



ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 174.

An Act for repairing the Road from *Seven Oaks Common* to *Woodsgate*, *Tunbridge Wells*, and *Kipping's Cross*, and from *Tunbridge Wells* to *Woodsgate*, in the County of *Kent*. [20th June 1814.]

WHEREAS an Act was passed in the Eighth Year of the Reign of Queen *Ann*, intituled *An Act for repairing and amending* 8 Ann. *the Highways leading from Seven Oaks to Woodsgate and Tunbridge Wells, in the County of Kent*: And whereas an Act was passed in the Eleventh Year of the Reign of King *George the First*, intituled *An* 11 G. 1. *Act for enlarging the Term granted by an Act made in the Eighth Year of the Reign of Her late Majesty Queen Ann, intituled 'An Act for repairing and amending the Highways leading from Seven Oaks to Woodsgate and Tunbridge Wells, in the County of Kent;'* and for explaining and making more effectual the same Act; and for amending (out of the Tolls and Duties arising by the said Act and this present Act) the Highways leading from *Woodsgate* aforesaid, to *Kipping's Cross*, in the Parish of *Brenchly*, in the said County of *Kent*: And whereas an Act was passed in the Fourteenth Year of the Reign of King *George the Second*, intituled *An Act for enlarging* 14 G. 2. *the Terms and Powers granted by Two Acts of Parliament, for repairing the Roads leading from Seven Oaks to Woodsgate and Tunbridge Wells, and from Woodgate to Kipping's Cross, in the County of Kent; and also*
[Loc. & Per.] 36 F for

10 G. 3. for repairing the Roads from Kipping's Cross aforesaid to Lamberhurst Pound, and Pullen's Hill, in the said County; and to Flimwell Vent, in the County of Suffex: And whereas an Act was passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act for continuing, amending, and rendering more effectual so much of Three Acts of Parliament, for repairing the Roads from Seven Oakes, Tunbridge Wells, and Kipping's Cross, to Lamberhurst Pound, and Pullin's Hill, in the County of Kent; and to Flimwell Vent, in the County of Suffex, as relates to the Road leading from Seven Oakes Common to Woodsgate, Tunbridge Wells, and Kipping's Cross, in the said County of Kent:* And whereas another Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act passed in the Tenth Year of the Reign of His present Majesty, intituled 'An Act for continuing, amending, and rendering more effectual so much of Three Acts of Parliament, for repairing the Roads from Seven Oaks, Tunbridge Wells, and Kipping's Cross, to Lamberhurst Pound and Pullen's Hill, in the County of Kent; and to Flimwell Vent, in the County of Suffex, as relates to the Road leading from Seven Oaks Common to Woodsgate, Tunbridge Wells, and Kipping's Cross, in the said County of Kent; and for amending, widening, and keeping in Repair, the Road from Tunbridge Wells to Woodsgate aforesaid:'* And whereas another Act was passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for increasing the Tolls authorized to be taken on the Road leading from Seven Oaks Common to the Market House in Tunbridge Town, by an Act passed in the Thirty-third Year of the Reign of His present Majesty, for repairing the Road leading from Seven Oaks Common to Woodsgate, Tunbridge Wells, and Kipping's Cross, in the County of Kent; and from Tunbridge Wells to Woodsgate aforesaid:* And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to carry the same into Execution, and have for that Purpose, in pursuance to the Powers to them thereby given, borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which Sums remain undischarged, and cannot be paid off, nor can the said Roads be effectually amended, widened, altered, improved, and kept in Repair, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased: 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 shall be and the same are hereby declared to be repealed; and that instead thereof, this Act shall, on the passing thereof, commence and take Effect, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, altering, improving, and keeping in Repair, the Road leading from *Seven Oaks Common to Woodsgate, Tunbridge Wells, and Kipping's Cross, and from Tunbridge Wells to Woodsgate, in the County of Kent;* and that the Term and Tolls by this Act granted shall be and are hereby charged with and made subject to the Payment of all Monies now due and owing upon the Credit or on account of the said recited Acts, and of all Interest due and to grow thereon, as fully and effectually to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Former Acts repealed.

II. And be it further enacted, That *Richard Allnutt, John Auldjo, Francis Motley Austen, Francis Lucius Austen, Thomas Austen, John Austen Clerk, Henry Austen, George Austen, William Austen Clerk, William Bailey, Thomas Baily, Thomas Baker Clerk, Sackville Bale Clerk, Martin Benson Clerk, Matthew Berge, John Stileman Bostock, John Brock Clerk, Sir George Buggin Knight, James Burton, William Ford Burton, James Burton the younger, John Buttanshaw, John Buttanshaw the younger, William Camfield, James Capper Clerk, William Carnell, John Carnell, John Carnell the younger, Edmund Cartwright Doctor in Divinity, George Children, John George Children, Richard Children, John Fellowes Claridge, John Thomas Claridge, George Claridge, William Chesman, William Stacey Coast, William Coast the younger, Thomas Cobb Clerk, William Congreve, Christopher Cooke, George Courthope, George Courthope the younger, William Courthope Clerk, Richard Crawley Clerk, Richard Crow, Thomas Sackville Curteis Clerk, Robert Dashwood, Joseph Delves, Thomas Delves, George Douglas, Sir Thomas Dyke Baronet, Percival Hart Dyke, Thomas Butler Eyles, Sir Charles Farnaby Baronet, Thomas Christopher Gardner, Sir William Geary Baronet, Frederick Gildart Clerk, William Gordon Clerk, William Gordon junior, Clerk, Jonathan Hammond Clerk, Charles Hardinge Clerk, James Harbroe, Thomas Harvey Clerk, William Thomas Harvey, Sir Henry Hawley Baronet, Henry Hawley, Thomas Law Hodges, Sir John Courtenay Honeywood Baronet, Stephen Hooker, Thomas Hooker, William Cotton Hotham, William Humphry Clerk, Edward Hufsey, Edward Hufsey the younger, John Hufsey Clerk, John Halsey, Christopher Idle, Thomas Jervis, Richard Jones, Richard Jones the younger, Robert Joy, Sir Edward Knatchbull Baronet, Vicesimus Knox Doctor in Divinity, Vicesimus Knox, Thomas Knox Clerk, Arnold Langley, Multon Lambard, Multon Lambard the younger, George Lingard, John Larking, John Larking junior, Thomas Bold Marchant, Walter May, Walter Barton May, Nicholas May Clerk, John Mayo Doctor of Physic, Thomas Mercer, George Mills, John Milles, William Alexander Morland, Henry Morland Clerk, Phillips Monypenny Clerk, William Mugridge, Peter Nouaille, Thomas Panuwell, George De Passow, John Claus De Passow Clerk, William Foster Pigott Doctor in Divinity, George Polhill, Thomas Ponton, Thomas Ponton the younger, John Ponton, Arthur Pott, Baden Powell, Alexander Rae, Stephen Raines, David Ricardo, John Saint, William Saint, Richard Patrick Satterly Doctor of Physic, John Saxby, Michael Saxby, Joseph Sclater, Sir John Gregory Shaw Baronet, William Scoones, William Scoones the younger, John Scoones, John Shelley Sidney, William Simmons, John Simpson of Fairlawn, John Simpson of Shipbourne Green, Walter Sprott, Thomas Stephens Doctor in Divinity, Wilkin Stephens, John Stone, Henry Streatfeild of Chiddingstone, Henry Streatfeild the younger of Chiddingstone, Henry Streatfeild of Seven Oaks, Sir Style Baronet, William Thomas, Sir William Jarvis Twysden Baronet, Thomas Watson Doctor of Physic, William Wells, John Hartrup West, James Eldridge West, George Whitaker, John Anthony Whitaker, John Wilgrefs Clerk, Charles Willard, Williams, Willshire, William Francis Woodgate, William Woodgate, Henry Arthur Woodgate, Henry Woodgate of Pembury, John Woodgate of Stonewall, Stephen Woodgate Clerk, Henry Woodgate of Seven Oaks, Francis Woodgate and John Woodgate of Seven Oaks, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, amending, widening, improving, and keeping in Repair, the said Roads, and for putting this Act into Execution.*

Trustees
Names.

III. And

Power to
appoint addi-
tional Truf-
tees.

III. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the Whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed, and such Trustees so elected and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

On Death or
Refusal to
act other
Trustees to
be chosen.

IV. And be it further enacted, That when and so often as any of the Trustees hereby appointed, or to be appointed by virtue of this Act shall die, or by Bankruptcy or Insolvency shall become disqualified or refuse to act or cease to reside in the County of *Kent*, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint some other Person in the room of every Trustee so dying or becoming disqualified or refusing to act or ceasing to reside in the said County of *Kent*; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing on the Two Turnpike Gates at the South End of the Town of *Tunbridge*, at least Ten Days before every such Meeting; and all and every Person and Persons who shall be so elected and appointed shall, immediately upon such Election and Appointment, be a Trustee for the Purposes of this Act, and shall be vested with the same Powers and Authorities for putting this Act in Execution as any Trustee hereby nominated and appointed is or are vested with.

Qualification
of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall at the Time of his acting 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, Tithes or Hereditaments, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements or Hereditaments, of the clear yearly Value of Two hundred Pounds; or be possessed of a Personal Estate to the Amount of One thousand Pounds; nor (except administering the Oath herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath or Affirmation in the following Form of Words; and which Oath the said Trustees, or any of them, at any of their Meetings held in pursuance of this Act, are hereby authorized to administer:

Oath.

‘ I do swear, [*or*, being one of the People called *Quakers*,
‘ I do solemnly affirm], That I truly and *bonâ fide* am in my own Right
‘ [*or*, in the Right of my Wife] in the actual Possession and Enjoyment,
‘ or Receipt of the Rents and Profits of Lands, Tenements or Heredita-
‘ ments, of the clear yearly Value of Fifty Pounds above Reprizes, [*or*,
‘ am possessed of or entitled to a Personal Estate of the Value of One
‘ thousand Pounds, *or*, am Heir Apparent of
‘ who, to the best of my Knowledge, is seised of a Real Estate of Lands,
‘ Tenements or Hereditaments, of the clear yearly Value of Two hundred
‘ Pounds, *as the Case may happen*]. So help me GOD.

Nor

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested, other than as a Creditor, nor while he holds any Place of Profit under this Act, or who shall sell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail; and if any Person disqualified by any of the Causes aforesaid, or not being qualified as aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed, and the Person so sued or prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previously to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Penalty on Trustees acting not being qualified.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of *William Parker*, known by the Sign of the *Rose and Crown*, in the Town of *Tunbridge*, on the First *Friday* after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall then and from Time to Time after adjourn to meet at such Time and at such Place or Places in or near the said Road as they shall think proper; and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees at any Time assembled shall omit to adjourn, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been holden, or was holden, (as the Case may be), and to such Time as he shall think fit, not exceeding Twenty-one Days, nor less than Fourteen Days from the Time of the last Default, and shall thereof give Notice, by Writing affixed on the said Two Turnpikes at the South End of the said Town of *Tunbridge*, at least Ten Days before the Day of such intended Meeting; and in case no Adjournment, Notice or Appointment, shall be made or given as aforesaid, then it shall be lawful for any Five or more of the said Trustees to cause Notice in Writing to be affixed on the said Turnpikes, appointing the Trustees to meet at such Time and at such Place, in or near the said Road, as they the said Five Trustees shall think proper, not exceeding Twenty-one nor less than Fourteen Days from the Time of affixing such Notices; and the Trustees shall at all their several Meetings pay their own Expences; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings consisting of not less than Five Trustees, to be holden in pursuance thereof, and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination shall be valid unless the major Part of the Trustees present at such Meeting shall concur therein; and in all Cases where the said

Meetings of Trustees, &c.

[*Loc. & Per.*]

36 G

Trustees,

Trustees, or any Justice or Justices of the Peace, are by this Act authorized or required to examine any Person or Persons on Oath, it shall be lawful for such Trustees, or any Two or more of them, or for such Justice or Justices, to administer such Oath; and that no Order made by Five or more Trustees shall be revoked or altered at any Meeting where less than Eight Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than the Number by whom such original Order was made, nor unless Ten Days Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Books of Proceedings, and also affixed on the said Turnpikes, Ten Days at least before such Meeting.

Meetings on
Emergencies.

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

Orders, &c.
to be entered
in a Book.

VIII. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same; and all Entries in the said Book or Books; and also in the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be deemed Originals; and such Book or Books shall at all Meetings of the said Trustees be open for the Inspection of all and every of the said Trustees, and of the Creditors of the Tolls, and shall be admitted as Evidence in all Courts whatsoever.

Appointment
of Officers.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time, at any of their Meetings, by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary; and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint others in their stead; and Ten Days Notice of the Intention of such Appointment shall be given in Writing affixed on the said Turnpikes of every Meeting where any such Appointment shall be made after the First Meeting of the said Trustees; and the said Trustees, or any Five or more of them, shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons employed, for their Services in or about the making, maintaining, amending, altering, improving, and keeping in Repair the said Roads, or any Part thereof, or otherwise, in putting this Act into Execution, as they the said Trustees, or any Five or more of them, shall think reasonable:

Provided always, that no Person shall be capable of holding any Place of Profit under this Act who shall sell any Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail: Provided always, that when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls to continue until the then next Meeting of the 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 if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person shall refuse to deliver up the Possession of any Toll House, or Building with the Appurtenances, to be continued, erected, or set up by virtue of this Act, for the Space of Five Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said County of *Kent*, upon Demand made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable, or other Peace Officer for 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, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Five of them, or their new appointed Officer, into the Possession thereof.

Trustees to
appoint tem-
porary Col-
lectors.

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

Officers to
account on
Oath.

aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers and Writings, in their respective Custody or Power, any ways relating to the Execution of this Act, or to the said Road; and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before him, and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, (no reasonable Cause or Causes being shown for such Non-appearance), to issue his Warrant or Warrants for his or their Apprehension; and upon his or their appearing upon such Summons, or being apprehended and brought before him by such Warrant, or having absconded, or not being to be found, it shall be lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which have been so collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, or Person or Persons appearing, or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, or of the Articles thereof upon Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers relating to such Accounts respectively, or the Books, Accounts, Papers and Writings, in his or their Custody or Power relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County where he or they shall live and reside, or to any House of Correction within the same, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make),

or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer, or other Person who shall be committed for Default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to take sufficient Security from the Treasurer or Treasurers, and Collectors and Receivers of the Tolls to be appointed for the Purposes of this Act, for the due and faithful Execution of his or their Office or Offices, and if they think fit shall and may also take such Security from any other Officer to be appointed under or by virtue of this Act. Treasurer to give Security.

XII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action or Suit (as the Case may be): Provided always, that every such Clerk shall be reimbursed out of the Monies to be received by virtue of this Act all such Costs, Charges or Expences, as he shall be put unto or become chargeable with by reason of his being so made a Plaintiff or Defendant. Trustees may sue or be sued in the Name of their Clerk.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates, and Toll Houses now standing and being in and upon or across the said Roads, and to erect and set up and build, or cause to be erected, set up and built, upon, in, or across any Part or Parts of the said Roads, or across any Road or Lane that doth or shall lead into or out of the said Road, one or more Gate or Gates, Turnpike or Turnpikes, Side Bar or Gate, or Side Bars or Gates, and also one or more Toll House or Toll Houses with Out Buildings suitable thereto, and take in and inclose on the Sides of the said Road suitable Garden Spots, not exceeding Half a Rood for each Garden Spot, and from Time to Time pull down and remove such Turnpikes and Toll Houses as they the said Trustees, or any Five or more of them, shall think proper and direct or appoint: Provided always, that no more than Three Gates shall be erected or continued across the Road between *Seven Oaks Common* and *Tunbridge Wells*; and that not more than Three Gates shall be erected or continued across the Road between *Seven Oaks Common* and *Kipping's Cross*; and that not more than Two Gates shall be erected or continued across the Road between *Tunbridge Wells* and *Woodsgate*. Power to erect Turnpikes.

XIV. And be it further enacted, That the Right and Property of all the Turnpikes and Side Gates, and Toll Houses and other Buildings, already erected under the said recited Acts, or to be erected by virtue of this Act, with the Grounds, Fences, and Appurtenances thereto respectively belonging, and of all Gates, Posts, Rails, Bars, Fences, Milestones, Turnpikes, &c. vested in Trustees.

[Loc. & Per.]

36 H

Tables

Tables of Tolls and Posts already erected, or to be erected as aforesaid, on the said Roads; and also of all Materials, Tools and Implements, which have been provided, or shall be provided for amending and improving the said Roads, shall be vested in the said Trustees, and they are hereby empowered to cause any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred, against any Person who shall steal, break down, take away, injure or spoil, any such Turnpike, Toll House, or other Building, Fence, Milestone, Table of Tolls, Gates, Rails, Bars or Posts, or any of such Materials, Tools or Implements as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be and be deemed to be sufficient to state generally that the Article or Articles, Thing or Things, for or in respect of which an Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the 'Trustees for amending and improving the *Tunbridge Roads*,' without further Description or Addition, and without specifying the Name or Names of all or any of the said Trustees.

Power to
take Tolls.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons, (appointed or to be appointed by virtue of this Act), Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following at each and every of the several and respective Turnpikes or Toll Gates or Toll Houses, or Turnpike or Toll Gate or Toll House, or Side Bar or Side Gate, which are or is or shall be standing or continued or erected in, upon, across, or on the Sides of the said Roads by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

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

For every Horse, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of the Breadth of Six Inches or more on the Bottom or Sole thereof, the Sum of Three-pence:

For every Horse, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, the Sum of Four-pence:

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

For every Ass, laden or unladen, the Sum of One Penny:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Eight-pence *per Score*; and so in Proportion for any less Number:

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

For every Waggon, Wain, Cart, or other Carriage, laden with any Tree or Trees, Timber, Plank or Hop Poles, or Chalk or Lime, between
every

every First Day of *October* and the First Day of *April* following, both Days inclusive, Double the Tolls herein-before mentioned :

And the said respective Tolls shall be demanded and taken before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, Coach, Barouche, Landau, Sociable, Phaeton, Curricule, Chaise, Chair, or other Pleasure Carriage, Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate, already erected and continued or to be erected by virtue of this Act, upon or across the said Roads, or any Part thereof, or upon or across any Lane or Way leading into the same; and upon Payment of any of the Tolls herein-before mentioned, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment; and which said respective Tolls or Duties shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act as herein-after is directed.

XVI. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any such Horses, or other Cattle or Beasts, or the Bridles, Saddles, Gears, Harness Accoutrements, or a sufficient Part thereof, (except the Bridles or Reins apart from any Horse or Beast); and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Five Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, or other Things so distrained, or a sufficient Part thereof, returning the Surplus (if any be), and what shall remain unfold, upon Demand, to the Owners thereof, after such Tolls, and the reasonable Charges of making such Distress and keeping and selling the same, shall be deducted and paid; to be ascertained in case of Dispute concerning the same, by some Justices of the Peace for the County of *Kent*, as herein-after mentioned.

Penalty on refusing to pay Toll.

XVII. Provided always, and it is hereby further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons for passing and repassing Once the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts or Carriages, through any One of the said Gates or Turnpikes; and that all and every Persons and Person having paid such respective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof, (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*), shall be allowed to repass Once on the same Day, with the same Horses, Cattle, Beasts and Carriages, Toll free, through the Turnpike or Toll Gate at which Tolls shall have been so paid; but if any Person or Persons shall pass through such Gate or Turnpike a Third Time on the same Day with the same Horses, Cattle, Beasts or Carriages, then and in that Case such Person or Persons shall again be liable to pay the said Toll for such Third Time of passing with the same Horses, Cattle, Beasts or Carriages, and so (*toties quoties*) for every Third Time he or they shall pass such Gate or Turnpike on the same Day, with the same Horses, Cattle, Beasts or Carriages,

One Toll only to be paid for passing and repassing on the same Day.

riages, as aforesaid: Provided also, that in case any Post Chaise, or other Carriage drawn by the same Horses travelling for Hire, shall on the same Day return through any Gate or Turnpike now standing upon the said Roads, or to be erected by virtue of this Act, at which any Toll shall be payable, and the Driver or other Person shall deliver to the Gate Keeper the Stamp Office Ticket as required by Law, then such Post Chaise or other Carriage shall be liable to pay the like Toll as would have been payable by virtue of this Act, if such Chaise or Carriage had not before passed through such Gate or Turnpike: Provided also, that no Person shall be liable to any Payment of Toll or increased Charge, by reason of his passing through any Side Gate or Side Bars to be erected by virtue of this Act upon or across any Lane or Road leading into or out of the said Roads, through any other of the Turnpikes to be erected by virtue of this Act across such Road, beyond what he would be liable to pay if he had passed through either of the said Gates only; any Thing herein contained to the contrary notwithstanding.

Persons not liable to increased Charge for passing through any Side Gates.

Persons having paid Toll at One Turnpike, to be exempted from all others on the said Road between Tunbridge Wells and Woodsgate.

XVIII. Provided also, and be it further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons passing and repassing Once the same Day with the same Horses, Cattle, Beasts and Carriages, through all the Turnpike Gates erected or to be erected on the Road between *Tunbridge Wells* and *Woodsgate*; and that all and every Persons and Person having paid Toll at One of the said Turnpikes on the said Road between *Tunbridge Wells* and *Woodsgate*, and producing a Ticket or Tickets denoting the Payment thereof, (which Ticket or Tickets the Collectors of the Tolls are hereby required to give *gratis*), shall be allowed to pass and repass Once the same Day with the same Horses, Cattle, Beasts and Carriages, Toll free, through all the said Turnpikes erected or to be erected on the said Road between *Tunbridge Wells* and *Woodsgate*.

Trustees at Public Meetings may order Weighing Engines to be erected.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Public Meeting (if they shall think proper), to order and cause to be built and erected at or near the lower End of the Town of *Tunbridge* aforesaid, or at any of the Turnpike Bars or Toll Gates already erected, or hereafter to be erected upon any other Part of the said Roads, or at such Distance from such Turnpike Bars or Toll Gates as they shall think requisite and expedient, a Crane, Machine or Engine, with a suitable House or other Building thereto, proper for the weighing of Carts, Waggons, or other Carriages conveying any Goods, Wares, or Merchandize whatsoever; and to each such Crane, Machine or Engine, to order and cause to be erected a Turnpike Gate or Toll Gate across the said Roads, and by Writing signed by them, or any Five or more of them, to order all or any such Carriages or Carriage which shall pass loaded through any such Gate or Bar, or shall come upon any of the said Roads within the Distance of Fifty Yards from any such Crane, Machine or Engine, though the same Carriage or Carriages shall not have passed through any Toll Gate or Turnpike Gate to be weighed, together with the Loading thereof.

No Toll but for Overweight.

XX. Provided always, and be it further enacted, That no Toll shall be collected or payable at any Turnpike or Toll Gate to be erected by virtue of this Act, at any such Crane, Machine or Engine, for the Use of any such

such Crane, Machine or Engine only, for any Carriage passing through the same and being weighed, except for Overweight as aforesaid.

XXI. And whereas the Payment of the Tolls directed by this Act to be collected at the said Gates to be erected or continued on the said Road from *Tunbridge Wells* to *Woodsgate* aforesaid, may be evaded unless a certain Lane leading from *Captain Panurwell's Pound* on *Calverley's Plain*, in the said Parish of *Tunbridge*, into the said Road from *Tunbridge Wells* to *Woodsgate* aforesaid, by the Side of a certain Field late in the Occupation of *Thomas Okill*, and also a certain Lane leading out of a Road going to a certain Farm in the said Parish of *Tunbridge*, called *Halls Hole Farm*, late in the Occupation of *Stephen Wigmore*, (and which said Lanes now are and for several Years last past have been stopped up and discontinued), be severally kept stopped up and discontinued; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered to keep the said several Lanes stopped up and discontinued by such Fence or Fences, and in such Manner as they shall think proper; and that it shall not be lawful for any Person or Persons with any Horses, Cattle or Carriages, or otherwise, to use the same or either of them as a Public Highway; any Usage or Custom to the contrary notwithstanding.

For prevent-
ing Evasion
of Tolls.

XXII. And be it further enacted, That in case any Dispute shall happen about the Amount of Toll due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising by the Sale thereof, (as the Case may happen), until the Amount of such Toll, and the Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice of the Peace of the said County of *Kent*, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Tolls due; and also assess the Charges of such Distress, Keeping and Sale, and also of the Collector's Attendance for that Purpose on the said Justice, all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Disputes
concerning
Tolls to be
settled by a
Justice.

XXIII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast or Carriage, pass through or over any Land, Ground, or Place lying by the Side of or near to any Part of the said Roads, (except the Owner or Occupier of such Land, Ground or Place, or any of his or their Family or Servants); or if any Person or Persons owning or occupying any such Land, Ground or Place, the same not being a Public Highway, shall knowingly permit or suffer any Person or Persons (except as aforesaid) to pass with any Horse, Cattle, Beast or Carriage, through or over the same, whereby the Payment of the said Tolls or any Part thereof shall be evaded; or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or take off or cause to be taken off any Horse or other Beast from any Carriage, or having passed through any Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls, or any Part thereof,

To prevent
Evasion of
Toll.

[Loc. & Per.]

every such Person so offending in any of the Cases aforesaid shall for each Offence forfeit any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

Penalty on Persons disposing of or receiving Tickets to avoid the Payment of Tolls.

XXIV. And be it further enacted, That if any Person or Persons shall give or dispose of any Note or Ticket, Notes or Tickets, signifying the Payment of any of the Tolls or Duties by this Act granted, to any Person or Persons, in order to evade the Payment of the said Tolls or Duties, every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving or making use of the same or either of them, being thereof convicted respectively, upon Oath before any One Justice of the said County of *Kent*, (which Oath the said Justice is hereby required and empowered to administer), shall respectively forfeit and pay any Sum not exceeding Ten Pounds, to be levied, recovered, and disposed of as any other Penalty and Forfeiture is hereby directed to be levied, recovered, and disposed of.

Collectors of Tolls competent Witnesses.

XXV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit or Litigation.

Exemptions from Toll.

XXVI. Provided always, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons for any Horse, Cattle, Beast or Carriage, which shall not go more than One hundred Yards upon the said Roads; nor for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty 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 making or repairing the said Road, or any of the Public Highways in the Parishes in which any Part of the said Road lies; or Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast or other Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or Manure, (Chalk and Lime only excepted), employed in Husbandry for manuring or improving Land; nor for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shod or farried; nor for any Horse or other Beast of Draught when used or employed in fetching and conveying Water; nor from any Person or Persons going to or returning from his, her, or their Parish Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes

Parishes in which the said Roads lie ; nor from any Rector, Vicar or Curate, going to visit, or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty ; nor 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 the same ; nor for the Horse or Horses of any Officers or Soldiers on their March or on Duty ; nor for any Horse or Horses, or other Beast, or any Cart, Carriage or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying or returning empty from having been employed only in carrying or conveying, 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, employed in conveying any Ordnance, or Barrack or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed ; nor 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 and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption ; nor for Horses, Carts or Waggons, travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed ; nor for any Horse or Horses, 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 the Day after such Election shall begin or be concluded ; and if any Person shall, by any fraudulent or collusive Means 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.

XXVII. 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, or 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, or the Horse or Horses drawing the same while so employed, 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 the 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 or the said recited Acts contained to the contrary notwithstanding.

Exempting
Carriages
conveying
King's Stores,
&c. from
Penalties for
Overweight.

XXVIII. And

Trustees may
lease the
Tolls.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, upon Fourteen Days Notice to be given by Advertisement in some Newspaper published in the County of *Kent*; or other Newspaper usually circulated in the Neighbourhood of the said Roads, from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls arising by this Act, or any Part or Parts of such Tolls, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting, and for the best Rent or Price such Trustees can get for the same, payable at such Times and in such Manner, and under such Covenants and with such Sureties for the Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; which Money so to be paid shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

Lessees or
Persons ap-
pointed by
them may
collect Tolls.

XXIX. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let 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 leased, 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 Regulations of this Act, and 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 liable to.

In case of
Non-per-
formance of
Agreement,
Commission-
ers may take
Possession
of Toll
Houses, &c.

XXX. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, then and in either of those Cases it shall be lawful for any Justice of the Peace, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, and they are hereby authorized to put the Trustees, or any Person or Persons appointed by them in the Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees, or any Three or more of them, (if they shall think fit), to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void, to all Intents and Purposes, (save as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reserved,
or

or other unperformed or broken Covenants and Agreements on the Part of the Lessees), as if such Demise or Argeement had never been made; and it shall be lawful for the said Trustees, or any Three or more of them, in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected, as if no former Demise, Contract or Agreement, had been made relative thereto.

XXXI. And be it further enacted, That the said Trustees, or any Seven or more of them, may and they are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen and reduce all or any Parts or Part of such Tolls at all, any, or either of the said Turnpikes, and to cause the same to be collected in such Manner, Parts and Proportions, as they shall think fit, and to raise the same again to any Sum not exceeding the Tolls by this Act granted; but no such Reduction shall be made unless Notice in Writing be given for that Purpose in some Newspaper published in the said County of *Kent*, or other Newspaper usually circulated in the Neighbourhood of the said Roads, at least Ten Days before the Meeting for making such Reduction; and such Tolls so lessened or reduced, or raised again, shall be collected, recovered, and applied in the same Manner, as the Tolls hereby granted are directed to be collected: Provided always, that until the whole Money charged and borrowed on the Credit of this Act, and of the said recited Acts, shall have been paid off or 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 Security of the said Tolls of this Act.

Tolls to be lessened or altered by order of Seven Trustees.

XXXII. And be it further enacted, That it shall be lawful for the Trustees, or any Five or more of them, from Time to Time to compound and agree with any Person or Persons for the passing of any Carriage, Horses, Beasts, or other Cattle travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding Twelve Months at any one Time; which Composition Money shall be paid in advance, Quarterly or otherwise, as the said Trustees, or any Five or more of them, shall appoint; and in Default of such Payment, the Composition, or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition Money shall be applied in such Manner as the Tolls are hereby directed to be applied.

Trustees may compound for Tolls.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to borrow and take up at Interest such Sum or Sums of Money as they shall think proper, and to mortgage or assign the Tolls hereby granted, or any Part or Parts thereof, and any of the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages or Assignments to be paid out of such Tolls), to any Person or Persons, his, her, or their Executors, Administrators or Assigns, who shall advance or lend his, her, or their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; which Mortgages or Assignments shall be signed and sealed by the said Trustees, or any Seven or

For borrowing Money.

[*Loc. & Per.*]

36 K

more

more of them, and be in the following Words, or any other Words to the like Effect; (that is to say),

Form of
Mortgage.

‘ BY virtue of an Act, made in the Fifty-fourth Year of the Reign of
 ‘ His Majesty King *George* the Third, intituled [*here set forth the Title*
 ‘ *of this Act*], We, whose Names are hereunto subscribed and Seals
 ‘ affixed, being _____ of the Trustees acting
 ‘ in Execution of the said Act, in Consideration of the Sum of _____
 ‘ _____ to the Treasurer of the said Road in Hand paid by
 ‘ _____ do hereby assign to the said
 ‘ his or her Executors, Administrators and Assigns, such Proportion of
 ‘ the Tolls to arise 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 and
 ‘ advanced, or to be charged or advanced on the Credit of the said Tolls;
 ‘ to be had and holden from the Date hereof, for and during the Conti-
 ‘ nuance 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
Assignments
or Mortgages
to be entered.

And that 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; but no Money shall be borrowed upon the Credit of the Tolls after the First Meeting of the said Trustees, unless Notice be for that Purpose given in some Newspaper published in the County of *Kent*, or other Newspaper circulating in the Neighbourhood of the said Roads, at least Fourteen Days before the borrowing thereof; and all and every Persons and Person to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, are and is hereby empowered from Time to Time to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, or by an Indorsement on the same, in the following Words, or Words to the like Effect; (that is to say),

Form of
Transfer.

‘ I _____ being entitled to the Sum of _____
 ‘ secured to _____ Executors, Administrators and Assigns, by virtue of
 ‘ a Mortgage or Assignment, bearing Date the _____ Day of _____
 ‘ _____ in the Year of our Lord _____
 ‘ under the Hands and Seals of _____ of the Trustees
 ‘ acting in Execution of an Act, made in the Fifty-fourth Year of the
 ‘ Reign of King *George* the Third, intituled *An Act* [*here insert the Title*
 ‘ *this Act*], upon the Credit of the said Act, do hereby transfer all my
 ‘ Right and Title in and to the same, and all the Principal and Interest
 ‘ Money now due and owing thereon, unto _____ Executors,
 ‘ Administrators, and Assigns. Dated this _____ Day of _____
 ‘ in the Year of our Lord _____.’

Transfers to
be notified to
the Clerk.

All which Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees within Thirty Days next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Dates and Names, Additions and Places of Abode of the several Parties, and the Sum or Sums of Money therein transferred,

transferred, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings, and no more, by the Person or Persons to whom such respective Transfers shall be made, which said Book or Books shall and may be inspected at all reasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign again, and so *toties quoties*, and it shall not be in the Power of any Person who shall have made any such Transfer to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon; provided that nothing herein contained shall extend or be construed to extend personally to charge or subject the said Trustees, or any or either of them, by reason of their or any or either of their signing or sealing any such Mortgage, Assignment, or other Security to be made in pursuance of this Act, or signing or sealing any other Deed or Instrument, or entering into any Contract relating to the said Trust.

XXXIV. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the said recited Acts, or who shall hereafter advance any Sum or Sums of Money on the Credit of this Act, his, her, or their Assignee or Assigns, in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money, but that as well all Persons to whom any such Mortgages or Assignments have already been made, as those to whom the same shall hereafter be made, his, her, and their Assignee and Assigns, shall be (in proportion to the Sum or Sums therein mentioned) Creditors in this Act, and in equal Degree one with another.

No Creditor to have Preference of another.

XXXV. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, or any Seven or more of them, at any Meeting to be holden as aforesaid, Notice of such intended Meeting, and of the Purpose thereof being first given, at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed or usually circulated within the said County of *Kent*, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole, or a Portion thereof, shall be so paid, and to pay the same to such Creditor or Creditors only, any Thing herein contained to the contrary notwithstanding.

For paying Creditors by Lot.

XXXVI. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised or produced by virtue of the said several recited Acts or any of them, and which shall be undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise or be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees

Application of Monies.

for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in Manner following; (that is to say), in the first Instance in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, and then in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of altering, widening, turning, repairing, and improving the said Roads, and of executing the other Purposes of this Act, and in Payment of the Interest due, and from Time to Time to become due, in respect of all the Sums borrowed or owing on the Credit of the said recited Acts or this Act, or of the Tolls thereof respectively; and lastly, in Payment and Discharge of the Principal Monies due or owing or to become due or owing as aforesaid.

Tolls not to be applied in repairing the Road in Tunbridge Town.

XXXVII. Provided always, and be it further enacted, That no Part of the Money arising under or by virtue of the said recited Acts or this Act shall be employed or applied for or towards repairing any of the Streets, Lanes, or Passages, lying within the Town of *Tunbridge*.

Trustees may alter the Road.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, and at any Time or Times during the Continuance of this Act, to repair, widen, divert, alter, turn, or make the Course or Path of any Part or Parts of the said Roads upon or over any Commons or Waste Lands without making any Satisfaction for the same; and also upon, over, or through any private Lands or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and that it shall also be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Alterations are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Alterations in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty or Punishment, for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding five Pounds: Provided always, that nothing herein contained shall empower the said Trustees, their Surveyors or Surveyor, or Workmen, to enter upon, or to take or use for the Purposes of this Act, any House or Building, or any Lands or Premises, being a Garden, Orchard, inclosed Pleasure Ground, or Court-yard to any Dwelling House, without the Consent in Writing of the Owners and Occupiers thereof: Provided also, that nothing in this Act contained shall authorize or empower the said Trustees to divert, alter, vary, or turn the Course or Line of the said Road more than One hundred Yards from the present Line of the said Road, without the Consent in Writing of the Owners and Occupiers of the Lands and Premises through which such Alteration shall be made.

Trustees may purchase Lands, &c.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more them, to treat, contract, and agree with the Owners of and Persons interested in any such private Lands, Grounds or Hereditaments, for the Purchase thereof or of their Interest therein,
or

or for the Loss or Damage such Owners and Persons interested or any of them, shall or may in any Manner sustain by such widening, turning, or altering any Part or Parts of the said Road; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, whether Ecclesiastical or Civil, Husbands, Guardians, and all Feoffees in Trust, Executors, Administrators, and all Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Females Covert, or Issue unborn, Idiots, Lunatics, or other Person or Persons whomsoever; and also for all Females Covert who are or shall be seised of or interested in their own Right, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Grounds or Hereditaments, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to the said Trustees all or any of such Lands, Grounds, and Hereditaments or Interests therein, as Occasion shall be and require for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Females Covert and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

XL. And be it further enacted, That in case the said Trustees, and any Owner or Owners, or other Person or Persons interested in any such Lands, Grounds and Hereditaments, cannot agree as to the Price or Prices, or the Values of the Lands or Hereditaments so intended to be purchased, or the said Owner or Owners, or other Persons interested, shall refuse to treat or shall be absent from *England*, then the said Trustees, or any Five or more of them, may and are hereby authorized and empowered, Six clear Days before any General or Quarter Sessions of the Peace to be holden for the Western Division of the County of *Kent*, to give or cause to be given to such Owner or Owners, and such Persons interested in such Lands or Hereditaments, or to be left at the last Place of Abode of such Owners or Persons respectively, with some or one of their respective Families or Agents, a Notice in Writing denoting and describing the respective Quantities of Land or Hereditaments so intended to be purchased and laid into the said Roads and the Places where the same shall lie, and purporting that the Value and Values of such Lands and Hereditaments respectively shall be adjusted and settled by a Jury at the said Sessions; and it shall be lawful for the Justices in Sessions assembled, upon Proof on Oath (and which Oath they are hereby empowered to administer) to them then and there made of such Notice or Notices having been so given, and they are hereby authorized and required to charge the Jury, which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men of the County of *Kent*, to be then and there empannelled and returned by the Sheriff of the said County, without Fee or Reward, and cause them to be sworn well and truly on their Oaths, to assess the Value of the Lands or Hereditaments comprized in the said Notices, and the Damages and Recompence to be given to the respective Owner or

If Parties cannot agree, a Jury to settle the Value.

[*Loc. & Per.*]

36 L

Owners

Owners thereof, or other Person or Persons according to their respective Interests therein, (which Oath the said Justices are hereby empowered to administer to the said Jurors), and to which said Jurors, or any of them, the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury, being so charged and sworn as aforesaid, and after proper Evidence on Oath (and which Oath it shall be lawful for the said Court to administer) to them given, concerning the Nature, Quantity, and Value of the said Lands and Hereditaments, shall by their Verdict assess the Damages and Recompence to be given for the said Lands or Hereditaments, to the respective Owner or Owners thereof, or other Person or Persons according to their respective Interests, which Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall finally bind and be conclusive to and upon the said Trustees, and all Persons and Parties interested in such Lands and Hereditaments whomsoever; and the said Court of Sessions, if they shall see Occasion, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's better Information in the Premises.

Expences of
Jury how to
be defrayed.

XLI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been offered by or on Behalf of the said Trustees before the empannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the Hearing and Determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been offered by or on behalf of the said Trustees, before the empannelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the Hearing and Determining of such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences, having been ascertained and settled by the Justices at such Sessions, not interested in the Matter in Question, (who are hereby authorized and required to settle the same), shall be deducted out of the Money so assessed and adjudged, as so much Money advanced for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence from *England* have been prevented from treating, such Costs and Expences shall be

be borne and paid by the said Trustees out of any Money to be raised or received under or by virtue of this Act.

XLII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on, or adjudged or awarded by the Jury, to be paid for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, or upon depositing the same in the Bank of *England* in the Manner herein-after mentioned, or complying with the other Regulations in this Behalf herein-after set forth, (as the Case may be), all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim and Demand whatsoever, in Law and Equity, of all and every Persons or Person who shall be entitled to the Money of, into, from and out of the same Premises, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, to all Intents and Purposes, as fully and effectually as if all and every Persons and Person having any Estate, Right, Title, Trust, Dower, Right or Title of Dower, and Equity of Redemption, of, in, to, from and out of the same Premises, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance in the Law whatsoever.

Upon Payment of Money indefeasible Interest in Fee vests in the Trustees in Lands, &c. purchased.

XLIII. And be it further enacted, That every Sum of Money or Redemption, to be agreed or awarded to be paid for any Lands or Hereditaments, or Interest therein to be purchased, taken, or used for the Purposes of this Act, or made for any Loss or Damages aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls or other Money arising by virtue of this Act, to the Parties or Persons respectively, entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof to the Person or Persons entitled thereto, or on depositing the same in the Bank of *England* under the Direction of the Court of Chancery, in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, such Lands or Hereditaments shall be laid into and made Part of the said Roads, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall from thenceforth for ever be deemed as Part of the Roads by this Act directed to be amended and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be formed and completed, then the Land, (not being Common or Waste Land), comprized in or constituting the old or former Road, shall be vested in the said Trustees, and shall or may be stopped up, (unless the same may be wanted for any public Use, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the same may lead), or shall be by the said Trustees sold for the best Price or Prices that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyance to be made of such Lands, being executed by

Upon Payment of the Purchase Money, the Lands to be laid into the Road, and former Roads may be sold or stopped up.

by the said Trustees, and enrolled with the Clerk of the Peace for the County of *Kent*, shall be good and effectual to all Intents and Purposes; and that in all Places where the Course of any Part of the present Road shall be diverted by virtue of this Act from the old Line of Road, or a new Road shall be made, (except over or through any Common or Waste Land), or where the old Road shall be widened, in all such Cases (except as aforesaid) the said Trustees, or any Five or more of them, shall and they are hereby required to cause good and sufficient Mounds, Rails and Fences, to be made and provided, and Quicksets to be planted in an husband-like Manner, on both Sides of such new Road, where the same is necessary, and shall support such Mounds, Rails and Fences, for and during the Term of Nine Years from the first making thereof.

Trustees empowered to sell Grounds not wanted by them.

XLIV. And whereas by reason of the Purchases which the said Trustees are hereby empowered to make by virtue of this Act, they may happen to be seised of some Piece or Pieces of Ground 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, 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; and the Conveyance being made and enrolled as herein-before required in the Case of Sales made by the said Trustees of Pieces of Ground of which they may become seised as aforesaid, by diverting any Part of the said Roads, shall be good, valid, and effectual to all Intents and Purposes: Provided always, that the Monies to arise by all Sales which may be at any Time made by the said Trustees shall be applied to the Purposes herein-before set forth in the Clause directing the Application of Monies arising from the Tolls; and no Purchaser or Purchasers shall be answerable or accountable for any Misapplication or Non-application of such Monies.

First Offer to whom to be made.

XLV. Provided always, and be it further enacted, That the said Trustees, before they shall sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, 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) 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 said County (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons, no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the 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 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 or not agree with respect to the Price thereof, then

then the Price or Prices thereof shall be ascertained by the Justices of the Peace for the County of *Kent*, at their General Quarter Session of the Peace holden for the Western Division of the said County next after such Difference shall arise; and on Ten Days clear Notice thereof to be given by the said Trustees, to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, the said Justices shall hear, settle, and determine the Matter of the said Difference, and also the Costs attending the Hearing and Determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces 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 Non-application of such Money.

XLVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased or to be purchased by virtue of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with 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 or 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 High Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments,

[*Loc. & Per.*]

36 M

fo

Application
of Money
above 200l.

so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Where less than 200l. and not less than 20l.

XLVII. 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 for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 or 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 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 Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20l.

XLVIII. Provided also, and be it further enacted, That when 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 for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XLIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be adjudged or awarded by or for the Purchase of any Lands 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 or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful 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 High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said High 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 Estates, Title, or Interest of the 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 is and are hereby required to give a Receipt or Receipts for the same, 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.

L. Provided always, and be it further 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 High Court of Chancery in pursuance 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 of this Act, 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 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 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 or Hereditaments, or to some Estate or Interest therein.

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

LI. 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 High 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 be lawful for the said High 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 Purposes as the said Court shall direct.

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

LII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and all such Person or Persons as he or they shall employ, to search for, dig, cut, gather, get, and take away any Stones, Gravel, Chalk, Underwood, Furze, Heath, Sand, or other Materials

For getting Materials to repair the Road.

materials proper for amending, altering, improving, or repairing the said Road, out of any Waste or Common, or out of any common River or Brook in any Parish, Hamlet, Township or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, Township or Place within the said County of *Kent*, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, 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 if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such Common River or Brook contiguous to that Part of the said Roads therewith to be repaired, or so near or convenient as the same can be found and gotten in any private Lands or Grounds contiguous to the same Roads, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may by Order of any Justice or Justices of the Peace for the said County of *Kent*, to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, cut, gather, get and take away any such Materials, in and out of the Lands, Fields or Grounds, of any Person or Persons in any Parish, Hamlet, Township or Place, in which any Part of the said Road shall lie or be situate, where the same may be had or found, (such Lands, Fields or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, 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 Damage done to the Owners and Occupiers of any such Lands, Fields or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials proper for amending, altering, improving, or repairing the said Road shall be carried, as shall be agreed upon between them and such Owner or Occupier, or in case of their not agreeing, then as One or more Justice or Justices of the Peace, acting in and for the said County of *Kent*, shall and may adjudge and determine to be reasonable; which Judgment or Order of the said Justice or Justices therein shall be final and conclusive to all Parties.

Notice to be given before Materials taken.

LIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, cut, gather, get, take or carry away, any Materials proper for repairing such Roads, out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupier, to appear before any One or more Justice or Justices of the Peace acting in and for the said County of *Kent*, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, get, take and carry away, such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they, or any

any of them, are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his Agent had attended.

LIV. And be it further enacted, That if any Person whomsoever shall take away any Materials which have been dug, cut, gathered, or got in any Lands, Fields, Grounds, Wastes or Commons, Rivers or Brooks, for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any Private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty on
taking away
Materials.

L.V. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Persons as he or they shall appoint, by Direction of and under the Hands of Five or more of the said Trustees, from Time to Time to remove all Nuisances and Annoyances made on any Part of the said Road, by Timber, Stones, Carriages, Saw Pits,hovels, Filth, Dung, Ashes, Rubbish, Straw or otherwise, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, and make deeper any Watercourses or Ditches adjoining or near thereto, and make the same as deep and large as such Surveyor or Surveyors shall think necessary; and to cut down, lop or top, at proper Seasons of the Year, any Trees, Branches, Shrubs or Bushes growing on the said Roads, or in the Hedges or Banks adjacent thereto, (except Trees planted for Ornament or Shelter to the House, Building, Garden, or Court-yard of the Owner thereof), and to cut and reduce all such Hedges to the Height of Six Feet, in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Seven Days, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to lop or top and remove such Boughs, Bushes or Lops, or reduce such Hedges in such Manner as the said Surveyor or Surveyors shall require, for the Space of Thirty Days, or to cut down such Trees within the Space of Six Calendar Months next after Notice in Writing given for those respective Purposes, under the Hand or Hands of such Surveyor or Surveyors, or so near thereto, as the proper Season will allow for such reducing of Hedges, or cutting down or topping or lopping of Trees, the Charges whereof (to be settled by any Justice or Justices of the Peace for the said County of Kent) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and shall be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered; and if after the Removal of any of the said Nuisances and Annoyances any Person shall again offend in the like Manner, every such Person shall for every such subsequent Offence forfeit any Sum not exceeding Ten Pounds, over and above the Penalty and Charges before mentioned.

For removing
Annoyances.

LVI. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn, upon any Part of the said Roads, any Tree
[Loc. & Per.] 36 N or Against drawing Timber, &c.

except on
Wheel Car-
riages.

or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads, to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

To make
Causeways,
&c. and build
and repair
Bridges.

LVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint or employ, such Surveyor or Surveyors having an Order in Writing for that Purpose, signed by the said Trustees, or any Five or more of them, to make or cause to be made Causeways, and also covered or open Drains and Ditches in and upon or on the Sides of the said Roads, and also through any Grounds or Fields lying contiguous thereto, and to scour such Ditches and Drains so as effectually to carry off the Water from any Part of the said Road; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road, (such Ground respectively not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, Paddock, or planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees), to be made use of as a Public Highway whilst the old Road is repairing or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain as the Parties shall agree upon, or if they shall not agree, then as shall be adjudged reasonable by any Two or more Justices of the Peace for the said County of *Kent*; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any uncultivated Common or Waste Ground; and also by order of any Five or more of the said Trustees to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any River, Stream, Brook, Water, Ditch or Drain therein or contiguous thereto, and also to repair and keep the same in Repair, Notice of such Intention to build, erect, or repair any such Bridge, being first given by affixing the same on the Two Turnpike Gates at the South End of the Town of *Tunbridge* aforesaid, at least Fourteen Days before such Meeting at which such Order to build, erect, or repair any such Bridge, shall be made.

Mile Stones
and Direction
Posts.

LVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distances of Places, and also such and so many Direction Posts as they shall think proper; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile Stones or Posts erected upon or near any Part of the said Roads, or shall obliterate or deface any of the Letters, Figures or Marks thereon, and be thereof convicted before any Justice of the Peace for the said County of *Kent*, by the Confession of the Party, or by the Oath of any credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds, together with all reasonable Costs and Charges of such Information, for every such Offence, one Moiety of which Penalty shall be

be paid to the Informer, and the other Moiety applied for the Purposes of this Act; and in case such Person or Persons so offending and convicted shall not be able, or shall refuse to pay the same, then it shall be lawful for any Justice of the Peace for the said County of *Kent*, by Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol for the said County, or to any House of Correction within the same, there to remain for any Time not exceeding One Calendar Month, unless such Penalty, Costs and Charges, shall be sooner recovered and paid.

LIX. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining of any Part or Parts of the said Roads, or any Bridge or Bridges thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repairs thereof, in such Manner and to the same Extent as they would have been liable and chargeable in case this Act had not been passed.

Persons liable to repair the Road, or maintain Bridges, to continue so.

LX. 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 be lawful 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 Road, by the Inhabitants of the respective Parishes or Places in which the said Road lies; 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 shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto, it shall be lawful 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 or Effect for the Repair of the Public Highways, and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said 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;

Statute Labour.

appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or 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 or 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 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 Road, 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 Road; 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.

Trustees may compound for Statute Work.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound or agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments, of and in all or any of the Parishes or Places in which the said Road lies, 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 or Treasurers of the said Trustees, in advance on or before the First Day of *May* in each and every Year, or otherwise the Inhabitants or Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees may Contract for repairing the Road.

LXII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby empowered from

Time to Time to contract and agree with any Person or Persons for the amending, widening, improving, and keeping in Repair the said Road or any Part or Parts thereof, or for all or any other of the Works to be done and performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper.

LXIII. And be it further enacted, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Surveyor or any Collector of the Tolls, or any other Person or Persons, by either of them, or by the said Trustees, or any Five or more of them, employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For punish-
ing Persons
obstructing
Surveyor in
his Duty.

LXIV. And, in order to prevent the Misconduct of the Persons employed as Collectors of the said Tolls, be it further enacted, That every Person employed to collect any of the Tolls hereby granted and made payable shall cause his Christian and Surname to be painted in legible Characters on a Board, which shall be affixed on some conspicuous Part of the Toll House at which he shall be appointed to collect the said Tolls, on each and every Day that he shall continue in such Employment, under the Penalty of any Sum not exceeding Five Pounds for every Neglect thereof; and if any such Collector shall wilfully misbehave himself in the Collection of the said Tolls, or shall make use of any opprobrious or abusive Language to any Person or Persons passing or claiming to pass through any of the Turnpikes to be erected by virtue of this Act, and shall thereof be convicted on his own Confession, or on the Oath of any credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the said County of *Kent*, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in default of Payment thereof shall be committed to the Common Gaol of the said County of *Kent*, or any House of Correction within the same, for any Time not exceeding One Calendar Month.

Punishing
Collectors
misbehaving.

LXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted, or authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed), upon Proof of the Offences respectively before any One Justice of the Peace for the said County of *Kent*, or any One Justice of the Peace for any County or Place where the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath (which said Oath every such Justice is empowered and required to administer without Fee or Reward) of any credible Witness or Witnesses, shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Surplus, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road; and in case sufficient Distress shall not be found, and such Penal-

Recovery of
Penalties and
Forfeitures.

[*Loc. & Per.*]

36 O—P

ties,

on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

LXX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the Western Division of the said County of *Kent*, within Three Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of their, his, or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, or at some Adjournment thereof, upon due Proof of such Notice having been given, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, or at some Adjournment thereof, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol of or for the said County, or to any House of Correction within the same, for any Time not exceeding the Term of Three Calendar Months, or until Payment of such Costs.

Persons aggrieved may appeal to the Quarter Sessions.

LXXI. And be it further enacted, That no Action or Suit shall be commenced for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid in the County of *Kent*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his and their Election plead specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made

Limitation of Actions.

or

or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the said County of *Kent*, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinued his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any other Cases by Law.

Public Act.

LXXII. 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 this Act.

LXXIII. And be it further enacted, That this Act shall commence and have Continuance from the passing thereof for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1814.