



ANNO PRIMO

GEORGIIV. REGIS.

Cap. lxxvi.

An Act for continuing the Term, and altering, amending, and enlarging the Powers, of Two Acts of the Thirteenth and Thirty-ninth Years of the Reign of His late Majesty King *George* the Third, for repairing the Road leading from the High Street in the City of *Rochester*, to *Maidstone*, in the County of *Kent*. [8th July 1820.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of* 13G.3.c.114. *Three Acts, passed in the First, Ninth, and Twenty-second Years of the Reign of His late Majesty King George the Second, for repairing and enlarging the Road leading from the House called The Sign of the Bells, in the Parish of Saint Margaret, in Rochester, to Maidstone, and other Roads therein mentioned, in the County of Kent*: And whereas the Powers and Provisions of the said Acts of the First, Ninth, and Twenty-second Years of the Reign of His said late Majesty King *George* the Second, were by the said last-mentioned Act repealed: And whereas an Act was passed in the Thirty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence* 39 G. 3. c. 62.

[*Local.*]

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to

to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers, of an Act passed in the Thirteenth Year of the Reign of His present Majesty King George the Third, intituled 'An Act for enlarging the Term and Powers of Three Acts, ' passed in the First, Ninth, and Twenty-second Years of the Reign ' of His late Majesty King George the Second, for repairing and ' enlarging the Road leading from the House called The Sign of the ' Bells, in the Parish of Saint Margaret, in Rochester, to Maidstone, ' and other Roads therein mentioned, in the County of Kent: ' And whereas the Trustees appointed in or by virtue of the said Two recited Acts have proceeded and continued to put the same in Execution, and have made considerable Progress in the repairing, improving, and establishing the said Road, leading from the High Street of the said City of Rochester to Maidstone aforesaid, in the said County of Kent, and for that Purpose have from Time to Time borrowed and taken up at Interest, upon the Credit of the Tolls authorized to be taken on the said Road, and on other Monies payable to and receivable by the Trustees of the said Road, considerable Sums of Money, amounting altogether to the Sum of Four thousand six hundred and fifty Pounds, and have duly applied the same Monies, and also the Tolls payable to and receivable by the said Trustees, according to the Directions of the said Acts; and which said Principal Sum of Four thousand six hundred and fifty Pounds is still remaining due and owing upon the Credit of the said Tolls and Monies as aforesaid: And whereas the Term granted and continued by the said last recited Act is nearly expiring, and the said Debt, now due upon the Credit of the said Tolls and other Monies receivable by the said Trustees, cannot be discharged, nor the said Road properly and effectually amended, improved, and kept in Repair, unless the Term of the said recited Acts be further continued, and some of the Powers and Provisions thereof altered, amended, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Thirteenth and Thirty-ninth Years of the Reign of His late Majesty King George the Third, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained (except such as are varied, altered, or repealed, and such as relate to Exemption from Stamp Duties) shall be and they are hereby further continued, for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations, Amendments, Variations, and Additions herein contained, and which shall commence and take Effect immediately upon and from the passing of this Act; and this Act, and the additional Term hereby granted, and the said recited Acts, and the Tolls and other Monies thereby granted and receivable, and hereby continued, shall be and are hereby declared to be subject and liable to the Payment of all the Money now due and owing on the Credit or on Account of the said former Acts, or any or either of them, or which shall be hereafter borrowed

The recited Acts further continued.

borrowed on the Credit of the said Acts and this Act, and the Interest due and to grow due thereon respectively.

II. And be it further enacted, That all and every His Majesty's ^{New Trus-} Justices of the Peace acting for the Time being for the said County ^{tees.} of Kent, and residing within the Western Division of the said County, together with *Philip Corrall, Robert Stone, John Mercer, John Mares, James Ellis, George Burgess, Charles Wise, Thomas Edward Hulkes, Horatio Pope, Daniel Scratton, Samuel Baker, William Nicholson, Charles Thompson, David Hermitage Day, and Thomas Day*, shall be, and they are hereby appointed Trustees, and added to and joined with the Trustees appointed in or by virtue of the said recited Acts, or either of them, for putting the same Acts and this Act in Execution.

III. Provided always, and be it further enacted, That no Person ^{Qualification} shall be capable of acting as a Trustee in the Execution of the said ^{of Trustees.} recited Acts and this Act, whilst he holds any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Acts and this Act, or any of them, nor in any Case wherein he shall be personally interested otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath, or being one of the People called *Quakers*, an Affirmation, in the Words or to the Effect following; (that is to say),

‘ I, *A. B.* do swear [or, being one of the People called *Quakers*, do ^{Oath.} solemnly affirm], That I truly and *bonâ fide* am in my own Right [or, in the Right of my Wife], in the actual Possession and Enjoyment or Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [or, am possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Four thousand Pounds, or, am Heir Apparent to *A. B.* who to the best of my Knowledge is possessed of a Real Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds].
‘ So help me GOD.’

And if any Person unqualified by any of the Causes aforesaid, or not being qualified as herein-before mentioned, shall nevertheless presume to act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered

recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and if the Person so prosecuted shall not prove that he is so qualified, he shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Acts and this Act, or any of them, any thing in the said recited Acts, or any of them, contained to the contrary thereof notwithstanding: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said Acts and this Act, or any of them (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act: Provided always, that such Trustees as are or shall be Justices of the Peace, shall and may act as Justices in the Execution of the said recited Acts and this Act, and each of them, notwithstanding their being Justices, except only in such Cases where they shall be personally interested otherwise than as a Creditor or Creditors on the Tolls authorized to be taken on the said Road.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at their First or Second Meeting, to be holden in pursuance of the said recited Acts or this Act, to elect any additional Number of fit and proper Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of the said recited Acts and this Act; and such Trustees so elected shall be and are hereby vested with the same Powers and Authorities for executing the said Acts and this Act, as if they had been named and appointed Trustees in or by virtue of this Act.

Three Trust-
tees to be a
Quorum.

V. And be it further enacted, That all Acts to be done relative to the Execution of the said recited Acts and of this Act, or any of them, shall and may be done and executed by the Majority of the Trustees who shall be present at the respective Meetings to be holden in pursuance thereof respectively, the whole Number present of such Trustees not being less than Three; and all Acts, Proceedings, Matters and Things so done, shall be as good, valid, and effectual, as if the same had been done by all the Trustees named in or appointed under or by virtue of the said recited Acts and this Act, or any of them.

Books of
Accounts to
be kept, and
to be open to
the Inspection
of Trustees
and Credi-
tors.

VI. 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

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, or any Creditor or Creditors on the Tolls hereby or by the said recited Acts or either of them 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 not permit, or shall refuse to permit, the said Trustees, or such Creditors, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in Manner as any other Penalty in the said recited Acts or any of them mentioned.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act or any or either of them; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any or either of them; and if any Person shall act in both the said Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any or either of them, or if any Person, being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts and this Act, or any or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk not to be the Treasurer, and vice versa.

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

An Action of Ejectment may be supported by One Mortgagee.

Exemptions.

IX. And be it further enacted and declared, That the Exemptions from Tolls granted by the said recited Act of the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes; and that instead thereof, none of the Tolls by the said recited Acts granted and continued, 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 Road, or any Roads or Bridges in the several Townships, Parishes, Hamlets, or Places in which any Part of the said Road is situate; or Hay, Grass, Turnips, Potatoes, or other Fodder, Straw, or Corn in or out of 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 sowing therein, or for Faggots or Firewood, being the Produce of and cut from Lands in the actual Occupation of the Owner or Owners of such Articles respectively, and carried or conveyed for the proper Use and Consumption of such Owner or Owners; 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 and 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, Ashes or other Manure (except Chalk and Lime) to be employed only in Husbandry for manuring or improving Lands, and not for printing, dyeing, or other Purposes of Trade; or undried Hops from the Hop Grounds to the Kilns or Oast Houses of the Owner or Owners of such Hops, or old Hop Poles for firing only, from the Lands and Grounds where the same have been used, to the House or Houses of the Owner or Owners, or Occupier or Occupiers thereof; or for any Horse or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried; or employed in the ploughing, sowing, tilling, cultivating or stocking any Land or Ground; or for or in respect of any Horse or Horses drawing any Waggon, Cart, or other Carriage going to or returning from being repaired; or from any Occupier of Land going to or returning from his or her Farm or Farms; or from any Person going to or returning from his or her 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 attending the Funeral of any Person who shall die and be buried in any or either of the said Townships, Parishes, Hamlets or Places; or from any Clergyman going to or returning from visiting sick Persons, or upon other his Parochial or Ministerial Duty, on a *Sunday*, or on any Day on which Divine Service is ordered by Authority to be celebrated; 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,

General, either when employed in conveying or returning 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 in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of, for, or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the 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*, or of a Burgess or Burgesses for the said Town of *Maidstone*, or of a Citizen or Citizens for the City of *Rochester*, 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 for the Purposes of this Act and the said recited Acts.

X. 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, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart or other Carriage, or for being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Owners or Drivers of Waggons in the King's Service, not subject to Penalties for Overweight, nor for putting any Number of Horses to such Waggons.

XI. And be it further enacted, That all Waggons, Carts and other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees 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

Abatement of Toll in certain Cases.

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 the said recited Acts granted and continued.

For settling
Disputes
concerning
Tolls.

XII. And be it further enacted, That if any Dispute shall happen or arise about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or the Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Tolls due, and the Charges of the making, keeping, and selling the Distress, be ascertained by some Justice of the Peace for the said County of *Kent*, or for the Division or Place wherein the Turnpike or Toll Gate shall or may be situate, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof, forthwith by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Tickets to be
provided de-
noting Pay-
ment of Toll.

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

Toll Collec-
tors to put
up their
Names.

XIV. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Acts and this Act or either of them, and also all and every Lessee when he shall be the Collector of the Tolls himself, 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 after coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater
or

or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts and this Act or either of them, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Tolls, and naming and specifying the Gate or several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied, in such and the same Manner as other Penalties are by the said recited Acts or this Act, or any or either of them, directed to be levied, recovered, and applied.

XV. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Acts and this Act, at the Turnpike Gates on the said Road or either of them, shall be demised or let to farm to any Person or Persons in pursuance of the said recited Acts or this Act, or the Act of the Thirteenth Year of the Reign of His said late Majesty King George the Third intituled *An Act to explain, amend, and reduce into one Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll in respect of any Kind of Carriage, Waggon, Cart, Horse, Beast, or other Cattle, than those demised or let to him, her or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof shall be in Arrear and unpaid for the Space of Five Days next after any of the Days or Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike Gate or Gates shall be in the Possession of any such Lessee or Lessees, Farmer or Farmers, or Person or Persons by him, her, or them appointed to collect the Tolls thereat; then and in any of the said Cases, it shall be lawful for the said Trustees, if they shall think proper, to vacate and determine such Demise and Contract, giving Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Toll Houses at such respective Turnpike or Turnpikes, and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes, (save as to the Covenant for Payment of the Rent to the Day of such Notice being delivered); and in case such

Power for Trustees to take Possession of Toll Houses on Breach of Contract by Lessee of Tolls.

Lessee or Lessees, Farmer or Farmers, shall not, on Service of such Notice as aforesaid, deliver the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Gates, with the Appurtenances so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace of the said County of *Kent*, or of the Division or Place wherein such Toll House or Toll Houses, and Turnpike Gate or Gates shall or may be situated by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with their Goods, out of such House or Houses, and to put such Person or Persons into the Possession thereof as the said Trustees shall appoint.

Trustees not to administer Oaths on verifying Officers Accounts.

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

Trustees not to deviate more than One hundred Yards from the Line of the old Road, without Consent of Owners and Occupiers of the Land.

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

Gates of Fields not to open into the Road.

XVIII. And be it further enacted, That all Gates hereafter to be placed in any Field or Ground adjoining any Part of the said Road, shall be made and hung to open and swing into the said Fields or Grounds, and not unto or towards the said Road; and it shall be lawful for the said Trustees to order all such Gates as are now erected, and that may hereafter be erected, and open unto or towards the said Road, to be altered so that they will only open into the said Fields or Grounds, as the said Trustees shall think proper; and if any Occupier or Occupiers of the Land upon which any Gate or Gates is or are or shall be constructed so as to open towards the said Road, shall (after Ten Days Notice from the Surveyor of the said Road requiring him, her, or them to alter any such Gate or Gates, and make the same to open only towards the said Fields or Grounds) refuse or neglect to make such Alteration, or after such Alteration shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and levied before any Justice or Justices of the Peace for the County or Place wherein the said Gate or Gates shall or may be situate, in like Manner as any other Penalty in the said recited Acts or this Act mentioned.

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

Application of Compensation Money when amounting to or exceeding 200l.

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents

Application of Compensation Money when less than 200l. and not less than 20l.

Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees; in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-after directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved by Three or more of the said Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends and Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money when less than 20l.

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

If Compensation Money be refused, or the Titles to Land cannot be made out satisfactory, or if Person cannot be found, then Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

XXII. 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 by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Three or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such case it shall and may be lawful to and for the said Trustees, or any Three 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 said Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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

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 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 plough, dig, or break up any of the Soil within Twenty Feet of the Centre of the said Road, 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 Three or more 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.

XXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, 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 Road, out of or from any Commons or Waste Grounds, Common River, Brook, or Pit, in any Parish, Township, or Place, in which any Part of the said Road shall lie, or in any adjoining Parish, Township, or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of or from the private Lands, Fields, or Grounds, of any Person or Persons 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, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken, or carried away, or over which the same or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interest 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 Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages.

For getting
Materials to
make and
repair the
Road.

XXVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of the said recited Acts or this Act, to dig, gather,

Notice to be
given to Oc-
cupiers of in-
closed Lands
get,

before Mate-
rials are
taken there-
from.

get, take, or carry away any Materials for repairing the said Road, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier or his or her Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices, by their Order, 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 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 Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended; any thing in the said recited Acts contained to the contrary notwithstanding.

Penalty on
taking away
Materials
got by the
Surveyor.

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

Statute
Labour.

XXIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing or amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County, City, Town, or Place in which the said Road lies, and they are hereby required and empowered (upon Application made to them by the said Trustees, or any Three or more of them, or by their Treasurer, Clerk, or Surveyor, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer; and

and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force or effect for the Repair of the Public Highways; and out of such List the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road, as the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of the Highways of such Parishes or Places respectively, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts, or any or either of them, authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards

[*Local.*]

21 R.

amending

amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid and applied in such and the same Manner as Penalties are by the said recited Acts, or any or either of them directed to be levied, recovered, paid, and applied.

Expences of
this Act
how to be
paid.

XXX. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the Trustees of the said Road, or any Three or more of them, from and out of any Monies already received by virtue of or under the said former Acts, or either of them, or from or out of the first Monies to be received by virtue of or under the same, after the passing of this Act, in preference to any other Payment whatever.

Public Act.

XXXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such, by all Judges, Justices and others, without being specially pleaded.

Commence-
ment and
Continuance
of the Act.

XXXII. And be it further enacted, That this Act shall commence and take Effect from the passing of this Act; and that the said recited Acts of the Thirteenth and Thirty-ninth Years of the Reign of His said late Majesty King *George* the Third (subject nevertheless to the Alterations and Amendments in this Act contained) and this Act, shall continue and be in force, and be executed, for and during the Residue and Remainder now to come and unexpired of the Term granted and continued by the said recited Acts of the Thirteenth and Thirty-ninth Years of the Reign of His late Majesty King *George* the Third, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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