



ANNO QUINQUAGESIMO SEPTIMO

GEORGI II. REGIS.

Cap. Iv.

An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for repairing the Road from *Wrotham Heath* to *Foots Cray*, and from *Wrotham Heath* to *Maidstone*, in the County of *Kent*; and the Road from the said Road into the Turnpike Road from *Mere-worth* to *Hadlow* in the said County.

[20th June 1817.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act for repairing the Road from the Royal Oak on Wrotham Heath to the Town of Wrotham in the County of Kent, and from thence to Foots Cray, and from the said Royal Oak to the Town of Maidstone in the said County:* 13 G. 3. c. 98.
And whereas an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and enlarging the Powers of an Act passed in the Thirteenth Year of the Reign of His present Majesty, for repairing the Road from the Royal Oak on Wrotham Heath to the Town of Wrotham in the County of Kent, and from thence to Foots Cray, and from the said Royal Oak to the Town of Maidstone in the said County; and for making a Road from the said Road, between Wrotham and Maidstone, into the present Turnpike Road leading from Mereworth to Hadlow in the said County:* 35 G. 3. c. 165.
And whereas the Trustees appointed in and by

[Local.]

by

Former Acts
continued.

by or by virtue of the said recited Acts have made great Progress in the Execution of the same, and have borrowed several Sums of Money upon the Credit of the Tolls arising upon the said Road; which Money, together with the said Tolls, have been duly applied according to the Directions of the said Acts; but the said Roads cannot be effectually repaired and kept in Repair, nor the said Sums of Money be repaid, unless the Term granted by the said Acts be further continued, and some of the Powers thereof altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Authorities, Powers, Privileges, Provisions, and Clauses therein contained (except such of them as are varied, altered, or repealed) shall be and continue in full Force for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained; and that the Term and Powers hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said recited Acts, and of such other Sums of Money as shall be borrowed on the Credit thereof and of this Act, and of all Interest due and to grow due thereon respectively.

Electing
more Truf-
tees.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, at a Meeting to be held for that Purpose, of which Meeting and the Purpose thereof Fourteen Days Notice shall be given, as is directed by the said first-recited Act respecting the Appointment of Trustees on Vacancies, to elect, nominate, and appoint any Number of fit and proper Persons not exceeding Ten to be Trustees for the Purposes of the said Acts and this Act, in addition to the Trustees thereby nominated and appointed; and such Trustees so to be appointed shall have the same Powers as if they had been nominated and appointed in and by the said Acts or this Act.

Exemption
from Tolls.

III. And be it further enacted, That from and after the passing of this Act the several Exemptions from Tolls granted by the said recited Acts shall be repealed; and that no Toll shall be demanded or taken for any Horse, Cattle, or Beast employed in carrying or conveying any Gravel, Stone, or other Materials for repairing any of the said Roads by the said recited Acts or by this Act directed to be repaired, or any of the Roads in the Parishes, Townships, or Places in which such Roads do lie, or any undried Hops, Hay, Straw, or Corn in the Straw only, Wood for Fuel not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving of Land (Chalk and Lime only excepted); or for or in respect of any Horse or other Cattle or Sheep going to or returning from Pasture or Watering Places; or for any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General; or for or in respect of any Carriage, Horse, or other Beast carrying or conveying any of the Inhabitants of the said Parishes, Townships, or Places to or from any Church,

Church, Chapel, or other Place of religious Worship licensed by Law, on *Sundays* or any other Day on which Divine Service is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried within any of the said Parishes, Townships, or Places, or carrying any Clergyman or licensed Minister going to or returning from visiting any Sick Person, or upon other his Parochial or Ministerial Duty; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty; or for any Carriages, Horses, or other Beasts or Cattle employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty; or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; or for any Carriages or Horses carrying Vagrants sent by legal Passes, or carrying any Person to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Kent*, or a Coroner for the County of *Kent*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any Exemption in this Act contained not being entitled to the same, every such Person shall for every such Offence forfeit and pay 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 the said Acts and this Act.

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

V. And whereas it is by the said first-recited Act enacted, that if any Person or Persons should go or pass with any Cattle or Carriage through or over any Land, Ground, or Place lying by the Side of or near to the said Road, the same not being a Public Highway, in order or with Intent to avoid the Payment of the Tolls hereby granted or any Part thereof; or should forge, counterfeit, or alter, or should deliver to or receive of any other

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

Repeal of Penalty on Persons evading the Tolls;

and on
counterfeit-
ing Tickets or
permitting
Passage
through pri-
vate Grounds.

other Person or Persons, any Note or Ticket, with Intent to avoid the Payment of any or any Part of the said Tolls; or if any Person or Persons owning or occupying any Land, Ground, or Place, not being a Public Highway, should knowingly and wittingly permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order or with Intent that the Payment of any of the said Tolls or any Part thereof should be avoided; or if any Person or Persons should do any other Act in order or with Intent to avoid the Payment of the said Tolls or any Part thereof; such Persons and every of them should for each Offence forfeit the Sum of Forty Shillings, over and besides such Damages and Punishments as they should be otherwise liable to by Law, and in such Manner as are herein-after mentioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act; one Moiety whereof, when raised, should be paid to the Informer, and the other Moiety should be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Penalty on
avoiding
Tolls.

VI. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Land, Ground, or Place, not being the Owner or Owners, Occupier or Occupiers thereof, or any of his, her, or their Family, or in his, her, or their Employ, lying by the Side of or near to any Part of the said Roads; or if any Person or Persons, owning or occupying any Land, Ground, or Place situate as aforesaid, shall knowingly or willingly permit or suffer any Person or Persons, not being in his or her Employ, or of his, her, or their Family, to go or pass with any Horse, Beast, Cattle, or Carriage, or other Thing liable to the Payment of the Tolls granted by the said Acts or either of them, through or over such Gate, private Passage, Land, Ground, or Place, in order thereby to evade the Payment of the said Tolls or any Part thereof, or whereby or by means whereof any such Evasion shall take place or be effected; or if any Person or Persons shall forge, counterfeit, or alter, or shall offer, deliver to, or receive from any other Person, any Note or Ticket with Intent to avoid or evade Payment of the said Tolls or any Part thereof, or shall take off or suffer to be taken off any Horse or other Beast from any Carriage either before or after having passed through any Toll Gate or Side Gate now or hereafter to be erected upon the said Roads, or having passed through any such Toll Gate or Side Gate shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, or shall leave upon or near any Part of the said Roads any Horse or Horses or other Beast or Cattle or any Carriage chargeable with the Payment of any of the said Tolls, or load or unload any Goods, Wares, or Merchandize, or any Box, Bale, Pack, Truss, Package, or Parcel or other Thing, with Intent to avoid or evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any such Toll Gate or Side Gate with any Horse or other Cattle or Beast, with or without any Carriage, without the Payment of Toll, all and every such Person and Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner

Manner as by the said first-recited Act is provided for the Recovery of Penalties and Forfeitures; One Moiety whereof, when received, shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of the said Acts and this Act.

VII. And be it further enacted, That no more than Five full Tolls shall be demanded or taken from any Person or Persons for passing and repassing during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, or Carriages respectively, through all the Toll Gates or Turnpikes to be continued or erected by virtue of the said Acts or this Act on the whole Line of Road from *Foots Cray* to *Maidstone*; and that no more than Two full Tolls shall be demanded or taken as aforesaid on the Road from and out of the said Road between *Wrotham* and *Maidstone*, to the present Turnpike Road leading from *Mereworth* to *Hadlow*.

Number of Tolls.

VIII. And be it further enacted, That in all Cases where any Waggon, Wain, Cart, or other such Carriage shall be drawn by Oxen or other Neat Cattle, Two such Oxen or Neat Cattle shall, for the Purposes of the said Acts and this Act, be considered as One Horse; any Thing in the said recited Acts or either of them contained to the contrary notwithstanding.

Two Oxen to be deemed equivalent to One Horse drawing.

IX. And be it further enacted, That in case any Horse or Horses not drawing any Carriage shall pass through any of the Gates on the said Roads, and shall have paid the Toll there, and shall afterwards in the same Day return or pass through the same Gate or Gates drawing any Carriage, such Horse or Horses so drawing shall be subject and liable to the Payment of so much additional Toll only as, with the Toll already paid on passing through such Gate or Gates not drawing, will make up the Sum payable in respect of such Horse or Horses in case they had in the first Instance passed through the said Gate or Gates drawing such Carriage.

Horses passing and not drawing, returning in a Carriage, to pay the Difference only.

X. And be it further enacted, That if any Farmer or Renter of the said Tolls shall demand and take or cause to be demanded and taken from any Person or Persons any Toll not by the said Acts or this Act authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees shall think fit to vacate the same.

Penalty on Collectors, &c. taking greater or less Toll than allowed.

XI. And be it further enacted, That upon Payment of the said Tolls the Collector or Receiver thereof shall and he is hereby required to deliver gratis, to the Person paying such Tolls, a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Tickets to be delivered on Payment of Tolls.

XII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, obstruct, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, or disturbed, any Collector of the Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Collectors of Tolls.

[Local.]

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XIII. And

Toll Collec-
tors to put up
their Names.

XIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said Acts or this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts or one of them, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Lessee of
Tolls respon-
sible for Per-
sons employ-
ed by him.

XIV. And be it further enacted, That the Lessee or Hirer of the said Tolls for the Time being shall at all Times be responsible for every Person or Persons employed by or under him for the Purpose of collecting or receiving the said Tolls, whether such Person or Persons shall be a Party in hiring the same or not; and all Persons or Passengers going through any Turnpike Gate erected on the said Roads, having any lawful Complaint against such Collector or Collectors, may prefer the same against the Lessee or Hirer of the said Tolls, who shall be liable to the same Fines, Forfeitures, or Penalties as if acting in his own proper Person.

Disputes con-
cerning the
Tolls to be
settled by a
Justice.

XV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due and of the Charges of the Distress and Sale or of keeping the Distress (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County, Liberty, or Place where such Dispute shall arise; who on Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall

shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

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

Tolls may be let.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or for any Collector or Renter of the said Tolls or any Part thereof with their Concurrence and Approbation, to compound, for any Term not exceeding One Year at any one Time, with any Person or Persons for any Carriage or Carriages, Horses, Beasts, or Cattle travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts or Cattle passing or to pass during such Term through all or any of the Toll Gates then erected on the said Roads, such Composition Money to be paid in advance Quarterly or otherwise, as the said Trustees shall think fit, and in default thereof the Composition to be void.

Trustees may compound for Tolls.

XVIII. And be it further enacted, That if any Person who shall be the Farmer or Renter of any of the said Tolls hereby authorized to be collected shall not pay or cause to be paid to the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers for the Time being, the Rent, Sum, Money, or Portion of Rent which he or they shall have agreed to give for the same, within the Space of Seven Days next after the several and respective Days on which the same shall become due and payable, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting, to nominate and appoint some fit Person to collect and receive the Tolls arising at the Toll Gate or Side Gate of which such Person shall be the Farmer or Renter until the next Meeting of the said Trustees, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all respects, as if he had been appointed a Collector at a Meeting held by virtue of the said Acts and this Act; and if any such Farmer or Renter, or other Person who shall inhabit the same, shall refuse or neglect to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he occupied in right of his being such Farmer or Renter as aforesaid,

Power to eject Farmers of Tolls in Arrear.

for

for the Space of Two Days next after Notice of such Appointment shall be given to him or left at such Toll House, that then it shall be lawful for any Justice of the Peace for the County of *Kent*, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of such House and Premises, and to put the new appointed Collector into the Possession thereof; and that then and from thenceforth the Contract or Lease by which the said Tolls shall be rented or holden shall become null and void to all Intents and Purposes whatsoever, and the Sum or Sums of Money (if any) which shall have been deposited in the Hands of the said Trustees or their Treasurer, for better securing the regular Payment of the said Rent, and all Interest which shall be then due thereon, shall become forfeited to the said Trustees, and shall be by them applied to the several Purposes of the said Acts and this Act.

Orders not to be repealed unless by a greater Number of Trustees.

Notice to be given in Newspapers, &c.

XIX. And be it further enacted, That no Order made at any Meeting of the said Trustees shall be repealed or rescinded, unless at a subsequent Meeting to be held under the Authority of the said Acts a greater Number of Trustees shall be present than were present at the Time such Order so intended to be repealed or rescinded was made, nor unless Fourteen Days Notice shall be given in some Newspaper circulated nearest to the Town of *West Malling* in the said County, and also affixed upon the several Gates on the said Roads; in which Notice the Object for which such Meeting is to be convened shall be clearly and distinctly expressed.

No Trustee to vote at an Election, unless he has acted within Two Years.

XX. And be it further enacted, That no Trustee shall vote in the Election of any Officer to the said Trustees unless such Trustee shall have attended and acted at some Meeting of the said Trustees within Two Years previous to the Period of the Vacancy which shall occasion such Election.

Accounts to be kept of Receipts and Disbursements.

XXI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Treasurer for the Time being, in which Book or Books such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward, and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Treasurer, who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect the same or take such Copies or Extracts as aforesaid, such Treasurer shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner in the said Act directed.

XXII. Pro-

XXII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Acts or this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts or this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts or this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said Acts or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Clerk not to be Treasurer, and vice versa.

XXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any Materials for making and repairing the said Roads out of any common River or Brook, or out of or from any Waste or Common in or near or convenient to which any Part of the said Roads lie, without paying any Thing for such Materials, the said Surveyor or Surveyors or other Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint may, by Order of any Justice or Justices of the Peace for the said County, to be made upon the Application of the said Trustees or any Five or more of them, search for, dig, gather, take, and carry away any such Materials in or out of the Land of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners and Occupiers of such Lands or any of them, concerning such Payments and Damages as aforesaid, any Two Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive on all Parties.

Power to get Materials.

Notice to be given to the Owners, or Occupiers of Land before Materials are got.

XXIV. Provided nevertheless, and be it further enacted, That no Surveyor, or any other Person or Persons acting under the Authority of this Act, shall begin to dig, gather, or carry away any Materials for making or repairing the said Roads out of or from any inclosed Land, until Notice in Writing signed by the said Surveyor shall have been given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owner or Occupier's usual Place of Residence, to appear before any Two Justices of the Peace acting for the County or Place wherein such Land shall lie, to shew Cause why such Materials should not be had therefrom; and in case any such Owner, Agent, or Occupier shall attend pursuant to such Notice, such Two Justices shall, if they shall think proper, authorize such Surveyor or other Person to dig, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended; and the Order of such Justices respectively shall be final and conclusive to and upon all Parties.

Penalty for erecting Encroachments on the Side of the Roads.

XXV. And whereas great Inconveniences have arisen and may arise from erecting Dwelling Houses and other Buildings, and from planting Trees too near the said Roads; for Remedy whereof be it enacted, That if any Person shall, from and after the passing of this Act encroach by making or causing to be made any Dwelling House or other Building, or shall plant or set to grow any Tree or Shrub within the Distance of Fifteen Feet from the Centre of the said Roads (except Turnpike Houses erected or to be erected by Order of the said Trustees, or unless the said Trustees shall consent or agree thereto, or that the same shall remain), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees, or any Seven or more of them, by Order under their Hands, made at a Public Meeting or some Adjournment thereof, or at any Meeting to be held for that or any other Purpose, such Order to be directed to their Surveyor, to cause such Dwelling Houses, Buildings, Trees, or Shrubs to be pulled down, at the Expence of the Person or Persons to whom the same shall belong, in case the Owners or Occupiers thereof shall neglect or refuse to pull down or remove the same at the Expiration of One Month after Notice in Writing signed by the Clerk to the said Trustees shall be given to them, or left at the Dwelling House or Place of Abode of such Owners or Occupiers; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the said County of Kent, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Trees, and Shrubs as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner on Demand.

Cattle not to be slaughtered on the Roads.

XXVI. And be it further enacted, That in case any Person shall slaughter, singe, or scald any Horse, Bullock, Sheep, Calf, Hog, or other Beast in or upon

upon the said Roads or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXVII. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or upon any other Way or Ways now made or hereafter to be made upon or on the Sides of the said Roads for the Use of the Foot-passengers, or shall lead or drive any Horse, Mule, Ass, Carriage, Cow, or other Cattle, Sheep, Lamb, Boar, Sow, or Pig, or shall drag or use any Wheelbarrow or Hand Cart upon any such Causeway or Causeways, or other such Way or Ways aforesaid, or shall do or cause any Injury or Damage to be done to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and if any Horse or Horses, Mule or Mules, Ass or Asses, Ox, Bull, Cow, Calf, Sheep, Lamb, Boar, Sow, or Pig, shall be found wandering or depasturing upon or on the Side or Sides of the said Roads, or any Part thereof (except where the same shall pass over a Common, Heath, or Moor), or upon or on the Side or Sides thereof in any Town or Village through which the same shall pass, the Owner or Owners thereof respectively shall forfeit and pay any Sum not exceeding Twenty Shillings to the Surveyor or Surveyors of the said Roads; and he and they, and every Person and Persons by him or them nominated and appointed for that Purpose, is and are hereby authorized and required to cause all and every such Horse or Horses, Mule or Mules, Ass or Asses, Ox, Bull, Cow, Calf, Sheep, Lamb, Boar, Sow, or Pig, as shall be so found wandering or depasturing upon the said Roads or on the Sides thereof as aforesaid, to be distrained and impounded in any common Pound until such Penalty or Penalties shall be paid to such Surveyor or Surveyors, over and above the usual Fee or a reasonable Allowance to the Proprietor, Keeper, or Occupier of the Pound for his Trouble; and in case the same shall not be paid within Seven Days next after such Distress and impounding, and Notice thereof given to such Owner or Owners, if such Owner or Owners shall be known, but if not, then after public Notice shall have been given and published Twice in any Newspaper circulated nearest to the Town of *West Malling* aforesaid, then the Person or Persons so distraining and impounding shall and may sell the Horse, Beast, or other Thing so distrained and impounded, and return the Overplus of the Money arising by Sale thereof, after detaining and paying such Penalty or Penalties, Fees and Allowances, and all other Expences, on Demand, to the Owner or Owners thereof; and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or any Person or Persons appointed or employed by him or them, in leading or driving any such Horse, Beast, or other Thing so distrained to be impounded as aforesaid, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Persons riding or driving Cattle on Causeways.

If any Horse or Beast be found depasturing on Side of Roads,

Surveyor may impound and sell.

XXVIII. And be it further enacted, That all Gates to be hereafter made and placed in any Field, Ground, or Place adjoining any Part of the said Roads shall be made, hung, and set up so as to open inwards only to such Field, Ground, or Place, and not outwards towards the said Roads, under a Penalty not exceeding Forty Shillings, to be paid by the Owner or Occupier of such Field, Ground, or Place; and that it shall be lawful for the said Trustees, or their Surveyor or Surveyors, to

Directions as to Gates leading into Fields adjoining Roads,

cause

and Stones
projecting
from Walls,
&c.

cause all such Gates as are now or may hereafter be erected and constructed so as to open outwards towards the said Roads to be altered and made so as to open inwards and from the said Roads only, and defray the Expence thereof out of the said Tolls; and that no Throughs, Through Stones, or other Stones shall hereafter be put or placed in any Wall or Walls, Fence or Fences, Building or Buildings hereafter to be repaired or rebuilt on the Side of or adjoining to the said Roads, or any Part thereof, so as to project above One Inch from or beyond such Wall, Fence, or Building into or towards the said Roads, under a Penalty not exceeding Five Shillings for every such Through, Through Stones, or other Stones so projecting, to be paid by the Owner or Occupier of such Wall, Fence, or Building, or of the Field, Land, or Ground whereon the same shall be repaired or built; and that it shall be lawful for the said Trustees, or their Surveyor or Surveyors, to cause all such Throughs, Through Stones, or other Stones as now project from or beyond any Wall or Walls, Fence or Fences, Building or Buildings on the Side or Sides of the said Roads, to be broken off or taken out, and defray the Expence thereof out of the said Tolls.

Former
Roads and
Toll Houses
may be sold.

XXIX. And be it further enacted, That all such Parts of the said Roads, and all Toll Houses and other Buildings, and Conveniences as shall become or be rendered useless to the said Trustees, or unnecessary for the Purposes of this Act, shall be vested in and shall and may be sold, either by public Sale or private Contract, and conveyed by the said Trustees, for the best Price that can or may be gotten for the same; and the Money arising by such Sale shall be applied to the repairing of the said Roads, but the Purchaser or Purchasers of such respective Premises shall not be answerable for the Misapplication or Nonapplication of such Money; and all Conveyances of such Part of the said Roads, Toll Houses, Buildings, and Conveniences as shall be adjoining to Lands of Freehold Tenure, being executed by the said Trustees, and being enrolled with the Clerk of the Peace for the said County of *Kent*, shall be good and effectual in the Law to all Intents and Purposes; and all such Roads and Premises as shall be adjoining to Lands of Copyhold or Customary Tenure, being conveyed by the said Trustees by Surrender or other Conveyance sanctioned by the Custom of the Manor of which such Lands shall be holden, shall be taken to be well and effectually conveyed to the Purchaser or respective Purchasers of such Roads and Premises.

Trustees em-
powered to
sell Overplus
Grounds.

XXX. And whereas by reason of the making or diverting of some Part or Parts of the said Roads, the Trustees may happen to be seized of some Piece or Pieces of Ground, over and above what are or shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same shall have been purchased, or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person or Persons whose Lands shall adjoin thereto, unless the said Trustees shall deem it more eligible to exchange one Piece

First Offer to
be made to
the original
Proprietor.

of Ground for another; and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to or on account of the Price thereof as hereinafter mentioned), or shall refuse (except with respect to or on account of the Price thereof) to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before Two of His Majesty's Justices of the Peace for the County of *Kent* (who are hereby empowered and required to take the same), by some Person or Persons now ways interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in the said Acts or one of them directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of the said Acts or one of them; and the Expence of hearing and determining such Difference shall be borne and be paid in Manner hereinbefore directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied to the Purposes of the said Acts and this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof in such Manner and Form as is hereinbefore directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads hereinbefore directed to be sold.

If the Parties do not agree, Price to be determined by a Jury.

XXXI. And be it further enacted, That in the widening, diverting, or turning any of the said Roads, the Power and Authority of the said Trustees shall not extend to the taking down any Dwelling-house or other Building, or to take in any Land that is a Garden or Orchard adjoining to any Dwelling-house, or any Yard, Park, Paddock, planted Walk or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof.

Trustees not to take down Buildings, &c. without Consent.

XXXII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in the said recited Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration, any Thing in the said recited Act contained to the contrary hereof in anywise notwithstanding.

In diverting Roads not to deviate more than 100 Yards.

XXXIII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the said recited Acts or this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation

Application of Compensation when amounting to 200l.

[Local.]

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poration Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be paid under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments to be purchased by virtue of the said recited Acts or this Act, in case such Purchase or Settlement were made.

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

XXXIV. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the 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 Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid at the like Option to

Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said recited Acts and this Act; such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

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

Application when the Money is less than 20l.

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

In case of not making out Titles,

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

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

XXXVII. Pro-

Persons in Possession pre-
sumptively
entitled.

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

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

XXXVIII. Provided always, 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 the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees (out of the Monies to be received by virtue of the said Acts and this Act), who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Labour.

XXXIX. Provided always, and be it further enacted, That all Persons who are liable by Law to do Statute Work on any Part of the Roads within the Parishes, Townships, or Places through which the said Roads or any Part thereof passes, or is intended to or may hereafter pass, shall be liable to do the same on the said Roads; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Kent*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her,
or

or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, 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, Township, 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 and 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 Manner and under such Regulations as is or may be directed by any Law or Statute in Force and Effect or hereafter to be made for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Part of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject and liable to by any Law or Statute in Force and Effect or hereafter to be made for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person or Persons who shall be found idle or negligent as aforesaid; and in that Case every such Person sending such Labourer, Team, or Draught shall be subject and liable to the respective Forfeitures and Payments as aforesaid as if such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, 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,

[Local.]

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every

every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to
Collectors to
detain un-
known Per-
sons guilty of
Offences.

XL. And whereas Offences may be committed against the said Acts or one of them by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution, be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than the said Acts and this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County of *Kent*.

Abstract of
penal Clauses
to be affixed
at every Gate.

XLI. And be it further enacted, That the said Trustees shall, and they are hereby required, immediately after the passing of this Act, to cause to be painted in legible Characters upon Boards, and affixed at every Gate upon the said Roads, an Abstract of all and every the penal Clauses contained in this and the said recited Acts.

Expences of
the Act.

XLII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act shall be paid and discharged by the said Trustees or any Five or more of them out of the Tolls arising on the said Roads, in preference to all other Payments whatsoever.

Public Act.

XLIII. 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.

Continuance
of Act.

XLIV. And be it further enacted, That the said recited Acts (subject to the Alterations and Amendments herein contained) and this present Act shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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