



ANNO QUARTO

# GEORGII IV. REGIS.

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## *Cap. lvii.*

An Act for more effectually repairing the Road from the City of *Canterbury* to the *Dover* Turnpike Road, in the Parish of *Barham* in the County of *Kent*; and for lighting, watering, and watching Part of the said Road, leading into the said City of *Canterbury*.

[23d *May* 1823.]

**W**HEREAS an Act was passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-first Year of the Reign of His present Majesty, intituled 'An Act for making a new Road from Saint George's Gate in the City of Canterbury to a Place called Gutteridge Bottom, and for repairing and widening the present Turnpike Road from thence to the Dover Turnpike Road, in the Parish of Barham in the County of Kent,' and for making further and better Provision for the several Purposes of the said Act:* And whereas the Trustees appointed by or in pursuance of the said Act have proceeded to put the same in Execution, and divers Sums of Money have been borrowed, and are still due and owing on the Credit of the Tolls authorized to be taken on the said Road, which cannot be paid off, nor can the said Road be effectually maintained and kept in Repair, unless the Term and Powers of the said Act be altered and enlarged; and it would be

43 G. 3. c. 17.

[*Local.*]

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convenient

convenient if such Act were repealed, and the Powers and Provisions thereof were altered and enlarged: And whereas it would be of great Benefit and Advantage to the Inhabitants, as well also to the Public, if Powers were granted to the Trustees herein appointed to light, water, and watch certain Part or Parts of the Line of Road herein-before mentioned: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: 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 from and immediately after the passing of this Act, the said recited Act passed in the Forty-third Year of the Reign of His late Majesty King George the Third, shall be and the same is hereby repealed, and instead thereof this Act and the said recited Act passed in the Third Year of the Reign of His present Majesty shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing the said Road, and for lighting, watering, and watching Part thereof, leading into the said City of *Canterbury*.

3 G. 4. c. 126.  
Recited Act repealed, and this Act and 3 G. 4. to be put in force.

Powers of 3 G. 4. extended to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to Debts, &c.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said Act on the said Road, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed, or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said Road, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees of the said Road or any of them, according to the Provisions and Directions of the said recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said Road to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees

Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Act.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of Kent, the Honourable *George Watson*, the Honourable *George Watson Mills*, the Honourable and Reverend *William Eden*, *Charles Baron de Montesquieu*, *Sir Edward Henry Joseph Hales*, *Sir John Fagg*, *Sir Henry Oxenden*, *Baronets*, *Sir John William Head Brydges* Knight, *John Abbott*, *William Abbot*, *James Drake Brockman*, *Brook Edward Bridges* Clerk, *Robert Tournay Bargrave*, *John Boys*, *James Sladden Brown*, *William Fuller Boteler*, *John Buckley*, *Richard Price*, *Harry William Carter M. D.*, *George Carter*, *Mawer Cowtan*, *John Callaway*, *Henry Cooper*, *Henry Collard*, *John Cooper*, *Richard Blackett De Chair* Clerk, *Watson William Dickins* Clerk, *John Diltott*, *Charles Delmar*, *Thomas De Lasaux*, *William Delmar*, *Thomas Foord*, *Robert Foote*, *John Farley Frances*, *James Finch*, *Richard Friend*, *John Furley*, *George Friend*, *Thomas Garrett*, *John Garrett*, *Robert Gardner*, *Austin Gardner*, *John Gillman*, *William Homersham*, *Richard Halford the elder*, *Richard Halford the younger*, *James Hammond*, *John Hartley*, *Thomas Harrison* Clerk, *William Johnson*, *William Jones*, *George Keen*, *William Keen*, *Edward Kingsford*, *Thomas Kingsley*, *Frederick William Mulcaster*, *Richard Mount*, *George Moss*, *John Nutt*, *George Chichester Oxenden*, *John Plumtre*, *John Pemberton Plumtre*, *Richard Peckham*, *John Peirce*, *Charles Pout*, *Deane John Parker*, *John James Peirce*, *Thomas Pain*, *John Parnell*, *John Partridge*, *Robert Rushbrooke*, *Joseph Royle*, *William Rigden*, *Nicholas Simons* Clerk, *James Minet Sayer* Clerk, *John Hollingbery Stringer*, *John Sankey*, *Thomas Starr*, *Osborn Snoulten*, *Osborn Snoulten the younger*, *William Tournay* Clerk, *Edward Tiddeman*, *James White*, *William White*, *Richard Wilde*, *James Warren*, and their Successors, shall be and they are hereby appointed Trustees for repairing and maintaining the said Road, and for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty, as are not expressly varied, altered, or otherwise provided for by this Act. Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given as is directed by the said last recited Act respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons, not exceeding Five, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the said last recited Act and this Act, as if they had been named and appointed by this Act. Power to appoint additional Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act passed in the Third Year of the Reign of His present Majesty is directed and prescribed, and unless, being so qualified, he shall, before he Trustees to be sworn.

he shall act as a Trustee (except in administering the Oath mentioned in the said last-mentioned Act, and the Oath herein-after mentioned), take and subscribe, before One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath following; that is to say,

Oath.

‘ I *A. B.* do swear, That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act [here set forth the Title of this Act]*, and also an Act passed in the Third Year of the Reign of His said Majesty, intituled *[here set forth the Title of the General Turnpike Act.]*  
 ‘ So help me GOD.’

And if any Person shall act (except as aforesaid) before he shall have taken and subscribed the said Oath, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no *Essoign*, Protection, or *Wager of Law*, or more than one *Imparlance*, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

Meeting of Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the *Star Inn*, in the City of *Canterbury*, or some other convenient Place within the said City, on the Third *Monday* after the passing of this Act, and proceed to put the said last recited Act and this Act into Execution.

Appointing Officers, Salaries, &c.

VIII. And be it further enacted, That the said Trustees may and they are hereby empowered by Writing under their Hands to appoint such Collector or Collectors of the Tolls and Rates arising on the said Road, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of the said last recited Act and this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of the said last recited Act and this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable.

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IX. Provided always, and be it further enacted, That the Clerks, Surveyor, and Treasurers appointed under the Provisions of the said recited Act of the Third Year of the Reign of His present Majesty, and all other Officers who have been appointed under and employed in the Execution of the said former Act hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Former Officers to continue.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, 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.

Treasurer and Clerk not to be the same Person.

XI. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the Road by this Act directed to be improved and repaired, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act, are by the said recited Act passed in the Third Year of the Reign of His present Majesty and this Act required to pay or account for the same.

Books, &c. relating to former Act to be delivered to the Trustees under this Act.

XII. And be it further enacted, That all and every Book and Books, containing the Accounts and Proceedings of the Trustees for executing the said recited Act, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and

Books used under former Act to be Evidence.

Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Power to  
continue and  
erect Toll  
Gates, Toll  
Houses, &c.

XIII. And be it further enacted, That the said Trustees may and they are hereby authorized to continue the Toll Gates or Toll Bars, or Side Gates or Side Bars, Weighing Machine and Toll House, which have been erected in, upon, or across the said Road by virtue of the said Act hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates or Toll Bars, or Side Gates or Side Bars, and Toll Houses, Weighing Machine or Weighing Machines, in, upon, or across any Part of the said Road, and also such and so many Toll Gate or Toll Gates on the Sides of the said Road, as they the said Trustees shall think proper and expedient.

Power to sell  
Toll Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Act hereby repealed on the said Road, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said last recited Act directed to be given where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to  
take Tolls.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls following at the Toll Gate or Toll Bar, or Side Gate or Side Bar already erected by virtue of the said Act upon the said Road to be repaired by virtue of this Act, and which by virtue of this Act shall be continued or erected on, upon, or across any Part of the said Road, and across or on the Side of any Street, Lane, Road, or Way leading into or out of any Part of the said Road, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse, Mule, or other Beast, drawing any Carriage of whatever Name or Description, the Sum of Four-pence:  
For every Ass drawing any Carriage of whatever Name or Description, the Sum of One Penny Halfpenny:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Ass, laden or unladen, and not drawing, the Sum of One Halfpenny :

For every Drive of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any less Number than a Score : And,

For every Drive of Calves, Swine, Sheep, or Lambs, the Sum of Sevenpence Halfpenny *per* Score, and so in proportion for any less Number than a Score.

XVI. And be it further enacted, That Double the Amount of Toll hereby authorized to be taken may be demanded and taken at the respective Gates on each *Sunday*, until the Eleventh of *October* One thousand eight hundred and twenty-three, after which Day it shall not be lawful to demand or take any greater Toll on a *Sunday* than the Toll hereby authorized to be taken on any other Day.

Double Toll shall be paid on Sundays until after the 11th Day of October 1823.

XVII. And be it further enacted, That the said respective Tolls shall (subject to the Restrictions in the said last recited Act and this Act contained) be demanded and taken before any Horse, Mule, Ass, Ox, Steer, Gale, Bull, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Road by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same.

Tolls to be paid before Cattle, &c. pass the Gates.

XVIII. And be it further enacted, That all and every the Tolls by the said recited Act of the Third Year of the Reign of His present Majesty and this Act authorized to be taken, shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in manner directed by the said last mentioned Act and this Act.

Tolls to be vested in Trustees.

XIX. Provided always, and be it further enacted, That no Person or Persons, having paid the Toll or Duty hereby directed to be paid at any of the Toll Gates or Turnpikes through which such Person or Persons shall pass, and producing a Note or Ticket that such Toll was paid, shall be liable to pay the same Day before Twelve of the Clock at Night, any Toll or Duty at any other Gate or Turnpike on the said Road, such Person or Persons passing with the same Carriage, Cattle, or Goods that he passed the former Turnpike; and no Person or Persons having occasion to pass through any of the said Toll Gates or Turnpikes where the said Toll shall be taken, and who shall return through the same Toll Gate or Turnpike the same Day before Twelve of the Clock at Night with the same Horse, Mule, Ass, or other Cattle, and shall produce a Note or Ticket of the Payment of the Toll, shall be liable or compelled to pay the Toll on such Return at such Toll Gate or Turnpike.

Tolls to be paid but Once a Day.

XX. Provided also, and be it further enacted, That no Person shall be liable to the Payment of more than One full Toll for passing or repassing with

Limiting the Number of Tolls.

with the same Horse, Beast, Cattle, or Carriage on the same Day the whole Length of the said Road.

Stage  
Coaches, &c.  
to pay each  
Time of  
passing.

XXI. Provided always, and be it further enacted, That for and in respect of all Horses drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of such passing and repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring.

Trustees re-  
strained from  
pulling down  
Dwelling  
Houses  
without Con-  
sent of the  
Owners.

XXII. Provided also, and be it further enacted, That the Powers and Authorities hereby or by the said last recited Act given, shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down 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.

Application  
of the Money.

XXIII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said Act hereby repealed for or in respect of the said Road, and by this Act directed to be kept in Repair, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by the said last recited Act and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first Place in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Side Gates, Side Bars, Toll Houses, and other Buildings, and keeping the same in Repair, and of altering, raising, widening, repairing, and preserving the said Road by this Act directed to be kept in Repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Act hereby repealed, in respect of the said Road, and the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

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XXIV. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, at any Meeting to be holden as aforesaid, Notice of such intended Meeting and of the Purposes thereof being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said City of *Canterbury*, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors with the Consent of all the other Creditors; any thing herein contained to the contrary thereof notwithstanding.

For paying Creditors by Lot.

XXV. Provided always, and be it further enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security made by virtue or in pursuance of the said recited Act or this Act: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees for any thing done by virtue or in pursuance of the said recited Act or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, shall be defrayed out of the Toll arising on the said Road.

Trustees not personally liable for Mortgages.

XXVI. Provided always, and be it further enacted, That when and so 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 the said recited Act of the Third Year of the Reign of His present Majesty or this 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 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 Trustees to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, 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 Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer or 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 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

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

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Case such Overplus shall be returned to the said Trustees, or to their Treasurer or Treasurers for the Time being, as the Case may be: Provided always, that every such Treasurer or Treasurers shall and may retain, out of any Monies which may come into his or their Hands in pursuance of this Act or the said last recited Act, all such Sum or Sums of Money, Costs, and Expences, as he or they shall pay, bear, or be put unto by reason of such Order to be made by such Justice or Justices as aforesaid.

Regulations  
as to Per-  
formance of  
Statute  
Labour.

XXVII. 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 thereunto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Kent*, or City of *Canterbury*, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, 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, Townships, or Places liable thereto, or 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, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and are 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 is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days 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 on such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after  
Notice

Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as any Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if such Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off 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 aforesaid, as if he had refused or neglected 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 or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Kent* or City of *Canterbury*, in their respective Jurisdictions, on Complaint made to such Justices by the Surveyor to the said Trustees.

XXVIII. And whereas it is expedient that a Rate should be laid upon the Occupiers of Houses and other Buildings, Courts, Yards, and Gardens, situate, adjoining, or near to such Part or Parts of the said Road as shall be, or is or are intended to be so lighted, watered, and watched, towards defraying the Expences thereof; be it therefore enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at any of their Meetings, by any Writing or Writings under their Hands to nominate and appoint Two or more substantial Inhabitants or Householders of the Houses adjoining or near, or which may be hereafter erected and built adjoining or near to such Part or Parts of the said Road as shall be, or is or are intended to be so lighted, watered, and watched as aforesaid, any or either of them, to be Assessors for the Purposes hereinafter mentioned; and the respective Persons so appointed shall, within Twenty Days next after being served with such Warrants or Appointments, by the same being delivered to or left for them at their respective Places of Abode, make, sign, and return to the said Trustees or their Clerk, such Rates or Assessments as are hereinafter mentioned; (that is to say), any Rate or Assessments not exceeding Four Shillings in the Pound upon the several Inhabitants or Occupiers of Houses, Shops, Warehouses, Coach Houses, Stables, or other Buildings, Yards, Courts, or Gardens (not being Public Gardens or Nursery Grounds occupied by Gardeners or Nurserymen), situate by the Sides of or near to such Part

Trustees to appoint Assessors for making Rates on Houses, &c. to be lighted, watered, &c.

Part or Parts of the said Road as shall be; or is or are intended to be so lighted, watered, and watched as aforesaid, not extending Eastward beyond the *Gutteridge* Turnpike Gate, nor Westward beyond the House and Hereditaments now in the Occupation of *William Smith*, situate on or near the Scite whereon *Saint George's Gate* in the City of *Canterbury* formerly stood, nor extending on the North or South Side of the said Road beyond the Distance of One hundred and thirty-five Yards from the Centre of the said Road; in which said Rates or Assessments there shall be specified and set down, in different Columns, the Names of the respective Inhabitants or Occupiers, the annual Rents or Value of their respective Premises, and the Amount of the Rate or Assessment charged on each of the said Inhabitants or Occupiers; and where the Premises shall be unoccupied, the comparative annual Value of the said Premises: Provided always, that no Inhabitant or Occupier of Houses, Shops, Warehouses, Coach Houses, Stables, or other Buildings, Yards, Courts, or Gardens, situate by the Sides of or near to such Part or Parts of the said Road as shall be, or is or are intended to be so lighted, watered, and watched as aforesaid, shall be liable to be rated or assessed for any such Houses, Shops, Warehouses, Coach Houses, Stables, or other Buildings, Yards, Courts, or Gardens as aforesaid, unless some Part or Parts of his or her said Inhabitation or Occupation shall immediately adjoin one or both of the Sides of the said Part or Parts of the said Road so to be or intended to be lighted, watered, and watched as aforesaid, or have an immediate Communication therewith by some Approach thereto, not being a Public Highway.

Assessors to give Notice of making the Rates.

XXIX. And be it further enacted, That when any such Rates or Assessments shall be made as aforesaid, the said Assessors shall cause Notice thereof to be given in the Parish Churches of *Saint George the Martyr* in the City of *Canterbury*, and *Saint Paul* in the Borough of *Longport* in the County of *Kent*, or by fixing such Notices to the principal Doors of each of the said Churches, at least Ten Days before the said Rates or Assessments shall be returned to the said Trustees or their Clerk as aforesaid, to the end that all or any of the Persons concerned may, if they think proper, inspect the same, which Inspection the said Assessors are hereby required to permit and suffer *gratis*, at convenient Times in the Day-time, upon Application made to them for that Purpose; and in case the said Rates or Assessments shall not be appealed against within Twenty-one Days next after such Notice, the same shall be binding and conclusive upon all Parties; and in case the same shall be appealed against in one or more Particular or Particulars, the same shall nevertheless be binding and conclusive in all other Particulars; and such Parts of the said Rates or Assessments, which shall not be appealed against, shall and may be collected as if no such Appeal was made, and the Proceedings on the said Rates or Assessments shall only be stayed on those Parts thereof which shall be so appealed against.

Assessors refusing to act.

XXX. And be it further enacted, That in case any Person so appointed Assessor shall refuse or neglect to take upon him the said Office of Assessor, without sufficient Excuse (to be allowed by the said Trustees), or shall be negligent in the Execution of his Duty, he shall forfeit and pay for every such Offence the Sum of Twenty Pounds; and in case of such Neglect or Refusal, or if any Person so to be appointed Assessor as aforesaid shall shew to the said Trustees such Excuse as they shall judge

judge sufficient for his Discharge from such Office of Assessor, or shall, after being so appointed, by Death or otherwise become incapable of executing such Office, then and in either of the said Cases it shall be lawful for the said Trustees at any subsequent Meeting, by Warrant under their Hands, to nominate and appoint some other substantial Householder of the Houses and other Buildings situate adjoining or near to such Part or Parts of the said Road as shall be or is or are intended to be so lighted, watered, and watched as aforesaid, to be Assessor in the Room, Place, and Stead of such Person so neglecting, refusing, becoming incapable, or being excused or discharged as aforesaid; and every Person so appointed shall immediately enter upon and execute the said Office of Assessor, and shall be subject and liable to the like Penalties, Orders, and Rules in every respect as if he had been originally appointed Assessor as aforesaid.

XXXI. Provided always, and it is hereby further enacted, That no Person shall be liable or required to take upon him the said Office of Assessor after he shall have once served the said Office, or paid the said Penalty, unless and until all and every the Male Inhabitant Householders of the said Houses shall have been in turn appointed to the said Office; and in no case shall any Person be liable to be appointed to the said Office of Assessor after he shall have attained the Age of Seventy Years.

Persons having served the Office of Assessor not liable to be called upon except in certain Cases.

XXXII. And be it further enacted, That the said Assessors so to be appointed as aforesaid; shall, and they are hereby authorized and required, from Time to Time to name and return to the said Trustees or any Three or more of them, some fit and proper Person, to be approved of by the said Trustees or any Three or more of them, and by them or any Three or more of them to be appointed Collector of and to collect the several Rates or Assessments hereby empowered and directed to be made and collected, and which said Collector for the Time being shall make such Collection as to all Parts of the said Rates or Assessments which shall not be appealed against, immediately after the said Rates or Assessments shall respectively become conclusive as aforesaid; and as to such Parts as shall be appealed against, such Collection shall be made of the Sum allowed on the Hearing of such Appeal immediately after such Appeal shall be heard; and the Amount of the Money received for the said Rates or Assessments not appealed against, shall be paid to the Treasurer of the said Trustees within Six Days then next following; and as to such Part or Parts as shall be appealed against, the Sums allowed on such Appeal shall be collected and paid to the said Treasurer within Six Days after the Hearing of every such Appeal; and in case any Part of the said Rates or Assessments cannot be collected within the Times aforesaid; the said Collector for the Time being shall make a Return in Writing to the said Trustees of the Sums so remaining unpaid, and of the Names of the Persons from whom the same are due and owing, and shall attend the Trustees from Time to Time at their Meetings, to be examined if required relating thereto; and in case any such Collector shall be negligent in the Execution of his Duty, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Collectors of the Rates.

Penalty on Neglect of Duty.

Assessors and Collectors to be allowed for making and collecting the Rates.

XXXIII. Provided always, and be it further enacted, That the said Trustees shall, out of the Monies to be raised by virtue of the said Rates or Assessments, allow and make Compensation to the several Persons who shall from Time to Time make such Rates or Assessments, and collect the Monies specified therein, for making and collecting the same respectively, not exceeding in the whole the Sum of One Shilling in the Pound of the said Monies to be raised by virtue of such Rates or Assessments; such said Compensation to be apportioned between the said Assessors and Collector in such Manner as the said Trustees shall in their Discretion think just and proper.

Apportionment of Rates on Change of Tenants.

XXXIV. And be it further enacted, That in all Cases where any Person or Persons shall have removed from or quitted any House, Building, or other Property, for and in respect of which he, she, or they shall have been rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay a Portion of the Rates or Assessments to which such Person or Persons would have been subject or chargeable in case he, she, or they had not removed from or quitted the same, in proportion to the Time he, she, or they shall have continued to occupy the same; and in all Cases where any Person or Persons shall enter into the Occupation of any House, Building, or other Property liable to be rated by virtue of this Act, out of or from which any other Person or Persons who shall have been rated or assessed for the same shall have removed, or which at the Time of making such Rates or Assessments was or were empty or unoccupied, the Person or Persons so entering into the Occupation of the same shall be liable to pay and to have recovered from him, her, or them, a Portion of such Rates or Assessments, in proportion to the Time during which he, she, or they shall occupy the same, in like Manner as if he, she, or they had been originally rated or assessed for such House, Building, or other Property; all which respective Portions, in case of Dispute, shall be settled and ascertained by any Justice of the Peace acting in or for the County or Place where the Cause of Dispute shall arise, on Application of any Parties interested therein.

Landlords of ready furnished Lodgings liable to the Rates.

XXXV. And be it further enacted, That every Person, whether Landlord, Landlady, or Tenant, who shall let his or her House in separate Apartments, or ready furnished to a Lodger or Lodgers, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated or assessed accordingly, and shall be liable and subject to the Payment of the several Sums so rated or assessed: Provided always, that the Goods and Chattels of every Person renting or occupying any separate Apartment in any such House, or renting or occupying any ready furnished House, shall be liable to be distrained and sold for the Payment of the said Rates or Assessments; and that every Person who shall pay any such Rates or Assessments so charged on his or her Landlord or Landlady, or upon whose Goods and Chattels the same shall be levied in pursuance of this Act, shall and may deduct the same from and out of the Rent due and payable from Time to Time to his or her Landlord or Landlady; and the Receipt for such Payment shall be a sufficient Discharge to his or her Landlord or Landlady for so much Money as he or she shall have so paid, or which shall have been levied

levied on his or her Goods and Chattels in pursuance of this Act: Provided always, that the Goods and Chattels of any such Person so renting or occupying any separate Apartment in any such House, or renting or occupying any ready furnished House as aforesaid, shall not be liable to be distrained or sold for the Payment of any such Rates or Assessments further or to a greater Amount than the Rent or Proportion of Rent that shall at the Time of making such Distress or Sale be in Arrear or due and owing from him or her to his or her Landlord or Landlady for and in respect of any such separate Apartment or ready furnished House as aforesaid: Provided also, that no such Landlord or Landlady shall be charged with or liable to pay for any increased Rent which he or she shall reserve or make payable to him or her for or on account of his or her paying the said Rates or Assessments.

XXXVI. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act shall quit his, her, or their House or Houses, Shop or Shops, Warehouse or Warehouses, Coach House or Coach Houses, Stable or Stables, Cellar or Cellars, or other Hereditaments whereon any Rate or Assessment shall be made by virtue of this Act, before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same when demanded of such Person or Persons, or at his, her, or their Place or Places of Abode, by the Collector of such Rates, or other Person authorized by the said Trustees, then and in every such Case it shall be lawful for any One or more of His Majesty's Justices of the Peace within their respective Jurisdictions, and he and they is and are hereby required to grant a Warrant or Warrants of Distress under his or their Hand and Seal or Hands and Seals, (on Oath being made before him or them by the said Collector or Person as aforesaid, of such Person or Persons having been so rated, and of his, her, or their having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of or from or at the then Place of Abode of such Person or Persons, and which Oath such Justice or Justices is and are hereby authorized and empowered to administer), authorizing and directing any Constable or Constables of any Parish, Township, or Place within the said County or City, or in any other County, City, Borough, or Liberty, where such Person or Persons shall then reside, or other Person or Persons to whom such Warrant or Warrants shall be specially directed, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, and to sell the same, and (such Warrant being countersigned or backed by some Magistrate of the County, City, or Liberty where the Person or Persons shall then reside, or such Goods and Chattels shall be found, and which such Magistrate is hereby required to countersign or back), it shall be lawful for such Constable or Constables or other Person or Persons to distrain and sell the Goods and Chattels of the Person or Persons so quitting the said Premises without having paid his, her, or their Rate or Assessment as aforesaid, in any Parish, City, Liberty, County, or Place where such Goods and Chattels shall be found, rendering the Overplus (if any) after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively; and in Default of such Distress, it shall be lawful for any such Justice or Justices who shall have granted such Warrant, to cause such

For Recovery  
of Rates from  
Persons  
quitting the  
Premises  
rated.

such Defaulter to be apprehended and brought before him, and to commit such Defaulter to the Common Gaol or House of Correction for the said County or City, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until Payment of such Sums of Money as shall have been found to be due and in Arrear upon any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices.

Power to  
erect Lamps,  
&c. and to  
appoint  
Watchmen.

XXXVII. And in order for the proper lighting and watching such Part or Parts of the said Road as shall be, and is and are intended to be lighted, watered, and watched as aforesaid; be it further enacted, That it shall be lawful for the said Trustees to continue or alter the several Lamps, Lamp Posts, Lamp Irons, and Stands already erected, and also to erect such and so many other Lamps, Lamp Posts, Lamp Irons, and Stands, Watch Houses or Watch Boxes, as they shall from Time to Time think needful and necessary, on the Sides of the said Part of the said Road, and to fix the same to the Freehold of any Person or Persons whomsoever (making good or paying a Satisfaction for all Damage to be occasioned thereby), and from Time to Time to remove, alter, or take away the same; and also to appoint such Number of fit and able-bodied Men to patrole, watch, and guard the said Part of the said Road, and to be Supervisors of the Watch, and for superintending and managing such Watchmen, as they the said Trustees shall from Time to Time think needful and necessary; and to make such Allowance to the said Watchmen, and every such Person as shall be appointed a Supervisor of the said Watch, for their Trouble and Attendance; and to make, form, and give, or alter such Rules and Directions concerning the same, and in what Manner such Watchmen and Supervisors shall be clothed, armed, and stationed in the said Part of the said Road, and for the due and regular Performance of their respective Services, as they the said Trustees shall from Time to Time think fit and reasonable, and as the Nature of the said Service may require, and also from Time to Time remove and discharge all or any of the said Watchmen and Supervisors, and appoint others in their Stead.

Power for  
the Trustees  
to contract  
for lighting  
with Gas.

XXXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to contract with the *Canterbury Gas Light Company*, or any other Person or Persons, Body or Bodies Politic or Corporate, for lighting with Gas or Oil the said Lamps, or any of them, or such others as may be for the Purpose provided or substituted in lieu thereof, and for providing or substituting such other Lamps for the Purpose as aforesaid; and also for preparing or providing such Conductors, Pipes, or other Articles or Things as may be requisite for the same Purpose, and for affixing or setting up such Lamps, Conductors, Pipes, or other Articles or Things as aforesaid, or any of them, on or against any of the Walls of any of the Houses, Buildings, or Tenements, or on or against any other Walls, or any Pailings, Railings, or other Fences upon or by the Sides of or near to the said Part of the said Road, or in any other Manner, as may be necessary or convenient for the Purposes aforesaid, and also for taking down, removing, altering, or replacing from Time to Time such Lamps, Conductors, Pipes, or other  
Matters



Matters and Things as aforesaid or any of them; and also for erecting, preparing, or providing, and laying down any Works, Mains, Pipes, Reservoirs, or other Matters or Things as may be requisite or necessary for the Purpose of lighting such Lamps with Gas as aforesaid, and the said Trustees making such Satisfaction and Recompence for any Damage or Injury to be thereby occasioned to any Property (except any Waste Land for any such Damage or Injury, for which no Recompence or Satisfaction shall be made), to every Person owning or being interested in such Property, as shall be agreed on between the said Trustees or their Surveyor and such Person respectively; and in case where they cannot agree thereon, then such Satisfaction and Recompence shall be settled and ascertained by the Order and Adjudication of any Two Justices of the Peace within their respective Jurisdictions, at some Special Sessions to be held for that Purpose; and it shall be lawful to and for the said Trustees in any Contract or Agreement to be made with any Person, Party, or Company for the lighting the said Lamps with Gas, to permit and suffer the Person, Party, or Company to make Communications with the said Mains or Pipes, and to lay Service Pipes therefrom to any House, Shop, or other Building or Place, the Owner or Occupier whereof may be desirous of being supplied with Gas, for the Purpose of supplying such Owner or Occupier with Gas for his, her, or their own private Purposes for the Benefit of such Person, Party, or Company so contracting with the said Trustees for lighting such Lamps with Gas as aforesaid: Provided always nevertheless, that nothing herein contained shall authorize or empower the said Trustees or their Agents or Servants to carry or lay any Pipe or Pipes to or against any Dwelling Houses, Manufactories, or public or private Buildings, or in or through any private Lands or Grounds for the Purpose of lighting the said Part of the said Road, or to continue the same without the Consent of the Owner and Occupier of every such Dwelling House, Manufactory, or public or private Building.

XXXIX. Provided always, and be it further enacted, That if any Body Politic or Corporate, or Person or Persons whomsoever, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow any Washings or other Waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas into any River or Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Spring Head, Well, Drain, Sewer, or Ditch, then and in every such Case the Body Politic or Corporate, or Person or Persons so offending, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and 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, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlanche shall be allowed, and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same shall be sued for within Twelve Calendar Months from

To prevent conveying Gas Washings into Rivers, &c.

the Time of such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above, and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings, or other Waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, Ditch communicating therewith, or any such Annoyance, Act, or Thing, shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the Body Politic or Corporate or Person or Persons so offending, or to any Clerk, Officer, or Servant of such Body Politic or Corporate, or Person or Persons, and the said Body Politic or Corporate, or Person or Persons so offending shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things from being emptied, drained, conducted, or conveyed, or from running or flowing in Manner aforesaid, and every other such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Body Politic or Corporate, or Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or cause to be suffered to run or flow in Manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage, by any such Act so done or committed.

Penalty on  
Gas escaping.

XL. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by virtue of this Act, the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting the said Part of the said Road with Gas, shall at their own Expence immediately after Notice thereof by Parole or in Writing from any Inhabitant of the said Part of the said Road, given to any such Person or Persons, or to any such Body or Bodies Politic or Corporate, or to any Clerk, Officer, or Servant of any such Person or Persons, or of any such Body or Bodies Politic or Corporate, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case such Person or Persons, Body or Bodies Politic or Corporate, shall not, within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly remove the Cause of Complaint, that then and in every such Case such respective Person or Persons, Body or Bodies Politic or Corporate, shall for every such Offence forfeit and pay the

Penalty or Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving or serving such Notice, during which the Gas shall escape or be suffered to escape as aforesaid, one Moiety of which Penalty shall be paid to the Informer, and the other Moiety shall be paid to the Overseer of the Poor of the Parish in which the Penalty shall be incurred.

XLI. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect any Person or Persons, or any of the Servants or Officers or Workmen, or any Body or Bodies Politic or Corporate, who shall light or contract for lighting the said Part of the said Road with Gas, from any Indictment or Prosecution for a public or private Nuisance, in respect of any Works or the Means which shall be employed by them in making the said Gas, and using the same or furnishing such Gas Light, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of Lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of Lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

XLII. And be it further enacted, That the said Watchmen and Supervisors of the Watch, shall in their several Courses of Service use their utmost Endeavours not only to prevent Fires, but also to keep Watch and Ward within the said Part of the said Road, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace, and to that End the said Watchmen and Supervisors of the Watch respectively shall and may, and they are hereby empowered and required to arrest and apprehend all Night-walkers, Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all disorderly and suspected Persons who shall be found misbehaving or wandering within the said Part of the said Road, and to lodge them in the Common Gaol or House of Correction of *Saint Augustine's* in the County of *Kent*, or in any Watch House or other Place of Security within the said County or City of *Canterbury*, as the Case may require, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace, to be examined and dealt with according to Law; and the said Supervisors of the Watch shall, as often in every Night as shall be ordered by the said Trustees, go about the said Part of the said Road, to take Notice whether all the Watchmen perform their Duty in their several Stations, according to such Orders and Regulations as shall be made and provided by the said Trustees.

Duties of Watchmen, &c.

XLIII. And be it further enacted, That if any of the said Watchmen or Supervisors of the Watch, so appointed or employed as aforesaid, shall at any Time wilfully neglect to attend in their respective Turns of Service to keep Watch within the said Part of the said Road at the Hour appointed by the said Trustees for their Attendance thereon, or shall depart from or cease keeping Watch during the several Hours appointed by the said Trustees for the Continuance of the same, or shall neglect to arrest, apprehend, or detain any Night-walker, Felon, Malefactor, Vagrant, Beggar, Disturber of the Peace, or any other disorderly Person found

Penalty on Watchmen, &c. for Neglect of Duty.

found misbehaving or wandering within the said Part of the said Road, or shall not observe and perform all the Orders, Rules, and Regulations made by the said Trustees for their Conduct and Government in their aforesaid Employment, or shall in any Manner neglect their Duty or misbehave, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings, and also shall be immediately dismissed from his said Employment, if the said Trustees shall think proper so to do.

Penalty on  
Persons  
assaulting  
Watchmen,  
&c.

XLIV. And be it further enacted, That if any Person shall obstruct or assault any Watchman or Supervisor of the Watch, to be employed or appointed by virtue hereof, in the Execution of his Duty, every Person so offending, upon being convicted thereof before Two or more Justices of the Peace of the said County or City, as the Case may require, shall be liable to a Penalty, at the Discretion of the said Justices, not exceeding Ten Pounds; and in case such Penalty shall not be forthwith paid, such Justice may commit any such Person to the House of Correction for the said County or City, as the Case may require, for any Time not exceeding Three Calendar Months.

Watchmen,  
&c. invested  
with the  
Powers of  
Constables.

XLV. And be it further enacted, That all Watchmen to be appointed under the Authority of this Act, shall be sworn in as Constables before any Justice or Justices of the Peace within their respective Jurisdictions, and act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables is or are invested with or have and enjoy by Law.

Penalty on  
Constables  
for Neglect  
of Duty.

XLVI. And be it further enacted, That if any Constable or other Peace Officer shall refuse or neglect to receive into his Custody any Person who shall be apprehended, or any Horse, Ass, Mule, Cart, or other Carriage, to be secured as aforesaid by any Watchman or Supervisor appointed by virtue of this Act, or shall permit or suffer any Person so apprehended to escape out of his Custody, or shall refuse or neglect to convey any Person so apprehended before some Justice of the Peace, or shall convey any such Person so apprehended before such Justice, without giving Notice to the Watchman or Supervisor who apprehended such Person, or shall refuse or neglect to give such Aid or Assistance as herein required and directed, every such Constable or other Peace Officer so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on  
Publicans  
harbouring  
Watchmen.

XLVII. And be it further enacted, That if any Victualler, Publican, or other Person selling or dealing in Spirituous or other Liquors, shall entertain or harbour in his or her House, or Habitation, or Shop, any Watchman to be appointed by or under this Act, or any Superintendant acting or being employed under the Powers of this Act, during any of the Hours or Times appointed for such Watchmen or Superintendant to be on Duty by virtue or in pursuance of this Act, then every such Victualler, Publican, or other Person shall forfeit and pay any Sum not exceeding Five Pounds.

XLVIII. And

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized to provide a Supply of Water, Pipes, Pumps, Reservoirs, or otherwise, for the Purpose after mentioned, and may, when and as often as they shall think proper, order and cause to be watered so much of the said Part of the said Road, and at such Times as they shall think proper, and shall also have full Power and Authority, for the Purpose aforesaid, from Time to Time to sink Wells, and erect such Pumps, and to lay down Pipes for the Conveyance of any Water, as and when they may think proper, on the Sides of the said Part of the said Road, and to remove or alter the same or any of them at their Discretion, and also from Time to Time to purchase or cause to be made such Machines, Carts, or Engines as shall be necessary, or to contract with any Person or Persons for watering so much of the said Part of the said Road as aforesaid as the said Trustees shall or may think fit.

Power to provide Water, and water the Streets.

XLIX. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences which have been or shall be erected and provided in pursuance of the said Act and this Act, with several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Roads, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the Toll Gates, or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials aforesaid, or shall interrupt them the said Trustees, or any of their Officers in the Possession thereof, and it shall be sufficient to state generally the Property therein to be in the Trustees for repairing the Road from *Canterbury to Barham*.

Toll Houses, &c. vested in Trustees.

L. And be it further enacted, That if any Person shall remove, or wilfully break, destroy, throw down, deface, or otherwise damage (unless by Order of the Trustees or their Surveyor) any of the Turnpikes, Toll Houses, Gates, Table of Tolls, Weighing Machines, Engines, Store Houses, Outhouses, Watch Houses, Watch Boxes, Water Engines, Water Machines, Posts, Palings, Rails, Fences, Pumps, or Lamps, already or hereafter to be erected on the said Road, or any Tools, Implements, Stones, or other Materials which shall be got or collected for repairing the said Road, or any of the Posts, Irons, Stands, or other Furniture of the said Lamps, or take away or throw any of the Oil from or out of the said Lamps, or extinguish any of the said Lamps when lighted, it shall be lawful for any Justice of the Peace within his Jurisdiction, and he is hereby required upon Oath made before him of any such Offence, to issue a Warrant for the apprehending the Party accused, or

Persons removing or damaging Turnpikes, &c. to pay a Penalty and to make good the Damage.

[Local.]

it shall be lawful for any Person or Persons whomsoever, who shall see such Offence committed to apprehend, as also for any other Person or Persons to assist in apprehending the Party, and by the Authority of this Act and without any other Warrant, to convey or cause to be conveyed such Party into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the County of *Kent* or *City of Canterbury*, as the Case may require, and upon such Party being brought before the said Justice, or on Oath being made before such Justice that the Party cannot be found and apprehended, such Justice shall proceed to examine upon Oath, any Witness or Witnesses who shall appear to be produced to give Information touching such Offences; and if the Party accused shall be convicted of such Offence, either by his or her own Confession, or upon such Proof or Information as aforesaid, he or she so convicted, shall for every such Offence forfeit any Sum not exceeding Ten Pounds, together with full Satisfaction to the said Trustees for the Damages by him or her done as aforesaid, to be settled and determined by the said Justices, together with the Costs and Charges of such Conviction, and such Allowances as the said Justices shall think reasonable for the Witnesses and Peace Officers attending thereon; and in case any such Offender shall not upon Conviction pay down such Forfeiture and make such Satisfaction as aforesaid, and also pay the Costs and Charges of such Conviction and Allowances as aforesaid, the Justice before whom such Offender shall be convicted is hereby required to commit him or her to any House of Correction within or for the said County or City, as the Case may require, there to be kept to hard Labour for any Time not exceeding Ten Days, and such Offender shall not be discharged before the Expiration of the Time for which he or she shall be committed, unless such Forfeiture, Satisfaction, Costs, and Charges shall be sooner paid, and One Half of every such Forfeiture shall be paid to the Informer or Informers, and the other Half to the Treasurer to the said Trustees, to be applied to the Purposes of this Act; and if any Person shall negligently or accidentally break, destroy, throw down, deface, or otherwise damage any of the said Turnpikes, Toll Houses, Gates, Weighing Machines, or Engines, Store Houses, Outhouses, Watch Houses, Watch Boxes, Water Engines, Watering Machines, Posts, Palings, Rails, Fences, Pumps, or Lamps, or if any such Turnpikes, Toll Houses, Gates, Weighing Machines, or Engines, Store Houses, Outhouses, Watch Houses, Watch Boxes, Water Engines, Watering Machines, Posts, Palings, Rails, Fences, Pumps, Lamps, Posts, Irons, Stands, or other Furniture shall be broken, thrown down, or damaged by any Cart, Carriage, Horses, or other Cattle of any Person or Persons, and such Person or Persons shall not, on Demand, make Satisfaction to the said Trustees for such Damage, it shall be lawful for any Justice of the Peace for the said County or City within his Jurisdiction, and he is hereby required, upon Information or Complaint to be made by the said Trustees or their Surveyor, or by any Person or Persons whomsoever, to summon the Party or Parties complained of, and upon his, her, or their appearing or making default to appear, Oath being made before the said Justice, which Oath the said Justice is hereby empowered and required to administer, that the Party or Parties complained of was or were served with such Summons, such Justice shall proceed to examine the Matter of the said Complaint, and upon Proof thereof, either by the Confession of the

the Party or Parties complained of or by the Oath of any credible Witness, (which Oath the said Justice is hereby required and empowered to administer), to award and order such Satisfaction to be made by the Party or Parties complained of for the Damages so done as aforesaid, and the Costs and Charges of procuring such Award or Order, including the Charge of the Attendance of the Witnesses, and of the detaining and keeping such Cart, Carriage, Horses, or Cattle as aforesaid, as to such Justice shall seem reasonable, and shall cause the Sum so awarded, in case the same be not forthwith paid upon the making such Award or Order, to be recovered in the same Manner as any Penalty or Forfeiture is herein authorized or directed to be recovered.

LI. And be it further enacted, That all Sums raised and to be raised by Rates or Assessments on the several Inhabitants or Occupiers of Houses, Shops, Warehouses, Coach Houses, Stables, or other Buildings, Yards, Courts, or Gardens as aforesaid, adjoining or near to such Part or Parts of the said Road as shall be, or is or are intended to be so lighted, watered, and watched as before mentioned, shall be from Time to Time applied in lighting, watering, and watching the said Part or Parts of the said Road as shall be or is or are intended to be lighted, watered, and watched as aforesaid and every thing relating thereto: Provided always, that nothing herein contained shall be construed to prevent the Produce of such Rates or Assessments respectively from being charged with a rateable Contribution towards the Salaries, Charges, and Expences of the Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors acting or to act under and by the Direction of the said Trustees.

Money raised by Rates to be applied in lighting, &c.

LII. Provided always, and be it further enacted, That a separate and distinct Account shall be kept of the Amount and Application of the Tolls payable on the said Roads, and of the Rates or Assessments to be levied on the Inhabitants of the said Part or Parts of the said Road so to be or intended to be lighted, watered, and watched as aforesaid: Provided also, that in no Case shall any Part of the Tolls hereby authorized to be levied and collected be applied towards the Expences of lighting, watering, or watching the said Part or Parts of the said Road hereby directed to be lighted, watered, and watched.

Separate Accounts to be kept of Tolls and Assessments.

LIII. 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 directed), 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 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 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 Penalties, Forfeitures, and Fines, when so paid and levied,

Penalties and Forfeitures how to be recovered and applied.

(if

(if not directed to be otherwise applied by this Act), shall from Time to Time be paid to the said Trustees or to their Treasurer or Treasurers for the Time being, and shall be laid out and applied in putting this Act in Execution; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then 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 for the County of *Kent*, or City of *Canterbury*, as the Case may require, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, Fines, and all reasonable Charges shall be sooner paid and satisfied.

Allowing an  
Appeal to  
the Quarter  
Sessions.

LIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, or any Judgment or Determination, or by any thing done in pursuance of this Act (save and except the Verdict of the Jury with respect to the Value of Messuages, Lands, or Tenements taken or used in turning, altering, widening, or making any Part or Parts of the said Roads, and any other Matter or Thing herein-before or in the said last recited Act directed to be final), and for which no particular Relief hath been herein-before or in the said last recited Act appointed, such Person or Persons may, within Six Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace for the County or City where the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County or City, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded against him, her, or them by the Justices at such Quarter Sessions; and the said Justices at their said Sessions, on due Proof being given of such Notice as aforesaid, and of the entering into such Recognizance, shall proceed to hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they the said Justices shall respectively think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.



LV. Provided nevertheless, and be it further enacted, That it shall and may be lawful to and for the said Justices at their said General Quarter Sessions of the Peace, or Adjournment thereof, in all Cases where they shall see just Cause to give Relief, to amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment.

Justices may amend Rates without quashing them.

LVI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act or the said last recited Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relative thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damages in an Action on the Case.

Distress not unlawful for Want of Form only.

LVII. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter to be done or transacted in or relating to the Execution of the said last recited Act or this Act, shall be quashed for Want of Form, or liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form, nor removed by Certiorari.

LVIII. And be it further enacted, That no Inhabitant or Occupier of or in any Parish, Township, or Place, in which any Offence may be committed against this Act, shall be deemed or adjudged to be an incompetent Witness by reason or on account of his or her being an Inhabitant or Occupier of or in such Parish, Township, or Place.

Inhabitants may be Witnesses.

LIX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or wrongful Proceeding committed in carrying the Trusts of this Act into Execution, or any Matter or Thing concerning or relating to the same, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any Action, with Leave of the Court wherein such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum

Not to recover if sufficient Tender of Amends before Action brought.

[Local.]

or Sums of Money as he, she, or they shall see fit, whereupon such Proceedings or Orders and Judgments shall be had and given in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation  
of Actions.

General  
Issue.

LX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act until Ten Days Notice shall be thereof given to the Clerk of the said Trustees, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months after the Fact committed, and every such Action or Suit shall be laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, or their Election, plead specially, or the General Issue Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Ten Days Notice thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than the County as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict or Verdicts, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Case by Law.

Treble Costs.

Public Act.

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

Term of the  
Act.

LXII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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