



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 81.

An Act for continuing and amending Two Acts of His present Majesty, for repairing the Roads from *Golford Green*, in the Parish of *Cranbrooke*, to the Turnpike Road in the Parish of *Sandhurst*, and from the Green near *Benenden Church* to *Rolvenden Cross*, in the County of *Kent*. [14th May 1811.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Roads from the Turnpike Road at Golford Green, in the Parish of Cranbrooke, to the Turnpike Road in the Parish of Sandhurst, and from the Green near Benenden Church to the Bull Inn at Rolvenden Cross, in the County of Kent*: And whereas another Act was passed in the Twenty-ninth Year of His present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act of the Ninth Year of His present Majesty, for repairing and widening the Roads from the Turnpike Road at Golford Green, in the Parish of Cranbrooke, to the Turnpike Road in the Parish of Sandhurst, and from the Green near Benenden Church to the Bull Inn at Rolvenden Cross, in the County of Kent*: And whereas, in pursuance of the Provisions contained in the said Acts, or one of them, divers Sums of Money have been borrowed and are now due on the Credit and Security of the Tolls thereby granted, which Sums cannot be repaid, nor can the said Roads be effectively improved and maintained, and kept in good and sufficient Repair, unless the said Acts, which are near expiring, be continued for a further Term, and the Tolls thereby granted, altered and increased; and it is also expedient that divers of the Powers and Provisions contained in the said recited Acts, or one of them, should be altered, amended, or repealed, and that other Powers and Provisions should be enacted for the better effectuating the Purposes of the said Acts: May it therefore please Your Majesty, That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
[Loc. & Per.] 181 and

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Ninth and Twenty-ninth Years of His present Majesty, and all and every the Powers, Authorities, Penalties, Forfeitures, Clauses, Provisions, Matters, and Things therein contained and now in force (except such of them as relate to Exemptions from Stamp Duties, and except so far as the same are hereby altered or repealed), and also the Powers, Authorities, Clauses, and Provisions in this Act contained, shall be and continue in full Force and Effect, for amending, widening, improving, maintaining, and keeping in Repair the said Roads hereinbefore described and comprised in the said Acts, during the Term hereinafter mentioned; which said Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit and Security of the said Acts, or either of them; and of such Sums of Money as shall be borrowed in pursuance of this Act, and of all Interest due and to grow due for the same respectively.

Former Acts continued for a further Term,

subject to the existing Debt.

Directions as to Number of Toll Gates and Tolls, on particular Parts of the Road.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to erect or continue any Number of Toll Gates or Turnpikes, not exceeding Four, with Toll Houses and other suitable Conveniences thereto, on that Part of the said Road lying between *Golford-Green* and *Sandhurst* aforesaid: Provided that no more than Two Tolls shall be taken from any Person or Persons for passing and repassing the same Day with the same Horses, Cattle, Beasts, and Carriages, through all the Toll Gates or Turnpikes erected upon the whole Extent of the said Road from *Golford Green* to *Sandhurst* aforesaid; and no more than One Toll on that Part of the same Road lying between *Golford Green* and *Benenden*; and no more than One Toll upon that Part of the same Road lying between *Benenden* and *Sandhurst* aforesaid.

Trustees may remove Toll Gates.

III. Provided always, and be it further enacted, That from and after the Twenty-fourth Day of *June*, One thousand eight hundred and eleven, it shall be lawful for any Seven or more of the said Trustees for the Time being to take down, or remove any Bar, Gate, or Turnpike, erected, set up, or continued, by virtue of the said Acts and this Act, or any of them, in such Manner and Form as in and by the said first recited Act is authorized to be done by any Fifteen or more of the Trustees.

New Tolls taken in lieu of the former

IV. And be it further enacted; That from and after the said Twenty-fourth Day of *June*, One thousand Eight hundred and eleven, the several Tolls and Duties granted and made payable by the said recited Acts, or either of them, shall cease and determine; and that from thenceforth in lieu thereof there shall be demanded and taken the several Tolls and Duties hereinafter mentioned: (that is to say)

Tolls.

For every Coach, Chariot, Landau, Chaise, Chair, Hearse, or other such Carriage, drawn by Six Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three or Two Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught the Sum of Sixpence:

For every Caravan, Waggon, Wain, Cart, Dray or other such Carriage, drawn by Four or more Horses, or other Beasts of Draught, the

the Sum of One Shilling and Sixpence; and drawn by Three or Two Horses, or other Beasts of Draught the Sum of One Shilling; and drawn by One Horse, or other Beast of Draught the Sum of Sixpence:

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

For every Mule or Ass, 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 every greater or less Number of them:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Four Pence *per* Score; and so in proportion for any greater or less Number of them:

Which said Tolls and Duties in and by this Act granted and made payable as aforesaid, shall be and are hereby vested in the Trustees for the Time being for carrying the said recited Acts, and this Act, into Execution; and shall be received and taken at each and every of the Toll Gates or Turnpikes erected or to be erected upon the said Roads in pursuance of the said Acts and this Act, or any of them, and shall be paid, levied, leased, mortgaged, applied, disposed of, and assigned, for such Uses and Purposes, and in such Manner, as the Tolls and Duties granted by the said recited Acts, or either of them, are thereby authorized and directed to be received, paid, levied, leased, mortgaged, applied, disposed of, and assigned, except as by this Act is otherwise directed.

V. And be it further enacted, That all and every Exemption or Exemptions from the several Tolls and Duties granted and made payable from Tolls, by the said recited Acts or either of them, shall cease and be no longer allowed, and that in lieu thereof the several Exemptions from Tolls hereinafter mentioned shall be allowed; (that is to say), that no Tolls shall be demanded or taken for any Horse or Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected upon or on the Sides of the said Roads, carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Chalk, Gravel, or other Materials to be used on or about the said Roads, or for repairing any Highways in the Parishes, Townships, Districts, or Places which are liable to perform Statute Duty upon the said Roads, or returning empty when so employed, or carrying or conveying Hay, Corn in the Straw, or other Produce of Lands not sold or disposed of, nor any Ploughs, Harrows or other Implements of Husbandry to be used in the Cultivation of Lands, or any Lime or Manure to be used or laid upon Lands, or returning empty when so employed; nor shall any Toll be paid by any Rector, Vicar, or Curate, going to officiate, or returning from officiating at any Church, Chapel or other Place of Religious Worship, or when visiting his sick Parishioners, or upon any other his Parochial or Ministerial Duty, or by any other Person or Persons residing in the said Parishes, Townships, Districts, or Places, who shall pass through the said Turnpikes or Toll Gates to or from Church, Chapel, or other Place of Religious Worship, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts, or Places; nor for any Horses, Mares, Geldings, Mules, Asses, or Cattle, going to or returning from Work in cultivating the Lands within the same or any of them; nor for any Horses, Mares, Geldings, Mules, Asses, Cattle, Sheep, Lambs, Goats, or Hogs, going to or returning from Pasture on the Commons or other Grazing Grounds,

Grounds, or Watering Places, or Blacksmiths' Shops, to be shod, or having been shod; nor for any Horse or other Beast of Draught, or Carriage, employed in carrying or conveying any Furze, Peats, Turf, or Heather, for Fuel, or returning empty, having been so employed; nor for any Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; or for the Horses of Soldiers on the March, or on Duty; or Carriages, or Horses or other Beasts, employed in carrying the Arms or Baggage of such Soldiers; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to his Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast, employed in the Conveyance of Vagrants travelling with legal Passes, or travelling with Vagrants sent by legal Passes; nor for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Kent*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls or any Part thereof shall be evaded, every such Person for every such Offence shall forfeit and pay a Sum not exceeding Five Pounds.

Carriages employed in His Majesty's Service not to be subject to Regulations for Overweight.

VI. 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, 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 Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Application of Compensation, when 200l.

VII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements or Hereditaments purchased, taken, or used by virtue of the said recited Acts or this Act, which shall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert or other incapacitated Person or Persons, such Money shall, if the same 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
Pri-

Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be paid under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase of the Land-Tax, or the Discharge of any Debt or Debts or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the 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 Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three *per Centum* Consolidated or Three *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 Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

VIII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Body Politic, 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 the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank 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 hereinbefore directed; or otherwise the same shall be paid at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Two 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 hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

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

Application
when the
Money is less
than 20l.

IX. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as hereinbefore mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken or used for the Purposes of the said recited Acts or this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles.

X. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for 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 any Five or more of them, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed 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 to order the Sum or Sums of Money so awarded or assessed 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, Control 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, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interests 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.

Persons in
Possession pre-
sumptively
entitled.

XI. 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements and Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements 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 Possession of such Lands, Tenements and 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 be 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.

XII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of 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 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 this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XIII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Roads shall be and the same is hereby repealed, and 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 Roads comprised in the said recited Act, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace, within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, 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, her or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Fifteen 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 be paid; which Lists or Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same

Regulations as to Performance of Statute Duty.

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 Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their usual Place or Places of Abode for that Purpose by any Surveyor to the said Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force for the Repair of the public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments 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 Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse, or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and willingly give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Expences of
the Act.

XIV. And be it further enacted, That the Expences of obtaining and passing this Act, together with legal Interest for Money advanced by any Person or Persons for that Purpose, shall be paid out of the Money already raised by virtue of the said recited Acts, or out of the first Money to be raised by virtue of this Act.

Public Act.

XV. 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.

Commence-
ment and
Continuance
of the Act.

XVI. And be it further enacted, That this Act shall commence upon the said Twenty-fourth Day of *June*, One thousand eight hundred and eleven, and shall continue in Force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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