



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 206.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty for repairing the Road from the Brick Kilns on *East Malling Heath* to *Pembury Green*, and from *Brand Bridges* to the *Four Wents*, in the County of *Kent*; and for making a Road therefrom into the *Mereworth* and *Hadlow Road*, in the same County.

[26th June 1811.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from the Brick Kilns on East Malling Heath to the Turnpike Road on Pembury Green, and from Brand Bridges to the Four Wents near Matfield Green, in the County of Kent*: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term, and altering and enlarging the Powers of an Act passed in the Seventh Year of the Reign of His present Majesty, for repairing and widening the Road from the Brick Kilns on East Malling Heath to the Turnpike Road on Pembury Green, and from Brand Bridges to the Four Wents near Matfield Green, in the County of Kent*: And whereas the Trustees appointed in and by or by virtue of the said recited Acts, have made great Progress in the Execution of the same, and have borrowed several Sums of Money upon the Credit of the Tolls arising on the said Road: And whereas the said Roads cannot be effectually repaired and kept in Repair, nor the said Sums of Money be repaid unless

[Loc. & Per.] 52 F the

7 G. 3. c. 91.

29 G. 3. c. 100.

Former Acts
continued.

the Term granted by the said Act be further continued, and some of the Powers thereof altered and enlarged, and the Tolls upon the said Road increased: And whereas it will be of great public Utility and of Advantage to the Neighbourhood if a Road was made from and out of the said Road between *Wateringbury Cross* and *Brand Bridges* to the present Turnpike Road leading from *Mereworth* to *Hadlow* in the said County, and put under the Care and Management of the Trustees for executing the said recited Acts and this Act; May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters and Things therein contained (except such Parts thereof as relate to Exemptions from Stamp Duties, and also such as are hereby varied, altered or repealed), shall be and remain in full Force and Effect, and, together with this present Act, shall be put in Execution for and during the Term hereinafter mentioned, as well for the Purpose of amending, widening, improving and keeping in Repair the Road included in the said recited Acts, as for amending, widening and keeping in Repair the Road to be made from and out of the said Road between *Wateringbury Cross* and *Brand Bridges* to the present Turnpike Road leading from *Mereworth* to *Hadlow* in the said County, as fully and effectually in all Respects and to all Intents and Purposes as if the said Acts, and the Clauses, Powers and Provisions therein respectively contained, were expressly repeated and re-enacted in the Body of this present Act, and as if the said additional Road had been Part of the Road included in the said Acts; but subject nevertheless to the Alterations and Amendments herein contained, and which shall commence and take Effect upon the passing of this Act; and that this Act, and the Term and Powers hereby granted, shall be, and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which shall or may hereafter be borrowed and become due on the Credit of the said recited Acts and of this present Act, any, or either of them, and all Interest due and to become due for the same respectively.

Trustees.

II. And be it further enacted, That the Trustees appointed by or in pursuance of the said recited Acts for putting the said recited Acts in Execution, and their Successors, being qualified according to the Directions of the said first-recited Act, are hereby empowered to act as Trustees in the Execution of this Act, on the whole of the said Roads by the said recited Acts, or either of them, directed to be repaired, and by this Act directed to be made, as fully and effectually as if they had been herein particularly nominated.

Power to remove Collectors, and supply Vacancies.

III. And be it further enacted, That on the Death, Incapacity, Absconding; Misbehaviour or Absence of any Collector or Receiver of the Tolls to be taken on the said Roads, any Five or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver who shall abscond, misbehave or become incapable, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls instead of such Collector or Receiver so dying, or being discharged, and to continue until the next Meeting of the said Trustees,

Trustees, which Person so nominated and appointed, shall have the like Power and Authority; and be answerable and accountable in the same Manner in all respects, as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow or any of the Children or Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll-house or Building erected or to be erected or set up by virtue of the said recited Acts or this Act, for the Space of Fourteen Days after Demand thereof made, and notice in Writing given or left on the Premises for that Purpose, by or under the Hands of any Five or more of the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, then, and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll-house or Building shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer within the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, and the Occupier or Occupiers thereof, together with his, her or their Goods, out of the same, and to put the said Trustees or any Three or more of them, or their Clerk or Clerks, or their new appointed Officer, into the Possession thereof with the Appurtenances.

IV. And be it further enacted, That the said Trustees or any Five or more of them, shall and may cause to be erected and set up a Turnpike or Turnpikes in, upon or across any Part of the said intended new Road, and also upon the Side or Sides of any Part thereof, and across any Lane or Lanes leading into the same; and also to be erected and provided a Toll-house or Toll-houses at or near such Turnpikes with suitable Buildings; and also to be taken in from any Common or Waste near the said Road, a Garden Plot to each Toll-house not exceeding Eight square Poles; and from Time to Time to remove, alter or discontinue the same, as the said Trustees or any Five or more of them shall think proper; and to take such Tolls at such Turnpikes as the said Trustees are by the said former Acts or either of them, or as they may be by this present Act authorized to demand at the Gates erected by the said recited Acts or either of them; provided nevertheless, that no more than Two Tolls shall be demanded or taken on the said new Road.

Erecting
Turnpikes.

V. And be it further enacted, That from and after the passing this Act it shall and may be lawful for the said Trustees, or any Five or more of them, or any Person duly authorized by them, or any Five or more of them, to demand, collect and receive Two whole Tolls, and no more, from any Person or Persons for once passing and repassing in any one Day through all or any of the Gates or Turnpikes to be erected on that Part of the said Road lying between *Wateringbury Bow* and *Brand Bridges* aforesaid.

VI. And be it further enacted, That so much of the said recited Act passed in the Twenty-ninth Year aforesaid, as directs that Toll shall be demanded or taken at only one Gate or Turnpike continued and erected by virtue of the said Act, between *Brand Bridges* and the *Four Wents*,

Double Tolls
between
Brand
Bridges and
Four Wents.

Wents, near *Matfield Green* aforesaid, shall be, and the same is hereby in all respects repealed; and that from and after the passing of this Act, Two Tolls shall and may be demanded and taken at the Gates or Turnpikes continued or erected by virtue of this Act, or the said recited Acts, between *Brand Bridges* and the *Four Wents* near *Matfield Green* aforesaid.

Double Tolls
for Hop-
poles, &c.

VII. And whereas by the said recited Acts, or one of them, it is enacted, that all and every Carriage and Carriages laden with Timber, Wood, Gun or Guns, or with any other Iron or Gloom, exceeding Five Hundred Weight, or Hop-poles, passing through any Gates, or Turnpike Gates, or Turnpikes, to be erected by virtue of the said Acts, between the Tenth Day of *October* and the Fifth Day of *April* in every Year, should pay Double Tolls or Duties at each Gate or Turnpike through which such Carriage or Carriages whatsoever so laden should pass; be it therefore further enacted, That any such Carriage or Carriages laden with Stones exceeding such Weight shall in like Manner pay double Tolls or Duties at each Gate or Turnpike through which such Carriage or Carriages so laden shall pass: Provided always, that nothing in this or the said recited Acts shall extend or be construed to extend to charge with such Double Toll or Duties any Carriage or Carriages laden with old Hop-poles removing from one Part of the Farm or Lands to the other of the Person or Persons to whom the same shall respectively belong, in his, her or their ordinary Business of Husbandry.

Persons and
Things ex-
empted from
Tolls.

VIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for the Passage of any Horse or other Beast drawing any Cart, Waggon, Wain or other Carriages through any of the Turnpikes to be erected by virtue of the said recited Acts or of this Act, laden with Stones, Gravel or other Materials for making or repairing the said Road or Branch of Road, or any Part or Parts thereof respectively, or of any other Road lying within any of the Parishes in which the said Road or Branch of Road, or any Part or Parts thereof may lie; provided that such Cart, Wain or other Carriage so laden travel or go with such Materials no farther Distance on the said Road or Branch of Road than Two Miles, or laden only with Dung or other Manure for the Improvement of Land (Limestones and Lime excepted) or with Seed to be sown, or with Hay, or Corn in the Straw only, or other Produce, from or to any of the Lands in the Occupation of the respective Inhabitants of the several Parishes in which the said Road or Branch of Road lies, or any neighbouring Parishes, and to be laid up in the Houses, Barns, Out-houses or Yards of such Inhabitants only, and not for Sale; or for any Horse, Beast or other Cattle drawing any such Carriage belonging to such Inhabitants respectively, going empty for the Purpose of loading with Stones, Gravel and other Materials, for making and repairing the said Road and Branch of Road, Hay, or Corn in the Straw only, or other Produce, or returning empty, having been loaded therewith on the same Day; nor shall any Toll be demanded or taken from any Rector, Vicar, Curate or any other Person or Persons residing in any of the Parishes through which the said Road or Branch of Road leads, who shall pass through any Turnpike or Toll-gate to or from his or their proper parochial Church, Chapel or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Cattle or Carriage conveying the Corpse, or going

to, or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road or Branch of Road lies; or for any Horse or Cattle going to or returning from Water, or to or from Pasture, or going to or returning from being shod or farried, or for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; nor shall any Toll be demanded or taken for the Horses of any Officers or Soldiers that are upon their March, or upon Duty, or for Carts, Carriages or Waggon employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded or disabled Officers or Soldiers, nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, or Infantry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection or Review, provided that such Person is in the Uniform of his Corps according to the Regulations appointed by such Corps at the Time of claiming such Exemption, or for any Horses drawing Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Kent on the Day or Days of such Election, or the Day before or Day after such Election shall begin and be concluded; and if any Person shall by any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Passengers on Election Days for Knights of the Shire for Kent exempted.

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

Owners or Drivers of Waggon employed in the Service of the King's Forces not to be subject to Penalties for Overweight.

X. And be it further enacted, That no Tolls shall be demanded or taken from any Person or Persons travelling on Horseback on the Road to the Farm or Lands of such Person or Persons in his ordinary Business of Husbandry, for passing through One Gate, or Bar only, and no more, erected upon or across the said Roads, or any Part thereof.

Exemptions for Farmers on Husbandry Business.

[Loc. & Per.]

Limiting Ex-
emptions as
to Dung.

XI. And be it further enacted, That no Person shall claim or be entitled to be exempted from the Payment of Tolls for or in respect of any Carriage laden with Dung for manuring of Lands, unless the same shall be removing from One Part of the said Land to the other of the Person or Persons claiming to be exempt from the Payment of Toll, in his or their ordinary Business of Husbandry, and shall be the Produce of the Farm or Lands of such Person or Persons.

Tolls may be
let.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, either by the Mode prescribed in and by an Act passed in the Thirteenth Year of His present Majesty's Reign, for reducing into one Act the Laws for regulating Turnpike Roads, or by and according to such other Method as the Trustees of the said Road from Time to Time shall think more effectual, to let to farm or demise all or any of the said Tolls as may become payable on the said Roads, for any Term of Years not exceeding Three Years, for such Rent or Rents, payable at such Times, and under such Covenants as the said Trustees, or any Seven or more of them, shall think fit, the said Trustees taking such sufficient Security from the Person or Persons to whom such Tolls, or any of them, shall be leased or demised, for Payment of such Rents and Performance of the said Covenants, as they or any Seven or more of them shall think fit; which Money to be paid for the same shall be applied for the Purposes of this Act.

Power to
make new
Branch of
Road.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby fully authorized and empowered to make a new Branch of Road from and out of the said Road leading between *Wateringbury Cross* and *Brand Bridges* aforesaid, at or near a certain Place called *Messengers Place*, into the Turnpike Road leading between *Mereworth* and *Hadlow* aforesaid, at or nearly opposite to the Entrance or Beginning of a certain Road called the *Comp Road* being a District of a certain Road called the *Wrotham Heath Road*, and for that Purpose to purchase the Land through which such intended new Road shall be made, and to gather Materials on the Sides thereof, and to do all other Acts on the said new Road, and proceed to the making thereof under Hand, subject to the same Powers and Authorities as are contained in the said former Acts, or either of them, and subject to such Provisoes and Restrictions as in the said former Acts are contained.

Line of new
Road not to
deviate above
100 Yards
from the
Plan.

XIV. And whereas a Map or Plan, describing the Line of the said Roads, and the Lands through which the same are to be carried, together with a Book of Reference; containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Kent*; be it therefore further enacted, that the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One Hundred Words of such Copies or Extracts of the said Map or Plan, and Book of Reference; and that the said Trustees in making the said Roads, shall not deviate more than One hundred Yards of Three Feet each from the Line described

described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XV. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said Diversion and new Branch of the said Road into, through, across or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-spelt in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

For rectify-
ing Mistakes
in Book of
Reference.

XVI. And whereas the said Trustees may happen to be seized of some Piece or Pieces of Ground, or other Hereditaments or Premises, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, that it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, and other Hereditaments and Premises, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Ground not
wanted may
be sold.

XVII. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground, not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) or shall refuse to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no ways interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed with respect to disputed value of Premises so to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or

To whom
first Offer to
be made.

For rectify-
ing Mistakes
in Book of
Reference.

Sales

Sales which may be made by the said Trustees of such Piece or Parcel of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application
of Compen-
sation Money
when exceed-
ing 200l.

XVIII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements or Hereditaments which shall be purchased for the Purposes of the said recited Acts or of this Act, of any Body Corporate, Ecclesiastical or Civil; Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or any Feme Covert or Femes Covert, or other Person or Persons, being incapacitated to give Discharges for the Purchase or Compensation Money, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, or any Three or more of them, 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 or Profits of the said Lands, Tenements or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other 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 like or the same Uses, Intents and 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 and Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the Meantime, and until such Purchase shall be made, the said Money shall, by the Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the Meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividend and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application
where Money
does not
amount to
200l. and
shall exceed
20l.

XIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds,

Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall; at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements and Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein 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 the Trustees for executing the said recited Acts and this Act, or any Five or more of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon, may be applied in Manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

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

Application where the Money is less than 20l.

XXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments to be purchased by virtue of the said recited Acts or 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 any Five or more of them, 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 be lawful for the said Trustees, or any Five 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 said 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, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, 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

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.

[*Lac. & Per.*]

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Premises

Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

XXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the said Court of Chancery, in pursuance of the said recited Acts or of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons, who shall have been in the Possession of such Lands 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 and 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 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 or Hereditaments, or to some Estate or Interest therein.

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

XXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

Surveyors to
get Gravel,
&c.

XXIV. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of the said recited Acts or this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take or carry away any Furze, Heath, Gravel, Sand or other Materials proper for the making and repairing of the said Road and Branch of Road, Bridges, Arches and Fences in or upon the same, or in, upon, or out of, or from any Waste
Grounds,

Grounds, Commons or uncultivated Lands, Rivers or Brooks, in any Parish, Hamlet or Place in which any Part of the said Road and Branch of Road lie, or in any adjoining Parish, Hamlet or Place to be used in the making and repairing of the said Road and Branch of Road, without paying any Thing for the same; and, provided there shall be no other safe and convenient Way to carry such Materials, to cart and carry the same over the Lands and Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), making Satisfaction as hereinafter mentioned, such Surveyor or Surveyors, or other Person or Persons filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel or Sand, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons or uncultivated Lands, Rivers or Brooks, contiguous to that Part of the said Road, and Branch of Road therewith to be made and repaired, then, and in such Case, the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig and make Pits, and get, gather, take and carry away any such Materials as aforesaid in, upon, or out of, or from and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment to the respective Owner or Occupiers of such Lands or Grounds for such Damages for the cutting, digging, or gathering, taking and carrying away the said Furze, Heath, Gravel, Sand and Materials, and for carrying the same or the Materials gotten in any Waste Grounds, Commons or uncultivated Lands, Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Differences between the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the County wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County next after such Difference shall arise, and on Seven clear Days' Notice thereof, to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her or their respective Place of Abode, or *vice versa*, shall hear, settle and determine the Matter of the said Damage, and the Costs attending the hearing and determining of the same, whose Judgment and Order therein shall be final and conclusive to all Parties.

XXV. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors appointed by virtue of the said recited Acts, or either of them, or any Person or Persons who shall by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, be employed for that Purpose, from Time to Time to cut, dig, gather, take, load and carry away any Gravel, Chalk, Furze, Heath, Sand, Stones or other Materials proper for repairing the said Roads in, upon, or out of, or from any Waste or Common Grounds, River or Brook, or private Grounds (not

For getting
Materials.

(not being a Yard or Garden, Orchard, Park, planted Walk or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees), although no Part of the said Roads may be therein, subject to the same Compensation and other Regulations concerning the same as in the said Acts, or either of them, are mentioned and contained, any Thing in the said recited Acts or either of them to the contrary notwithstanding.

Hedges may
be reduced
to Three Feet.

XXVI. And be it further enacted, That so much of the said recited Act of the Twenty-ninth Year of His present Majesty as empowers the said Trustees to cut and reduce all Hedges adjacent to the said Road to the Height of Four Feet, shall be, and the same is hereby repealed; and that instead thereof it shall and may be lawful for the said Trustees, or such other Persons as in the said recited Act are mentioned, to cut and reduce all such Hedges to the Height of Three Feet, in case the Owners or Occupiers of the Lands shall neglect to reduce the same, in such Manner, and subject to such other Regulations as are specified and contained in the said recited Act concerning the same.

Persons
chargeable
to Statute
Work to
continue so.
Justices to
determine
Differences
touching Sta-
tute Work.

XXVII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Kent*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees or to their Treasurer: 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 Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall 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 on such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and

appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts 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 last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees) shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said 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 Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXVIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form, or to the like Effect; (that is to say)

Kent, } BE it remembered, That on the Day of
to wit. } Year of the Reign
 of His Majesty A. B. is convicted before
 me, C. D. Esquire, One of His Majesty's Justices of the Peace for the
 said County, by virtue of an Act of Parliament made in the Fifty-first
 Year of the Reign of His Majesty King George the Third, intituled,
 [here set forth the Title of the Act, and specify the Offence, and the Time
 and Place when and where the same was committed, as the Case shall be].
 Given under my Hand and Seal, the Day and Year aforesaid.

XXIX. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the making, maintaining, and repairing the said new Road hereby authorized to be made, maintained and repaired, shall, and they are hereby required to pay the Sum

Compelling
Payment of
Subscrip-
tions.

or Sums of Money so subscribed within such Time and Times, and in such Parts and Proportions as the said Trustees, or any Five or more of them, shall order and direct; and the same shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Names of the said Trustees, or any Five or more of them, or in the Name or Names of their Clerk or Clerks, or Treasurer or Treasurers in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, Suit or Information, wherein no Essoign, Protection, Wager at Law, or more than One Imparance shall be allowed.

Expences of
the Act.

XXX. And be it further enacted, That all the Charges and Expences incident to and occasioned by the obtaining and passing this Act shall be paid out of any Money already arisen by virtue of the said recited Acts or of this Act, in Preference to all other Payments whatsoever.

Public Act.

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

Limiting the
Term of the
Act.

XXXII. And be it further enacted, That the Term granted by the said recited Acts shall on the passing of this Act cease and determine, and the said recited Acts (subject to the Alterations, Variations and Additions hereinbefore contained) and this Act, shall from thenceforth commence, continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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