



ANNO PRIMO

# GEORGIIV. REGIS.

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## Cap. xlvii.

An Act for widening and improving the Road leading from the Turnpike Road in the Town of *Tenterden*, through *Woodchurch* to *Warehorne*, and the Road leading out of the Turnpike Road in the Parish of *Bethersden*, through *Woodchurch* to *Appledore*, in the County of *Kent*. [30th June 1820.]

**W**HEREAS the Road leading from the Turnpike Road in the Town of *Tenterden*, through the Parish of *Woodchurch*, up to a Place called *Kennardington Cross*, in the Parish of *Kennardington*, and from thence up to the Boundary of the Parish of *Wareborne*; and also the Road leading from the Turnpike Road in the Parish of *Bethersden*, at or near a Place called *Maylams Corner*, through the Parish of *Woodchurch*, up to the Boundary of the Parish of *Appledore* in the County of *Kent*, are much out of Repair, and in many Parts narrow and incommodious to Travellers, and cannot be sufficiently amended, widened, improved, and kept in Repair by the ordinary Course of Law: 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 all His Majesty's Justices of the Peace acting for the said County of *Kent*, Sir *Edward Knatchbull* Baronet, Sir *Edward Hales* Baronet, Sir *Edward Cholmeley Dering* Baronet, *James Avery*, *Thomas Avery*, *Moyle Breton* Clerk, Doctor of Laws, *Richard Beale*, *Richard Beale* junior, *Seaman* [Local.] *Beale*,

Appoint-  
ment of  
Trustees.



*Beale, James Bourne, John Billington, Richard Harris Barham Clerk, William Croughton, Richard Curteis Croughton, Whitfield Curteis Clerk, William Curteis, Robert Curteis, Walter Curteis, George Curteis, John R. Coombs Clerk, Henry Creed, John Cassingham, William Deedes, William Deedes Junior, Cholmeley Dering, Cholmley Edward Dering Clerk, Benjamin Downe, Edward Darell, Walter Elphick, Thomas Elphick, Samuel Espenett, Thomas Fullager the elder, Samuel Fullager the younger, Richard Fuggles, Robert Godden, Christopher Gorham, Thomas Hodges (Wareborne), William Hodges, Edward Hughes the younger, William Huntley, Richard Jones Captain Royal Navy, George Jemmett, William Jemmett, George Elwick Jemmett, William Jemmett the younger, Thomas Jackson, John Illenden, Patrick Keith Clerk, William Kingsnorth, John Mace, Joseph Mace, Vandeleur Mills, Jeremiah Morphett, Thomas Mannering, Nott Clerk, Doctor of Divinity, John Neve, John Butler Pomfrett, Virgil Pomfrett, Richard Curteis Pomfrett, Charles Pilcher, John Parton, William Schrieber, William Schrieber junior, Thomas Manners Sutton Clerk, Evelyn Levet Sutton Clerk, Charles Stoddart Clerk, Nicholas Roundell Toke, William Toke Clerk, William Waterman, William Worger, George Wilmott, Thomas Weston, John Tempest Weston, and their Successors, to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for making, repairing, widening, improving, and keeping in Repair the said Road from *Tenterden* through *Woodchurch* to *Wareborne*, and also the said Road from *Maylams Corner* in *Bethersden*, through *Woodchurch* to *Appledore*, and for otherwise putting this Act in Execution.*

Power to  
appoint  
additional  
Trustees.

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

Power to  
choose new  
Trustees.

III. And be it further enacted, That in case any of the Trustees herein-before named, or to be appointed by virtue of this Act, shall die or become Bankrupt or Insolvent, or refuse, decline, remove out of the Kingdom, or become incapable to act, it shall and may be lawful for any Three or more of the surviving or remaining Trustees, by Writing under their Hands, at any Meeting, whereof at least Ten Days Notice shall be given upon all the Toll Gates erected, or to be erected upon the said Roads, specifying that an Appointment of new Trustees is intended to be made at such Meeting, to nominate and appoint some other Person to be a Trustee in the Room of such Trustee so dying, becoming Bankrupt or Insolvent, or refusing, declining, removing, or becoming incapable to act as aforesaid, and every Person so nominated and appointed as aforesaid (being qualified as by this Act is required) shall have the like Power and Authority to act as a Trustee in the Execution of this Act as the Person in whose Stead he shall be so appointed was invested with.

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







Trustees  
being Jus-  
tices may act  
as such.

V. Provided always, and be it further enacted, That all Justices of the Peace, and Magistrates, as are or shall be in the Commission of the Peace for the said County of *Kent*, and the Mayor and Jurats of the said Town and Hundred of *Tenterden*, within their respective Jurisdictions, shall and may, notwithstanding their being Trustees, act as Justices and Magistrates within their respective Jurisdictions for the more speedy and effectual putting in Execution the several Powers hereby granted, except in such Cases only where they shall be personally interested.

Meetings of  
Trustees.

Adjourn-  
ments.

If no Ad-  
journment  
Notice to be  
given.

VI. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet together at the House in the Parish of *Woodchurch*, in the said County of *Kent*, known by the Sign of the *Bonny Cravat*, if then open, and if not, then at some other convenient House or Place in the said Parish, on the Thirty-first Day of the Month of *August* next, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall then and from Time to Time after adjourn to meet at such Times and at such Place or Places, upon or near the said Roads by this Act directed to be amended and kept in Repair as they shall think proper; and that Two Trustees present at any Meeting shall be sufficient to adjourn the same; and if a competent Number of Trustees shall not be present at any Meeting to act or adjourn, or in case the Trustees present at any Meeting shall omit to adjourn the same, then and in every such Case the Clerk to the Trustees shall adjourn the Meeting to the Place where the last Meeting should have been held or was held, (as the Case may be), and to such Time as he shall think fit, not being more than Thirty Days, nor less than Twenty Days from the last Meeting or intended Meeting, and shall thereof give Notice in Writing on all the Turnpikes then erected by virtue of this Act, at least Ten Days before the Time of such intended Meeting, or in some Newspaper usually circulated in the Neighbourhood of such Roads; and if no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Two or more of such Trustees, to cause Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, and also to be inserted in some Newspaper circulated in the Neighbourhood of the said Roads hereby directed to be amended and kept in Repair, at least Ten Days before any Meeting is intended to be held, appointing the Trustees to meet at such Time and Place upon or near the same Road as the said Clerk, or the said Trustees respectively, giving such Notice, shall think proper; not exceeding Thirty Days, nor less than Twenty from the Time of affixing or inserting such Notice; and the said Trustees shall at their several Meetings pay their own Expences; and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of this Act, shall be made between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, at Meetings consisting of not less than Three Trustees, to be held in pursuance thereof, and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination of the said Trustees shall be valid, unless a Majority of the Trustees present at such Meeting shall concur therein (the Number of the Trustees present at such Meetings not being less than Three, except where otherwise directed); and all Acts, Orders, and Proceedings of any Three or more of the said Trustees, or a Majority of such

Trustees to  
pay their  
own Ex-  
pences.

Three Trus-  
tees a Quo-  
rum; and  
Acts done by  
the major  
Part of them  
at Meetings  
to be valid.

Three



Three or more Trustees, had, or done as aforesaid in the Execution of this Act, shall be as valid and effectual as if all the Trustees had been present at any such Meeting, and had concurred therein; and no Order made by Three or more of such Trustees shall be revoked or altered at any Meeting; unless Three Trustees shall be present, nor unless Ten Days Notice at the least of such intended Revocation or Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Book of Proceedings, and affixed on all the Turnpikes which shall be then erected by virtue of this Act, and also inserted in some Newspaper circulated in the Neighbourhood of the said Roads hereby directed to be repaired, at least Ten Days before such Meeting, nor unless a Majority of the Trustees who shall be present at the Meeting for such Revocation or Alteration, or proposed Revocation or Alteration, shall concur therein; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting, upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

No Order to be revoked unless Three Trustees present, nor without the Concurrence of a greater Number of Trustees than the Number by whom such original Order was made.  
Ten Days Notice.

VII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned; it shall and may be lawful to and for any Two or more of the said Trustees, or to and for the Clerk, by an Order in Writing, signed by Two or more Trustees (although not assembled at a Meeting), to appoint the Time and Place, and to state the Purpose of such Meeting, and to give Notice of such earlier Meeting by Notice in Writing or printed; and affixed on all the Turnpikes then erected by virtue of this Act, and in some Newspaper circulated in the Neighbourhood of the said Roads hereby directed to be repaired (such Time being not less than Ten Days after such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of a regular Adjournment, provided that no other Business be done at such Meeting than such Business as shall be mentioned in the Notice for calling such Meeting.

Meetings on Emergencies.

VIII. 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 all Orders and Proceedings of the Trustees shall be regularly entered, and such Orders and Proceedings shall be signed by the Trustees making the same, or any Three or more of them, or by the Chairman of the Meeting; and the said Book or Books, and also the Book or Books hereinafter directed to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books to be kept of Proceedings of Trustees.

IX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at any Meeting or Meetings to be held in pursuance of this Act, to nominate and appoint any Number of the said Trustees, not being less than Three, as a Committee or Committees, to examine into, inspect,

Trustees may appoint Committees.



regulate, or superintend, any Matter or Business directed to be done by the said Trustees in Execution of this Act, as the said Trustees, or any Five or more of them, shall intrust to such Committee or Committees, and such Committee or Committees shall be accountable to any Meeting for what they shall do therein, but no Money shall be expended or laid out by such Committee or Committees without the Order or Direction of such Meeting; and such Committee or Committees shall report what they have done therein from Time to Time at the next or some other Meeting of the said Trustees, and shall meet at and adjourn from Time to Time to any Time or Place as they shall see Occasion; and that at all such Meetings of Committees the Trustees present shall pay their own Expenses; and the Report of such Committee and Committees shall be signed by them, and entered in the General Minute Book of Proceedings kept by the Clerk to the said Trustees, or in a separate Book or Books, as the said Trustees or any Five or more of them, shall think fit, and be referred to from the General Minute Book; and the Orders from Time to Time made in pursuance of such Report or Reports shall refer to the Report on which the same was grounded.

Appointment  
of Officers.

X. And be it further enacted, That the said Trustees, or any Three or more of them, at their First or any of their Meetings, shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers, to appoint another or others in his or their Stead; and the said Trustees, or any Three or more of them, shall and may and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers and other Persons employed, or who shall assist them or any of them in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as they the said Trustees or any Three or more of them shall think reasonable; but no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, nor Menial Servant of any Trustee, shall be appointed to or be capable of holding any Place of Profit under this Act.

Office of  
Clerk and  
Treasurer  
not to be  
held by One  
Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, 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 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 Impar lance, shall be allowed.

XII. And

XII. 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 or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and 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, or shall not permit, the said Trustees or such Creditors to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Forty Shillings.

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

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted shall neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall and may be lawful for any Three or more of the said Trustees (although not assembled at a Meeting of the Trustees appointed by virtue of this Act) to discharge such Collector or Receiver, and in such case and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, which Person and Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as if he or they had been nominated and appointed at a Meeting held under and by virtue of this Act; and that if any Collector or Receiver who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be continued or erected or set up by virtue of this Act, for the Space of Five Days after Demand thereof made, and Notice in Writing given or left at such Toll House or Building for that Purpose, by any Three or more of the said Trustees (although not assembled at a Meeting) or under the Hand of their Clerk for the Time being, then and in any of the said Cases it shall and may be lawful to and for any Justice or Justices of the Peace for the County of *Kent*, or the Mayor and Jurats of the said Town and Hundred of *Tenterden*, within their respective Jurisdictions, upon Demand thereof made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal or their Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any One of them, or their new-appointed Officer, into the Possession thereof.

Trustees may appoint temporary Collectors though not at a Meeting.

XIV. And



Officers to  
account,  
and pay over  
Balances.

XIV. And be it further enacted, That all such Officers, and all other Persons who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, or any Three or more of them, deliver to such Trustees, or such Person or Persons as they for that Purpose shall appoint, a true and perfect Account, in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands, to such Person or Persons as the said Trustees or any Three or more of them shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands, when thereunto required, in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power anywise relating to the Execution of this Act, or to the said Roads hereby directed to be repaired, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, by the said Trustees, or any Person or Persons on their Behalf, such Justice may and is hereby authorized and required to summon such Officer or Officers, Person or Persons to appear before him; and in case of his, her, or their not appearing upon such Summons, the same having been served upon him, her, or them personally, or left at his, her, or their usual Place or Places of Abode (no reasonable Cause or Causes being shown for such Non-appearance) to issue a Warrant or Warrants for his, her, or their Apprehension, then it shall be lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected and received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if such Officer or Officers, Person or Persons appearing, or being brought before such Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments aforesaid, or to produce and deliver to such Justice an Account or Accounts of the Receipts and Payments aforesaid, or to produce and deliver up to such Justice the several Vouch-



ers and Receipts relating to the said Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Roads hereby directed to be repaired, then and in any such Case such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or any Three or more of them, or such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees, or any Three or more of them, are hereby empowered to make and receive, or until he or they shall deliver up such Books, Accounts, Papers and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or any Three or more of them; but no such Officer or other Person who shall be committed for Want of sufficient Distress only shall be detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

XV. And be it further enacted, That the said Trustees shall and they are hereby directed and required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors appointed or continued, or to be appointed by virtue of this Act, for the due Execution of their Offices respectively.

Treasurer,  
&c. to give  
Security.

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue of or in pursuance of this Act, in the Name of any one of the said Trustees, or in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in his Name, or in the Name of their Clerk or Treasurer, shall abate or to be discontinued by the Death, Incapacity, or Removal of any such Trustee, Clerk, or Treasurer, or by the Act of any such Trustee, Clerk, or Treasurer, without the Consent of the said Trustees or any Three or more of them; but that one of the said Trustees or the Clerk or Treasurer for the Time being to the said Trustees, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, that every such Trustee, Clerk, or Treasurer, in whose Name any Action or Suit shall be prosecuted or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or Consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Trustees may  
sue or be  
sued in the  
Name of  
one of them,  
or in the  
Name of  
their Clerk.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to erect and set up, or build, or

Power to  
erect Turn-  
pikes, Toll  
cause

[Local.]



Gates, Side  
Gates,  
Weighing  
Machines,  
&c.

cause to be erected, set up and built upon, in, or across the said Roads or any Part thereof, or at the Entrance of any Road or Lane that doth or shall lead into or out of the said Roads, (provided that no such Gate be erected by virtue of this Act across any Lanes or Ways leading, or that may hereafter lead, out of such Roads, such Lane or Way being a Turnpike Road), when and as they shall judge necessary, any Weighing Machine or Weighing Machines, Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars, or Gates, Chain or Chains, and also one or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose, on the Sides of the said Road, suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses, as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as they the said Trustees, or any Five or more of them, shall think proper, and direct or appoint.

Toll Gates,  
Houses, &c.  
vested in  
Trustees.

XVIII. And be it further enacted, That the Right and Property of, in, and to all the Turnpikes, Weighing Machines, and Toll Gates on the said Road, and of and to all Toll Houses and other Houses and Buildings, and the several Conveniences and Appurtenants thereto belonging, which shall be erected or made by virtue of this Act, and all Materials for building and repairing the same, and for repairing the said Roads, or any Part thereof, and all other Materials, Articles, Matters, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought, in the Name of their Clerk for the Time being, any Action or Actions, or to prefer or cause to be preferred and prosecuted; any Bill or Bills of Indictment against any Person or Persons who shall, without Right, keep Possession of any such Houses or Appurtenances, or who shall break down or damage, steal or take away any such Turnpikes, Toll Gates, Weighing Machines, Toll Houses, and other Houses, Buildings, Conveniences, and Appurtenances, or any Part or Parts thereof respectively, or any of such Materials, Articles, Matters, or Things, or who shall disturb them the said Trustees, or their Agents or Servants, in the Possession thereof; and in all Actions, Indictments, and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the Article, Matter, or Thing to be the Property of the Trustees of the Roads from *Tenterden* through *Woodchurch*, to *Wareborne*, without naming or otherwise describing the said Trustees.

Power to  
take Tolls.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the several and respective Turnpikes or Toll Gates, or Toll Houses, or Turnpike or Toll Gate, or Toll House or Side Bar, or Side Gate or Chain, which shall be erected by virtue of this Act, in, upon, across, or on the Side or Sides of the Roads by this Act directed to be amended and maintained, or any Part thereof, and on every Day, such Day to be computed from  
Twelve



Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night ; (that is to say),

For every Horse, Mule, or other Beast, except an Ass, drawing any Coach, Sociable, Berlin, Landau, Chariot, Phæton, Curricule, Calash, Vis-a-Vis, Chaise, Diligence, Caravan, Chair, Gig, Whiskey, Hearse, or Litter, the Sum of Sixpence : Tolls.

For every Horse, Mule, or other Beast of Draught, except an Ass, drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Four-pence Halfpenny :

For every Horse, Mule, or other Beast, except an Ass, laden or unladen, and not drawing, the Sum of Two-pence :

For each Ass, drawing any Kind of Carriage, the Sum of Three-pence :

For each Ass, not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score ; and so in proportion for any greater or less Number :

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

For every Horse, Mule, or other Beast drawing any Carriage, laden with Timber, Plank, or converted Timber, Wood, Cordwood, Faggots, Hop Poles, Chalk, Marle, Stone, Bricks, Tile, Mine, Charcoal, Sea-coal, or Iron, passing through any of the said Gates or Turnpikes, between the First Day of *October* and the First Day of *March*, Double the Tolls herein-before mentioned ; and that in Cases of Oxen drawing any Carriage, Two Oxen shall be considered and paid for as One Horse.

Which said respective Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike or Toll Gate, or Side Bar, or Side Gate, or Chain, to be erected by virtue of this Act upon or across the said Roads, or any Part thereof, or upon or across any Lane or Way leading into the same ; and the said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied to and for the Purposes of this Act, in Manner herein-after directed.

XX. And be it further enacted, That all Waggons, Carts, and other Carriages, having the Wheels of the Width and Descriptions, and the Axle-trees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying Extra Weights in certain Cases*, shall be allowed an Abatement of One-fourth Part of the Tolls by this Act granted : Provided always, that when any Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches or more, and drawn by not more than Four Horses, or other Beasts of Draught, and any Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches or more (provided that such Fellies respectively, and the Tiers thereon, shall lie so flat as not to deviate more than the Half of One Inch from a flat Surface) shall pass through any of the said Turnpikes, no more shall be demanded or taken than Half only of the Tolls herein-before made payable for or in respect

Abatement  
of Tolls in  
certain Cases.

Carriages  
with Broad  
Wheels to  
pay only  
Half Tolls.



respect of the Horses or other Beasts of Draught drawing such like Carriages respectively, not having Wheels of the respective Breadths aforesaid.

Tickets to be printed:

XXI. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver, *gratis*, to the Person paying such Toll, a Note or Ticket denoting such Payment; and all such Notes or Tickets shall be provided by the said Trustees, and there shall be printed thereon and specified the Names of the several or respective Gates which such Tickets shall free, or which ought, under the Provisions of this Act, to be passed free for one Payment of Toll.

Tolls may be distrained for in case of Non-payment.

XXII. And be it further enacted, That if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made either at the Gate, Bar, or Chain, where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Cattle, Carriage, or other Thing upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins (except the Bridle or Reins apart from the Horse or Horses), Saddles, Gears, or Accoutrements, or their Lading, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there refusing or neglecting to pay as aforesaid; and if such Toll, or any Part thereof so neglected or refused to be paid, and the reasonable Charges of Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Tolls to be paid but once a Day.

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



Time the said Person or Persons shall pass and repass on the same Day through the same Gate or Turnpike on the same Roads with the same Carriage; and that no Person shall be liable to the Payment of any Toll, or increased Charge, by reason of his passing through any Side Gate, or Side Bars, or Chains, to be erected and set up by virtue of this Act, upon or across any Lane or Road leading into or out of the said Roads, through any other of the Turnpikes to be erected by virtue of this Act, across any Part of such Roads, beyond what he would be liable to pay if he had passed through any of the said Gates only, any thing herein contained to the contrary notwithstanding.

XXIV. And be it further enacted, That no Person shall be subject to pay the Tolls hereby granted at more than Two Gates on the said Road from *Teunterden* through *Woodchurch* to *Kennardington Cross*, nor at more than Two Gates on the said Road from *Maylam's Corner* to *Appledore*, on the same Day, for or in respect of the same Horse, Cattle or other Beast or Carriage passing or repassing upon the said Roads, in case more than Two Gates shall be erected thereon.

Tolls not to be paid at more than Two Gates on the same Day.

XXV. 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 lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants); or if any Person or Persons owning or occupying any Tenements, Lands, or Grounds near to the said Roads, or any Part thereof, (the same not being a Public Highway) shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle or Carriage, through or over such Gate, Private Passage, Lands, or Grounds, in order to or with Intent to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons 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 having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, or shall leave upon or near any Part of the said Roads any Horse or Horses, or other Beast or Cattle, chargeable with the Payment of any of the said Tolls, with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, or other Cattle or Beast, without Payment of the Toll, all and every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Half whereof when raised, shall be paid to the Informer, and the other Half to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

Penalty on evading Tolls.

XXVI. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place in which the Cause

Disputes concerning Tolls to be settled by a Justice.



of Dispute shall arise; who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties; and also assess the Charges of such Distress, Keeping, and Sale, and also of the Attendance of any Person or Persons for that Purpose on such Justice, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem right and proper; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after Payment of such Costs, and the Costs of such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors of Tolls not incompetent Witnesses.

XXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or by reason of his, her, or their acting under the Authority of the said Trustees.

Penalty on Collectors compounding for Overweight.

XXVIII. And be it further enacted, That when any Weighing Machine shall be erected on any Part of the said Roads, in order the better to prevent Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Toll Gates to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed or to be appointed to the Care of any such Weighing Machine or Machines, which is, or may, or shall at any Time hereafter be so erected on the said Roads, shall suffer or permit any Waggon, Wain, Cart, or other Carriage liable to be weighed at any such Machine or Machines, to pass through the Toll Gate or Toll Gates to be erected on the said Roads, without weighing the same, or shall suffer or permit any such Waggon, Wain, Cart, or other Carriage to proceed on the said Roads, or any Part thereof, without having first paid the Toll payable for and chargeable upon such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for each and every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Collector suffering Carriages to pass without weighing.

XXIX. And be it further enacted, That if any Lessee or Lessees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Roads, or any Collector or Collectors, or Person or Persons appointed to the Care of any such Weighing Machine or Machines as aforesaid, shall make or enter into any Bargain, Contract, Composition or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money in gross, or otherwise, is or are to be paid by any Person or Persons for the Carriage



of Overweight in respect of any Waggon, Wain, Cart or other Carriage liable to be weighed at such Weighing Machine or Machines, each and every such Lessee or Lessees, Taker or Takers, Renter or Renters, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines so bargaining, contracting, or compounding, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition, or Agreement, forfeit and pay any Sum not exceeding Five Pounds.

XXX. Provided always, and be it further enacted and declared, That Exemptions. 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, Lime, Timber, Wood, Gravel or other Materials for repairing of the said Roads, or any of the Roads or Bridges in the Parishes in which any Part of the said Roads are situate, provided that such Materials be carried or conveyed in Carriages with Wheels of the Breadth of Six Inches or wider; 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), and also except Sleech and Marle carried in the Winter Months between the First Day of *October* and the First Day of *April*, and also except Sleech and Marle carried in the Summer Months between the First Day of *April* and the First Day of *October*, in Carriages with Wheels of less Breadth than Six Inches; or for any Horses or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried; or going to or returning from Mill with the Grist belonging to the Family of the Owner of such Horses or Cattle; 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 Roads 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 Post-master General, either when employed in conveying, or returning back from conveying the same; or for 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



ployed 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 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 Uniforms 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 Act.

Carriages for His Majesty's Service, not liable to Penalty for Overweight.

XXXI. Provided always, and be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage for drawing the same, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Carriages going for Lime or Sleafch exempt from Toll on returning within 36 Hours.

XXXII. Provided always, and be it further enacted, That if any Carriage, unladen and empty, shall pass through any One or more of the said Turnpikes or Side Gates to be erected by virtue of this Act, for Lime or Sleafch for manuring of Land, and the Toll hereby granted shall be paid for the Horses or other Cattle drawing the same, every such Carriage shall be permitted to return laden with Lime or Sleafch, and drawn by the same Horses or other Cattle, Toll-free, through the same Turnpike or Turnpikes, Side Gate or Side Gates, at any Time within the Space of Thirty-six Hours next after such Toll shall have been paid; any thing herein contained to the contrary notwithstanding.

Tolls may be lessened.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any Meeting to be holden for that Purpose, whereof at least Ten Days Notice shall be given in Writing, to be affixed on all the Toll Gates to be erected on the



the said Roads, and published in some Public Newspaper circulated in the Neighbourhood thereof, from Time to Time, as they shall think proper, to lessen or reduce and again to raise and advance all or any of the Tolls hereby granted, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken, and so as such Reduction be with the Consent, in Writing, of the several Persons who shall be entitled to Five Sixth Parts of the Money then due on the Credit of the said Tolls; and such Tolls, so reduced or advanced, and every of them, shall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound for any Term not exceeding Three Years 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; and such Composition Money shall be paid in advance monthly; and in default of such Payment, the Composition or Agreement with the Person or Persons so making Default shall from thenceforth be void; and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act. Tolls may be compounded for.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, (at any Meeting whereof Ten Days Notice shall have been given in Writing, and affixed upon all the Toll Gates then erected on the said Roads, and inserted in some Newspaper circulated in the Neighbourhood of the said Roads), from Time to Time to demise or let to Farm, or agree to demise or let to Farm, all or any of the Tolls or Forfeitures arising by virtue of this Act, and all or any of the Toll Houses and Weighing Engines, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price or Rent such Trustees can get for the same, payable at such Time or Times, in such Manner, and under such Conditions and Agreements, and to such Person or Persons, with such Securities for the Payment thereof, as they the said Trustees, or any Five or more of them shall think fit, and the Monies arising thereby shall be applied in such Manner as the Tolls so leased or demised are directed to be applied. Tolls may be leased.

XXXVI. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, and during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, Lessees, or Persons appointed by them, may collect Tolls.



Letting, but not further or otherwise; and that such Lessee or Lessees, Farmer or Farmers, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, farmed, or let, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever; as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Penalty on Collector, &c. taking greater or less Tolls than allowed.

XXXVII. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken; or a greater or less Toll than so authorized and directed by the said Trustees to be taken under the Authority of this Act, such Lessee, Farmer, or Renter, shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, and also the Contract for renting the Tolls shall be declared to be vacated, if the said Trustees or any Five or more of them shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered and applied in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such demand or taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

For preventing Toll Collectors from misbehaving, &c.

XXXVIII. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters in the Front, or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, 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 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 same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, 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, in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and  
naming



naming and specifying the several Gates freed by such Toll, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent, any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties by this Act are directed to be recovered and applied.

XXXIX. Provided always, and be it further enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector, who shall or may be employed by virtue of or in Execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Collectors.

XL. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement or Contract for demising or letting thereof, then and in either of those Cases it shall and may be lawful for any Justice of the Peace for the said County or Place where the Offence shall be committed, by Warrant under his Hand and Seal, to order the Constable, or other Peace Officer, as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof, and that thereupon it shall be lawful for the said Trustees, or any Five or more of them, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Enabling Trustees to take Possession of Toll Houses when let to farm.

XLI. And be it further enacted, That the said Trustees, or any Five or more of them, at any of the Meetings to be holden under or by virtue of

Power to borrow Money and to assign this Tolls.



this Act, may and they are hereby authorized and empowered, from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted, such Sum and Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted, (the Charges of mortgaging the same to be paid out of such Tolls) for any Term, or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same; which Mortgage shall be made in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

Form of  
Mortgage.

‘ BY virtue of an Act passed in the First Year of the Reign of His  
 ‘ Majesty King *George* the Fourth, intituled *An Act* [*here insert the*  
 ‘ *Title of this Act*] We \_\_\_\_\_ of the Trustees for putting the said  
 ‘ Act into Execution, in Consideration of the Sum of \_\_\_\_\_ to the  
 ‘ Treasurer of the said Trustees in hand paid, do grant, bargain, sell, and  
 ‘ demise, unto \_\_\_\_\_ his [*her, or their*] Executors, Administrators or  
 ‘ Assigns, such Proportion of the Tolls arising by virtue of the said Act,  
 ‘ and of the Toll Gates and Toll Houses for collecting the same, as the  
 ‘ said Sum of \_\_\_\_\_ doth or shall bear to the Whole of the  
 ‘ Monies owing and secured on the Credit thereof; to be had and holden  
 ‘ from this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord  
 ‘ \_\_\_\_\_ for and during the Continuance of the said Act,  
 ‘ unless the said Sum of \_\_\_\_\_ with Interest at the Rate of  
 ‘ \_\_\_\_\_ *per Centum per Annum*, shall be sooner paid and satis-  
 ‘ fied. Given under our Hands and Seals this \_\_\_\_\_ Day of  
 ‘ in the Year of Our Lord \_\_\_\_\_

Copies of  
Mortgages  
to be entered  
in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, before One credible Witness, by an Instrument, whether indorsed or not indorsed upon such Mortgage or Assignment, in the following Words, or in Words to the like Effect; (that is to say),

Form of  
Transfer;

‘ I \_\_\_\_\_ do transfer this Mortgage or Security [*or, a certain*  
 ‘ Mortgage or Security, *shortly stating it, as the Case may be*], with all  
 ‘ my Right and Title to the Principal Money thereby secured, and all  
 ‘ Interest now due thereon, unto \_\_\_\_\_ his [*or, her or their*] Exe-  
 ‘ cutors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day of  
 ‘ in the Year of our Lord \_\_\_\_\_ Witness \_\_\_\_\_

which must  
be entered  
with the  
Clerk, upon  
Notice there-  
of, within Six  
Months.

Which Transfer shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Six Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the said Clerk or Treasurer shall be paid the Sum of Ten Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee or Assignees



Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees may in like Manner assign and transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

XLII. 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 Tolls, Toll Gates, Buildings, and 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.

XLIII. And be it further enacted, That out of the first Money which shall arise or be received from the Tolls, Mortgages, or otherwise, by this Act granted, the said Trustees, or any Five or more of them, shall in the first place, and in preference to all other Payments whatsoever, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied in keeping down the Interest of the Principal Monies which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof, and in making, repairing, widening, varying, altering, turning, improving, and rendering commodious the said Roads, and in otherwise putting this Act into Execution, and afterwards in repaying the Principal Monies already borrowed by virtue of this Act, and to and for no other Use or Purpose whatsoever.

Application of the Tolls and Money to be borrowed.

XLIV. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the Roads by this Act directed to be repaired, for the better Accommodation of Coaches, Carts, Carriages, and Passengers, it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Houses, Buildings, Lands, Grounds, or Hereditaments, lying near or contiguous to the said Roads, and for the Loss or Damage the Owners, Proprietors, and Occupiers of such Lands, or any of them, shall or may in anywise sustain by such widening, turning, varying, or altering such Roads, and to pay for the same out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers or Persons interested as aforesaid,

Trustees may widen or alter Road and purchase Land.

[Local.]

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and



and the said Trustees, or any Five or more of them, and for the Costs attending such Purchase; which Road, when widened, turned, varied, or altered by virtue of this Act, shall be and remain Thirty Feet wide at the least, between and exclusive of Ditches; and such Houses and Buildings shall and may be pulled down, and the Ground whereon the same stand, together with the other Lands and Grounds, when so purchased as aforesaid, shall, by the Order and Direction of the said Trustees, or any Five or more of them, be laid into and made Part of such Roads, in such Manner as they shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall from thenceforth be deemed, and taken as a Public or Common Highway, and Part of the Roads to be repaired by virtue of this Act; and after any such Lands shall be made Part of the said Road as aforesaid, the Lands or Ground comprized in or constituting the former Road, in lieu whereof such Land or Ground shall be purchased as aforesaid, shall be vested in the said Trustees, and shall and may be sold or disposed of in Manner herein-after mentioned, by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that at the Time of such Sale can be reasonably had or gotten for the same; and the Conveyance thereof, being executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the said County of *Kent*, or with the Town Clerk of the said Town and Hundred of *Tenterden*, in which such Lands or Hereditaments shall lie, shall be good and effectual to all Intents and Purposes: Provided always, that it shall not be lawful for the said Trustees in diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Roads, save and except as herein-after mentioned, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Not to deviate more than 100 Yards.

Houses beyond a certain Value not to be purchased without the Consent of the Creditors to a certain Amount.

XLV. Provided always, and be it further enacted, That no House or Building of the Value of more than One hundred Pounds, shall be so purchased or contracted for without the Consent of the Person or Persons who shall be entitled to Five Sixths of the Money borrowed and owing on the Credit of the said Tolls, to be signified by such Creditors personally, or in Writing, at a Meeting of the said Trustees, to be convened by public Advertisement in some or one of the Newspapers printed and circulated in the said County of *Kent*, and affixed on all the Turnpikes to be erected by virtue of this Act, Ten Days at the least before such Meeting, specifying the Houses or Buildings so proposed to be purchased.

For restraining the Trustees from deviating beyond certain Distances of the Line prescribed in the Plan, &c.

XLVI. And whereas a Map or Plan, describing the Line of the said Road, and the Lands through which the same is intended to be carried, together with a Book of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have 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 and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure,



Pleasure, paying the Clerk of the Peace for the Time being of the said County the Sum of Six Shillings and Eight-pence for every such Inspection, and at the Rate of Four-pence 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 the said Road and Branch shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, 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.

XLVII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, Tenants in Tail or for Life, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid; or to sell and convey unto them, or any Five or more of them, any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid, to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Trustees may contract for purchasing Lands of Bodies Politic, &c.

XLVIII. And be it further enacted; That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenants in Tail or for Life, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to the said Road, and through which any Part of such Road is or are to be made, varied, diverted, turned, or altered; shall for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat; or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage or Recompence to be inquired into, and ascertained by a Jury of Twelve indifferent Men of the said County of Kent, or of the said Town and Hundred of Tenterden; within the Jurisdiction of the said Town and Hundred; and in order thereto, the said Trustees, or any Five or more of them, are hereby em-

When Persons neglect or refuse to treat.

Damages to be settled by a Jury.

powered



Trustees to  
issue their  
Warrant to  
the Sheriff to  
summon the  
Jury.

powered and required, from Time to Time, as Occasion shall be and require, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any one or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgment, Order, or Determination thereupon, shall be final, binding and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Remainder, Reversion or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Kent*, or to the Bailiff, or other proper Officer of the said Town and Hundred of *Tenterden*, requiring him to impanel, summon, and return Twenty-four Persons, qualified to serve on Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff, Bailiff, or other Officer, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on that Jury, and who shall not appear, without showing any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without any reasonable



able and sufficient Excuse, or appearing shall refuse to be sworn or examined or give Evidence, so that no such Fine be more than Ten Pounds upon any such Sheriff, Deputy, Bailiff or Agent, nor more than Five Pounds on any other Person for one Offence.

XLIX. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons, in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees, out of the Money to arise by virtue of this Act, such Costs and Expences to be ascertained and settled by some Justice of the Peace for the said County in Manner herein-after mentioned; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the said County, not interested in the Matter in question (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose) shall and may be deducted out of the Money so assessed, and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money, or depositing the same in the Bank of *England* in Manner hereafter directed, shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

How Expences of the Jury shall be paid.

L. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence or Satisfaction to be agreed for as aforesaid, shall be paid out of the Tolls or out of the Monies to be raised by virtue of this Act, either into the Bank of *England* as herein-after men-

Money agreed upon or assessed, how to be paid or tendered.

[*Local.*]

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tioned,



tioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof into the Bank of *England*, or upon Payment or Tender thereof to such Persons or their Agents, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen or Agents, to make, extend, widen, divert, or turn such Road through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands or Hereditaments, as the said Trustees or any Five or more of them shall think fit, according to the Directions of this Act.

Houses, Gardens, &c. not to be taken without Consent.

LI. Provided always, and be it further enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the taking or pulling down of any Dwelling House or other Buildings, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained for that Purpose; any thing herein contained to the contrary notwithstanding.

Application of Compensation if amounting to 200l.

LII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied; under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court; in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and



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 or capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest, 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, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed or amount to 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, Idiocy, Lunacy, or other Incapacity, 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 to 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 Five Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where less than 200l. and amounting to 20l.

LIV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last 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 this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Where under 20l.

LV. And



Directions in  
Cases of not  
making out  
Titles.

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

In case of dis-  
puted Titles.

LVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Person, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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.

LVII. Pro-



LVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order reasonable Expences to be paid by Trustees.

LVIII. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may and they and he are and is hereby empowered to contract for not more than Three Years with any Person or Persons for making, altering, diverting, widening, or repairing the said Roads, or any Part thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Works to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons who shall sign the same, his, her, or their Executors or Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for making or repairing the said Road, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties or Person or Persons so as aforesaid making default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Trustees may contract for making and repairing the Road, &c.

LIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and to or 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 Roads, out of or from any Commons or Waste Grounds, common River, Brook, or Pit in any Parish, Hamlet, or Place in which any Part of the said Roads shall lie, or in any adjoining Parish, Hamlet, or Place, without paying any Thing for the

For getting Materials to make and repair the Road.

[Local.]

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same,



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 One or more Justices of the Peace for the County or Place in which the said Roads do 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, Hamlet, or Place in which any Part of the said Roads shall lie or be situate, where the same may be had or found, in any Parish, Township, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township, or Place (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or rendering 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 Roads shall be carried, according to their respective Rights and Interests in such 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 Person or 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 Roads do lie, on Eight 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 Payment and Damages.

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

LX. 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 this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road, out of or from any inclosed Lands or Grounds until Eight 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 Two or more Justice or Justices of the Peace acting for the County, Hundred, Division, or Place where such Premises shall lie, to show 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 show 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 herein contained to the contrary thereof notwithstanding.

LXI. Provided always, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered or procured 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 Seven 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 this Act mentioned.

Penalty on taking away Materials got by the Surveyor.

LXII. And be it further enacted, That if any Person shall from and after the Thirty-first Day of *August* next encroach, by making or causing to be made any Dwelling House or other Building, Wall, Hedge, Ditch, or other Fence thereon, every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings, to such Person as shall give Information of the same; 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, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Walls, Hedges, Ditches, or other Fences, to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace in and for the said County, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy, as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Ditches, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Penalty for erecting Encroachments on the Side of the Road.

LXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways, for the Use of Foot Passengers along any Part of the said Roads, in such Manner as they shall think proper; and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto, not being a Garden, Yard, planted Walk, or Avenue to a House; and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted

Power to make Causeways and Drains.



planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle and Carriages as a public Highway, whilst such ruinous or narrow Part of the said Roads be repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees that then it shall be lawful for the Justices of the Peace, assembled at the next General Quarter Sessions of the Peace for the said County, on Eight Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties.

Surveyors  
may remove  
Annoyances.

LXIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint (by the Direction of the said Trustees or any Five or more of them under their Hands) from Time to Time to remove and prevent all Annoyances on any Part of the said Roads by Rails, Steps, Sign Posts, and other Posts, and also by Filth, Dung, Ashes, Rubbish, Waggon, Carts, or Carriages left on the Sides of the said Roads, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads to the Prejudice thereof; and to cleanse any Ditch or Watercourse next adjoining to the said Roads; and at proper Seasons of the Year to cut down, lop or top any Branches of Trees, Shrubs, or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, not being in any Garden, Orchard, Yard, planted Walk, or Avenue to a House, or not being planted as an Ornament or Shelter to a House, in case the Person or Persons occasioning such Annoyance, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop or top such Branches of Trees or Bushes, shall refuse or neglect so to do for the Space of Seven Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the said Trustees, or any Five or more of them, or of their Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person, in like Manner as herein authorized or directed for the Recovery of any Penalty; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every such Person shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

For prevent-  
ing Nui-  
sances, &c.

LXV. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Road, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze or be and remain loose on the said Road, or any Footway or Path on the  
Side



Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path, formed upon or on the Side of or adjoining the said Road, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such, Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage, upon the said Road, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and Meeting another Carriage, shall not keep his Carriage on the Left or Near Side of the said Road, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Road, or Play at Football or any other Game or Games on the said Road, or on any Part or Parts thereof, or on any Footway or Path adjoining thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) upon or on the Side of the said Road, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof, as near to the Side of the said Road as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person, after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Road the Stone or other Matter or Thing used in such blocking; or shall scrape off any Soil or other Thing from the said Road, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof, without leave of the said Trustees or any Five or more of them, or their Surveyor or Surveyors; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; or if any Person or Persons shall wilfully commit any Nuisance or Annoyance upon the said Road, or on the Side or Sides thereof, every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered before any Justice or Justices of the Peace for the County or Place wherein the Offence shall or may be committed, and applied in like Manner as any other Penalty is directed to be levied, recovered, and applied by the said recited Acts, or this Act, or either of them.



Roads to be measured and Mile Stones and Guide Posts to be erected.

LXVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be erected upon or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any other Place or Places, as the said Trustees, or any Five or more of them, shall think fit; and also cause to be erected Guide Posts upon such Parts of the said Road, where the same are crossed or joined by other Roads, as they shall think proper; and if any Person shall wilfully break, throw down, injure, destroy, obliterate or deface any of the said Stones or Posts, or any of the Letters, Figures, or Marks which shall be inserted thereon, or wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches on the said Road, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for each Stone, Post, or Parapet Wall so broken, thrown down, injured or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof shall go to the Informer, and the other Moiety to be applied to the Purposes of this Act.

Gates to Fields to open inwards.

LXVII. And be it further enacted, That all Gates (save and except such Gates the Hanging Posts whereof respectively shall be so far removed from the Centre of the said Roads that such Gates shall not when open swing or hang over any Part of the said Road) to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to any Part of the said Roads, shall be so made, hung, and constructed, as to open inward towards such Field or Ground, and not outward towards the said Roads; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road to be altered and made to open inward towards such Field or Ground, Yard, or other Place, as they the said Trustees shall think proper.

Persons, &c. before liable to Repairs to continue so.

LXVIII. And be it further enacted, That all and every Person and Persons, Parishes, Hamlets, Villages and Places, and the Inhabitants thereof respectively, and Bodies Politic and Corporate, who before the passing of this Act have or hath used or of right ought to repair any Part or Parts of the said Roads, or any Bridge, Drain, or Watercourse in or upon the same, shall, notwithstanding this Act, be subject and liable to such Repairs, in the same Manner as they and every of them have or hath heretofore usually been or would have been in case this Act had not been passed.

Justices to determine Differences touching Statute Work.

LXIX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace acting within the County of *Kent* and Town and Hundred of *Tenterden*, in their respective Jurisdictions, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by their Clerk or Surveyor, by their Order, from Time to Time to ad-  
judge,



judge, apportion and determine what Part or Proportion, and how much of the Statute Work or Duty shall every Year be done and performed upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, Districts, Divisions or Places in which the said Roads lie; and also what Proportion, and how much of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work or Duty shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, District, Division, or Place, to bring in Lists unto and before such Justices, at some Time and Place to be expressed in such Summons, (within Ten Days after the serving of such Summons), containing the Names of the several Persons who within such Parish, Hamlet, District, Division, or Place, are by Law subject and liable to do and perform Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Composition for Statute Work or Duty, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and specifying the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be limited, directed, and appointed by any Law or Statute in force and effect for the Repair of Public Highways; and out of such Lists the said Justices respectively shall or may allot, appoint, order or direct such and so many of the Persons who shall appear to be subject and liable to Statute Work or Duty as aforesaid, to do and perform such Number of Days Statute Work or Duty in every Year, upon the said Roads, as the said Justices shall think reasonable and proper; and the same shall be done on such Days and at such Times (not being Seed-time, Hay-time, or Harvest), and on such Part or Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors for the Time being shall from Time to Time order, direct, and appoint; and the said Justices may also order, apportion, direct, and appoint the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work or Duty as aforesaid, to pay such Proportion thereof as the Justices shall think proper, to the Surveyor or Surveyors of such respective Parishes or Places, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Trustees shall direct; and in default of Payment thereof the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do and perform such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught Horse,



Horse or Beast, to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that case the Person so coming to work, or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or permit such Team or Draught, Horse or Beast to work on any Part of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, Districts, Divisions, or Places in which the said Roads lie, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect and pay over such Composition, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road.

For com-  
pounding for  
Statute  
Work.

LXX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, in advance, on or before the First Day of *December* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

For enforcing  
the Payment  
of Composi-  
tion Money.

LXXI. And be it further enacted, That in case the Composition Money agreed to be paid for or in lieu of any such Repairs for Statute Work as aforesaid, or any Part or Parts of such Composition Money, shall not be paid within Four Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace for the said County, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money, (Oath having been first made before such Justice or Justices that the same hath been demanded, and remains due, which Oath such Justice or Justices is or are hereby empowered to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways so agreeing to make such Composition in lieu of any such Repairs for Statute Work (as the Case may be) returning the Overplus (if any) upon Demand, after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

Surveyors,  
&c. may re-  
cover the  
same.

LXXII. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any



any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner as by the Laws in being Surveyors of the Highway are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

LXXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and Recovery whereof is not otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of any one Justice of the Peace for the said County of *Kent*, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters and Things, and to hear and determine the same, and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Six Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for the said County, and he is hereby authorized and required by Warrant under his Hand and Seal to cause such Offender or Offenders to be committed to the Gaol of the said County, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Fines, Penalties, and Forfeitures, when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to and for no other Use or Purpose whatsoever: Provided always, that it shall be lawful for any such Justice, if he thinks fit, to order and direct any Penalty or Penalties which may be incurred by any Contract or Contracts under this Act, to be deducted and retained out of any Money payable under such Contract or Contracts, and to be applied as aforesaid.

Recovery of  
Fines, For-  
feitures, and  
Penalties.



Distress not to be deemed unlawful for Want of Form.

LXXIV. And be it further enacted, That where any Distress or Distresses shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect in the Summons, Conviction, Warrant of Distress, or Warrant or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity by him or them done or committed after such Distress made or taken; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case.

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

LXXV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought, at any Time before issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment, shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

For securing unknown Persons guilty of Offences.

LXXVI. And be it further enacted, That it shall and may be lawful for any of 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 this Act, to seize and detain any Person or Persons being unknown to such Trustees, Collectors, Surveyors, or other Officers, who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said County, near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice or Justices shall and is and are hereby required to proceed to the hearing and determining of the Complaint.

Form of Conviction.

LXXVII. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen), or in any other Form of Words to the same Effect;

‘ to wit. { **B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the \_\_\_\_\_ Year of His Majesty’s Reign, and  
 ‘ in the Year of our Lord \_\_\_\_\_ is convicted before  
 ‘ of His Majesty’s Justices of the Peace for the said County, by virtue of  
 ‘ an



an Act passed in the First Year of the Reign of King George the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act, and specify the Offence when and where committed*]. Given under our Hands and Seals [or, my Hand and Seal] the Day and Year first above written.

LXXVIII. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, shall be quashed, set aside, or vacated for Want of Form only, nor shall be removed or removable by Certiorari or otherwise into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relative thereto; and if an Irregularity shall be afterwards committed by any Person or Persons distraining, he, she, or they shall not on that Account be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained thereby in an Action upon the Case; but the Plaintiff or Plaintiffs shall not recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall be made by or on Behalf of the Party distraining before such Action brought.

Proceedings  
not to be  
quashed for  
Want of  
Form.

LXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at their First General Quarter Sessions to be held in and for the said County of *Kent*, within Four Calendar Months after the Matter of such Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Treasurer or Clerk to the said Trustees, or other the Respondent or Respondents, and within Four Days next after such Notice entering into a Recognizance or Recognizances, before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the said Justices at such Session; and the said Justices at such Session, upon due Proof of such Notice being given, and of entering into such Recognizance or Recognizances, shall hear and finally determine such Appeal in a summary Way, and shall award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices shall think proper; and the Determination of the Justices at such Sessions shall be final, binding, and conclusive upon all Parties interested.

Persons ag-  
grieved may  
appeal to  
Quarter  
Sessions.

LXXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done or pretended to be done in pursuance of this Act, until after Twenty-one Days Notice thereof shall be given to the Clerk to the said Trustees, nor after a suffi-

Limitation of  
Actions.



General  
Issue.

a sufficient Satisfaction, or a Tender thereof, shall be made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before the Twenty-one Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall have been given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Treble Costs.

To compel  
Payment of  
Subscrip-  
tions.

LXXXI. Provided always, and be it further enacted, That the several and respective Persons who have already subscribed or agreed to subscribe, or shall or may hereafter subscribe or agree to subscribe, any Money for or towards the obtaining this Act, and the making or repairing the said 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 to sue for and recover the same in the Name of any One or more of the said Trustees, or 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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

Public Act.

LXXXII. 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.

LXXXIII. And be it further enacted, That this Act shall commence and take effect upon the passing thereof; and 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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