Anno tricesimo tertio

Georgii II. Regis.

An Act for the amending, widening, and keeping in Repair, the Road leading from the Thirty nine Mile Stone at the upper End of *Stone Street* in the Town of *Maidstone*, in the County of *Kent*, to a certain Place called *Tubb's Lake* in the Parish of *Cranbrooke*, in the said County.

WHEREAS the Road leading from the Thirty nine Mile Stone at the upper End of a Street called Stone Street in the Town of Maidstone, in the County of Kent, through the Parish and Village or Street of Looſe, to a Place called Style Bridge, and from thence through the Town or Village of Staplehurſt, and from thence to the Town of Cranbrooke, and from thence to a Place called Tubb's Lake, in the Parish of Cranbrooke aforesaid, in the said County, is, in the much greater Part thereof, by reason of the Deepneſs of the Soil, and many heavy Carriages frequently passing through the same loaded with Timber and Guns for Naval and Ordnance Service, very ruinous and bad, and, in Preamble.

the Winter Season, almost impassable; and other Parts thereof, by reason of their Narrowness, are very incommodious and dangerous to Travellers; and in regard the said Road cannot be amended, widened, and kept in Repair, by the ordinary Course of the Laws now in Force for repairing of Highways, May it 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 Right Honourable Charles Sackville, commonly called Earl of Middlesex, the Honourable Robert Marsham, the Honourable Robert Fairfax, the Honourable Lewis Watson, Sir Edward Austen, Sir Philip Boteler, Sir Francis Dashwood, Sir Edward Dering, Sir John Filmer, Sir Horatio Mann, Sir Roger Twisden, Baronets; Sir Thomas Rider Knight, the Mayor and Jurats of the King's Town and Parish of Maidstone for the time being; the Mayor and Jurats of the Town and Port of New Romney for the time being; the Mayor and Jurats of the Town and Hundred of Tenterden for the time being; John Austen, Robert Austen, Major General William Belfour, John Baker, Samuel Boys senior, Samuel Boys junior, Edward Bathurst, Thomas Blackmore, James Blackmore senior, Francis Brooke, Richard Beale, Seaman Beale, John Briscoe, James Best, John Cooke senior, John Cooke junior, Jeremiah Curteis of Tenterden, Jeremiah Curteis of Rye, Richard Curteis, John Chittenden, Peter Cole, John Cole, Alexander Courthorpe, Lewis Cage, William Champeneys, Henry Champeneys, Thomas Crisp, William Dallison, John Elmestone, Saville Finch, Edward Finch, Benjamin Hatley Foote, Rose Fuller, Phillips Gybbon, Walter Gybbon, Joshua Gould, William Hendley, Jenkin Hague, Thomas Hunt, Nicholas Haddock, Gabriel Hanger, Josias Hardy, Richard Haffenden, Richard Harcourt, John Hassell junior, Thomas Hope, Collier Holden, William Jumper, William James, Major General William Kingsley, Robert Moneypenny, James Moneypenny, Thomas Morland, Edward Louisa Mann, James Mann, John Marshall, John Dunmoll Mercer, John Norris, John Norris junior, George Onslow, John Osborne of Marden, William Pattenson senior, William Pattenson junior, Josias Pattenson, Samuel Pattenson, John Pomfrett, Charles Petley, Matthew Pope, Peter Parris, Thomas Parris, William Peen, Thomas Plummer, Joseph Puxty, Richard Rich, Edward Stephenson of Bedgbury, Thomas Stiles, Edward Stephenson, Robert Salmon, William Tempest junior, Roger Twisden, George Tempest, Francis Tress,

Trustees Names.

Fress, Thomas Turner, Joseph Viney, Thomas Viney, William Usborne, Edward Usborne, John Usborne of London, Charles Whitworth, Beversham Filmere junior, John Weston, Edward Wilmott, James Whatman, Esquires and Gentlemen; Henry Bagnall, John Chawner, Joseph Disney, Theophilus D'Langle, John Denn, Francis Hender Foote, Henry Hodson of Cranbrook, Henry Hodson of Sandhurst, John Hassell, John Mather, Jonathan Monkton, Robert Polhill, John Taylor, William Bell, Clerks; Fraser Honeywood, Major General Philip Honeywood, George Cooke, Dansey Sawkins, James Love, John Crawfurd, Gibbs Crawfurd, Benjamin Scott, shall be, and they are hereby nominated and appointed, Trustees for the surveying, ordering, amending, widening, repairing, and keeping in Repair, the said Road, and likewise for putting in Execution all other the Powers in and by this Act given.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall, during all the Time he shall so act, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the yearly Value of Fifty Pounds to his own Use, above Reprizes, or shall be Heir Apparent of some Person or Persons having an Estate of the yearly Value of Two hundred Pounds, or be possessed and intitled to Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand five hundred Pounds: And if any Person or Persons so made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons that will inform and sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Suit, or Information; wherein no Essoin, Protection, or Wager in Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting not being qualified.

Trustees may erect Turnpikes and Toll-houses;

And be it further enacted by the Authority aforesaid, That the said Trustees and the Survivors of them, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall appoint, shall and may erect, or cause to be erected, a Bar or Bars, Gate or Gates, Turnpike or Turnpikes, upon or cross the said Road at the several Places following; that is to say, One at some convenient Place between the said Thirty nine Mile Stone and a certain Lane or Road called Sutton Lane or Road, another at or within Two Furlongs of Style Bridge aforesaid, another at or within Two Furlongs of a certain Place called Cross at Hand, another at or within Two Furlongs of a certain Place called Knox bridge, and another at or within Two Furlongs of a certain Place called Hartley; and also shall and may erect a Toll-house or Toll-houses in or upon the said Road, at each of the said Turnpikes; and shall and may demand, receive and take, at all and every and each such distinct Bar, Gate, or Turnpike, the Tolls and Duties following, before any Cattle or Carriage whatsoever shall be permitted to pass through the same, or either of them; and in the taking and demanding which said Tolls or Duties, One Pair or Yoke of Oxen drawing, shall be deemed and taken to be but as One Horse.

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Berlin, Landau, Chaise, Chaise Marine, Calash, Chair, or Hearse, drawn by Six Horses or Beasts of Draught, the Sum of Eight Pence; and drawn by Four Horses or Beasts of Draught, the Sum of Six Pence; and drawn by Three or Two Horses or Beasts of Draught, the Sum of Four Pence; and drawn by One Horse or Beast of Draught, the Sum of Three Pence.

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four or more Horses, or Beasts of Draught, the Sum of Six Pence; and drawn by Three or Two Horses, or Beasts of Draught, the Sum of Four Pence; and drawn by One Horse or Beast of Draught, the Sum of Two Pence.

For every Horse, Mare, or Gelding, laden or unladen, and not drawing, the Sum of One Half-penny.

For every Mule or Ass laden or unladen, and not drawing, the Sum of One Farthing.

For every Drove of Oxen, Cows, or Neat Cattle, Five Pence per Score, and so in proportion for any greater or less Number.

For

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two Pence per Score, and so in proportion for any greater or less Number.

Provided always, and it is hereby declared, That all and every of the said Tolls and Duties being paid at One of the said Bars, Gates, or Turnpikes, so to be erected as aforesaid, shall not be looked upon or deemed to be an Exemption from the Payment of the like Duties and Tolls at any other of the Bars, Gates, or Turnpikes, so to be erected, but that the same Tolls and Duties shall be separately and distinctly taken and paid at all and every other the said Bars, Gates, and Turnpikes respectively, through which any such Coach or other Carriage, or other Thing above mentioned, shall pass. Tolls to be paid at each of the Turnpikes.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees hereby appointed, or hereafter to be appointed, by virtue of this Act, or any Nine or more of them, to erect, or cause to be erected (over and besides the above-mentioned Bars, Gates, or Turnpikes, upon or cross the said Road) One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Sides of the said Road, or at the End of, or cross, any Lane or Way leading into or out of the same, and there to demand and take such Tolls or Duties as by this Act are appointed to be demanded and taken. Trustees may erect Side-gates; and take Tolls thereat.

Provided nevertheless, That all and every Person and Persons having paid for passing through any Bar, Gate, or Turnpike, so to be erected on the Sides of the said Road as aforesaid, and producing a Note or Ticket of such Payment, shall pass through the next of the said Gates erected upon and across the said Road Toll-free; or if any Person or Persons having passed through any of the said Bars or Gates so to be erected upon and across the said Road as aforesaid, and having paid the Tolls and Duties at such Gate or Gates, such Person or Persons, upon producing a Note or Ticket of such Payment, shall pass Toll-free through any Bar or Gate so to be erected on the Sides of the said Road. Tolls, how to be paid.

Provided always, and be it hereby enacted by the Authority aforesaid, That all and every Carriage or Carriages laden with Timber, Guns, or any other Iron, passing through any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the First Day of October, and the First Day of May, in every Year during the Continuance of this Act, shall pay Double at each Gate or Turnpike through which such Carriage Carriages laden with Guns, Timber, &c. to pay Double.

riage or Carriages so laden shall pass; any thing in this Act contained to the contrary notwithstanding.

Exemptions from Tolls.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, and carrying any Materials for repairing the said Road, or for mending any of the Highways in the Parishes in which the said Road, by this Act directed to be repaired, doth lie; or going, or returning through any of the said Turnpikes for or with Dung, Mould, Marl, or Compost, or other Materials (Chalk and Lime excepted) for manuring of Lands or Gardens; nor shall any Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages carrying any Hay, or Corn in the Straw not for Sale, but intended to be laid up in any Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes or Places in which the said Road, hereby intended to be repaired, doth lie; nor for any Ploughs, Harrows, or other Implements of Husbandry; nor shall any of the Tolls or Duties hereby laid, be demanded of or taken from any Person or Persons residing in the said Parishes in which the said Road, hereby directed to be repaired, doth lie, who shall pass through the said Turnpikes or Cross-gates to or from their own respective Church or Chapel, or other Place of Religious Worship, on Sundays; or who shall attend the Funeral of any Person or Persons to be buried in any of the said Parishes; or for any Horses, Mares, Geldings, or Cattle, going to, or returning from, Pasture or Watering Places of any of the Neighbouring Inhabitants near the said Road; nor for any Post-horse or Post-horses carrying any Mail or Packet; nor shall any Toll or Duty be demanded for the Horses of Soldiers passing, who are upon their March; or for Carts, Carriages, or Waggons attending them, laden with their Arms or Baggage; nor for any Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes; nor shall any Tolls be taken by virtue of this Act for Coaches, Berlins, Landaus, Chariots, Chaises, Chaise-marines, Calashes, or Chairs, or Passengers on Horseback, 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.

Penalty on making illegal Claims.

Provided nevertheless, That if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person or Per-

Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be applied to the Use of the Informer, and the other Moiety thereof to be applied towards amending the said Road; any thing in this Act contained to the contrary thereof notwithstanding.

Tolls to be paid but Once a Day.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons having paid the Tolls or Duties hereby enacted to be paid at every of the said Gates or Turnpikes erected by virtue of this Act, through which such Person or Persons shall have passed with any Horse, Mare, Gelding, Mule, Ass, or Cattle, or any Carriage whatsoever, and producing a Note or Ticket, Notes or Tickets, denoting such distinct and separate Payment at all and every of the said Gates through which he, she, or they shall have so passed (which said Note or Ticket, Notes or Tickets, the Collector or Collectors is and are hereby required, upon Demand, to give) shall be liable to pay the same for returning or going at any Time through the same Bar or Bars, Gate or Gates, Turnpike or Turnpikes, the same Day, or before Twelve of the Clock at Night, with the same Horse, Mare, Gelding, Mule, Ass, Cattle, or any Carriage whatsoever.

Tolls vested in the Trustees.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the several and respective Sums of Money so to be demanded, received, and taken, shall be demanded, received, and taken, in the Name of and as a Toll or Duty; and the Money so hereby to be raised and collected is hereby vested in the said Trustees; and the same, and every Part thereof, as also all Sum and Sums of Money to be borrowed on the Credit thereof, shall be applied in the First Place, to pay and discharge all the Expences and Costs of procuring and passing this Act; and the Remainder thereof shall be applied in erecting Turnpikes and Toll-houses, and in repairing, widening, and amending, the said Road, and defraying the necessary Costs, Charges, and Expences, attending the same, and to no other Use or Purpose whatsoever: And it shall and may be lawful to and for the said Trustees, or any Nine or more of them, or any such Person as they, or any Nine or more of them, under their Hands and Seals, shall, from time to time, nominate, to levy the said Tolls and Duties upon any Person or Persons who shall, after Demand thereof, refuse or neglect to pay the same, by Distress of any Horse or Horses, or any other Goods and Chattles, upon which such Tolls and Duties are by this Act imposed, or by Distress of any of the Goods and Chattles of such Person or Persons who ought to pay the same, and such Distress to detain

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

until such Toll or Duty, with the reasonable Charges of making and detaining such Distress, shall be paid; and after the Space of Four Days next after such Distress made, to sell the same, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and Duties, and the reasonable Charges for the making, keeping, and selling, such Distress, shall be deducted and paid.

Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every Bar and Bars, Gate and Gates, Turnpike and Turnpikes, Toll-house and Toll-houses, which shall be erected by virtue of this Act, and of the Materials for building the same, and for repairing the said Road, shall be vested in the Trustees appointed, or to be appointed, by or in pursuance of this Act; and they, or any Nine or more of them, are hereby impowered to dispose thereof as they shall think proper; and to bring Actions in the Names of any Five or more of them, or in the Name or Names of their Clerk or Treasurer for the time being, or to prefer and prosecute Bills of Indictment against any Person or Persons who shall disturb them in the Possession of the Property thereof.

No Turnpike to be removed, but by Order of the Trustees.

Provided also, and be it further enacted by the Authority aforesaid, That no Bar, Gate, or Turnpike, to be erected or set up by virtue of this Act, shall, at any Time after the same shall be set up, be taken down, or removed to any other Place, except by Order of the Trustees, or any Fifteen or more of them, and whereof Fourteen Days Notice shall be given in Writing by the Clerk to the Trustees under his Hand, to be affixed on all the Turnpikes to be erected by virtue of this Act; any thing in this Act contained to the contrary notwithstanding.

Trustees, with Consent of the Creditors, may lessen the Tolls.

Provided also, and it is hereby enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, at a General Meeting to be held for that Purpose, whereof Notice shall be given in Manner aforesaid at least Twenty Days before such Meeting, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen and reduce, and again to raise and advance, the Tolls or Duties hereby granted and made payable, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so as the respective Tolls so varied never exceed the Tolls granted by this Act, nor ever be lessened until the Money to be borrowed on the Credit thereof, together with the Interest, be repaid, unless all Persons to whom such Money and Interest is due consent thereto; and such Tolls or Duties so varied, or any of them, shall be

be collected, recovered, laid out, and applied, in the same Manner as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied.

And forasmuch as the Money to be collected by Receipt of the Tolls and Duties by this Act imposed or granted will not be sufficient for the speedy amending the Road hereby directed to be repaired; be it further enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the said Tolls or Duties, or any Part thereof, collected on the said Road (the Costs and Charges of such Assignment or Mortgage to be born and paid out of the said Tolls and Duties) for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof by or out of the Monies arising or to be collected by the said Tolls or Duties, with such Interest for the same, not exceeding Five Pounds per Centum per Annum, as the said Trustees, or any Fifteen or more of them, shall think fit and agree to give; which said Money so borrowed shall (after paying the Expences of obtaining this present Act) be applied and disposed of as the said Tolls and Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and that all and every the original Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees, shall be entered at Length in a Book to be kept for that Purpose by the said Clerk.

Tolls may be assigned for Money borrowed.

Assignments to be entered in a Book.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the said Tolls and Duties after their First Meeting, unless Notice for that Purpose be fixed in Writing under the Hand of the Clerk to such Trustees upon all the Turnpike-gates erected by virtue of this Act at least Fourteen Days before borrowing such Money.

Notice to be given of borrowing Money.

And it is also further enacted by the Authority aforesaid, That all and every the Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made, as aforesaid, or his, her, or their Executors or Administrators, may, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security, or by any other Writing or Writings, to be duly executed in the Presence of Two or more credible

Assignments may be transferred.

dible Witnesses, assign or transfer the same Security and Securities, and all Benefit and Advantage thereof, and of his, her, or their Right, Title, and Interest, to the Principal and Interest-money thereby secured, or any Part thereof, to any Person and Persons whomsoever; which said Assignment shall be produced and notified to the Clerk appointed or to be appointed by the said Trustees, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Dates, Parties, and Sum of Money therein mentioned to be assigned, in the said Book to be kept for entering the said original Mortgage and Mortgages, Assignment and Assignments, made by the said Trustees; and for which Entry or Memorial the Clerk shall be paid Two Shillings, and no more: And after such Entry made such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties, as Occasion may require; and it shall not be in the Power of any Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Twenty one or more of them, upon Six Months Notice to be given thereof, by Writing, under the Hand of the Clerk to the said Trustees, affixed on all the Turnpikes erected by virtue of this Act, from time to time, to lease, demise, let, farm, or set out, by Writing under their Hands and Seals, for any Term not exceeding Three Years, the Tolls and Duties by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, for the best Price such Trustees can get, payable at such Times, and in such Manner, as they the said Trustees, or any Twenty one or more of them, shall think fit, and to be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same; which Money, so to be paid, shall be applied as the said Tolls and Duties are by this Act directed to be applied, and to no other Use whatsoever.

Penalty on haling Timber, otherwise than with Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, in or along the Road by this Act intended to be

repaired,

repaired, or any Part thereof, any Tree or Trees, Piece or Pieces of Timber, otherwise than and except upon Wheel Carriages; every such Person for every such Offence shall forfeit and pay the Sum of Ten Shillings.

Penalty on Persons permitting, or going thro', private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning or occupying any Messuage or Land near to any Turnpike which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Land, Gate, Passage, or Private Way, with any Carriage, Horse, Mare, Ass, Mule, or any Sort of Cattle, on which any Toll or Duty is hereby laid; or if any Person or Persons shall, with any Carriage whatsoever, or with any Horse, Mare, or other Cattle, pass through any such Land, Gate, Passage, or Private Way, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse, Mare, or other Cattle, from any Carriage, with an Intent to avoid paying any of the said Tolls or Duties; or shall leave, or cause to be left, upon or near the said Road, any Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Chair, Waggon, Wain, or other Carriage, Horse, or any other Cattle, with such Intent as aforesaid; every Person so offending, in any of the Cases aforesaid, shall forfeit and pay the Sum of Twenty Shillings.

or taking off Horses, &c.

to avoid paying the Tolls.

Penalty on giving or receiving Tickets, to avoid Payment of the Tolls.

And be it enacted by the Authority aforesaid, That if any Person or Persons having paid any of the Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, as aforesaid, shall give or dispose of the same to any Person or Persons, in order to avoid the Payment of the said Tolls and Duties, every such Person so offending, or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving and making use of the same, shall respectively forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied towards repairing the said Road.

Trustees may appoint Officers,

and remove them, and appoint others.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may choose a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls or Duties aforesaid, and also a Surveyor or Surveyors to view the Condition of the said Road, and to see that the same be repaired, and all such other Officers as they shall think necessary to employ in the Execution of this Act; and, from time to time, to remove such Clerk, Treasurer, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint

new Ones in case of Death or such Removal; and the said Tolls and Duties shall be paid after the Rates aforesaid to such Persons as shall, from time to time, be so appointed to receive the same: And the Person so appointed to receive the said Tolls and Duties, and also such Surveyors and all Persons any Ways employed by or under them, or any of them, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of such said Trustees are hereby impowered to administer) on the First Saturday in every Month, or oftener, if the said Trustees, or any Five or more of them, shall so require, give in a true, exact, and perfect Account, in Writing, under their respective Hands, to the said Trustees, or any Five or more of them, of all Monies which such Persons shall to such Time, respectively have received and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in the Hands of such respective Persons, or any of them, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall impower to receive the same, and shall be laid out according to the true Meaning of this Act; and the said Trustees, or any Nine or more of them, shall and may, out of the said Tolls and Duties, make such Allowance to the said Clerk, Collectors, Surveyors, and other Officers, for their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about procuring the said Road to be amended, as to the said Trustees, or any Nine or more of them, shall seem reasonable: And in case such Collectors, Surveyors, or other Persons, or any of them, shall not give in such Account, and make such Payment as aforesaid, that then any One or more Justice or Justices of the Peace for any Division in which any Part of the said Road doth lie, shall and may make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) and if such Person shall be thereof convicted, such Justice or Justices shall commit the Party to the common Gaol of the said County of Kent, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, as aforesaid, or until he shall have compounded or agreed with such Trustees, or any Nine or more of them,

Officers to account upon Oath,

Trustees to allow Officers Salaries,

Officers not making Account and Payment,

Justices to enquire into the Default,

and commit the Offender to Gaol,

until he shall conform.

them, and have paid such Composition to the said Treasurer or Treasurers; which Composition the said Trustees, or any Nine or more of them, at any Meeting assembled, are hereby impowered to make.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall, and they are hereby required to take such Security from their Treasurer or Treasurers for the due Execution of his said Office, as the said Trustees, or any Nine or more of them, shall think fit.

Surveyors may dig Gravel, &c. from Waste Grounds,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the said Road out of any River or Brook, or out of any Waste or Common Grounds in any Parish wherein or near which the said Road, or any Part thereof, doth lie; and for want of a sufficient Quantity of such Materials there, such Surveyor or Surveyors, and such Person so appointed by him or them, shall and may dig, gather, take, and carry away the same, out of any River or Brook, or out of or from any Waste or Common Ground in any neighbouring Parish, without paying any Thing for such Materials: And if there is not a sufficient Quantity of such Materials in such Rivers, Brooks, Common or Waste Grounds, it shall and may be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order of the Trustees, or any Five or more of them, for that Purpose) to dig, gather, and take away such Materials in the Grounds of any Person or Persons whomsoever (not being a Garden, Orchard, Yard, Park, Paddock, Nursery, or planted Walk or Walks, or Avenue to a House) paying such Rates for such Materials to the Owners or Occupiers of the Ground as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, the Justices of the Peace at the next General Quarter Sessions to be holden for the said County of Kent, shall and may examine Witnesses upon Oath relating thereto, and shall adjudge and finally determine the same, and order the Damages to be paid by the Treasurer for the time being of the said Road, out of the Money arising by the said Tolls; from which Determination there shall be no Appeal.

if sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, or Person or Persons by them, or either of them, appointed, may, and is, and are hereby authorized and impowered to make, or cause to be made, any Causeway or Causeways in, or along

erect Bridges,

the Side or Sides of any Part of the said Road, and shall and may build, or cause to be built, any Bridges in and upon, or cross, the said Road, or any Part thereof, and

cut Watercourses, &c.

cut, or cause to be cut, any Watercourses in, through, or cross any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

making Satisfaction to the Owners of such Grounds.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time to remove all Annoyances on any Part of the said Road, and

and cut down Trees, &c.

to cut down Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees and Bushes, or to remove such Annoyances as aforesaid, for

the Owners neglecting to remove the same after Notice;

the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said

Charges to be reimbursed the Surveyor,

Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid;

to be levied by Distress and Sale.

and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of Kent, from time to time to levy the Charge thereof upon such Owners and Occupiers by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid;

Penalty of a Second Offence.

and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the County aforesaid, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or

more

more of them, the Sum of Twenty Shillings, over and above the reimbursing to such Surveyor or Surveyors the Cost and Charges of doing the same as aforesaid.

Owners neglecting to scour Ditches, &c. after Notice given;

And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Road, shall not, in a proper Manner, cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons who of Right ought to have done the same, shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively, made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, it shall and may be lawful for such Surveyor and Surveyors, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the said County of Kent, by a Warrant or Warrants under the Hand and Seal of such Justice, to levy the same by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may cause the same to be done,

and levy the Charge by Distress and Sale.

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Road for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Road, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any

Part of such Road, and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road for turning, widening, or altering the same; and such Persons or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same by reason of Infancy or other Disability; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots, Lunaticks, and Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Feme Coverts, or Cestuique Trusts, Ideots, Lunaticks, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Nine or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, &c. may contract for the Sale of Lands, &c.

And

And be it further enacted, That if such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Road, or into or through which such Road is to be turned or altered, as aforesaid, shall, by the Space of Twenty Days next after such Notice given or left, as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating, then, or in every or any such Case, the said Trustees, or any Nine or more of them, shall cause it to be enquired into and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the said County of Kent (which Oath any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon Account of the taking such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into or through the same; and in order thereto, the said Trustees, or any Nine or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine, upon Oath, all and every Person or Persons whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Juries, better Information in the Premisses, as they the said Trustees, or any Nine or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Proprietors,

Where Persons refuse to treat, &c. for Sale of such Lands, &c

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

prietors, Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition, of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Feme Coverts, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person or Persons any wise interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Kent, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in the said Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid: And in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenge against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Nine or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned to serve on such Jury, and shall not appear, or that shall refuse

Verdict of the Jury to be conclusive to all Parties.

Trustees to issue their Warrants to the Sheriff, to impanel and summon a Jury.

Jurors may be challenged.

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

fuse to be sworn on the said Jury, or, being so sworn, refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn and give Evidence; and from time to time to levy such Fine and Fines, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all Fines shall be applied for such Uses and in such Manner as the Tolls granted by this Act are to be applied.

Fine not to exceed 5*l.*

And be it further enacted, That all and every Sum and Sums of Money so assessed by such Jury for the Damage and Recompence as aforesaid, shall be, and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or by their Treasurer, to the Person or Persons respectively intitled thereto, or to their Agent or Agents; and that upon Payment or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Road, and shall, to all Intents and Purposes whatsoever, becom̃e and be deemed and taken to be a publick and common Highway, and be from thenceforth Part of the said Road for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in, or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Nine or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same: And the Money arising by such Sale, shall be applied and disposed of for the repairing the said Road; and the Sale and Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace for the said County of Kent, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Money allowed for Lands, &c. how to be charged and tendered.

Lands when purchased to be deemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

Buildings, &c. not to be damaged by this Act.

Provided always, and be it enacted, That in widening, turning, or diverting any Part or Parts of the said Road, nothing shall be done which shall or may in any ways injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Owners thereof shall consent thereto.

Inhabitants to do Statute-work.

And be it further enacted, That the Inhabitants of the several Parishes or Places, through which the Road hereby intended to be repaired doth lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, which shall be done and performed in such Parts of the said Road by this Act directed to be repaired, and lying within the said Parishes or Places in which such Inhabitants respectively shall live, as the said Trustees, or any Five or more of them, shall direct or appoint; and at such Times, and in such Manner as the Surveyor or Surveyors by them authorized shall direct or appoint.

Persons chargeable to the Repairs of the Roads to continue so.

And be it further enacted and declared by the Authority aforesaid, That all and every Person and Persons who by reason of Custom or Tenure are chargeable towards repairing and amending the said Roads, or any Part thereof, or any Bridges, Drains, or Sewers, in or upon the same, shall still remain chargeable, and shall repair and amend such Bridges, Drains, Sewers, and Parts of the said Roads, in such Manner as he, she, or they, was or were obliged to do, or ought to have done, before the passing this Act; any thing herein before contained to the contrary thereof notwithstanding.

Justices, &c. to determine the Statute-work to be done on the Roads.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Mayor and Four of the Jurats of the said Town and Parish of Maidstone for the time being, in respect to such Statute-work as the Inhabitants of the said Town and Parish ought to do on the said Road, and for any Two or more of the Justices of the Peace for the said County of Kent, in respect to such Statute-work the Inhabitants of any other of the several Parishes in which the said Road doth lie ought to do, and as well the said Justices of the Peace, as the aforesaid Mayor and Jurats of Maidstone aforesaid, within their respective Jurisdictions, are hereby required and impowered, upon Application made to them the said Mayor and Jurats, and Justices of the Peace respectively, by the said Trustees, or any Five or more of them, or by any of the said Surveyors of the said Highways, or by

any

any of the Persons so chargeable yearly, to adjudge and determine what Part or Proportion of the Statute-work shall every Year be done in the Road aforesaid, as well by the Inhabitants of the said Town and Parish of Maidstone, as by the Inhabitants, all or any of them, of the other Parishes or Places in which the said Road hereby directed to be amended doth lie.

Trustees may compound with Parishes, &c. for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, during the Continuance of this Act, to compound and agree with the Surveyor or Surveyors of any of the Parishes or Places in which the said Road doth lie, and with any of the Possessors or Occupiers of Lands, Tenements, and Hereditaments, or other Persons who are or shall be liable or chargeable towards the repairing of any Part of the said Road, either by Statute-work, Custom, or Tenure, as aforesaid, for a certain Sum of Money by the Year, or otherwise, as the said Trustees, or any Nine or more of them, shall think reasonable, in lieu of such Statute or other Work to be done by the Inhabitants of such Parishes or Places, or by such Possessor or Possessors, Occupier or Occupiers of such Lands, Tenements, and Hereditaments, or other Persons chargeable by Custom or Tenure as aforesaid.

Composition-money how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid in lieu of any Statute-work, or Days Work of the Inhabitants of any Parish or Place wherein the Road to be amended by virtue of this Act doth lie, or in lieu of Repairs to be done to Bridges, Drains, Sewers, or other Parts of the said Road, by Persons chargeable therewith, as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable, according to such Agreement or Composition, to the Person or Persons whom the said Trustees, or any Nine or more of them, shall authorize to receive the same, that then it shall and may be lawful for any One of the Justices aforesaid, by Warrant under his Hand and Seal, to impower the Person or Persons so authorized by the said Trustees to receive such Composition-money (Oath being first made that the same has been demanded and remains unpaid; which Oath the said Justice is hereby authorized and required to administer) to levy such Composition-money by Distress and Sale of the Goods of the Surveyor or Surveyors of the Highways, or of the Person or Persons so having respectively compounded, either for such Statute or Days Work, or for such Repairs to be done to such Bridges,

Bridge, Drains, Sewers, or other Parts of the said Road, by Persons chargeable therewith, as aforesaid, returning the Overplus, if any, after the Charges of such Distress and Sale thereout first deducted.

Surveyors, &c. paying the Composition-money, how to be reimbursed.

Provided always, and be it enacted by the Authority aforesaid, That if any Surveyor of the Highways of and for such Parish or other Place for which any such Composition shall be made for any Statute and Days Work as aforesaid, shall pay the Composition-money; or in case the Composition-money shall be levied on him in the Manner herein before provided; all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as, by the Law, Surveyors of the Highways of this Kingdom are to be reimbursed the Money by them expended in buying Materials for amending the Highways.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required and impowered to cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides thereof, each Stone or Post at the Distance of One Mile each from the other, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees shall seem meet: And if any Person shall wilfully and maliciously break or pull up any of the Stones or Posts on any Part thereof, which shall be erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more of the said Justices of the Peace (which Oath the said Justice or Justices are and is hereby required and impowered to administer) every such Person so offending, and being thereof convicted as aforesaid, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so broken or pulled up, obliterated or defaced, to be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered; the Fourth Part of such Forfeitures to be paid to and for the Use of the Informer, and the Residue thereof to be applied in repairing the Stones or Posts so broken or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus thereof, the same shall be laid out in repairing the said Road; but in case no sufficient Distress can

Penalty on defacing Mile-stones, &c.

be found whereby to levy the same, then it shall and may be lawful for any One or more of such Justice or Justices, by Warrant under his and their Hand and Seal, to commit the Person or Persons so offending to any House of Correction within the said County of Kent, to be there kept to hard Labour for any Time not less than the Space of One Month, nor exceeding Three Months, or until he, she, or they, shall have fully paid the Money which he, she, or they, shall forfeit or be liable to pay on such Conviction as aforesaid. and for want of Distress, the Offender to be committed.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed or incurred (touching which no other Provision is herein made) shall be levied by Distress and Sale of the Offender or Offenders Goods or Chattles, by Warrant or Warrants under the Hands and Seals of Two or more of the said Justices of the Peace (which Warrant or Warrants the said Justices are hereby impowered and required to grant, upon Information of One or more credible Witness or Witnesses, upon Oath, which Oath the said Justice or Justices of the Peace are hereby required and impowered to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall go, be applied, and laid out, if not otherwise applied and disposed of by this Act, for and towards amending the said Road. Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall and may be lawful for him or her to appeal to the Justices of the Peace at their next General Quarter Sessions to be held for the said County of Kent, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and, if they see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate, or set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgements, in regard to the Premisses, as they shall think right and proper. Persons aggrieved may appeal to the Quarter Sessions.

Proviso.

Provided nevertheless, That reasonable Notice shall be given in Writing of such Appeal to the Clerk or Treasurer of the said Trustees.

Proceedings not to be quash'd for want of Form;

Provided always, and be it further enacted by the Authority aforesaid, That no Proceedings to be had or done by the said Trustees, or by any Justice or Justices of the Peace, touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form; or be

nor removeable by *Certiorari.*

removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster, until such Proceeding shall have been first removed to, and Judgement and Determination given and made thereupon by, such Quarter Sessions of the Peace; and that no Writ of Certiorari shall be issuable to remove the Record of any such Conviction from the said General Quarter Sessions, or to remove any other Proceedings of the said Quarter Sessions, touching such Conviction, into any of His Majesty's Courts of Record at Westminster, until Security be given to the Prosecutor, in the Sum of Thirty Pounds, to prosecute, and pay the Charges to be ascertained by the Court to which such Proceedings shall be removed, in case such Conviction shall be confirmed.

Commencement and Continuance of the Tolls.

And it is hereby further enacted by the Authority aforesaid, That this Act, and all the Tolls and Duties hereby granted and made payable, and all the Powers hereby given, shall take Place, and shall have Commencement and Continuance from and after the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: But if, at any Time before the Expiration of the said Term, all the said Road directed by this Act to be repaired shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said County of Kent, at their General Quarter Sessions of the Peace for the said County, that then, and from and after such Adjudication made, and Repayment of all Money due and owing on Account of this present Act, the aforesaid Tolls and Duties, and Powers hereby granted and given, shall from thenceforth cease and determine; any thing herein contained to the contrary thereof notwithstanding.

If before the Expiration of the Term, the Roads shall be sufficiently repaired, &c. Tolls to cease.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall first meet together at the House of Richard Leeds, known by the Sign of The George, in Cranbrook aforesaid, upon the Third Saturday after the passing of this Act, and shall proceed in the Execution of this Act; and shall then adjourn to such Time and Place in or near the said Road so to be repaired, as the said Trustees, or the

major Part of them, present at such First Meeting, shall think proper and convenient; and so shall meet and adjourn from time to time, during the Continuance of this Act, as the said Trustees present at any or every of such Meeting or Meetings, or the major Part of them, shall think necessary, for the putting this Act in Execution; and if it shall happen, that at the Time of any Meeting which shall be so from time to time appointed to be holden by the said Trustees as aforesaid, there shall not be Five at least, or more, of the said Trustees present, then, and in every such Case, no Business shall be done or transacted thereat; but the Clerk of the said Trustees, by Notice in Writing under his Hand, to be affixed at all the said Turnpike-gates to be erected by virtue of this Act at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at some convenient House in or near the said Road, on that Day Three Weeks on which the said last Meeting of the said Trustees was appointed to be held, and so toties quoties as the Case may happen to be and require.

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

Provided always, That Two Trustees shall be sufficient for the Purposes of Adjournment only: And if, upon any Emergency, a Meeting of the said Trustees shall be necessary to be held before the Time appointed, in virtue of any Adjournment or Appointment to be made as aforesaid, shall come, then, and in such Case, the said Trustees, or any Five or more of them, or the said Clerk at their Request, shall or may give Fifteen Days Notice, at least, in Writing, to be affixed on all the said Turnpike-gates as aforesaid, of the Time or Place of the holding any such Meeting or Meetings; and in such Notice or Notices shall be specified the particular Business intended to be done and transacted thereat, and which Business the said Trustees, or the major Part of them, present at such Meeting or Meetings, may do and transact, if they shall think fit; but any other Business done and transacted at such Meeting or Meetings other than what shall be specified in every such Notice thereof as aforesaid, shall be to all Intents and Purposes void, and of none Effect.

Emergent Meetings may be held,

giving 15 Days Notice, &c.

And it is hereby declared, That the said Trustees, at their First and all other subsequent Meetings, shall bear and defray their own Charges and Expences.

Trustees to defray their own Expences.

Provided always, and be it enacted by the Authority aforesaid, That no Act, Order, or Determination shall be done or made at any Meeting or Meetings of the said Trustees, without the Consent of the major Part of the said Trustees present at such Meeting or Meetings respectively; nor shall any or either of the said Trustees act or be

No Act valid, except done at a Meeting of the Trustees.

be impowered to act in the Execution of the Power hereby given to them, in any Case where Five or more of the said Trustees are by this Act required to join in the doing thereof, unless it be at a Meeting to be by them held in pursuance of, and according to, the Direction of this Act, or in pursuance of a Resolution of the Trustees present at some former Meeting or Meetings, whereby any Person or Persons is or are authorized to carry such Resolution into Execution.

No Order to be repealed unless Nine Trustees are present.

Provided always, and it is hereby enacted and declared, That no Order made, by virtue and in pursuance of this Act, by Five or more Trustees (being under the Number of Nine) shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine or more Trustees shall be present at the making such subsequent Order; nor shall any Order made by Nine or more Trustees be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless Fifteen or more Trustees shall be present at the making such subsequent Order.

Trustees, who are in the Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any of the Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be in the Commission of the Peace for the said County of Kent, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

No Trustee to accept of a Place of Profit arising from the Tolls.

Provided always, and be it further enacted and declared, That if any Person or Persons appointed by this Act, or by virtue hereof to be appointed, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of, any Toll or Duty by this Act laid or granted, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment, of such Place of Profit as aforesaid.

On Death, &c. of Trustees, others to be chosen.

And for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when and so often as any Trustee or Trustees shall die or refuse to act, it shall and may be lawful for the surviving Trustees, or any Nine or more of them, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Continuance of this Act, to nominate, elect, and appoint, One or more fit Person or Persons, qualified as aforesaid, living in the said County of Kent, in the Room or Place of such Trustee so dying

or

or refusing to act; and such Person or Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees; but Notice of the Time and Place of Meeting for the Election of all and every new Trustee or Trustees shall be given in Writing under the Hand of the Clerk to the said Trustees for the time being, to be fixed at or on all and every Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons, as shall, from time to time, be chosen and appointed Trustees as aforesaid, shall and may, and he or they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample a Manner, as the said Trustees hereby appointed are impowered to act.

10 Days Notice to be given of such Election.

And it is hereby further enacted by the Authority aforesaid, That all and every the Orders and Proceedings of the said Trustees done by them in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and which Orders and Proceedings so entered, shall be signed by the said Clerk; and such Orders and Proceedings so signed, shall be deemed and taken to be as Originals, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings, touching any thing done in pursuance of or by Authority of this Act; and which Book or Books, and also the Book directed to be kept for registering the original Mortgages of the said Tolls, and of the Assignments thereof, shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Proceedings, &c. to be entered in a Book.

Books may be read in Evidence.

Provided always, and be it further enacted by the Authority aforesaid, That no Writing or Proceeding whatsoever under the Hand and Seal of, or only signed by, any of the Trustees, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching the Execution of any Power or Authority hereby granted, shall be liable or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress shall not be deemed to be unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining, be deemed a Trespasser or

Distress not to be deemed unlawful for want of Form only;

nor the Party distraining be deemed a Trespasser *ab initio*.

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Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover Full Satisfaction for the Special Damage in an Action upon the Case.

Plaintiff not to recover, if Tender of Amends shall have been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, if sufficient Tender of Amends hath been made to him, her, or them, by or on behalf of the Defendant or Defendants, before such Action brought.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of Kent, and not elsewhere: And the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance, and by the Authority of this Act: And if it shall appear so to be done, or that such Action or Suit shall be commenced after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place; then the Jury shall find for the Defendant or Defendants: And upon a Verdict; or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon a Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs; and have such Remedy for the same, as any Defendant or Defendants have or hath, in any other Case by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be adjudged and taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.