat, contract, and agree with the Owners of, and the Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands, Tenements, and Hereditaments; and the said Lands, Tenements, and Hereditaments so purchased, or any Part thereof, shall and may, by Order and Direction of the said Trustees, be laid into and made Part of the said Roads in such Manner as the said Trustees shall think convenient, and shall, by such Person or Persons as they shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose; and after the said Lands and Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be a publick and common Highway, and to be Part of the Roads to be amended, widened, and kept in Repair by virtue of this Act, and shall be repaired and kept in Repair by such Ways and Means, and in such Manner as the same has been or ought to be kept in Repair; and after any such Lands shall be made Part of the said Roads as aforesaid, the Lands and Grounds comprized or constituting the former Road, in lieu whereof such Lands or Grounds shall be purchased as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Conveyance thereof being executed by the said Trustees, and enrolled with the Clerk of the Peace for the said County of *Kent*, or with the Town Clerk of the said City of *Canterbury*, according to the Jurisdiction in which such Lands or Grounds shall lie or be situate, shall be good, valid, and effectual, to all Intents and Purposes whatsoever.

Corporations,  
&c. empow-  
ered to treat.

XXXI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunaticks, and Husbands, and all other Trustees whomsoever, for and on Behalf of any Infants, Femes Covert, or *Cestuique* Trusts, Idiots, Lunaticks, or other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, to treat and agree with the said Trustees for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Trustees, for the Purposes aforesaid; and that all Contracts, Sales, and Conveyances, which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Usage, Custom, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, Trustees, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, and other Persons, are and shall be indemnified for what they do by virtue or in pursuance of this Act.

XXXII. And



XXXII. And be it further enacted, That if any Owner, Proprietor, or Occupier of or other Person or Persons interested in any Lands, Tenements, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence, or otherwise, shall be prevented from treating, then and in every such Case it shall and may be lawful to and for the said Trustees to cause it to be enquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Kent*, or of the City of *Canterbury*, (according to the Jurisdiction in which the Premises in question shall be situate (which Oaths the said Trustees, or any Two or more of them are hereby empowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or upon Account of the taking or using of such Lands, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, to summon and call before them all and every Person and Persons, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the Information of the said Jury, in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anywise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or (in case of Refusal to accept such Money) upon paying the same into the Bank of *England* in Manner directed by this Act, it shall and may be lawful to and for the said Trustees to cause the Premises in respect whereof such Money shall be assessed, to be disposed of,

and

In case of Persons refusing to treat, or not agreeing, a Jury to settle the Recompence.

Verdict of the Jury to be final.

and such Acts to be done thereto, as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning any such Jury the said Trustees are hereby empowered to issue out their Warrant or Warrants, signed by any Five or more of them, to the respective Sheriffs of the said County of *Kent*, and City of *Canterbury*, in their respective Jurisdictions, thereby commanding and requiring such respective Sheriffs to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed; and such Sheriffs, or their respective Deputies, is and are hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said respective Sheriffs or their respective Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured, or summoned to attend that Service to the Number of Twelve; Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such respective Sheriffs, or their respective Deputies, who shall make Default in the Premises; and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein; and on any of the Persons, who, being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear, or refuse to be sworn or be examined, or give Evidence touching the same; but no such Fine shall exceed the Sum of Ten Pounds, upon any One Person for One Offence.

Jury may be challenged.

Sheriffs, &c. may be fined for Neglect of Duty,

Owners of Land used in making a new Road to have the first Offer of the old Road.

XXXIII. Provided always, and be it enacted, That wherever the Course of any Part of the said Roads 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 shall be first made to the Owner of such adjoining Land, as 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 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 and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the same Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and

and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees, by Action of Debt, in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place, where such old Road shall be situate, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road, as the Case may be; and such Affidavit shall in all Courts whatsoever be and be deemed to be good and sufficient Evidence and Proof that such Offer was made, and not agreed to, or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Land respectively, in Manner aforesaid: Provided also, that if such Owner or Owners respectively shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required, to assure the same to such Person or Persons, by entering the same in their Books, and delivering to him, her, or them, a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

XXXIV. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money than shall, by or on Behalf of the said Trustees, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees, as the Purchase Money for any such old Road as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall, by or on Behalf of the said Trustees, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for the same or any 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 Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences shall be ascertained and settled by some Justice of the Peace, not inter-

By whom the  
Expences of  
the Jury to  
be paid.

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rested

Trustees to pay Expences, where Persons from Absence, are prevented from treating.

rested 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), and 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 whatsoever, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise, such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Houses, etc. not to be injured.

XXXV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend, so as to enable the said Trustees to take, use, injure, or damage any Dwelling House, or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners, or Proprietor or Proprietors thereof respectively.

Application of Compensation if amounting to 200<sup>l</sup>.

XXXVI. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing 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 or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments.

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

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

Application of Compensation if less than 200*l.* and exceeding 20*l.*

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

Application of Compensation if less than 20*l.*

XXXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase

In case of not making out Titles;

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

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

chase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof; or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid to the Person who shall be in Possession of the Land, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession unless, &c.

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

The Court of Chancery may order

**XLI.** Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the

the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

reasonable  
Expences of  
Purchases to  
be paid by  
the Trustees.

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

For getting  
Materials to  
repair the  
Roads.

XLIII. Provided nevertheless, and be it enacted, That it shall not be lawful to or for any Surveyor or Surveyors, or other Person or Persons, acting  
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Notice to be  
given to the  
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inclosed  
Lands, be-  
fore Materials  
are to be taken.

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

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

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

Surveyor to  
make Drains,  
&c.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper, for amending and keeping in Repair any Part of the said Roads; and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any House) to be made use of as a publick Highway, whilst the narrow or ruinous Parts of the said Roads are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively, through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall arise between such Owners or Occupiers and such

making rea-  
sonable Sa-  
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In case of  
Difference,  
Justices in  
Sessions to



ch Trustees, touching such Damage, then and in every such Case the Justices of the Peace at the First General or Quarter Sessions of the Peace be holden for the Eastern Parts of the County of *Kent*, or for the City of *Canterbury* (according to the Jurisdiction in which the Land shall lie) next after the Expiration of Twenty Days from the Time of doing such Damage, shall, and they are hereby authorized and required, to hear, settle, and determine the same; and their Determination therein shall be final and conclusive to all Parties.

determine the same.

XLVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the Trustees), from Time to Time to prevent and remove all Annoyances on or in any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, lying on the said Roads, or by Watercourses, Sinks, or Drains, laid or running into the same to the Prejudice thereof; and may cleanse any Ditch or Watercourses adjoining to the said Roads; and shall and may cut down, lop or top any Trees, Boughs of Trees, or Bushes growing therein, and take and carry away such Trees, Boughs, or Bushes, in case the Person or Persons occasioning such Annoyances, or any of them, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop or top any such Trees, Boughs, or Bushes, shall refuse or neglect so to do for the Space of Ten Days after Notice in Writing given for that Purpose, signed by any Five or more of the said Trustees, or by their Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons so refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as any Penalty or Forfeiture may be recovered by virtue of this Act; and if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted, shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Surveyors may prevent and remove Annoyances.

Penalty on offending again after Removal of Annoyances.

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

Penalty on drawing Timber or Stone on the Roads, otherwise than upon a Wheel Carriage.

XLVIII. And be it further enacted by the Authority aforesaid, That the said Trustees shall and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be erected upon or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any other Place, as the said Trustees shall think fit; and if any Person shall wilfully and maliciously break any of the said Stones or Posts, or any Part or Parts thereof, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon,

Roads to be measured, and Mile Stones to be set up.

Penalty for breaking or defacing them.

thereon, and shall be convicted of any such Offence, either by Confession of the Party, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace for the Eastern Division of the County of *Kent*, such Person shall forfeit and pay any Sum not exceeding Five Pounds for each Stone or Post so broke, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be convicted; and in case the Person so offending, and convicted of such Offence, shall not have Goods or Chattels sufficient to pay and discharge such Penalty, and the Costs and Charges of such Distress and Sale, then and in every such Case it shall be lawful to and for any Justice of the Peace for the said Division, by Warrant under his Hand and Seal, to commit such Person to the Common Gaol or House of Correction for the Eastern Division of the said County, there to remain for any Time not exceeding One Calendar Month unless such Penalty, Costs, and Charges, shall be sooner paid and discharged.

Power to Collectors, etc. to detain unknown Persons guilty of Offences.

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

Persons chargeable to the said Road to continue so.

L. Provided also, and be it enacted, That all and every Person and Persons who by Law is or are liable to do Statute Work, or is or are chargeable towards repairing and amending the said Roads hereby directed to be repaired, shall still remain liable and chargeable thereto in like Manner as heretofore.

Controversies concerning Statute Work, how to be determined.

LI. And, for the preventing of Differences between the said Trustees and the Surveyors of the Highways for the several Parishes, Divisions, or Places, through which the said Roads hereby intended to be repaired do pass, touching what Part of the Statute Work ought to be done by any Parish, Place, or Division, on the said Roads; be it further enacted, That 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*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or by their Order, yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Time and Place to be expressed in such Summons (within  
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Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Hay Time or Harvest), and in such Parts of the said Roads, as the Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given 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 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 Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Parts of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Coporate, for the Repairs or Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants

Trustees may compound for Statute Work.

[*Loc. & Per.*]

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bitants

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

Application  
of Money.

LIII. And be it further enacted, That all the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, shall in the first Place be paid and defrayed out of any Monies received or collected by virtue of the said recited Acts, or any of them, or out of the first Monies borrowed, received, or collected by virtue of or for the Purposes of this Act; and the Remainder thereof shall, from Time to Time, be applied in repaying the Monies borrowed by virtue of the said recited Acts and of this Act, and the Interest thereof respectively, and in carrying this Act into Execution: Provided nevertheless, that the Interest of the Monies borrowed upon the Credit of the said recited Acts or any of them, or of this Act, shall in the first Place, from Time to Time, be duly and regularly paid as the same shall become due and payable, out of the Tolls collected by virtue of this Act, before such Tolls shall be applicable to any other Purpose or Purposes whatsoever, save and except in paying and defraying the Costs, Charges, and Expences of or incident to and attending the obtaining and passing of this Act as aforesaid.

Penalties,  
how to be  
levied and  
applied.

LIV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of any One of His Majesty's Justices of the Peace for the Eastern Division of the said County of *Kent*, or City of *Canterbury*, where the Offence shall happen, which Warrant or Warrants such Justice or Justices is hereby empowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of any credible Witness upon Oath (which Oath such Justice is hereby empowered and required to administer), and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered, (if not herein directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, City, or Place, where the Offence shall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Fourteen Days,

Days, unless such Penalties, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and discharged.

LV. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees against any Person or Persons, by virtue or in pursuance of this Act, the same may be brought in the Name or Names of their Treasurer or Clerk, or in the Name of any One of the said Trustees, on Behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

ACTIONS to be brought in the Names of the Treasurer or Clerk or One of the Trustees; but neither of them to be liable to the Payment of Costs.

LVI. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the Eastern Division of the said County of Kent, or for the said City of Canterbury (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 least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Two Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or City, with sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and such Determination shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Appeal.

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

Distress not to be unlawful for want of Form.

LVIII. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings, made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts

Proceedings not to be quashed for want of Form, or removeable by *Certiorari*.

Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiffs not to recover without Notice, or after Tender of Amends.

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

Limitation of Actions.

LX. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Kent*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

LXI. 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 the same being specially pleaded.

Commencement and Continuance of this Act.

LXII. And be it further enacted, That this Act shall commence and take place on the *Thursday* Fortnight 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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