Anno primo

# Georgii III. Regis.

An Act for rendering more effectual ſeveral Acts paſſed in the Tenth Year of Her late Majeſty Queen *Anne*, in the Eleventh Year of His late Majeſty King *George* the Firſt, and in the Eleventh Year of His late Majeſty King *George* the Second, for enlarging, amending, and maintaining, the Road from *Dartford* to *Northfleet* and *Graveſend*, and from *Graveſend* to *Chalk*, and from *Northfleet* to *Chalk*, and from thence to the Stones End, near the Pariſh Church of *Strood*, in the County of *Kent*.



WHEREAS by an Act made in the Tenth Year of Her late Majeſty Queen Anne, for enlarging, amending, and maintaining, the Road between Northfleet, Graveſend, and Rocheſter, in the County of Kent, which was to be in force for the Space of Thirteen Years from the Commencement thereof, the ſaid Roads are directed to be repaired: And whereas by another Act made in the Eleventh Year of His late Majeſty King George the Firſt, intituled, An Act for enlarging the Term granted by an Act, made in the Tenth Year of Her late Majeſty's Reign, for amending and maintaining the Road between *Northfleet*, *Graveſend*, and *Rocheſter*, in the County of *Kent*; and for explaining the ſame Act; and for appropriating Part of the Money ariſing thereby towards repairing the Road between the Town of *Chatham* and *Boughton under the Blean*, in the ſaid

Preamble, reciting Act 10 *Anne*,

11 *Geo.* I.

said County of *Kent*; the said former Act was revived and continued for the Space of Fifteen Years longer, from the Expiration of the said Term of Thirteen Years abovementioned; and by the said last-mentioned Act it was enacted, That One hundred Pounds of the Money arising by the Tolls and Duties directed to be raised by the Two former Acts, should be applied yearly for the widening and more effectually repairing and amending the Road leading from the East End of the Town of Chatham, in the said County of Kent, to Boughton Street, under the
3 *Geo.* II. Blean, in the said County: And whereas by another Act made in the Third Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing and widening the Road from that Part of *Chatham* which lies next to the City of *Rochester*, to *Saint Dunstan's Cross*, near the City of *Canterbury*, in the County of *Kent*; and for repealing so much of a former Act as appropriates Part of the Money arising by the Tolls and Duties therein mentioned, towards repairing the Road between the Town of *Chatham* and *Boughton under the Blean*, in the said County of *Kent*; so much of the said Act of the Eleventh Year of the Reign of His late Majesty King George the First, as relates to repairing the Road between the said Town of Chatham and Boughton under the Blean, is repealed:
and 11 Geo. II. And whereas by another Act made in the Eleventh Year of the Reign of His late Majesty King George the Second, intituled, An Act for enlarging the Term and Powers granted in and by an Act made in the Tenth Year of Her late Majesty Queen *Anne*, for enlarging, amending, and maintaining, the Road between *Northfleet*, *Gravesend*, and *Rochester*, in the County of *Kent*; and also another Act made in the Eleventh Year of His late Majesty King *George* the First, for enlarging the Term granted by the said former Act; and for other Purposes therein mentioned; and for explaining and amending the said Acts; and also for repairing the Highway from *Northfleet* aforesaid, to *Dartford*, in the said County; the said Acts are further continued from the Sixth Day of June, One thousand seven hundred and forty, for the further Term of Twenty one Years: And whereas the Trustees appointed to put the said Acts in Execution have proceeded to repair the several Roads thereby directed to be repaired, and, to effect the said Repairs, have been obliged to borrow a considerable Sum of Money upon the Credit of the said Tolls, pursuant to the Powers vested in them by the said Acts; Part of which Debt still remains undischarged: And whereas Part of the Roads directed by the said several Acts to be repaired, are so extremely bad and dangerous, that it is become necessary

neceſſary to divert and alter the preſent Courſe of that Part of the ſaid Roads: And whereas it will be neceſſary to purchaſe Lands to make the ſaid Alterations, which the ſaid Truſtees are not by the ſaid former Acts impowered to do: And whereas the ſaid Truſtees cannot complete the Repairs and Alterations neceſſary to be made in the ſaid Roads, during the ſubſiſting Term granted by the ſaid Act of the Eleventh Year of His late Majeſty King George the Second, nor repay the Money now owing upon the Credit of the Tolls granted by the ſaid Act: May it therefore pleaſe Your moſt Excellent 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 Juſtices of the Peace of and for the ſaid County of Kent, reſiding in the Weſtern Diviſion of the ſaid County, for the time being, ſhall be, and they are hereby appointed Truſtees for the more effectual widening, repairing, turning, altering, and keeping in Repair, the ſaid Road, from the Eaſt End of Dartford Bridge, to the Stones End near the Pariſh Church of Strood; and alſo the Road leading from Northfleet to the Town of Gravеſend, and from Gravеſend to Chalk, and for putting this Act in Execution; and it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall authorize and appoint, to erect, or cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, Weighing Engine or Weighing Engines, upon or acroſs the ſaid Roads, or any Part or Parts thereof, and alſo a Toll-houſe or Toll-houſes, in, upon, or near the ſame; and to demand, receive, and take, at every ſuch Gate or Turnpike, the Tolls and Duties following, before any Horſe or other Cattle, or Carriage, ſhall be permitted to paſs through the ſame; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes, and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Caravan, Hearſe, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Six Horſes or other Cattle, or more, the Sum of One Shilling and Six Pence.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Caravan, Hearſe, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four Horſes or other Cattle, the Sum of One Shilling.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Caravan, Hearſe, Waggon, Wain, Cart, Dray,

of any other Carriage, drawn by Two Horses or other Cattle, the Sum of Six Pence; and drawn by One Horse or other Beast, Four Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, Eight Pence by the Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Sheep, or Lambs, Five Pence by the Score; and so in Proportion for any greater or less Number.

For every Drove of Hogs, Six Pence by the Score; so in Proportion for any greater or less Number.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as, a Toll or Duty: And the Money so to be raised and collected is and shall be hereby vested in the said Trustees for the time being; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Ends and Purposes, and in such Manner, as is herein after mentioned (the reasonable Charges expended, or to be expended, in, about, or by reason of passing this Act of Parliament, being first deducted and paid): And it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall, under their Hands and Seals, from time to time, appoint, to demand and take the Tolls or Duties hereby required to be paid, and to levy the same upon any such Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same, as aforesaid, by Distress of any Horse or Horses, or other Cattle, or of any Horse or other Cattle drawing any Carriage or Goods, upon which any Toll or Duty is by this Act imposed, or by Distress of any Carriage, or other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same, until such Tolls or Duties, with the reasonable Charges of such Distress and Detainer, shall be fully paid and satisfied; and after the Space of Four Days, such Person or Persons so distraining (in case such Tolls, with the reasonable Charges incident to such Distress as aforesaid, shall remain unpaid or unsatisfied) shall and lawfully may sell and dispose of the said Cattle, Carriage, or Goods, so distrained, for Payment thereof, returning the Overplus (if any) upon Demand to the Owner thereof, after such Tolls, Duties, and

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

and all reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls to be paid but once a Day.

Provided always, That in case there shall be more than One Gate or Turnpike erected, cross, or on the Sides of, the said Roads hereby intended to be repaired and amended as aforesaid, no Person or Persons, having paid the said Toll or Duty at the first Gate or Turnpike through which such Person or Persons shall have passed, and producing a Note or Ticket taken at such Gate, that such Toll or Duty was paid (which Note or Ticket the Receiver and Receivers, Collector and Collectors, is and are hereby required to give gratis), shall be liable to pay any Toll or Duty at any other of the said Gates or Turnpikes upon the said Road, such Person or Persons producing and delivering the said Note or Ticket to the Receiver or Receivers, Collector or Collectors of the said Toll or Duty at the latter Gate or Turnpike the same Day; and that no Person or Persons, having Occasion to pass the Place or Places where the Tolls or Duties are taken, who shall return the same Day, before Twelve of the Clock at Night, with the same Horse, Ass, Mule, or other Cattle, or the same Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Chair, Calash, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, drawn by the same Horses or Cattle (except Gravesend Tide Coaches) shall be liable or compelled the same Day to pay the said Toll or Duty more than once.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons, having paid any of the said Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, shall offer, give, or dispose of the same, to any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) or if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, Yard, Passage, Way, or other Place, adjoining to or lying near any of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any of the Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Frame, Cart,

Dray, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chaise Marine, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, as aforesaid; or if, after any such Coach, Berlin, Landau, Chariot, Chaise, Calash, Chaise Marine, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, shall have passed the Turnpike-gate or Gates, erected or to be erected on the said Road, any Person or Persons shall add or put on, or cause to be added or put on, any other Horse, Ass, Mule, or other Sort of Cattle, to the Horses or other Cattle drawing the same respectively, more than drawed any such Coach, Berlin, Landau, Chariot, Chaise, Calash, Chaise Marine, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or any other Carriage, through the said Turnpike Gateway, as aforesaid, whereby the Payment of any of the said Tolls shall be evaded; then, and in any of the aforesaid Cases, every Person so offending, and being thereof convicted, upon Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace of and for the said County of Kent (which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety thereof shall go and be applied towards amending the said Road.

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

And be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, at any Times hereafter, as often, and for such Times, as they shall think proper, to lessen all or any of the Tolls and Duties by this Act made payable at any Turnpike or Tollbar; and so again, as often, and for such Time, as the said Trustees, or any Seven or more of them, shall find it necessary, to raise and increase all or any of the said Tolls or Duties, so that the same do not exceed the Tolls and Duties made payable by virtue of this Act.

and raise them again.

Provided

Provided always, That Fourteen Days Notice shall be given of every Meeting to be held by the Trustees for the Purposes last-mentioned. Proviso.

Provided also, and it is hereby further enacted, That no Toll shall be demanded or taken for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Cart, Caravan, or Passenger 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. No Toll on Election Days.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, Weighing Engine or Weighing Engines, which shall be erected by virtue of the said former Acts, or of this Act, and of the Materials of which the same shall consist, shall be, and are hereby, vested in the Trustees appointed by or in pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring, or cause any Actions to be brought, in the Names of any Five or more of them, or in the Name or Names of their Clerk, Treasurer, or Surveyor, for the time being, or to prefer, or cause Bills of Indictment to be preferred, against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, Weighing Engine or Weighing Engines, or any Utensils or Materials used or laid for repairing the said Road, or any Part thereof. Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered, to choose a Clerk or Clerks, Treasurer or Treasurers, and appoint a Collector or Collectors of the Tolls or Duties aforesaid, and also a Surveyor or Surveyors to view the Condition of the said Roads, and to see that the same be repaired, and such other Officers as they, or any Seven or more of them, shall think necessary for the Execution of this Act; and, from time to time, to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and to appoint new ones on their Death or Removal: and shall, out of the said Tolls or Duties, allow and pay, to the said Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and other Officers, and to such Persons as shall be assisting to them in or about the repairing, widening, turning, or altering, the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their Attendance, Care, and Ser- Trustees may appoint Officers; and remove them, and appoint others.

vices, in those Respects, as to them the said Trustees, or any Seven or more of them, shall seem reasonable: And all Persons who shall be appointed as aforesaid to receive the said Tolls or Duties, or any Monies which shall be raised, collected, or received, by virtue of this Act, shall, upon Oath, when thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer, and for administering of which Oath no Fee shall be taken) at the Quarter Sessions next after Easter and Michaelmas, in every Year, 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 to the said Trustees, or any Five or more of them, of all Monies which such Persons shall to such Time respectively have received by virtue of this Act, and how, to whom, and for what Uses, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and in case any Money so received shall remain in their respective Hands, 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 and disposed of according to the true Intent and Meaning of this Act: And in case such Collectors, Receivers, Clerks, Treasurers, Surveyors, or other Officers, or any of them, shall not give in such Account, and make such Payment, or produce and deliver up the Receipts and Vouchers relating to the same, or verify the Articles thereof, on Oath, when required so to do; then, and in either of the Cases aforesaid, the said Trustees, or any Five or more of them, shall make Inquiry 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 Trustees, or any Two or more of them, are hereby impowered and required to administer, without Fee or Reward) and if such Person shall be thereof convicted, such Trustees, or any Five or more of them, shall commit the Party or Offender to the common Gaol of the County of Kent, there to remain, without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with such Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers, or other Officer or Officers, to be by them appoint-

Officers to account upon Oath.

Officers refusing to account,

Trustees to enquired into the Default;

and commit the Offender,

until he shall conform, or compound for the same.

ed

to to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting, are hereby impowered to make.

Surveyors may pick up Stones, &c.

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 Person or Persons as he or they shall appoint, at proper and seasonable Times, with Carts and other Carriages, to enter into, and pick up, gather, and carry away, Stones lying dispersedly upon any Lands or Grounds lying near, or adjacent to, the said Roads, without paying any thing for the same (such Lands or Grounds not being then sown with any Sort of Corn, and such Stones not being before then picked and laid up by the Owner or Occupier, for his own private Use) for the repairing and amending of the said Road, without Licence, Controulment, or Impeachment, of or by the Owner or Owners, Occupier or Occupiers, of such Lands or Grounds, and without incurring, or being liable to, any Trespass or Action, for or by reason thereof; and to enter into any Gravel Pit lying near, or adjacent to, the said Road, and there to dig, cast, huck, or scry, Gravel, paying the usual Price per Load for such Gravel, to be carried on and used for repairing and amending the Roads aforesaid; and also to dig, grub up, remove, and carry away, any Bank or Banks lying without-side of the Hedges near to any Part of the said Road, such Bank or Banks not exceeding Ten Feet in Breadth from the said Road: And 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, Flint, or other Materials (except Chalk) out of any Waste or Common Grounds, in any Parish, Town, Village, or Hamlet, wherein, or near which, the said Roads do lie, without paying any thing for such Materials; such Surveyor or Surveyors filling up and levelling, or causing to be filled up or levelled, all such Holes and Pits where any such Materials shall be digged, gathered, or taken away; and also to dig, take, and carry away, Chalk, out of and from any Waste or Common Grounds (but it is hereby meant and intended, that no Bank or Banks, laying without-side of the Hedges near, and adjacent to, any Part of the said Road, and not exceeding Ten Feet in Breadth from the said Road, be deemed, considered, or taken, as any or Part of any Waste or Common Grounds) in any Parish, Town, Village, or Hamlet, near which the said Roads do lie, paying to the Lord or Lords of the Soil such Price or Prices for such Chalk as shall be so dug

without Licence.

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

(Exception.)

without paying for the same;

levelling the Pits;

making Satisfaction to the Owners of the Grounds.

dug and carried away, as the said Trustees, or any Three or more of them, shall adjudge reasonable, in case the Lord or Lords of the said Soil shall demand and insist on being paid for the same, and not otherwise: And in case the said Lord or Lords of the Soil shall not demand or require to be paid any thing for such Chalk, so to be dug and carried away as aforesaid, then such Surveyor or Surveyors shall fill up and level, or cause to be filled up and levelled, all such Holes and Pits, where such Chalk shall be dug and carried away, and used for the repairing and amending the said Road; and where there is not sufficient of such Materials in any such Commons or Waste Grounds as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order of the said Trustees, or any Three or more of them, to dig, gather, and carry away, or cause to be dug, gathered, and carried away, any Gravel, Furze, Heath, Sand, Stone, Flint, and other Materials (except Chalk) out of the Ground of any Person or Persons (not being the Ground whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, Planted Walk, or Avenue to a House, or any Place or Parcel of Ground, set apart and used as a Nursery for Trees) where such Materials (except Chalk) are or may be found, and, from time to time, to take and carry away such and so much thereof as the said Surveyor or Surveyors shall adjudge necessary, paying such Rates for such Materials, and for the Damage done to, and Loss sustained by, the Owners and Occupiers of the Ground where and from whence the same shall be dug, gathered, or carried away, or over which the same shall be carried, as the said Trustees or their Successors, or any Three or more of them, shall adjudge reasonable; and in case of any Difference concerning the same between such Owners or Occupiers, and the said Trustees or their Surveyors, touching such Damage as aforesaid, the Justices of the Peace, at their General Quarter Session, to be holden for the Western Division of the said County of Kent, or any Five or more of them present at the said Sessions, shall adjudge, assess, and finally determine the same.

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

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either of them, appointed or employed, may, and is and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order

Surveyors may make Causeways,

Order from and under the Hands of the said Trustees, or any Three or more of them, for those Purposes respectively, to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Roads; and shall and may erect and build, or cause to be erected or built, any Bridges or Arches, of Stone, Brick, or Timber, upon, in, or across the said Road, or any Part thereof; and may and shall make, raise, or erect, any Mounds or Banks, or dig or cut, or cause to be digged or cut, any Drains or Water-courses, in, through, or across, 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 Water-courses, if necessary, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damage they may thereby sustain, as to the said Trustees, or any Three or more of them, shall seem meet; but no Bridge or Bridges, standing in or upon the said Road directed to be repaired by this Act, that is or ought to be repaired by the County, or any Hundred therein, or hath been accustomed to be so repaired, shall be deemed or taken to be within the Intent and Meaning of this Act, or shall be repaired by any of the Tolls arising thereby. erect Bridges, &c. cut Drains, &c. Exception.

And be it further enacted by the Authority aforesaid, That it may and shall be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, from time to time, to remove and carry away all Annoyances on any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Water-courses, Sinks, or Drains, running into, along, across, or out of the said Roads, to the Prejudice thereof, and to open, scour, or cleanse, any Water-courses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper or necessary, and to make any new Drains adjoining to the said Road, so as the same be not made through any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees, and to grub up, or cut down any Trees (Timber Trees excepted) and to lop or shrove any Trees or Bushes growing in the said Road, and to lop and shrove the Trees and Bushes growing in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove such Annoyances, or to grub up, cut down, lop, shrove, and carry away, such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Water- Surveyors may remove Annoyances in the Road, &c. and cut down Bushes, &c. the Owners neglecting to remove the same after Notice;

Water-courses or Ditches, for the Space of Fourteen Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the said Trustees, or any Three or more of them, or their Surveyor for the time being, the Charges whereof shall be settled by the said Trustees, or any Three or more of them, and reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers so neglecting to grub up, cut down, lop, shrove, and carry away, such Trees or Bushes, or to remove such other Annoyances as aforesaid, such Charges to be recovered, levied, and disposed of, in such Manner as the Penalties and Forfeitures by this Act imposed are herein after directed to be recovered, levied, and disposed of; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person so offending, and being thereof convicted, on Oath, before any One or more Justice or Justices of the Peace of the said County, shall, for every such Offence, forfeit unto the said Trustees the Sum of Twenty Shillings, to be recovered, levied, disposed of, and applied, in Manner aforesaid.

Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

And, for preventing Danger which may happen to Persons travelling the said Roads, by Chalk-pits, Gravel, or other Pits, being digged too near the said Road, be it further enacted by the Authority aforesaid, That from and after the passing this present Act, the Owners and Proprietors of all and every Chalk-pit, Gravel-pit, or other Pit whatsoever, which are already made, or which shall at any Time or Times hereafter be dug, sunk, or made, within the Distance of Fifteen Feet from the said Road, or any Part thereof, which shall appear to be any ways dangerous or hurtful to the said Road, or any Part thereof, or to Persons travelling the same, shall, within Fourteen Days after Notice given to them, or their Tenants, or left at their respective Dwelling-houses, or usual Place of Residence, by the Surveyor appointed by the said Trustees, or some Person by his Direction, discontinue to dig or sink any more of such Pit or Pits, and, at their own Charges, fence off from the Road such Pits respectively, with a good and substantial Battering Bank, Four Feet high, and good and substantial Oaken Posts, and Two Rails thereupon, the Posts to be not less than Four Feet high above the said Bank, and the Rails not to exceed the Length of Eight Feet between the Posts, and such other Fence or Fences, for securing the same against any Danger or Damage which may happen or be occasioned by digging, sinking, and making, such Pit or Pits, to the said Road, or any Part thereof, or to any Person

Owners to fence off Chalk-pits &c. that are made within 15 Feet of the Road.

or

or Persons travelling the same, as the said Trustees, or any Seven or more of them, shall judge reasonable; and in case any Person or Persons, Bodies Politick or Corporate, shall neglect to make such Fence or Security as aforesaid, for the Space of Fourteen Days after such Notice given, or left at their respective Places of Residence, or at the Place of Residence of their Tenant, Under-tenant, Agent, or Servant, that then, and in every such Case, the said Surveyor or Surveyors shall, and they are hereby required to fence off the same, or cause the same to be fenced off, in Manner aforesaid, and to levy the Charge thereof upon the Goods and Chattles of the Owners or Occupiers of such respective Pits, their Tenants or Under-tenants, and such Owners and Occupiers, their Tenants or Under-tenants, shall, over and besides the Charge of making such Fence as aforesaid, forfeit the Sum of Twenty Shillings for every Rod so neglected to be fenced off as aforesaid, and shall forfeit and pay the Sum of Five Pounds, daily and every Day they shall so continue to dig within the said Distance, to be recovered, levied, and applied, in such Manner as any other Penalty or Forfeiture is by this Act directed to be recovered, levied, and applied.

Penalty on their Neglect.

Charges to be levied by the Surveyor.

Provided always, and be it further enacted by the Authority aforesaid, That if any such Pit shall adjoin to the Land of any other Person or Persons, Body Corporate, or Bodies Corporate, and shall be within the Distance of Fifteen Feet from the said Road, or any Part thereof, then, and in every such Case, the Owner of such Pit or Pits, their Tenants or Agents respectively, shall and may, and they are hereby authorized and impowered to enter upon the respective Lands of such Person or Persons, Body or Bodies Corporate, and make such Fence to such Pit as aforesaid, doing as little Damage as may be; and such Person or Persons shall, and they are hereby declared to be exempted from any Action of Trespass, or other Penalty whatsoever; any Law, Statute, or Usage, to the contrary notwithstanding.

Owners of Pits adjoining to other Persons Lands, may make a Fence to such Pit.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person or Persons, who shall hereafter dig, or cause to be dug, any Chalk-pit, Gravel-pit, or other Pit whatsoever, which shall adjoin to the Lands or Grounds of any other Person or Persons, Body or Bodies Politick or Corporate (such Lands or Grounds of such other Person or Persons, Bodies Politick or Corporate, extending at least Fifteen Feet from the said Road, and such Pit, so to be hereafter dug, being above the Space of Fifteen Feet from the said Road)

Owners of Pits to be dug for the future, to leave a Space of their own Ground for a Fence.

Road) shall, and they are hereby required, to leave a Space of their own Ground, sufficient for the making such Bank, with Posts and Rails as aforesaid, and shall make such Bank and Fence thereon, and shall ever thereafter keep the same in Repair, on Pain of forfeiting the Sum of Forty Shillings for every Rod so neglected to be fenced or repaired in Manner aforesaid; which Penalty shall be recovered, levied, and applied, in Manner herein after mentioned.

on Penalty of 40 s. for every Rod.

Provided always, That if any such Pit be unoccupied, and the Owner thereof shall reside in any other County, then the several Penalties inflicted by this Act, shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts at Westminster, to be brought in the Name of the said Trustees, or any Five or more of them, or their Clerk or Surveyor for the time being, wherein no Essoin, Privilege, Protection, Wager of Law, or more than One Imparlance, shall be allowed, together with Treble Costs of Suit.

Penalty how to be recovered.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall dig any Sand, Gravel, Chalk, or other Soil, whereby any Bank or Banks, adjoining to or near the said Road, may be undermined, or shall dig any Hole or Holes, whereby the said Road may be any ways annoyed, or rendered dangerous or incommodious, such Person or Persons shall, for the First Offence, being convicted thereof by the Confession of the Party or Parties, or by the Oath of One or more credible Witness or Witnesses, which Oath the said Trustees, or any Two or more of them, are impowered to administer, forfeit and pay the Sum of Twenty Shillings; and for the Second Offence, the Sum of Forty Shillings; to be respectively recovered, levied, and disposed of, in such Manner as the Penalties and Forfeitures by this Act imposed are herein after directed to be recovered, levied, and disposed of; and for the Third Offence, the Party so offending shall, upon the like Conviction, be committed by any Two or more Justices of the Peace for the said County, to the House of Correction, there to remain and be held to hard Labour for the Space of Two Months.

Penalty on undermining the Banks.

Where Persons refuse to sell their Lands, &c.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall think proper to widen, turn, make strait, or alter, any Part or Parts of the said Roads, either through, by, or over any Lands or Grounds adjoining to the said Road, or any Part or Parts thereof, or through, by, or over, any private or other Road, Path, or Way, which the said Trustees,

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

tees, or any Seven or more of them, shall adjudge most convenient, then the said Trustees, or any Seven or more of them, shall have full Power and Authority, from time to time, to contract and agree with any Owners, Occupiers of, and Persons interested in, any Lands or Grounds lying contiguous or near to the said Road, or in any private or other Road, Path, or Way, for the Purchase thereof, or for the Exchange of any other Lands for the same, or for the Loss or Damage they may sustain by such widening, turning, making straight, or altering, of any Part of such Road; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, private or other Road, Path, or Way, and for such Loss or Damage as aforesaid, such Sum and Sums of Money as shall be agreed upon between such Owners, Occupiers, or Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement, Purchase, or Exchange; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all other Persons whatsoever, to contract and agree with such Trustees for such Purchase, Exchange, or Recompence, as aforesaid, and all Contracts, Agreements, and Conveyances, which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever, and all such Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, or any other Person or Persons, interested in Lands, Grounds, or Ways, upon Notice to them given, or left in Writing at the Dwelling-house, or Dwelling-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, or at the House of the Tenant in Possession of the Lands, Grounds, or Ways, so to be taken in and added to the said Roads as aforesaid, shall, by the Space of One Calendar Month 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, and in every or any such Case, the said Trustees, or any Five or more of them,

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

Jury to settle the Recompence and Damage, &c.

shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of Kent (which Oath the said Trustees, or any Five or more of them, are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owner or Owners, Occupier or Occupiers, or Proprietors, or other Person or Persons interested, for or upon the Account of the taking of such Lands, Grounds or Ways, into the said Roads; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as often as Occasion shall be, to summon and call before the said Jury, and examine upon Oath, all and every Person and 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 Five or more of such Trustees are hereby impowered and directed 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 other lawful Ways and Means, as well for their own as for the said Jury's better Information of the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the Owners or Proprietors of, or Persons interested in, the said Lands, Grounds, or Ways, 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, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all and every other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Ways, shall 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.

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be final and conclusive.

And be it further enacted by the Authority aforesaid, That for the summoning and returning such Jury or Juries,

vices, the said Trustees, or any Five 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 Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return Twenty four such Persons as aforesaid; and out of the Persons so impanelled and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Five or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and for 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 speedily be procured, to attend that Service, to the Number of Twelve.

Trustees to issue their Warrants to the Sheriff, &c. to impanel a Jury.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges, from time to time, against any of the said Jurymen, when they come to be sworn: And that the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury, or being so sworn, refusing to give, or not giving, their Verdict concerning the same, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this present Act; and if any Person or Persons, who being required to give Evidence before the said Jury touching the said Premisses, shall refuse to be examined or to give Evidence touching the same, the said Trustees, or any Five or more of them, shall and may impose such Fine or Fines, Penalty or Penalties, not exceeding the Sum of Ten Pounds, on each Person, as the said Trustees, or any Five or more of them, shall think fit; to be levied, recovered, and applied, in Manner herein after-mentioned.

Jurors may be challenged.

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for

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

for as aforesaid, shall be, and is and are 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 to the Persons respectively intitled thereto, or to their 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 Clerk to the said Trustees, for the Use of such Persons, and after Three Months Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Road such Grounds, Lands, or Ways, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Ways, as the said Trustees, or any Seven or more of them, shall think fit: And after the Purchase of the said Lands, Grounds, or Ways, and Tender of Payment, as aforesaid, such Lands, Grounds, and Ways, shall be laid into, and made and deemed, 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, turned, made strait, or altered, was or ought to have been repaired and kept in Repair.

Lands purchased to be deemed Part of the Road.

And forasmuch as the Money to be collected by the Receipt of the Tolls or 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 Seven or more of them, shall and they are hereby impowered, from time to time, by any Writing or Instrument, under their Hands and Seals, without any Stamp to be impressed thereon, to assign over the said Tolls or Duties, or any Part thereof (the Costs and Charges of such Assignment to be borne and paid out of such Tolls or 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, or his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by and out of the Monies arising or to be collected by the said Tolls or Duties, with such Interest for the same, as the said Trustees, or any Seven or more of them, shall think fit and agree to give; which said

Tolls may be assigned for Money borrowed.

Money

Money so borrowed shall, after paying the Expences of obtaining this present Act, be applied and disposed of, as the said Tolls or Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; And no Preference shall be given to any Person or Persons advancing any Part or Parts of the Sum so borrowed, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Persons to whom such Assignments shall be made as aforesaid, shall (so far as the said gross Sum shall extend) be, and are hereby declared to be, Creditors on the said Tolls or Duties in an equal Degree one with another; and that all and every the original Assignment and Assignments, so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; which said Book shall and may be perused, at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward: But no Money shall be borrowed by the said Trustees, upon the Credit of the said Tolls, after their First Meeting, unless Twenty Days Notice be previously given thereof, by Writing under the Hand of the Clerk to the said Trustees, and be, by Order of the said Trustees, or any Two or more of them, affixed upon all the Turnpikes erected by virtue of this Act.

All Creditors to be deemed equal in Degree.

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

And be it further enacted, That all and every Person and Persons, to whom any such Assignment or Assignments shall be made by the said Trustees, or any Seven or more of them, or who shall be intitled to the Money thereby secured, may, and are hereby impowered from time to time, by Words of Assignment, to be indorsed on his, her, or their Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; and 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.

Assignments may be transferred.

And, for the Security of all and every such Person or Persons, who shall or may have advanced or lent Money upon the Credit of the said former Acts; be it further enacted by the Authority aforesaid, That the Tolls and Duties granted by this Act, shall be subject and liable to

Money lent upon former Acts secured by this.

the Payment of the Principal and Interest of all Money borrowed, or otherwise due and owing, upon the Credit of the Tolls granted by the said former Acts, in such and the like Manner, as the Tolls granted by this Act are declared to be subject to the Payment of any Sum or Sums of Money borrowed upon the Credit thereof.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby impowered, from time to time, by Writing under their Hands and Seals, to set and let to farm, or otherwise dispose of, the several Tolls hereby granted, or any Part thereof, to any Person or Persons, who shall be willing to take or farm the same, for any Term or Number of Years, not exceeding the Term of Seven Years, for the best Price such Trustees can get, payable at such Times, in such Proportions, Manner, and Form, and under such Covenants and Agreements, as to the said Trustees, or any Seven or more of them, shall appear to be most beneficial and advantageous to the Ends and Purposes for which the same are granted; and the Money so arising shall be by them applied and disposed of in such Manner as the Tolls and Duties are herein directed to be applied.

Exemptions from Tolls.

Provided always, and be it enacted by the Authority aforesaid, That no Tolls or Duties shall be demanded or taken at any Turnpike erected by virtue of this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, laden with, or for any Horse, Ox, Mule, Ass, or other Beast, drawing or carrying, any Materials for repairing any Road or Highway, or any Dung, Mould, Soil, Marl, Chalk, Lime, or Compost, for manuring any Lands or Grounds, or any Grass, Hay, Cinque-Foil, Fodder, Straw, Corn in the Straw, or Wood, Heath, Furze, or Peat for Fuel, to be laid up in the Houses, Out-houses, Barns, Yards, or Backsides, of the Owners thereof, or any Ploughs, Harrows, or other Implements of Husbandry, to be used for the tilling or stocking of Land, the Fellies of the Wheels of such Waggon, Wain, Cart, Dray, or other Carriage, being of the Breadth or Gage of Nine Inches from Side to Side at least, at the Bottom or Sole thereof (except Carts and Carriages drawn by One Horse or Two Oxen, and no more; and except Carts and Carriages drawn by Two Horses or Four Oxen, and no more, having the Fellies of the Wheels thereof of the Breadth or Gage of Six Inches) nor for any Horse or Horses, or other Cattle, going to or from Water, Pasture, Plough, or other

Tillage, or Work in Husbandry; or any Post-horse or Vehicle carrying the Mail or Packet; or the Horses of any Officers or Soldiers passing on their March, or for Horses or Carriages belonging to and passing with them, or carrying their Baggage, the Fellies of the Wheels of such Carriages, carrying such Baggage as aforesaid, being of the Breadth of Nine Inches as aforesaid; or for Horses or Carriages travelling with Vagrants sent by Passes.

Penalty on making illegal Claims.

Provided also, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Forty Shillings, to be recovered and applied in Manner herein after directed.

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

Provided also, and it is hereby enacted, That all Persons, who by Law are obliged or liable to perform the Work in the Highways, for the Repairing thereof, commonly called Statute-work, or chargeable towards amending the same, shall still remain liable and chargeable, and do their respective Works, in the Parishes in which the said Road doth lie, in such Manner as such Persons ought to have done before the passing of this Act; and shall, and are hereby required to do and perform such and so many Days Work, in such Parts of the said Road by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Two or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, or Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do.

Persons renting 50 *l. per Annum*, to be deemed Teamholders.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And be it enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways for the respective Townships, Parishes, or Hamlets, wherein any Part of the said Road doth lie, and in case no Surveyor or Surveyors is or are appointed for such Townships, Parishes, or Hamlets, then the Churchwardens or Overseers of the Poor of such Townships, Parishes, or Hamlets, shall, and are hereby required, at the First Meeting of the said Trustees after the First Day of January in every Year,

Year, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists, in Writing, before such Trustees, or any Two or more of them, upon Oath (which Oath they are hereby impowered to administer) of the Names of the several Persons, who within each Township, Parish, or Hamlet respectively, are obliged by this Act, or by any other Law, to do their Statute-work for that Year with Teams and Draughts, or otherwise; and also the Number of Days Work which each Person ought to perform on the Highways within their several Townships, Parishes, or Hamlets respectively, Part of which said Statute-work, as the said Trustees, or any Two or more of them, shall appoint for each Person, shall be done at such Times, in such Manner, and in such Part of the said Road, as the said Trustees, or any Two or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint; and if any such Person, as aforesaid, shall neglect or refuse to do such Statute-work, every such Person shall, for every such Neglect or Default, forfeit and pay the several Sums herein after-mentioned; that is to say, Every such Inhabitant or Person who shall keep, or shall by virtue of this Act be deemed to keep, a Team, the Sum of Ten Shillings, and every other Inhabitant not keeping, or not deemed by this Act to keep a Team, the Sum of One Shilling and Six Pence for each Day's Default; and in case any of the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor, shall refuse or neglect to deliver in true and perfect Lists as aforesaid, then every such Surveyor, Churchwarden, and Overseer, shall, for every such Neglect or Refusal, forfeit the Sum of Forty Shillings.

Penalty on Persons neglecting their Statute-work;

and on Surveyors, &c. neglecting to deliver Lists.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes (by and with the Consent of the Inhabitants of such Parishes first had at a Vestry, or other public Meeting of the Inhabitants) to compound and agree, by the Year or otherwise, with the Trustees, or any Two or more of them, for or in lieu of the Statute-work to be performed by the Inhabitants of such Parishes upon any Part of the said Road; and if such or any future Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid, or levied on him or them, in such Manner as Surveyors of the

Trustees may compound with Parishes for Statute-work.

Surveyors paying Composition-money, how to be reimbursed.

the Highways are, by the Laws now in being, to be reimbursed the Money by them expended, in buying Materials for repairing the Highways; and in case such Composition-money shall not be paid to the said Trustees, or any Two or more of them, or to such Person or Persons as they shall appoint to receive the same, within Ten Days after the same shall be demanded, it shall be lawful for any One or more Justice or Justices of the Peace, for the Division or Place where such Default shall be (upon Oath made before him or them of such Default) and he and they is and are hereby required to issue a Warrant, under his Hand and Seal, or under their Hands and Seals, impowering such Person or Persons, so by the said Trustees, or any Two or more of them, appointed to receive such Composition-money, to levy the same, by Distress of the Goods and Chattles of the Surveyor or Surveyors of the Highways, for the time being, of the said Parish or Parishes respectively; and such Goods and Chattles so distrained, after the Space of Four Days, (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Composition-money shall be, by the said Trustees, or any Two or more of them, applied towards amending the said Road, and to no other Use or Purpose whatsoever.

Composition-money how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Road doth lie, shall think the said Trustees, or their Surveyor or Surveyors, by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace, next after such Direction or Appointment, to be held for the Western Division of the County of Kent; and the Justices, at such Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Road by this Act directed to be repaired, such Surveyor or Surveyors of the Highways as aforesaid having first given Eight Days Notice, in Writing, of

Trustees to proportion the Statute-work to be done on the Roads.

such Appeal, to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, shall and may, and they are hereby impowered, to compound or agree with any Person or Persons employed or using Coaches, commonly called Tide Coaches, for conveying Passengers from Gravesend to Chatham and Rochester, and back again from Chatham and Rochester to Gravesend, or with any other Person usually travelling the said Road (except Persons carrying Goods for Hire) for any Sum or Sums of Money to be paid annually, or otherwise, in lieu of the said Tolls or Duties granted by this Act.

Penalty on defacing Milestones, &c.

And whereas the Trustees, appointed by the said former Acts, have already erected Mile-stones on the said Roads; be it further enacted by the Authority aforesaid, That if any Person shall wilfully and maliciously break, pull up, injure, or destroy, any of such Stones or Posts as are erected, or shall be hereafter erected, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, every such Person so offending shall forfeit the Sum of Forty Shillings for every such Offence; One Moiety whereof shall go to the Informer, and the other Moiety shall be laid out and applied in repairing such Stones or Posts, or in supplying of the same; and if there shall be any Overplus, the same shall be laid out in repairing the Road directed to be repaired by this Act; and in case such Offender shall have no Goods or Chattles, then it shall be lawful for any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals respectively, to commit such Offender to the House of Correction for the said County of Kent, for the Space of One Calendar Month, there to remain without Bail or Mainprize, or until he or she shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

and for want of Distress, the Offender to be committed.

Penalties and Forfeitures, how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of the said Justices of the Peace for the said County, or any Two or more of them, pursuant to the several respective Clauses and Powers herein before mentioned; which Warrants the said Justices are hereby impowered

and required to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered to administer) 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 be paid to the said Trustees, or any Two or more of them, or to their Treasurer or Treasurers, and shall by them respectively be applied (if not otherwise directed to be applied by this Act) for and towards amending the said Road.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved, by any Act, Order, or Judgement, done, made, or awarded, in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for him or her to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the Western Division of the said County, he, she, or they causing eight Days Notice in Writing, of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons, on whose Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; and in case such Quarter Sessions shall not be within Eight Days of such Matter of Complaint, then at the Second Quarter Sessions after the Matter of Appeal shall arise; which said Justices, so assembled, 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 the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

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

nor removeable by *Certiorari*,

until Security given to prosecute.

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, of the said Justices, to be had, touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form, or be removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster, until the Person or Persons who shall sue out or prosecute such Writ shall enter into a Bond, with Two sufficient Sureties, in the Penalty of One hundred Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order, shall be made, conditioned for the prosecuting such



Writ

Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order, shall be, or be intended to be, removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, shall take Place and have Continuance from the Friday Three Weeks next after the passing of this present Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Five or more of them, shall meet together at the House of John Pearson, known by the Sign of the George, in the Parish of Chalk, in the said County, on the Friday Month next after the passing of this Act, and shall proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet at the Place aforesaid, or at any other Place, as the said Trustees, or any Three or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting, then to adjourn themselves; and the Clerk to the said Trustees shall, by publick Notice in Writing, to be affixed at or on all the Turnpikes which shall be erected by virtue of this Act, at least Fourteen Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held on that Day Month from the Day on which such Meeting was appointed to be held; and that the said Trustees shall, at all their Meetings, defray their own Charges and Expences.

In Default of a sufficient Number to act.

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be deemed qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; And if any Person, hereby deemed incapable of acting, shall nevertheless presume to act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin,

Penalty on acting if not qualified.

No-

Protection, or Wager of Law, or more than One Impanelance, shall be allowed; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Road.

Treasurer to give Security.

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

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

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons appointed a Trustee by virtue of this act, shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee, during the Enjoyment of such Place of Profit; and that no Innholder, Victualler, or Person who shall sell any Spirituous or Fermented Liquors by Retail, shall be capable of holding or enjoying any Place of Trust or Profit under this Act.

Victuallers, &c. not to have a Place of Profit.

Trustees in Commission of the Peace may act as Justices.

Provided also, and be it further enacted by the Authority aforesaid, That the said Trustees may and are hereby authorized and empowered to act as Justices of the Peace, in the Execution of the Powers hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

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

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in Books which shall be kept for those Purposes.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them,

them, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed unless Seven Trustees are present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, in, for, or concerning the executing the Trusts, Powers, and Authorities, of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Seven Trustees shall be then present.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons, for any Thing done or to be done in pursuance of this Act, the same shall be commenced within Six Months next after the Fact committed, and not afterwards; and the Defendant or Defendants, in such Action or Suit, 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 Matter or Thing for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act: And if it shall appear so to be done, or if any such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, 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, Judgement shall be given against the said Plaintiff or Plaintiffs; the Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.