



ANNO QUINQUAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. XXVI.

An Act to continue the Term and alter and enlarge the Powers of an Act of the Thirty-seventh Year of His present Majesty, for repairing the Road from *Dover*, in the County of *Kent*, through *Deal*, to *Sandwich*, in the said County. [8th May 1818.]

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road leading from the Town and Port of Dover through the Town and Borough of Deal to a certain Place in the Parish of Sholden, called Foulmead Field; and for making a new Road through Part of the said Field and Hacklinge Brooks, and Part of a certain other Field called Word Field, to or near to a Messuage or Farm, called Upton Farm, in the Parish of Worth otherwise Word; and for repairing and widening the Road from thence to the Town and Port of Sandwich:* And whereas the Trustees appointed in and by or by virtue of the said Act 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 Act; but the said Road cannot be effectually repaired and kept in Repair, nor the said Sums of Money be repaid, unless the Term granted by the said Act be further continued, and some of the Powers thereof altered and enlarged: And whereas it would be of great Convenience to the Public if Power was given to vary the Course of the said Road at *Upper Deal*, and

[Local.] 6 N on

37G.3.c.156.

Former Act
continued.

on the South Side of the present Road at *Middle Deal*, in the said County of *Kent*: 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 Act, 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Powers, Privileges, Provisions, and Clauses therein contained, (except such of them as are varied, altered, or repealed,) shall be and continue in full Force for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were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 Act, and of such other Sums of Money as shall be borrowed on the Credit thereof and of this Act, and of all Interest now due and to grow due thereon respectively.

Additional
Trustees.

II. And be it further enacted, That the Members for the County of *Kent* for the Time being, the Members for the Town and Port of *Dover* for the Time being, the Members for the Town and Port of *Sandwich* for the Time being, *William Kenrick*, *William Fuller Boteler*, *Thomas Evance*, and the Recorders of the Towns of *Dover*, *Sandwich*, and *Deal*, for the Time being; Captain *Sir Edward William Campbell Rich Owen*, K. C. B., *George Jenkinson*, Captain *Robert England Royal Navy*, *William Henry Rolfe*, *George William Hughes D'Aeth*, *Edward Rice*, *Duncan M'Arthur Doctor of Medicine*, *Moulden*, *James Leith*, *George Hooper junior*, *Henry Hannam*, *Joseph Trounsell*, Vice Admiral *John Ferrier*, *Thomas Wood*, *John Hoile*, *William Sheppard*, *William Curling*, *William Nethersole*, *Henry Oxenden*, *John Bridges*, *William Hammond the younger*, *Henshaw Latham*, Captain *Winthrop Royal Navy*, the Reverend *W. W. Dickins*, *Robert Foote*, *John Plumtre Plumtre junior*, and *Thomas Papillon*, (being qualified according to the Directions of the said Act), shall be and they are hereby added to and joined with the Trustees appointed in or by virtue of the said Act; and that the Trustees hereby appointed, together with the surviving or remaining Trustees appointed in or by virtue of the said Act, shall be and are hereby empowered to put the said Act and this Act in Execution, as fully and effectually to all Intents and Purposes as if they had been appointed in or by virtue of the said Act.

Electing more
Trustees.

III. And be it further enacted, That it shall be lawful for the Trustees for executing the said Act and this Act, or any Five 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 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 Act and this Act, in addition to the Trustees hereby 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 Act or this Act.

For lessening
the Quorum

IV. And whereas the Quorum of Trustees appointed by the said Act has been found inconvenient; be it therefore further enacted, That all Acts,
Matters,

Matters, and Things, which by the said recited Act or this Act are authorized, directed, and required to be done, executed, performed, and determined, shall and may from Time to Time hereafter be done, executed, performed, and determined by the said Trustees or any Five or more of them; and the same, when so done, shall be valid and effectual to all Intents and Purposes; the said Act, or any Thing therein or herein contained to the contrary thereof in anywise notwithstanding.

of Trustees
in certain
Cases.

V. And be it further enacted, That from and after the passing of this Act the several Exemptions from Tolls granted by the said Act 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 public Highways, or any of the following Articles (unless sold), *videlicet*, undried Hops, Hay, Straw, or Corn in the Straw only, Wood for Fuel passing to be laid up or placed in the Out-houses or on the Lands of the Owners thereof, or for any green Clover, Lucerne, Tares, or other green Food for soiling of Cattle, when passing from the Lands whereon the same shall have been grown, to the Houses, Outhouses, Barns, Stables, or Yards of the Occupiers of such Lands, to be there used and consumed, or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Compost, or Manure, or Chalk or Lime employed in Husbandry for manuring or improving of Land, or for or in respect of any Horse or other Cattle or Sheep going to or returning from Pasture or Watering Places not exceeding Two Miles, or for any Horse, Ass, or Mule going to any Blacksmith's Forge for the Purpose of being shod, or returning after having been there for that Purpose, 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 their proper Parochial Church or Chapel, or other Place of religious Worship tolerated 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 Beast 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

Exemptions
from Toll.

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 Act and this Act.

Carriages employed in His Majesty's Service not to be subject to Toll.

VI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject 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 Act or this Act contained to the contrary notwithstanding.

Collectors not incompetent Witnesses.

VII. 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 said Tolls, or any other Person 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.

Repeal of Penalty on Persons evading the Tolls, and on counterfeiting Tickets, or permitting Passage through private Grounds.

VIII. And whereas it is by the said Act enacted, that if any Person or Persons shall forge, counterfeit, or alter, or should deliver to or receive of any 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, renting, or occupying any Land adjoining the said Road, or near any Turnpike, should permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, 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 ride or drive any Horse or other Beast or Cattle through or over any Way or Passage (not being a Public Way or Passage), or through or over any Lands adjoining to the said Road or near to any of the said Turnpikes, or shall take any Horse or other Beast from any Carriage, whereby the Payment of Tolls should be avoided, such Persons, and every of them, should for each Offence forfeit any Sum not exceeding Forty Shillings: 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.

IX. 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 or their Employ, lying by the Side of or
near

near to any Part of the said Road ; or if any Person or Persons owning or occupying any Land, Ground, or Place situated 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 Act, 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 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 Road, 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 Road, or shall leave upon or near any Part of the said Road 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 as by the said 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 Act and this Act.

X. 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 Road, 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, how to pay when drawing.

XI. 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 Act 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.

XII. 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

Tickets to be delivered on Payment of Tolls.

[Local.]

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Payment ;

Payment; and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Penalty on obstructing Collectors of Tolls.

XIII. 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.

Toll Collectors to put up their Names.

XIV. 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 Act 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 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 Act or this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, 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 Road, 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 responsible for Persons employed by him.

XV. 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 Road, 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 concerning the Tolls to be settled by a Justice.

XVI. 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

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, or for such of the Cinque Ports, Towns, Members, or Liberties thereof 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 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.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five 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 Road, 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 Five 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 Five 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.

XVIII. 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 Road, 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 Road; 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.

XIX. 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

Power to eject Farmers of Tolls in Arrear.

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 Act 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, 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*, or for any of the Cinque Ports, Towns, Members, or Liberties thereof, where the same shall happen, 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 Act and this Act.

No Trustee to vote unless he has attended within Two Years, &c.

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 Clerk for the Time being, in which Book or Books such Clerk 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 Road, 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 Clerk 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 Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner in the said Act directed.

Clerk not to be Treasurer, and vice versa.

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 Act or this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act 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 Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Act 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 Act 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.

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 Road 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 Road lies, 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 County of *Kent*, or for any of the Cinque Ports, Towns, Members, or Liberties, according to the Jurisdiction in which the Lands may lie, 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 inclosed or other Piece of Ground planted and set apart as a Nursery for Trees or Shrubs), 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 or more Justices of the Peace for the County, or for any of the Cinque Ports, Towns, Members, or Liberties, 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.

XXIV. Provided nevertheless, and be it further enacted, That no Surveyor, or any other Person or Persons acting under the Authority of this Act,

Notice to be
given to the
Owners or

[Local.]

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Act,

Occupiers of
Land before
Materials are
got.

Act, shall begin to dig, gather, or carry away any Materials for making or repairing the said Road out of or from any inclosed Land, or other Land not being Waste or Common, until Seven Days 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's or Occupier's usual Place of Residence, to appear before any Two Justices of the Peace acting for the County, or for any of the Cinque Ports, Towns, Members, or Liberties, or Place wherein such Land shall lie, to show 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 or more 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
Encroach-
ments on the
Side of the
Road.

XXV. And whereas great Inconveniencies have arisen and may arise from erecting Dwelling Houses and other Buildings, or any Wall or Fence, and from planting Trees, too near the said Road; 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 erecting, making, or setting up any Wall or Fence exceeding the Height of Five Feet, or permitting or suffering any Hedge exceeding the said Height of Five Feet, within the Distance of Twenty-five Feet from the Centre of the said Road, (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 Five 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, Walls, Fences, and Hedges 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*, or in and for any of the Cinque Ports, Towns, Members, or Liberties, according to the Jurisdiction where the Encroachment shall be made, upon Proof thereof to him or them made, upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Fences, and Hedges 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 Road.

XXVI. And be it further enacted, That in case any Person shall slaughter, bleed, singe, or scald any Horse, Bullock, Sheep, Calf, Hog, or other Beast in or upon the said Road, or any Part thereof, or shall permit or suffer any

any Drain, Sewer, Sink, or Watercourse to run into, upon, or over the same or any Part thereof, or shall throw any Filth, Dung, Ashes, Rubbish, or other offensive Matter upon the said Road, 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 all and every Causeways or Public Footpaths already made in or along the Sides of the said Road, or any Part thereof, shall be vested in the said Trustees, and that it shall and may be lawful to and for the Surveyor or Surveyors, or such other Person or Persons as shall be appointed by the said Trustees, to make any other Causeways or Footpaths in or along the Sides of the said Road, or any Part thereof; and if any Person or Persons shall ride upon any Causeway or Footpath already made, or to be made, or shall drive or draw any Carriage, or shall lead or drive any Horse, Mule, Ass, Carriage, Cow, or other Cattle, Sheep, or Swine, or shall drag or use any Wheelbarrow or Hand Cart upon any such Causeway or Footpath, or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on any Part of the said Road, 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, Cow, or other Cattle, Sheep, or Swine, shall be found wandering or depasturing upon or on the Side or Sides of the said Road or any Part thereof, 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 Road, 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, Cow, or other Cattle, Sheep, or Swine, as shall be so found wandering or depasturing upon the said Road, or on the Sides thereof as aforesaid, to be distrained and impounded in any common Pound, or other Place if there shall be no common Pound within the Distance of One Mile where such Horse or Horses, Ass or Asses, Cow, or other Cattle, Sheep, or Swine, shall be so found or depasturing, until such Penalty or Penalties shall be paid to such Surveyor or Surveyors, over above the usual Fee or a reasonable Allowance to the Proprietor, Keeper, or Occupier of the Pound, or other Place as aforesaid, 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 in the Eastern Division of the said County of *Kent*, 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

Power to
make Foot-
paths.

Penalty on
Persons riding
or driving
Cattle on
Footpaths.

If any Horse
or Beast be
found de-
pasturing on
Side of Road,
Surveyor may
impound and
sell.

pounded as aforesaid, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Punishing
Persons
removing
Materials.

XXVIII. And be it further enacted, That if any Person or Persons shall take, remove, or carry away any Drift, Sand, Scrapings, Sweepings, Gravel, or other Materials which may from Time to Time be collected or put in Heaps upon or near the said Road or at the Sides thereof, without the Consent of the Surveyor or Surveyors to the said Trustees, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Directions as
to Gates lead-
ing into Fields
adjoining
Road.

XXIX. 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 Road, 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 Road, 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 cause all such Gates as are now or may hereafter be erected and constructed so as to open outwards towards the said Road, to be altered and made so as to open inwards from the said Road only, and to defray the Expence of the necessary Alterations of such Gates as at the Time of the passing of this Act shall be made to open outwards, out of the said Tolls, and of the Alterations of any Gates that shall hereafter be made to open outwards, out of the Goods and Chattels of the Owner or Occupier of the Field, Ground, or Place to which such last mentioned Gates may belong, the Expences thereof having been first settled and ascertained by any Justice of the Peace acting for the County of *Kent*, or for any of the Cinque Ports, Towns, Members, or Liberties, within whose Jurisdiction such Field, Ground, or Place may lie; and the same to be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier.

Plans and
Books of
Reference.

XXX. And whereas Maps or Plans, describing the Line of the Variations of the said Road, and the Lands through which the same are to be carried, together with Books of Reference containing Lists of the Names of the Owners or reputed Owners or Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Kent*, and the Clerks of the Peace for the Towns of *Dover*, *Deal*, and *Sandwich*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the said County, and for the said Towns of *Dover*, *Deal*, and *Sandwich*, to the End that all Persons may, at any reasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making, widening, or repairing the said Variations, shall not deviate more than Twenty-five Yards from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XXXI. Provided always, and be it further enacted, That if any of the Lands laid down or described in the said Maps or Plans, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Premises and every Part thereof shall and may be purchased for the Purposes of this Act, as fully and effectually as if the same were more properly named, provided it shall appear to any One or more Justices of the Peace for the said County, and be certified in Writing under his or their Hands, that such Misnomer or inaccurate Description proceeded from Mistake.

Misnomers
or wrong
Descriptions
not to pre-
vent the Exe-
cution of
this Act.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, during the Continuance of the said Act and this Act, to make, repair, widen, divert, or alter the Course or Path of the said Road, or any Part thereof within the Limits herein-after mentioned, not exceeding Fifty Feet in Width, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they shall sustain thereby: Provided nevertheless, that in the widening, diverting, varying, or turning the said Road, 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 inclosed Ground planted and set apart as a Nursery for Trees or Shrubs, or any Part thereof, or to the making a new Line of Road in the Parish of *Word* otherwise *Worth*, in the said County of *Kent*, through Lands belonging to the Feoffees of Doctor *Aucher's* Charity, in the Occupation of *John Baker*; Lands belonging to *John Nethersole*, in his own Occupation; Lands belonging to *George Spinner*, in his own Occupation; and Lands belonging to *Saint Bartholemew's* Hospital, in the Occupation of *John Walker*, as mentioned and described in the Maps or Plans and Books of Reference, deposited as aforesaid, without the Consent of the Owner or Proprietor thereof; save and except the Messuages, Tenements, and Hereditaments particularly mentioned and described in the Schedule hereunto annexed.

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

XXXIII. 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, (save and except the Variations herein-before mentioned and described).

In diverting
Road not to
deviate more
than 100
Yards.

XXXIV. And be it further enacted, That all such Parts of the said Road, 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 the said Act and 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

Former Road
and Toll
Houses may
be sold.

[Local.]

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said

faid Road, but the Purchaser or Purchasers of such respective Premises shall not be answerable for the Misapplication or Non-application of such Money; and all Conveyances of such Part of the said Road, 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 empowered to sell Overplus Grounds.

XXXV. And whereas, by reason of the making or diverting of some Part or Parts of the said Road, 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 the said Act and 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 Road, then to the Person or Persons whose Lands shall adjoin thereto, unless the said Trustees shall deem it more eligible to exchange one Piece 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 herein-after mentioned), or shall refuse (except with respect to or on account of the Price thereof) to purchase or repurchase 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*, or for any of the Cinque Ports, Towns, Members, or Liberties thereof, (who are hereby empowered and required to take the same,) by some Person or Persons no 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 Act or this Act directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of the said Act or this Act, and the Expence of hearing and determining such Difference shall be borne and be paid in Manner herein-before 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

of the said Act and this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application 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 herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Road herein-before directed to be sold.

XXXVI. 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 Act or this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Act 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 Act or this Act, in case such Purchase or Settlement were made.

Application of Compensation when amounting to 200l.

XXXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, or to any Person or Persons under any Disability

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

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 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 the said Act 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 herein-before 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.

Application
when the
Money is less
than 20l.

XXXVIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said Act 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.

In case of not
making out
Titles.

XXXIX. 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 Act 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, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum, or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to
the

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.

XL. 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 Act 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.

Persons in Possession presumptively entitled.

XLI. 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 Act 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 Act 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 Act 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 Act and this Act), who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XLII. And whereas Offences may be committed against the said Act or this Act 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 Act and this Act, to seize and detain any such

Power to Collectors to detain unknown Persons guilty of Offences.

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unknown

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, Cinque Port, Liberty, or Place where the same shall happen.

Expences of
the Act.

XLIII. 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 Road, in preference to all other Payments whatsoever.

Public Act.

XLIV. 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.

XLV. And be it further enacted, That the said recited Act (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 Act, 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.

SCHEDULE to which this Act refers.

Description of Property.	Owners.	Occupiers.
A Stable, Cart Lodge, and Land in the Parish of Word - - - }	Ann the Widow of Wil- liam Brenchley - - - }	Stephen Chapman.
Garden Ground and Pasture Land in Shol- den - - - }	James Wyborn Esquire, under a Lease from the Archbishop of Canter- bury - - - }	Captain Edward Kittoe, R. N.
A Seed House and Gra- nary at Upper Deal - }	Edward and John Iggul- den, Devisees of John Iggulden Esquire, under Lease from the Arch- bishop of Canterbury - }	William Gibbs.
An Orchard and Gar- den Ground at Upper Deal - - - }	The Wife of Richard Baker and Jane Sage, as Heirs of Thomas Curling - - - }	William Been, Richard Baker, Jane Sage, and Henry Beech.
Garden Ground in Deal -	John Bedwell - - -	John Bedwell.
Court or Garden in Walmer	Morris Bowles -	Morris Bowles.

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