



ANNO TERTIO

GEORGII IV. REGIS.

Cap. xxxix.

An Act for continuing the Term, and altering and enlarging the Powers of an Act of the Forty-second Year of the Reign of His late Majesty King *George* the Third, for repairing and improving the Road leading from the City of *Canterbury* to the Town of *Ramsgate* in the County of *Kent*; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty, as relates to the Toll Gate and to the Tolls payable by virtue of the said Act, on the Road leading from the said City of *Canterbury* to the *Isle of Thanet* in the said County of *Kent*; and for altering the Line of certain Parts of the said Road.

[15th *May* 1822.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing, altering, widening and improving the Road leading from the City of Canterbury to the Town of Ramsgate in the Isle of Thanet in the County of Kent; and for suspending and varying, for a limited* 42 G.3. c. 5.
[Local.] 14 G limited

27 G.3. c. 14.

limited Time, so much of an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, as relates to the Toll Gate, and the Tolls now payable by virtue of the said Act, on the Road leading from the said City of Canterbury to the Isle of Thanet: And whereas, by an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty King George the Third, intituled An Act for paving, cleansing, lighting and watching the Streets, Lanes, and other public Passages and Places within the Walls of the City of Canterbury, and the Liberties thereof, and also several Streets and other Places near or adjoining to the said City, and for removing and preventing Incroachments, Obstructions, Nuisances, and Annoyances therein; the Commissioners acting in the Execution thereof were (among other things) empowered to cause to be erected One Turnpike, at any Distance not exceeding Three Miles from the North Gate of the said City, on the Road leading to the Isle of Thanet, and also a Toll House to such Turnpike, with suitable Outbuildings thereto; and certain Tolls in the said Act mentioned were, from and after the passing thereof, granted and allowed to be demanded, taken, and received at such Turnpike, for the Purposes in the said last recited Act mentioned: And whereas the said Commissioners, soon after the passing of the said last recited Act, did in pursuance thereof cause such Turnpike to be erected on the said Road, at or near a certain Place called Vauxhall, in the Parish of Saint Mary Northgate in the said City, within the Distance before mentioned from the North Gate of the said City, and also a Toll House to such Turnpike: And whereas, by virtue of the Powers granted by the said last recited Act, the Commissioners appointed to put the same into Execution have borrowed the Sum of Ten thousand Pounds on the Credit of the Rates and Duties by the said Act granted, the whole of which Sum still remains due and owing: And whereas in and by the said recited Act passed in the Forty-second Year of the Reign of His said late Majesty, the Tolls payable by virtue of the said recited Act, passed in the Twenty-seventh Year of the Reign of His said late Majesty, were suspended during the Continuance of the said first recited Act, and so much of the said last recited Act as related to the Tolls were varied or altered in Manner therein mentioned: And whereas the Commissioners acting in Execution of the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty, and the major Part in Value of the Creditors under the same, being satisfied that it is expedient and necessary for the Benefit of the Public, and for the better carrying this Act into Execution, that the Tolls payable by virtue of the said last-mentioned Act, at the said Turnpike at or near Vauxhall aforesaid should be further suspended during the Continuance of this Act, and that so much of the said last-mentioned Act as relates to such Tolls should be varied or altered, upon such Terms and in such Manner as herein-after mentioned, have consented and agreed that the said Tolls shall be further suspended, and the said last-mentioned Act be varied or altered accordingly: And whereas the Trustees of the First and Second Districts of the said Road have respectively borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected for amending and improving the same respectively, and which Monies respectively still remain due and owing, and cannot be paid off, nor can the said Road in the said several Districts be completed and kept in Repair, unless the Term granted by the said first recited Act, which is near expiring, be further continued, and the Powers and Provisions thereof altered, amended, and enlarged, and the Tolls increased in and upon the Second District of

the said Road, and the Trustees of the same District empowered to borrow a further Sum of Money: And whereas it would be of great Convenience and Advantage to the Neighbourhood and to the Public if a certain Part of the Line of the said Road in the said First District were to be diverted, (that is to say), if a new Piece of Road were to be made in the First District of the said Road, from or near a Corner turning towards *Sarr Bridge* in the Ville of *Sarr* in the said *Isle of Thanet*, and passing into and through several Pieces or Parcels of Marsh Land belonging to and in the several Occupations of *John Palmer* and *Thomas Ashenden Champion*, and over the River *Wantsum*, and into, through, and over a Part of a certain Waggon Lodge, Bullock Lodge, and Bullock Yard of and belonging to and in the Occupation of the said *Thomas Ashenden Champion*, and entering into the said Road again nearly opposite to a Cottage belonging to the Reverend *John Hilton*, situate in *Sarr Street*, in the said Ville of *Sarr*, in the said *Isle of Thanet*; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act made and passed in the said Forty-second Year of the Reign of His said late Majesty, 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), shall be and continue in full Force and Effect, and shall be used and applied for carrying the Purposes of the said recited Act (except so far as the same is altered by this Act) and this Act into Execution, for and during the Term herein-after mentioned; and that all the Clauses, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things respectively therein contained (except as aforesaid), together with all the Clauses, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things in this Act contained, shall extend to and be used and applied and enforced, as well for the carrying into Execution the Intents and Purposes of the said first recited Act, so far as the same is not varied, altered, or repealed, as for altering, diverting, turning, making, amending, and keeping in Repair the said new Line of Road from the Corner turning towards *Sarr Bridge* aforesaid over the said River, to or near to *Sarr Street* aforesaid in the said First District of Road, and for carrying into Execution the other Purposes of this Act, as fully and effectually to all Intents and Purposes as if the said new Line of Road had been originally included in and made Part of the Road within the First District comprised in the said first recited Act, and as if the same Clauses, Powers, Authorities, Provisions, Penalties, Forfeitures, Matters, and Things were severally and separately repeated and re-enacted in the Body of this Act, and made Part thereof; and that all the Tolls granted by the said first recited Act and this Act, in and for the said respective Districts of Road, shall, after defraying the Expences of collecting the same respectively, and repairing the Toll Houses and Gates on the said respective Districts of Road, be and are hereby declared to be subject and liable to the Payment of all Sums of Money and the Interest thereof now due and owing, and which shall hereafter be borrowed by virtue and on the Credit of the said first recited Act and this Act, or either of them, in, upon, and for the said Districts of Road respectively, and also for defraying the Expences of making the said new Line of Road in the said First District, and purchasing the Lands and Grounds which

The said Act
of 42 G. 3.
further con-
tinued.

which may be necessary for making and widening the said intended Road, as well as the Expences of Fences and other attendant Expences thereof.

Trustees for
the First
District.

II. And be it further enacted, That all and every His Majesty's Justices of the Peace acting for the Time being for the said County of *Kent*, and residing within the Eastern Division of the said County, together with the Honourable *George Watson*, Sir *John Fagg* Baronet, Sir *Henry Oxenden* Baronet, Sir *William Curtis* Baronet, Sir *William Garrow* Knight, *John Abbott* the younger, *William Abbot* of *Canterbury*, *John Baker* of *Saint Stephens*, *John Bridges*, *James Sladden Browne*, *Samuel Balderston*, *John Buckley*, *James Brooman*, *John Brooman*, *Henry Collard* of *Gore Street*, *Henry Collard* of *Chistlett Park*, *William Chafy* Clerk, *John Cooper* of *Canterbury*, *William Carter* M. D., *William Cantis*, *John Callaway*, *Francis Cobb*, *Mawer Cowtan*, *Thomas Ashenden Champion*, *William Cumming*, *George Curteis*, *John Collard*, *Edward Reynolds Collard*, *Harry Carter* M. D., *Cholmeley Dering*, *Edward Daniel*, *Thomas Denne* of *Upstreet*, *Thomas De Lasaux*, *Charles Delmar*, *James Evernden*, *Henry Godfrey Faussett*, *Thomas Foord*, *Richard Friend*, *John Fisher*, *John Farley Francis*, *John Furley*, *George Friend*, *Thomas Gillow*, *Thomas Garrett*, *John Garrett*, *John Gregory* Clerk, *Richard Herve Giraud*, *Thomas Gillow* the younger, *Francis Gillow*, *John Springett Harvey*, *James Hallett*, *Richard Halford*, *Richard Halford* the younger, *John Hilton* Clerk, *Anthony Jennings*, *William Jones*, *George Keen*, *William Keen*, *Sampson Kingsford*, *Thomas Kingsford*, *Edward Kingsford* the younger, *Henry Kingsford*, *George May* of *Hearn*, *Richard Mount*, *William Miles*, *John Nutt*, *William Nutt*, *Thomas Neame*, *Henry Oxenden*, *John Plumtre*, *Thomas Papillon*, *Gilbert Pembroke*, *Isaac Pidduck*, *Herbert Packe* M. D., *Deane John Parker*, *John Parnell*, *Charles Pout*, *George Plomer*, *John Partridge*, *Isaac Pidduck* M. D., *Robert Rushbrooke*, *Joseph Royle*, *Daniel Swinford*, *Nicholas Simons* Clerk, *Matthew William Sankey*, *Thomas Starr*, *George Stringer* of *Dover*, *John Hollingbery Stringer*, *Richard Staines*, *Alexander Hanna Spratt*, *Osborn Snoulten* the younger, *Edward Taylor*, *Edward Taddy*, *Friend Anthony Tomlin*, *William Williamson* Clerk, *James White*, *Thomas Wood*, shall be and they are hereby appointed the Trustees for putting the said first recited Act and this Act in Execution, in, upon, and for the First District of the said Road.

Trustees for
the Second
District.

III. And be it further enacted, That all and every His Majesty's Justices of the Peace acting for the Time being for the said County of *Kent*, and residing within the Eastern Division of the said County, together with *Nathaniel Author Austen*, *George Abbot* Clerk, *James Brace*, *Gilbert Bedford*, *Peter Burgess*, *John Oakley Burgess*, *William Fuller Boteler*, *Benjamin Bushell*, *John Bridges*, *John Brown*, Sir *William Curtis* Baronet, *William Curtis*, *Edward Spencer Curling*, *Alexander Curling*, *Charles Bowland Cotton*, *John Curling*, *Gilbert Caught*, *John Cutler*, *Robert Crofts*, *George Curteis*, *Francis Cobb*, *Edward Daniel*, *William Neve Daniel*, *William Abbot Daniel*, *William Day*, *Joseph Duplock*, *Edward Foster*, *John Friend*, *John Friend* the younger, *Thomas Fawcett*, *Edward Fletcher*, Sir *William Garrow* Knight, Sir *Thomas Grey* Knight, M. D., *Thomas Garrett*, *John Garrett*, *Robert Garrett*, *John Garrett* the younger, *Medmer Goodwin*, *Thomas Gillow*, *Richard Harvey* Clerk, *Richard Harvey* the younger, Clerk, *Sharp Hutchinson*, *Stephen Holman*, *George Hannam*, *George Hooper*, *Daniel Bayly Jarman*, *Henry Kingsford*, *Thomas Maybew*, *John Maxted*, *John Nethersell*, *Stephen Norwood*, *David Plenterleath* M. D., *John Pettey*, *Robert Page*, *Richard Page*,

Page, John Powell Powell, Richard Prickett, Algernon Sydney Peake, Deane John Parker, Gilbert Pembroke, Thomas Rammell, Evelyn Leggatt Sutton Clerk, William Sharp, John Smith, Richard Smith, Samuel Sharwood, George Long Strivens, James Stock, George Snowden, John Sawyer, Daniel Swinford, Thomas Templeman, Richard Tomson, Richard Tomson the younger, George Townsend, Robert Underdown, James Underdown, Thomas Warre, John Ashey Warre, Samuel Watkins, Thomas Turner Wetherhead, Humphrey Wightwick, James Whatman, Thomas Wootton, shall be and they are hereby appointed the Trustees for putting the said first recited Act and this Act in Execution, in, upon, and for the Second District of the said Road.

IV. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Three or more of them respectively, at their first Meeting to be holden in pursuance of the said first recited Act and this Act, or either of them, to elect any additional Number of fit and proper Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of the said first recited Act and of this Act in and for each of the said respective Districts; and such Trustees so elected shall be and they are hereby invested with the same Powers and Authorities for executing the said first recited Act and this Act, as if they had been named and appointed Trustees in and by this Act.

Power to
appoint ad-
ditional
Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said first recited Act and this Act, whilst he holds any Place of Profit, or is concerned or interested in any Contract or Contracts under the said first recited Act and this Act, or either 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 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 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,

Qualification
of Trustees.

[*A. B.* do swear [or, being one of the People called *Quakers*, do 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 the Rents and Profits issuing out of Freehold or Copyhold 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 of One hundred and fifty Pounds [or am Heir Apparent of *A. B.* who, to the best of my Knowledge, is possessed of and in the Enjoyment or Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear Yearly Value of Four thousand Pounds; and that I will truly, faithfully, and impartially act in the Execution of the Trusts

Oath.

[*Local.*]

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and

‘ and Powers vested and reposed in me by virtue of an Act passed in the
 ‘ Third Year of the Reign of His Majesty King *George* the Fourth, intituled
 ‘ *An Act, &c.* [here insert the Title of this Act.]

‘ So help me GOD.’

And if any Person unqualified by any of the Causes aforesaid, or not being qualified as herein-before mentioned, or not having taken and subscribed the said Oath, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, 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, together with full Costs of Suit, 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 Imparance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the same Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person has acted as a Trustee in the Execution of the said first recited Act and this Act, or either of them; any thing in the said first recited Act to the contrary 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 first recited Act and this Act or either 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.

Meeting of
the Trustees,
Quorum, &c.

VI. And be it further enacted, That for putting the said first recited Act and this Act in Execution, the Trustees for the said First District shall meet in the Guildhall of the said City of *Canterbury*, and the Trustees for the said Second District in the Town Hall of *Ramsgate* aforesaid, on the Third *Monday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and afterwards meet yearly some Time in the Month of *April* at the respective Places aforesaid, or at such other convenient Place upon or near the said Roads as the said respective Trustees shall think proper, for putting the said first recited Act and this Act into Execution (which last-mentioned Meetings shall be deemed General Meetings, at which all Accounts relating to the said Trust for the Year ending the last Day of the preceding Month of *March* shall be examined, settled, and adjusted), and the said respective Trustees shall and may from Time to Time, at their Discretion, at any such Meetings, adjourn themselves to some convenient Place upon or near the said Roads, for putting the said first recited Act and this Act in Execution; and if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to proceed in the Execution of the said first recited Act and this Act, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees respectively shall from Time to Time, in either of such Cases (by Notice in Writing to be affixed on all the Turnpike Gates then erected on the said respective Districts of Road, and also inserted once in some public Newspaper circulated in the Neighbourhood through which the said Roads pass, at least Ten Days before the next Meeting), appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on

such Day as shall be specified in such Notice, not exceeding Three Calendar Months next after the Day on which such last Meeting was appointed to be held; and in case the Clerk or Clerks to the said respective Trustees shall, in the Cases aforesaid, neglect, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the said respective Trustees (although not assembled at a Meeting held pursuant to this Act), at any Time after the Space of Ten Days from such Neglect or Prevention, by Notice in Writing under their Hands, to be affixed and inserted in manner aforesaid, to appoint the Trustees respectively to meet at the House where the last Meeting was held or appointed to be held, or at some other convenient House or Place upon or near to the said Roads, upon the Day Three Weeks next after the Date of such last-mentioned Notice, but no Business shall be proceeded upon by the said respective Trustees at any Meeting to be held under this Act, before the Hour of Ten of the Clock in the Forenoon, nor later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said respective Trustees at all their Meetings shall defray their own Expences (save and except the Charges for the Room in which such Meetings shall be held, which Charges the Treasurer to the said respective Trustees is hereby authorized to pay); and all Acts, Orders, and Proceedings relating to the said first recited Act and this Act, which are authorized or directed to be had, made, done, or exercised by or before the said respective Trustees, shall and may be had, made, done, and exercised by or before any Three or more of them (except in such Cases where any other Number is herein mentioned), and all Orders and Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and be as binding on all Persons, to all Intents and Purposes, as if the same were had, made, done, or executed by or before all the said respective Trustees: Provided always, that no Order or Proceeding shall be or be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act (except as herein is particularly mentioned), unless there shall be present at such Meeting Three Trustees at the least, nor unless the Majority of the Trustees present shall concur therein, nor shall any such Order or Proceeding be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless the Person or Persons desirous of having any such Order revoked or altered, shall give Notice thereof in Writing to the Clerk or Clerks to the said respective Trustees, to be by him or them affixed and inserted in manner herein-before mentioned, nor unless a Majority of the respective Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration; and at every Meeting of the said respective Trustees a Chairman shall 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 the Chairman shall have and he is hereby empowered to give a double or casting Vote.

VII. And be it further enacted, That it shall not be lawful for the said respective 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 first recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said first recited Act and this Act, or either of them, or to continue or appoint the Person who has been

Clerk restrained from acting as Treasurer, and vice versa.

or

or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said first recited Act and this Act, or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of the said first recited Act and this Act, 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 first recited Act and this Act, 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, together with full Costs of Suit, 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.

Books of Account to be kept, and to be open to Inspection of Trustees and Creditors.

VIII. And be it further enacted, That the said respective 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 the Clerk for the Time being to the said respective Trustees, 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 respective Districts of Road, and of the several Articles, Matters and Things for which such Sums of Money shall have been received, paid, laid out and expended; which Books, and also the Book or Books to be kept for the Purpose of entering Mortgages and Assignments herein-after mentioned, shall at all seasonable Times be open to the Inspection of the said respective Trustees, or any or either of them respectively, or any Creditor or Creditors on the Tolls hereby or by the said first recited Act or either of them granted, without Fee or Reward; and the said respective 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 respective Trustees, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in manner as any other Penalty in the said first recited Act or this Act mentioned.

Officers continued (except Treasurers).

IX. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor and other Officer, (other than the Treasurers), who have been appointed under, and employed in the Execution of the said first recited Act, shall respectively hold and enjoy such their several and respective Offices and Employments under this Act, until they shall respectively resign, or be removed or displaced by the respective Trustees for Execution of the said first recited Act and this Act; and each and every such Clerk, Receiver, Collector, Surveyor and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been appointed under the Powers of this Act.

X. Pro-

X. Provided, always, and be it further enacted, That nothing in this or the said first recited Act contained shall extend or be construed to extend to authorize or empower the said respective 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 herein-after to be appointed under and by virtue of the said first recited Act and this Act, or any or either of them, for the Purpose of verifying his or their Accounts.

Trustees not
to administer
Oaths on
verifying
Officers
Accounts.

XI. And whereas in and by the said recited Act of the Forty-second Year of the Reign of His said late Majesty, it is provided and enacted, that nothing therein contained should extend or be construed to extend so as to enable any Collector or Receiver of the said Tolls thereby granted, and made payable on that Part of the said Road which is lying within the said Second District, to demand or take any more than One Toll, (such One Toll being either a single or double Toll, as the Case might be, and being to the full Amount of the Toll or Tolls then payable at the Gate, Sidegate, or Turnpike where the same should be paid,) in any One Day, (such Day to be computed as therein aforesaid), from the same Person or Persons, for or in respect of the same Horse or other Beast or Cattle, passing and re-passing through any other Gate, Sidegate, or Turnpike on the same last-mentioned Part of the said Road, within the same last-mentioned District; all and every such Persons or Person producing a Note or Ticket that the said Toll had been paid in that Day on such last mentioned Part of the said Road as aforesaid, which Note or Ticket the Collector or Receiver to whom such Toll as last mentioned should be paid, was thereby required to give gratis (if demanded), on the Payment of such Toll: And whereas, for increasing the Tolls upon the said Second District of Road, it is expedient that the said recited Proviso and Enactment should be repealed; be it therefore further enacted, That the same shall be and is hereby repealed and declared null and void; and that from and after the passing of this Act, the Tolls in and by the said recited Act of the Forty-second Year of the Reign of His said late Majesty authorized and empowered to be demanded and taken on that Part of the Road aforesaid, which lies within the said Second District, shall be demanded and taken at each of the Gates, Sidegates, and Turnpikes already erected or which shall be erected upon the said Second District of Road, by such Person or Persons as the said Trustees of the Second District aforesaid, or any Three or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Beast, Cattle or Carriage shall be permitted to pass through any of the same Gates, Sidegates, or Turnpikes.

Proviso in
the 42 G. 3.
limiting the
Number of
Tolls on the
Second Dis-
trict, re-
pealed.

XII. Provided always, and be it further enacted, That no more than Two full Tolls in the whole shall be taken in any One Day, to be computed from Twelve of the Clock in the One Night to Twelve of the Clock in the succeeding Night, for or in respect of the same Horses, Beasts, Cattle or Carriages passing or re-passing through all the Gates, Sidegates, or Turnpikes erected or to be erected on the said Road comprised in the said Second District; and that only One of such Two full Tolls in the whole shall be taken or payable for or in respect of the same Horses, Beasts, Cattle or Carriages, for passing or re-passing in any One Day, to be computed as aforesaid, on such Part of the said Road comprised in the said Second District as lies between *Sarr* and a certain Place called *Mount*

New Proviso,
limiting the
Number of
Tolls on the
Second Dis-
trict.

Pleasant on the said District of Road; and that only One other like Toll in the whole shall be taken and payable for or in respect of the same Horses, Beasts, Cattle or Carriages, for passing or repassing in any One Day, to be computed as aforesaid, on such Part of the Road comprised in the same last-mentioned District as lies between the said Place called *Mount Pleasant* and *Ramsgate*.

Tickets to be provided denoting Payment of Toll.

XIII. And be it further enacted, That upon Payment of the Tolls granted by the said first recited Act and this Act, 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 respective Trustees, and there shall be printed and specified thereon the Name of the Gate at which such Payment shall have been made, and also the Names of the several and respective Gates freed by such Payment.

Trustees of the Second District empowered to borrow more Money.

XIV. And be it further enacted, That the Trustees for the said Second District of Road shall and may, and they are hereby empowered from Time to Time to borrow and take up at Interest, (over and above the Money allowed and empowered to be borrowed and taken up by the same Trustees, by the said Act of the Forty-second Year of the Reign of His late Majesty) any Sum or Sums of Money, not exceeding the Sum of Two thousand Pounds in the whole, for the Purposes of the said first recited Act and of this Act, upon the Credit of the Tolls granted and made payable by the said first recited Act and this Act, and to make, give, and execute such and the like Assignments and Mortgages in Writing of the said Tolls, or any Part or Parts thereof, for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of such Sum or Sums of Money, and the Interest thereof, in such and the same Manner and Form as is in and by the said Act of the Forty-second Year of the Reign of His said late Majesty prescribed and directed with respect to the Sum or Sums of Money thereby empowered to be borrowed and taken up, and the Interest thereof, with the Addition only in the Forms prescribed for such Assignments and Mortgages, of a Reference to this Act, immediately after the Reference contained in such Forms to the said Act passed in the Forty-second Year of the Reign of His said late Majesty.

Repealing a certain Part of the Act 42 G. 3.

XV. And whereas it is by the said recited Act of the Forty-second Year of the Reign of His said late Majesty enacted, that from and after the passing of the same Act, all and every the Tolls then payable by virtue of the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty, at the Turnpike at or near *Vauxhall* aforesaid, and all Exemptions from any Tolls by the same Act allowed at the said Turnpike, should be and the same respectively were thereby declared to be suspended during the Continuance of the said first recited Act; and that in lieu thereof, the said Trustees appointed to put that Act in Execution within the said First District, should, out of the Tolls granted by that Act, and made payable at the Gates, Sidegates, or Turnpikes on the said Part of the said Road, which is lying within the said First District, pay or cause to be paid to the Commissioners for the Time being, acting in Execution of the said therein and herein recited Act of the Twenty-seventh Year of the Reign of His said late Majesty, or to their Treasurer for the Time being,

the Sum of One hundred and thirty Pounds of lawful Money of *Great Britain* yearly, and every Year during the Continuance of the said first recited Act, and which was enacted to be paid by Four equal Quarterly Payments in every Year, and to be applied and disposed of by the said Commissioners for the Purposes of the said therein recited Act, in the same Manner as the said Tolls thereby suspended would or ought to have been applied and disposed of, in case the said first recited Act had not been made: And whereas it is expedient that the said recited Enactment should be repealed; be it therefore further enacted, That the same shall be and is hereby repealed and declared to be null and void.

XVI. And be it further enacted, That from and after the passing of this Act, all and every the Tolls payable, or which may become payable by virtue of the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Third, at the said Turnpike at or near *Vauxhall* aforesaid, and all Exemptions from any Tolls by the same Act allowed at the said Turnpike, shall be and the same respectively are hereby declared to be suspended during the Continuance of this Act; and that in lieu thereof the said Trustees, appointed to put the said first recited Act of the Forty-second Year aforesaid of the Reign of His late Majesty, and this Act, in Execution within the said First District, shall and they are hereby required, out of the Tolls granted by the said first recited Act, and made payable at the Gates, Sidegates, or Turnpikes on the said Part of the said Road which is lying within the said First District, to pay or cause to be paid to the Commissioners for the Time being acting in Execution of the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty, or to their Treasurer for the Time being, the Sum of Two hundred Pounds of lawful Money of *Great Britain*, yearly and every Year, during the Continuance of this Act, the same to be paid by Four equal Quarterly Payments in every Year; and the First Payment thereof to begin and be made at the End of Three Calendar Months next after the passing of this Act; which said yearly Sum of Two hundred Pounds shall be applied and disposed of by the said Commissioners for the Purposes of the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty, in the same Manner as the said Tolls hereby suspended would or ought to have been applied and disposed of, in case this Act had not been made; and that in case the said yearly Sum of Two hundred Pounds herein-before directed to be paid by the said Trustees for the said First District, or any Quarterly Payment of the same, shall not be paid within Fourteen Days next after the same shall become due and payable as aforesaid, it shall be lawful to and for the Commissioners for the Time being, acting in Execution of the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty, or their Treasurer or Clerk, to sue for and recover the same yearly Sum of Two hundred Pounds, and the Quarterly Payments thereof, by Action of Debt or upon the Case, in the Name of their Treasurer or Clerk for the Time being, against the said Trustees for the said First District, or their Treasurer for the Time being, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit; or otherwise it shall be lawful for the said Commissioners, or such Person or Persons as they shall from Time to Time in that Behalf appoint, and they and he are and is hereby fully authorized and empowered, from Time to Time to enter upon and take Possession of

The Tolls payable under the Canterbury Pavement Act, at the Turnpike at Vauxhall, suspended during the Continuance of this Act; and in lieu thereof, the Sum of 200*l.* per Annum to be paid to the Commissioners, out of the Tolls granted by this Act, in the First District.

Commissioners empowered to recover the same if not duly paid.

This Act not to extend to suspend the Duty on Coals, or the Tolls payable at the Turnpike at Harbledown.

of the said Turnpike and Toll House at or near *Vauxhall* aforesaid, or any other of the Gates, Sidegates, or Turnpikes, and Toll Houses, erected or to be erected, and then standing within the said First District, and to demand, collect, and receive the Tolls granted by the said recited Act of the Forty-second Year of the Reign of His said late Majesty, and then payable at such Gates, Sidegates, or Turnpikes, until full Payment of all Arrears of the said yearly Sum of Two hundred Pounds, together with the reasonable Costs, Charges and Expences attending such Entry and Possession, and the demanding, collecting, and receiving of the said Tolls for such last-mentioned Purpose: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to suspend the Payment of the Duty on Coal, Coke, and Cinder, now payable at the said Turnpike at or near *Vauxhall* aforesaid, or the Tolls granted by the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty, which are thereby authorized and allowed to be demanded, taken, and received, and which are now collected at a certain other Turnpike at or near *Harbledown*, in the Road leading from the said City to *London*.

General Exemptions:

XVII. Provided always, and be it further enacted and declared, That none of the Tolls by the said first recited Act or 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, Timber, Gravel, or other Materials for repairing of the said Road, or any Roads or public Bridges in the several Parishes and Townships 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, or undried Hops, or Wool, 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 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 Lime and Chalk, to be employed only in Husbandry, for manuring or improving Lands, and not for printing, dying, or other Purposes of Trade, or having been employed only in conveying any Stones, Bricks, Tiles, or other Materials to be employed in draining Land; 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 empty from being repaired; 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 one 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,

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, 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 returning after having so attended; 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 and 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 any Vagrant conveyed by a legal Pass, or of any Prisoner in Custody under a legal Warrant, 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 for the Purposes of this and the said recited Act; and in all Cases the Proof of Exemption shall lie on the Person or Persons claiming the same.

XVIII. 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 first recited Act 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 Waggon.

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

Abatement of Toll in certain Cases.

[*Local.*]

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55G.3.c.119. 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 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 first recited Act and this Act granted and continued.

For settling
Disputes
concerning
Tolls.

XX. 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 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 making, keeping, and selling of the Distress, to be ascertained by some Justice of the Peace for the County, Division, or Place where such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Tolls due, and shall award such Costs to either Party as to the said Justice shall appear right or proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) upon Demand, after deducting the Cost and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Table of
Tolls and
Name of the
Gate to be
put up.

XXI. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Map of new
Line of Road
and Book of
Reference to
remain with
the Clerk of
the Peace.

Copies may
be taken.

XXII. And be it further enacted, That the Map or Plan describing the said intended new Line of Road, and the Lands through which the same is to be carried, together with the Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, which hath been deposited with the Clerk of the Peace for the said County of Kent, shall remain in his Custody, to the end that all Persons may at all seasonable Times peruse and inspect the same, and take Copies or Extracts therefrom, paying to him One Shilling for every such Inspection, and at the Rate of One Shilling and Sixpence for every Seventy-two Words of such Copies or Extracts.

In altering
the Course of
the Road,
the Trustees
not to deviate
more than
100 Yards,
without Con-
sent.

XXIII. And be it further enacted, That the said Trustees of the said First District of Road, in making the said new Line of Road in the said First District, shall not deviate more than One hundred Yards from either Side of any Part thereof, as described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made; nor shall the said respective Trustees deviate

deviate in any other Part of the said Road (except as aforesaid), more than One hundred Yards from the present Line thereof, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made, first had and obtained.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees of the said First District to make the said intended new Line of Road into, through, across, or over the Lands and Premises of any Person or Persons who is or are or may be Owner or Owners of Lands, Buildings, or Grounds over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of any such Person or Persons, may be erroneously described, omitted, or mis-stated in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace of the said County of *Kent*, or of the Town and Port of *Sandwich*, or of the Liberties of the Cinque Ports, in their respective Jurisdictions, and be certified in Writing under their Hands, that such Error or Omission was occasioned by Mistake, and not wilfully; and such Certificate shall be deposited with the said Clerk of the Peace.

Road may be made according to the Map, although Owner or Occupier is misnamed;

if certified by Two Magistrates.

XXV. And be it further enacted, That it shall be lawful for the said Trustees of the said First District of Road, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands, Buildings, or Grounds, through or adjoining to which the said new Line of Road hereby authorized to be made is intended to pass, and to stake out such Line of Road; and after Payment of such Satisfaction as herein-after mentioned, to make the same of such Width (not exceeding Sixty Feet), in such Manner as the said Trustees of the said First District shall deem proper, without being deemed Trespassers, or without being liable to any Fine, Penalties, or Punishments therefor, making nevertheless Satisfaction to the Owners and Occupiers of such Lands, Buildings, or Grounds, Trees, Plants, and other Growth therein, or on the Sides of the said Road, whilst the same is making; and if any Person shall wilfully remove or destroy any of the Stakes or other Marks used in laying out or making any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Trustees of First District to enter Lands, for marking, setting out, and making new Line of Road;

making Satisfaction for Lands, Trees, &c.

Stakes, Marks, &c. not to be destroyed.

XXVI. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained, in Manner directed by the said first recited Act and this Act, shall be and is and are hereby charged upon the said Tolls, or upon the Monies to be borrowed upon the Credit of such Tolls, and shall be paid thereout accordingly to the Persons respectively entitled thereto, and capable and willing to receive the same, or to their Agents; and upon Payment or Tender thereof to such Persons respectively, or their Agents, or upon Payment thereof into the Bank of *England* in Manner by this Act directed, as the Case may be, it shall be lawful for the said respective Trustees, or any Three or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Possession of such Lands, Tenements, or Hereditaments, and to take for or add to the said Roads, and to lay out and make, widen, divert, and

Money allowed for Land, &c. how to be tendered.

and turn such Road or Roads in and upon, through and over such Lands, Tenements, and Hereditaments, as the said respective Trustees or any Three or more of them shall think proper; and the said Lands, Tenements, and Hereditaments, so added to or taken for or made Part of the said Roads, shall be fenced from the adjoining private Lands, Tenements, and Hereditaments by the said respective Trustees, or any Three or more of them, and shall be deemed and taken to be Part of the Roads hereby and by the said first recited Act directed to be repaired for ever thereafter, and shall to all Intents and Purposes be a public and Common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be repaired are by the said first recited Act and this Act to be repaired; and after such new Roads shall be completed, the Lands and Grounds constituting the old or former Roads (unless leading to some Village, Town, or Place to which such new Roads do not lead), shall be vested in the said respective Trustees, and shall and may be exchanged or sold and conveyed by them respectively, or any Three or more of them, for the best Equivalent or Price that can be gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the Purposes of the said first recited Act and this Act; and a Conveyance of the said old Roads, being executed by the said Trustees respectively, or any Three or more of them, shall be good and effectual in the Law, to all Intents and Purposes.

So much of
recited Act
42 G. 3. as
prevents
Trustees from
pulling down
Houses, or
taking in Gar-
dens, &c.
repealed.

XXVII. And whereas it is by the said recited Act of the Forty-second Year of the Reign of His said late Majesty enacted, that the Power and Authority given to the said respective Trustees should not extend to the pulling down or damaging of any Dwelling House or other Building, or to the taking in of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any Part thereof respectively, without the Consent of the respective Owners and Proprietors thereof, other than and except as in the same recited Act particularly mentioned and set forth: And whereas it is expedient that the said Enactment should be repealed; be it therefore enacted, That the same shall be and is hereby repealed and declared null and void.

Houses, &c.
not to be
injured.

Except, &c.

XXVIII. And be it further enacted, That nothing in this or the said first recited Act, or either of them, shall extend or be construed to extend to authorize the said respective Trustees to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a 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, other than and except in the First District, the Yards or Forecourts of certain Messuages and Premises belonging to and in the Occupations of the Warden, Brothers, and Sisters of *Jesus*, commonly called *Boys Hospital*, situate and being in the Parish of *Saint Mary Northgate* in the City of *Canterbury*, and County of the same City; the Yard, Coal House, Cart Lodges and other Buildings and Fences of a Cottage and Garden situate and being in the Ville of *Sarr*, in the *Isle of Thanet*, in the County of *Kent*, belonging to the Reverend *John Hilton*; the Garden or Lawn of and belonging to a Messuage or Public House called *The Crown*, situate and

and being in the said Ville of Sarr, belonging to *Daniel Hodson, Richard Harrison, and Latham Osborn*, and others; a certain Waggon Lodge, Bullock Lodge, and Bullock Yard of and belonging to the said *Thomas Ashenden Champion*, situate and being in the said Ville of Sarr; in the Second District, a Messuage in Three Tenements or Cottages, belonging to *Stephen New*, situate and being in the Parish of *Saint Lawrence*, in the said *Isle of Thanet* and County of *Kent*.

XXIX. And be it further enacted, That when the new Line of Road hereby intended to be made shall be completed, and be certified by Two or more Justices of the Peace acting in and for the said County or Port and Liberties, according to their respective Jurisdictions, in Writing under their Hands, to be fit for travelling over, and Notice of such Certificate shall be given to the Clerk of the said Trustees of the said First District, from thenceforth the said Trustees shall be discharged from the future Repairs of the old Road, in lieu of which the said new Road shall be made, and that such old Road shall from thenceforth cease to belong to the said Turnpike; and that at any Time thereafter it shall be lawful for any Two Justices of the Peace for the said County or Port and Liberties, according to their respective Jurisdictions, to order the Whole or any Part of such Turnpike Road, and also all such other Roads as shall communicate therewith or lead into the said new Line of Road, as they shall upon View thereof deem and consider to be unnecessary or proper to be discontinued in consequence of making such new Line of Road, after due Notice given by such Justices pursuant to an Act passed in the Fifty-fifth Year of His said late Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting Public Highways, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*, be forthwith stopped up or discontinued as Turnpike or Public Parish Roads, and the Ground and Soil thereof shall be vested in the said Trustees appointed by the said first recited Act and this Act for the said First District, and may be sold and disposed of by them.

When the new Line of Road is made and certified, the Trustees to be discharged from the Repairs of the old Road.

55 G. 3. c. 68.

XXX. Provided always, and be it further enacted, That the said Trustees of the said First District, before they shall so sell or dispose of the Ground or Soil which formed the Road to be diverted, turned, or altered by virtue of this Act, or such Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of the said first recited Act and this Act, shall first offer to sell or resell the same (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands, Tenements, or Hereditaments adjoining to such diverted Road; and in case the Owner or Owners of the said Lands, Tenements, and Hereditaments on both Sides of the said diverted Road shall refuse to purchase or repurchase the same (as the Case may happen to be), on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place in which such diverted Road, or Piece or Pieces of Ground shall lie (who is hereby required to take such Affidavit), by some Person or Persons no way interested in the Premises, such Affidavit

First Offer of Overplus Lands to be made to the former Owners thereof, or the Owners of adjoining Lands.

[Local.]

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stating

stating that such Offer was made by or on Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and refused or not agreed to by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Road, or such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees of the said First District shall differ and not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner directed by the said first recited Act, with respect to disputed Value of Premises to be purchased by the same Trustees in pursuance of the same Act; and the Expences of hearing and determining such Difference shall be borne and paid in like manner as in the said first recited Act directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said last-mentioned Trustees of such diverted Road, Piece or Pieces of Ground as aforesaid, shall be applied to and for the Purposes of the said first recited Act and this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

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

XXXI. And be it further enacted, That in case all or any of the Tolls arising on the said Roads 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, or any Part or Instalment thereof, shall be in Arrear or unpaid 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, or in case such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County, Division, or Place where the Toll House, Toll Gate, Toll Bar or Chain shall be situated within their respective Jurisdictions, upon Application made by the Trustees acting for either of the said Districts respectively, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and 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 thereupon it shall be lawful for such Trustees respectively, if they shall think fit, to vacate and determine the Lease, Agreement,

or Contract for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenant or Agreement for 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 Lease, Agreement, or Contract had never been made; and it shall and may be lawful for the said respective Trustees, 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 Lease, Agreement, or Contract had been made relative thereto.

XXXII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Toll Houses, and Buildings erected on the said respective Districts of Road, 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.

XXXIII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Road, so that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed as to open or swing outward towards the said Road, contrary to the true Meaning of this Act, shall not, within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate shall, when open, project over any Part of the said Road, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County or Port or Liberties where the Cause of Complaint shall arise, shall upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration, and hanging such Gate in a proper Manner; and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall

Gates not to open into the Road.

shall be levied, recovered, paid, and applied in Manner herein-after mentioned.

Penalties for
Offences
against the
Act.

XXXIV. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull up, break, injure, or damage any Turnpike Gate or Turnpike Gates, or any of the Posts, Boards, Mile Stones, or Tables of Tolls on any Part of the said Roads, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon; or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post, or Lamp Iron set up or affixed at or near to any of the said Turnpike Gates, or on any other Part of the said Roads, or shall cause and procure the same to be done; or if any Person or Persons shall wilfully pull down, remove, break, injure, or damage any Wall, Post, Rail, or Fence now or at any Time hereafter to be placed or put, either by the Side or Sides of the said Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of the said first recited Act and this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said respective Trustees shall or may make or plant for the Purposes of the said first recited Act and this Act, or which by virtue of the same Acts, or either of them, they are authorized to keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof; or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, Stone, or other Thing, otherwise than upon a Wheel Carriage, or shall suffer any Tree or Piece of Timber, Stone, or other Thing which shall be conveyed upon a Wheel Carriage to drag upon any Part of the said Roads to the Injury thereof; or if any Person or Persons shall, without being thereto authorized by the Surveyor or Surveyors for the Time being, acting under the said first recited Act or this Act, shovel up, scrape together, or carry away any Stones, Gravel, Sand, or other Materials, Scrapings, Slutch, Dirt, Mud, Mire, Drift, or Soil from off the said Roads, or any Part thereof; or if any Person or Persons shall ride upon any Footway or Footways, Causeway or Causeways, or any other Way or Ways already made or to be made upon the Sides of the said Roads for the Use of Foot Passengers, or shall wilfully lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine, upon, along, or against any such Footway or Causeway, or shall draw, carry, or wheel any Hurry, Truck, or Wheelbarrow upon any such Footway or Footways, Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, or to any Hedges, Fences, Breast Walls, Post Chains, Rails, or Paling set up or along the Side of or upon any such Footway or Causeway; or if any Person or Persons shall turn loose, or suffer to be turned loose, or to wander and stray on the said Roads, or any Part thereof, any Horse, Ass, Beast, or Swine, or to be or remain or to graze or depasture on the Side or Sides of the said Roads; or if any Person or Persons driving any Swine on the said Roads shall suffer such Swine to root up and damage the said Roads or any Part thereof, or the Fences or Banks on either Side thereof; or if any Person or Persons on Horseback, or driving any Carriage, Waggon, Wain,
or

or Cart in or upon the said Roads, and meeting another Horse, Carriage, Wain or Cart, shall not keep his, her or their Horse, Carriage, Waggon, Wain or Cart, upon his, her, or their Left or near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage, Waggon, Wain or Cart under his or her Care, upon the said Roads; or if any Person shall kill or bleed any Horse, Cattle, or other Beast, except by or in consequence of any sudden Illness or Accident to such Beast; or shall in or upon any Part of the same Roads, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or hang up, or place wholly or in Part any Beast, Swine, Calf, Sheep, Lamb or other Cattle, or cause or permit any Blood to run from any Slaughter House, Building, Butcher's Shop or Shambles, into the said Roads; or burn, dress or sweep any Piece or Pieces of Cork, or shall hoop, fire, cleanse, wash or scald any Cask or Casks, on any Part of the said Roads, or in any exposed Situation near thereto; or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood or Timber, or make, bind or repair any Wheel or Carriage on any of the said Roads; or shall slack, mix or wet any Lime or Mortar; or shall shoe or farry any Horse, Mule or Ass (except in case of Accidents), upon any Part of the said Roads; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent or other Firework whatever upon the said Roads, or within Eighty Feet of the Centre of the said Road; or play at Football or any other Game upon any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart or other such Carriage longer than may be necessary for loading or unloading the same (except in case of Accident), in, upon, or on any Part of the said Roads, or on the Side or Sides thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall not place the same during the Time of such loading or unloading thereof, as near to the Side of the said Roads as conveniently may be; or if any Person shall erect or place any Tent, Camp, Awning or Hut on the Sides of the said Roads, or any Part thereof, or make any Fire or Fires on the Sides of the said Roads, or any Part thereof; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart or other Carriage, in going up a hill or rising Ground, leave or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which any such Waggon, Wain, Cart or other Carriage shall have been blocked or stopped; or if any Person or Persons shall lay, place or leave, or cause or procure to be laid, placed or left, any Timber, Bricks, Tiles, Stones, Hay, Straw, Dung, Goods or other Things, or shall throw, cast, place or empty, or cause or procure to be thrown, cast, placed or emptied, any Manure, Soil, Ashes, Filth, Rubbish, Dirt, Dust, Earth, Water, Gravel, or other Nuisance or Annoyance, on any Part of the said Roads, or on the Side or Sides thereof; or shall set, place, or expose to Sale any Goods, Wares, or Merchandizes in or upon the Footpaths or Causeways adjoining to such Roads, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or if any Person driving any Horse or other Beast on the said Roads, conveying Iron in Bars or Rods, or any other Matter or Thing, shall place such Bars or Rods or other Matter or Thing, so that the Ends thereof shall

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project

project more than Twenty-four Inches from the Side of such Horse or other Beast, or so as in any other Manner to obstruct or impede the Passage of any Person, or any Horse, Beast or Carriage travelling along the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Roads; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every such Offender shall also pay to the said respective Trustees, or their respective Treasurer or Treasurers, or One of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid; and such Satisfaction or Damages shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act: Provided always, that nothing herein contained shall extend to prevent or hinder the erecting, placing, or putting up any Hurdles, Coops, or Pens for Sheep, Hogs, or Cattle, or any Standings for the yending of Goods, or other Purposes, at Fairs and Markets, in any of the Streets through which the said Roads lead, in such Manner as the same hath been heretofore immemorially used and accustomed.

For impounding Cattle or Swine straying on the Road.

XXXV. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying or lying upon, about, or on the Side or Sides of the said Road, or any Part thereof respectively, save and except where the same shall pass over any Open Common, or where the said Road shall not be inclosed or fenced on both Sides thereof, it shall be lawful for the Surveyor or Surveyors of the said respective Districts of Road for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, in the Common Pound (if any) of the Parish or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about, or on the Side or Sides of the said Road, or any Part thereof, or in such other Place or Places as the said respective Trustees or any Three or more of them respectively, although not assembled at a Meeting, or the said Surveyor or Surveyors, shall find convenient, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other Live Stock or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping,

keeping, and selling every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person whose Property the same so sold shall appear to have been.

XXXVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened; or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said County, Division, or Place, wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishment
of Persons
guilty of
Pound
Breach.

XXXVII. 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 Lands or Hereditaments, to be purchased by virtue or under the Authority of the said first recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said respective Trustees, or any Three or more of them respectively; or in case the Person or Persons to whom any 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 or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said respective Trustees, or any Three or more of them respectively, 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 Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises

In case of
not making
out Titles,

or if Persons
cannot be
found,

Purchase
Money to be
paid into the
Bank,

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

mises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank, the Person in Possession of the Land, &c. at the Time of the Purchase, shall be deemed entitled thereto, unless such Possession was a wrongful Possession.

XXXVIII. 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 Court of Chancery in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance of the said first recited Act or of this Act, 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 any such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid or 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 or Hereditaments, or to some Estate or Interest therein.

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

XXXIX. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands or Hereditaments to be purchased under the Authority of the said first recited Act or of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of the said first recited Act and this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchasers from Time to Time to be made in pursuance of the said first recited Act or this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of the said first recited Act or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials to make and repair the Road.

XL. 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

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 Three 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 Township, Parish, 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 Interests in such Ground and Premises, as the said respective Trustees, or any Three 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.

XLI. 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 first recited Act or 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 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

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

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 first recited Act or this Act contained to the contrary notwithstanding.

Providing for
the Payment
of Compens-
ation for
Materials or
Damages,
&c.

XLII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this or the said first recited Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said respective Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said respective Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said respective Trustees or their respective Treasurers, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said respective Trustees by virtue of the said first recited Act and this Act, or of the Goods and Chattels of their respective Treasurers for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive the same, such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said respective Trustees, or to their respective Treasurers for the Time being, as the Case may be.

Penalty on
taking away
Materials got
by the Sur-
veyor.

XLIII. 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 herein-after mentioned.

Statute
Labour.

XLIV. 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 and 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 or Place in which the said Road lies, and they are hereby required and empowered (upon Application made to them by the said respective 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 respective 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 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 Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to 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 respective 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 respective Trustees or their Treasurer, at such Time or Times as the said respective Trustees 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 first recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said respective 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
of

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 respective 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 respective Trustees, and applied towards 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 and 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 as 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 first recited Act or this Act directed to be levied, recovered, paid and applied.

Penalties and Forfeitures how to be recovered and applied.

XLV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise particularly described), shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace of the County or Place where the Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and to administer such Oath *gratis*); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned on Demand, to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures and Fines, when so paid and levied (if not directed to be otherwise applied by this Act), shall from Time to Time be paid to the said respective Trustees or any Three or more of them, or to their Treasurer for the Time being, and shall be laid out and applied in putting the said first recited Act and this Act in Execution; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices 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 Ten Days from the Time of taking any such Security, and which Security the

the said Justice or Justices is and are 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 and in such Case it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction or other Prison for the said County of *Kent*, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

XLVI. And whereas Offences may be committed against the said first recited Act and this Act, or one of them, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same Acts into Execution; be it therefore enacted, That it shall be lawful for any one or more of the said 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 other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, Division, or Place where the Offence or Offences shall have been committed, to be dealt with according to Law, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the said Complaint.

For securing
transient
Offenders.

XLVII. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be borne between the said respective Districts in equal Moieties, and shall be paid and discharged by the Trustees respectively for putting the said first recited Act of the Forty-second Year aforesaid and this Act in Execution, or any Three or more of them respectively, out of the Monies which have arisen by virtue of the said last-mentioned recited Act in the said respective Districts, or out of the Money which shall arise in the same respective Districts by virtue thereof and of this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same.

For paying
the Expences
of the Act.

XLVIII. 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.

Public Act.

XLIX. And be it further enacted, That this Act shall commence and take Effect upon the passing thereof; and that the said recited Act of the Forty-second Year of the Reign of His said late Majesty King *George* the Third (subject to the Additions, Alterations and Amendments in this Act contained), and this Act, shall continue and be in force and be executed for and during the Residue now to come of the

Continuance
and Term
of this Act.

[*Local.*]

Term granted by the said first recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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