



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.



Cap. xcvi.

An Act for continuing the Term and enlarging the Powers of Three Acts of His present Majesty, for repairing the Road from the Town of *Tenterden* to the Town of *Ashford*, in the County of *Kent*; and for making a new Branch of Road therefrom, to communicate with the Town of *Biddenden*, in the said County. [14th June 1819.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road leading from the Turnpike Road in the Town of Tenterden, to and over Bull Green, and to and through the Town of Great Chart, to a House known by the Sign of The Castle, at the Entrance of the Town of Ashford, in the County of Kent; and also the Road leading from Bull Green aforesaid to Hothfield Heath; and also the Road leading from Bull Green aforesaid, through High Halden to Dashmanden, in the Parish of Biddenden, in the said County of Kent*: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term of an Act of the Seventh Year of His present Majesty, for repairing and widening the Road leading from the Turnpike Road in the Town of Tenterden, to and over Bull Green,* 7 G. 3. c. 103.
[Local.] 26 G. 3. c. 145.
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and to and through the Town of Great Chart, to a House known by the Sign of The Castle, at the Entrance of the Town of Ashford, in the County of Kent; and also the Road leading from Bull Green aforesaid to Hothfield Heath; and also the Road leading from Bull Green aforesaid through High Halden to Dashmanden, in the Parish of Biddenden, in the said County of Kent: And whereas another Act was passed in the Forty-ninth Year of the Reign of His said present Majesty, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts of His present Majesty, for repairing the Road from the Town of Tenterden to the several Places therein mentioned, in the County of Kent*: And whereas the Trustees appointed by or under the Authority of the said Acts have proceeded to put the same into Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls by the said Acts respectively granted and made payable, and which have been expended in repairing and widening the said Roads (except the said Roads leading from *Bull Green* aforesaid to *Hothfield Heath*, and from *Bull Green* aforesaid through *High Halden* to *Dashmanden*, whereon no Toll hath been taken by virtue of the said Acts); and great Progress hath been made in repairing and widening the Road leading from the Turnpike Road in the Town of *Tenterden*, to and over *Bull Green*, through *Great Chart*, to the House known by the Sign of *The Castle*, at the Entrance of the Town of *Ashford*; which said Money so borrowed still remains due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said Road leading from the Turnpike Road in the Town of *Tenterden* to the Town of *Ashford* aforesaid be effectually amended, improved, and kept in repair, unless the Term granted and continued by the said several Acts be further continued, and some of the Powers and Provisions thereof respectively altered, amended, and enlarged: And whereas it would be of much greater Convenience to the Neighbourhood, and of more public and general Utility, if instead of the said Branch of Road from *Bull Green* through *High Halden* to *Dashmanden* aforesaid, authorized to be made and repaired by the said recited Acts, and which is of the Length of Six Miles, or thereabouts, a new Branch of Road were made to communicate with the Town and Parish of *Biddenden* aforesaid, leading out of the said Road from *Tenterden* to the Entrance of the said Town of *Ashford*, at or near a Place called *London Beach*, in the said Parish of *High Halden*, up to the Turnpike Road leading from *Tenterden* to the Town of *Biddenden*, near to the said Place called *Dashmanden*, by draining, forming, and hardening the present Road or common Highway leading from *London Beach* aforesaid, up to the aforesaid Turnpike Road leading from *Tenterden* to the Town of *Biddenden*, and which said new Branch of Road will be of the Length of Two Miles and One Quarter, or thereabouts, only, and will be attended with considerable less Expence, both in the making, maintaining, and keeping in Repair, than the said first-mentioned Branch of Road, which, on the making of such new Branch, may be discontinued and abandoned; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 of the Seventh, Twenty-sixth, and Forty-ninth Years

Acts further continued.

of the Reign of His present Majesty, and the Tolls and Duties granted and made payable in and by the said Act of the Forty-ninth Year of His said present Majesty, and also all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things in the said recited Acts respectively contained (except so far as the same are varied, altered, or repealed), shall be and continue in full force and effect, and shall be executed for and during the Term hereinafter mentioned, for the Purpose, from Time to Time, of amending, repairing, widening, altering, improving, and keeping in Repair the said Road leading from the Turnpike Road in the Town of *Tenterden* to and over *Bull Green*, through *Great Chart*, to the House known by the Sign of *The Castle* at the Entrance of the Town of *Ashford* aforesaid, and the said Road leading from *Bull Green* to *Hothfield Heath* aforesaid; and also for the Purpose of making, widening, turning, altering, improving, and keeping in repair the said new Branch of Road leading out of the said Road from *Tenterden* to *Ashford*, at or near the said place called *London Beach*, up to the said Turnpike Road leading from *Tenterden* to the said Town of *Biddenden*, near to the said Place called *Dashmanden*, as fully and effectually to all Intents and Purposes as if the same were respectively contained, repeated, and re-enacted in the Body of this Act, and as if the said new or substituted Branch of Road had been originally included in the said recited Acts, in the Place or Stead of the said Branch of Road leading from *Bull Green* through *Higb Halden* to *Dashmanden* aforesaid; but subject nevertheless to the Provisions, Amendments, Variations, and Additions herein contained, and which shall commence and take effect immediately after the passing of this Act; and this Act, and the additional Term hereby granted, and also the Tolls granted and made payable by the said recited Act of the Forty-ninth Year of His said present Majesty, and by this Act, shall be and they are hereby declared to be subject and liable, as well to the Payment of all the Money now due and owing on the Credit or on Account of the said recited Acts, or any of them, or the Tolls thereby respectively granted and authorized to be taken, as also to the Payment of all Sums of Money which shall hereafter be borrowed on the Credit and for the Purposes of the said Acts and this Act, or for the Use of the said Roads and Branch hereby authorized to be maintained and kept in repair, and the Interest due and to grow due thereon respectively; but no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said recited Acts, in respect of the Priority of advancing, or of having advanced any such Sum or Sums of Money; and all Persons to whom any Mortgages or Securities shall have been made, or shall be made, shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls granted by the said Act of the Forty-ninth Year of His said present Majesty and by this Act, in equal Degree one with another.

Powers of the former Acts extended to the new Line.

No Preference to be given to Creditors.

II. And be it further enacted, That the Trustees already named and elected by, under, or by virtue of the said recited Acts, together with all His Majesty's Justices of the Peace acting in and for the said County of *Kent*, shall be and they are hereby appointed Trustees for putting this Act into Execution.

Trustees under former Acts to be Trustees for this Act.

III. And

Trustees under former Acts to be Trustees for this Act, and Power to appoint additional Trustees.

III. And be it further enacted, That the Trustees already named and elected under and by virtue of the said recited Acts, and being duly qualified according to the Directions of this Act, shall be and they are hereby appointed Trustees for putting this Act into Execution; and it shall be lawful for the said Trustees, or any Five or more of them, at their First Meeting to be holden under this Act, to elect any additional Number of fit and proper Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of the said recited Acts and this Act; and such Trustees so named and elected, and so to be elected, and their Successors to be elected in Manner in the said first recited Act mentioned, and having qualified as by this Act is directed, shall be and are hereby invested with the same Powers and Authorities for executing the said recited Acts and this Act, as if they had been named and appointed Trustees in and by this Act; and all and every the Powers, Authorities, Directions, Matters and Things, by the said recited Acts, or by this Act, given to or directed to be done by or before the said Trustees, shall and may be exercised, had, and done by or before any Five or more of them; and all such Acts, Matters, and Things shall be of as full force and effect as if done or executed by or before all the Trustees, or by or before Trustees named and appointed in and by this Act.

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of Rents and Profits, issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or be possessed of a personal Estate alone, or real and personal Estate together, of the Value of Three thousand Pounds, or shall be Heir Apparent of some Person possessed of some Estate, Freehold or Copyhold, in Lands of the clear yearly Value of One hundred and fifty Pounds; nor shall such Person be capable of acting in the Execution of this Act, not being such Heir Apparent as aforesaid, (save and except in administering the Oath or Affirmation following to the other Trustees) until he shall have taken and subscribed the Oath or Affirmation following, before any One or more of the said Trustees, who are hereby authorized and required to administer the same; that is to say,

Oath.

‘ I do swear, [*or*, being one of the People called *Quakers*,
 ‘ I do solemnly affirm], That I truly and *bonâ fide* am in my own Right
 ‘ [*or*, in the Right of my Wife, *as the Case may be*], in the actual Posses-
 ‘ sion or Enjoyment of Rents and Profits, issuing out of the Freehold or
 ‘ Copyhold Lands, Tenements, or Hereditaments, of the clear yearly
 ‘ Value of Pounds [*or*, possessed of a personal Estate alone,
 ‘ or real and personal together, of the Amount or Value of]
 ‘ [*or*, am Heir Apparent of *A. B.* who to the best of my Knowledge
 ‘ and Belief is possessed of such an Estate of the clear yearly Value
 ‘ of Pounds]; and that I will truly, faithfully, and impartially
 ‘ act in the Execution of the Trusts and Powers reposed in me, by virtue
 ‘ of an Act passed in the Fifty-ninth Year of the Reign of King *George*
 ‘ the Third, intituled *An Act* [*here set forth the Title of this Act*].

‘ So help me GOD.’

And

And if any Person not being so qualified shall act as Trustee in the Execution of this Act, every such Person 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* or elsewhere, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act (although not duly qualified as aforesaid), previously to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Penalty on acting if unqualified.

All Acts of Trustees not qualified, if done before Conviction, valid.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby empowered to continue the present Turnpikes and Turnpike Gates, Side Gates or Side Bars, Weighing Machines, Houses, and other Buildings already erected, and which now stand upon, across, and on the Sides of the said Road from *Tenterden* to *Ashford*, and commonly called or known by the Name or Names of the *Borefile Gate* and *Side Gate*, *Munn's Corner Side Gate*, *Bull Green Gate* and *Side Gate*, *Maylam's Corner Side Gate*, and *Chart Leacon Gate* and *Side Gate*; and also, that they the said Trustees, or any Five or more of them, shall and may and are hereby fully authorized and empowered to erect and set up, and to continue erected and set up, One Turnpike Gate upon and across the said new Branch of Road hereby authorized to be made and repaired; and also that the said Trustees, or any Five or more of them, shall or may and they are hereby fully authorized and empowered to erect and set up, and to continue erected and set up, Gates or Toll Bars upon the Sides of the said new Branch of Road, or at the Ends of or across any Lane or Way leading into or out of the same; all or any of which said Turnpikes or Turnpike Gates, Side Gates or Toll Bars, they the said Trustees, or any Five or more of them, may at any Time or Times discontinue, and from Time to Time erect and set up, or cause to be erected and set up, any other Turnpikes or Turnpike Gates, Side Gates or Toll Bars, upon, across, or on the Sides of the said Roads and Branch by the said recited Acts and this Act directed to be made and repaired, at such Place or Places, in such Manner and so many in Number, as they the said Trustees, or any Five or more of them, shall think proper; so as that the Number of Turnpikes or Turnpike Gates to be erected at any One Time upon and across the main Line of the said Road, leading from the Turnpike Road in the Town of *Tenterden* to the Town of *Ashford*, do not exceed Four, and that the Number to be erected upon and across the main Line of the said Road leading from *Bull Green* to *Hothfield Heath*, do not exceed Two; and that no more than One Turnpike or

Power to continue and erect Turnpike Gates.

Turnpike Gate be erected at any one Time upon and across the main Line of the said new intended Branch of Road from *London Beach* to or near the said Place called *Dashmanden*; and further, that they the said Trustees, or any Five or more of them, shall and may and are hereby fully authorized and empowered to erect and build a Toll House and Toll Houses, with convenient Buildings, at every such new Turnpike Gate or Toll Bar upon and across the aforesaid Roads and Branch, and at the Side Gate and Side Gates thereof respectively; and to demand, receive, and take, in the Manner directed by the said recited Acts, or any of them, such and the same Tolls and Duties at each and every of such new Turnpike Gate or Toll Bar and Side Gate to be hereafter erected and set up upon, across, or on the Sides of the said Roads and new Branch of Road, or any of them, as in and by the said recited Act of the Forty-ninth Year of His present Majesty were authorized to be demanded and taken at every Turnpike Gate or Toll Bar then erected upon, across, or on the Sides of the Roads therein mentioned; and they the said Trustees shall have and be invested with such and the same Powers, Authorities, and Remedies, for recovering, receiving and compelling Payment of the same Tolls and Duties, as by the said recited Acts, or any of them, are given or provided for recovering, receiving, and compelling Payment of the Tolls and Duties thereby respectively granted; the Expence of setting up and erecting such Turnpikes, Gates, Toll Bars, and Side Bars, and of building, erecting, and providing Materials for all such Toll Houses and other Buildings for the Purposes aforesaid, and of keeping up and supporting the same, shall from Time to Time be borne, paid, and defrayed by, with, and out of the Monies to be raised by virtue of and under or on the Credit of the said recited Acts or this Act: Provided always, that the Tolls to be demanded and taken upon the said Road and Branches of Road shall not exceed Four upon the main Line from *Tenterden* over *Bull Green* to *Ashford*, Two upon the Branch leading from *Bull Green* to *Hothfield Heath*, and One upon the Branch leading from *London Beach* to *Biddenden*; and as to Side Gates, that not more than One Toll shall be demanded or taken of any Person passing through a Main Gate and the next Side Gate, or through a Side Gate and the next Main Gate, upon the Production of a Ticket denoting a Payment of Toll at such Main Gate or Side Gate, as the Case may be, (except at the Side Gate at *Maylam's Corner* and *Munn's Corner*, leading into the main Line of Road, where the Tolls are to continue to be paid as authorized by the said recited Acts).

Tickets to be provided denoting Payment of Toll.

VI. 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 Toll, a Note or Ticket denoting such Payment; and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon, the Names of the several and respective Gates (if any) freed by such Payment.

Toll Collectors to put up their Names.

VII. 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 recited Acts and this Act, or either

either of them, upon the said Roads; 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 coming on Duty; each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground; and shall continue the same so placed during the whole Time he shall be upon such Duty; 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 and this Act, or any or either 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 been 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 deliver a Ticket gratis, 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; and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by the said recited Acts or this Act, or either of them, directed to be levied, recovered, and applied.

VIII. Provided always, and be it further enacted and declared, That none of the Tolls by this Act granted shall be demanded or taken for or in respect of any Carriage, Horse, Cattle or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, Stones, Bricks, Limes, Timber, Wood, Gravel or other Materials for repairing of the said Road or Branches, or any of the Roads in the Parishes in which any Part of the said Road and Branches are situate; or Hay, Grass, Turnips, Potatoes, or other Fodder, Straw, or Corn in the Straw, not sold or disposed of, or passing for that Purpose, but passing to be placed or laid up in the Buildings or on the Premises of the Owners thereof; or for or in respect of any Carriage, Horse, Cattle or Beast employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or other Manures, to be employed only in Husbandry for manuring or improving Lands, or for any other Thing employed in the managing of any Farms or Lands (Lime and Chalk excepted); or for any Horses or Cattle

Exemptions.

Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person going to or returning from his or her proper parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Hearse or Carriage conveying the Corpse, or attending the Funeral of any Person who shall die and be buried in any or either of the Parishes in which the said Road or Branches of Road shall lie or be situate; or for any Horse, Beast, Cattle or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, or returning back from conveying the same; or for any Horse or Carriage belonging to His Majesty or any of the Royal Family, or any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horse, Beast, Cattle or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of, for, or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; or for any Horse, Cart, Waggon, or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast or Carriage carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Kent*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this and the said recited Acts.

For settling
Disputes con-
cerning Tolls.

IX. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so 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 the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein
such

such Dispute shall happen to arise; who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, (which Oath such Justice is hereby empowered to administer) 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) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

X. And be it further enacted, That in case the said Trustees shall at any Meeting to be held by them think proper to order and direct the said new Branch of Road, leading out of the said Road from *Tenterden* to *Ashford*, at or near to the said Place called *London Beach*, up to the Turnpike Road leading from *Tenterden* to the Town of *Biddenden*, near the said Place called *Dashmanden*, to be made, widened, altered, improved, and kept in Repair, and shall have caused the same to be made, done and completed, fit for the Passage of Cattle, Carts, and Carriages along the same, then and in such case the said Trustees, or any Five or more of them, may and are hereby authorized and empowered to surrender and give up so much and such Part of the Road by the first-recited Acts directed to be made, widened and repaired, as extends or leads from *Bull Green* aforesaid, through *High Halden* to the said Place called *Dashmanden*, to the respective Parishes through which the same passes, and which shall thenceforth be repaired and maintained by the said respective Parishes.

Old Branch of Road from Bull Green through High Halden to Dashmanden, to be given up when new Branch made.

XI. 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 Acts, 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 Acts contained to the contrary thereof in anywise notwithstanding.

Restraining the Trustees from deviating more than 100 Yards from the Line of the old Road without Consent, &c.

XII. And whereas a Map or Plan, describing the Line of the said new Branch of Road intended to be made by draining, forming and hardening the present Public Road or Common Highway there leading from *London Beach* aforesaid, up to the said Turnpike Road leading from *Tenterden* to *Biddenden* aforesaid, with a Book of Reference thereto, hath been deposited at the Office of the Clerk of the Peace for the said County of *Kent*; be it therefore enacted, That the said Map or Plan shall remain in the Custody of the Clerk of the Peace for the said County, 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 for the Time being a reasonable Compensation for making such Copies or Extracts; and that the

Plan, &c. deposited at the Office of the Clerk of the Peace to remain there for Inspection, &c.

[Local.]

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said

said Trustees, in making the said new Branch of Road, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

Trustees to make the Road conformably to such Plan, &c. notwithstanding Errors.

XIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Branch of Road into, through, across or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of the Person or Persons may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Kent*, or to any Two or more Justices of the Peace for the Town and Hundred of *Tenterden*, in the said County, in which such Lands are situate (as the Case may be), and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

For getting Materials to make and repair the Road.

XIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road and Branches of Road, and to and for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road or Branches of Road, out of or from any Commons or Waste Grounds, common River, Brook or Pit, in any Parish, Township or Place in which any Part of the said Road or Branches of Road shall lie, or in any adjoining Parish, Township or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may by order of any Two or more Justices of the Peace for the County or Place in which the said Road or Branches of Road doth lie, search for, cut, dig, get, gather and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds, of any Person or Persons in any Parish, Township, Hamlet, or Place in which any Part of the said Road or Branches of Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners or Occupiers of the Ground and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken or carried away, or over which the same or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground

Ground and Premises, as the said Trustees or any Five or more of them shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road or Branches of Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to 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 to all Parties.

XV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of the said recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads, or for making the said new Branch, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier, at his or her usual Place of Residence, to appear before any One or more Justice or Justices of the Peace acting for the County, Hundred, Division, or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justice or Justices, by his or their Order or Orders, to authorize such Surveyor or other Person or Persons to dig, get, gather, take and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or 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; any thing in the said recited Acts contained to the contrary thereof notwithstanding.

Notice to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XVI. Provided always, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale,) every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in manner by the said recited Acts mentioned.

Penalty on taking away Materials got by the Surveyor.

XVII. And

Repealing
Clause in Act
7 G. 3. re-
quiring Col-
lectors to give
in Accounts
on Oath.

XVII. And whereas by the said first recited Act it is enacted, that the Collector or Collectors of the Tolls or Duties thereby authorized to be collected, and also the Surveyor or Surveyors appointed by the Trustees by virtue of the said Act, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, at the Time therein mentioned, give in an Account in Writing under their respective Hands, of all Monies which such Persons shall receive or disburse by virtue of the said Act; be it enacted, That from and after the passing of this Act, the Power vested in the said Trustees to require such Collector or Collectors, Surveyor or Surveyors, to give in their Accounts upon Oath as aforesaid, shall be and the same is hereby repealed.

Expences of
the Act to be
first dis-
charged.

XVIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall immediately after the passing of the same, and in preference to all other Payments whatsoever, be paid and discharged by the said Trustees, or any Five or more of them, out of any Money which hath arisen by virtue of the said recited Acts, or out of the first Monies which shall arise by virtue thereof, and of this Act, or out of any Money borrowed or to be borrowed on the Credit thereof respectively.

Clerk re-
strained from
acting as
Treasurer,
and vice versa.

XIX. 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 this Act and the said recited Acts, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any of them, 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 and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any of them, 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 and this Act, or any of them, 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 Effoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed.

Accounts to
be kept,
which shall be
open to the
Inspection of
the Trustees
and Creditors.

XX. 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 such Sums of Money shall have been disbursed, laid out, and paid; which Book and Books shall, at all seasonable Times,
be

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, or any of them, 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 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 recited Acts or any of them mentioned.

XXI. And be it further enacted, That nothing in the said recited Acts contained shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer or Officers now appointed or hereafter to be appointed under or by virtue of the said recited Acts and this Act, or any or either of them, for the Purpose of verifying his or their Accounts.

Trustees not to administer Oaths on verifying Accounts.

XXII. Provided always, and be it further enacted, That the several and respective Persons who have subscribed, or shall or may subscribe any Money for or towards the obtaining this Act, and the making or repairing the said new Branch of Road by this Act authorized to be made, shall and they are hereby required to pay the respective Sums of Money so subscribed or to be subscribed, within such Time or Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall order and direct, and the same shall be paid to the Treasurer to the said Trustees for the Time being; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same, in the Name of their Clerk or Treasurer, in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Complaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed.

To compel Payment of Subscriptions.

XXIII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

An Action of Ejectment may be supported by One Mortgagee.

Public Act.

XXIV. 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.

Term of the Act.

XXV. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and that the said recited Acts (subject to the Alterations, Amendments, and Additions herein-before mentioned) and this Act, shall continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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