Anno decimo

Georgii III. Regis.

An Act for continuing, amending, and rendering more effectual, ſo much of Three Acts of Parliament, for repairing the Roads from *Sevenoakes*, *Tunbridge Wells*, and *Kipping's Croſs*, to *Lamberhurſt Pound*, and *Pullin's Hill*, in the County of *Kent*; and to *Flimwell Vent*, in the County of *Suſſex*; as relates to the Road leading from *Sevenoakes Common* to *Woodſgate*, *Tunbridge Wells*, and *Kipping's Croſs*, in the ſaid County of *Kent*.

WHEREAS by an Act of Parliament paſſed in the Eighth Year of the Reign of Her late Majeſty Queen Anne, intituled, An Act for amending and repairing the Highways, leading from *Sevenoakes* to *Woodſgate*, and *Tonbridge Wells*, in the County of *Kent*, ſeveral Tolls, Duties, and Powers, were granted and given for repairing the ſaid Highways; which ſaid Act was to take place, and be in force for the Term of Fifteen Years, to be accounted from the Twenty-fourth Day of June One thouſand ſeven hundred and ten: And whereas by another Act, paſſed in the Eleventh Year of the Reign of His late Majeſty King George the Firſt, for enlarging the Term granted by the aforeſaid Act; and for explaining

Preamble, reciting Acts 8 *Annæ*

11 *Geo.* I.

explaining and making more effectual the same Act, and for amending the Highways leading from Woodsgate aforesaid, to Kipping's Cross, in the Parish of Brenchly, in the said County of Kent, it was enacted, that from and after the Twenty-fourth Day of June One thousand seven hundred and twenty-five, being the Time of the Expiration of the said Term of Fifteen Years, the several Tolls and Duties by the said first-mentioned Act directed to be received and taken, should be continued, taken, and received, in such manner as by the said Act is directed and prescribed, for and during the further Term of Twenty-one Years, to be accounted from the said Twenty-fourth Day of June One thousand seven hundred and twenty-five, for the several Purposes expressed and declared in and by the before-
and 14 *Geo.* II. mentioned Acts: And whereas by another Act of Parliament passed in the Fourteenth Year of the Reign of his late Majesty King George the Second, intituled, An Act for enlarging the Terms and Powers granted by Two Acts of Parliament, for repairing the Roads leading from *Sevenoakes* to *Woodsgate* and *Tonbridge Wells*, and from *Woodsgate* to *Kipping's Cross*, in the County of *Kent*; and also for repairing the Roads from *Kipping's Cross* aforesaid, to *Lamberhurst Pound*, and *Pulin's Hill* in the said County, and *Flimwell-Vent* in the County of *Sussex*; it was enacted, that the said Two first-mentioned Acts, and all and every the Authorities, Powers, Articles, Rules, Penalties, Forfeitures, and Clauses therein contained, (except such Clauses, Matters, and Things, as are by the last-mentioned Act altered, amended, or explained) should be and continue in full Force and Effect, and be executed, from and after the Expiration of the Term granted and continued by the second mentioned Act, for and during the further Term of Twenty-one Years from thence next ensuing, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed to put the said Acts in Execution, have, in pursuance of the Powers to them thereby given, borrowed several Sums of Money upon the Credit of the Tolls collected at the Turnpikes thereby authorised to be erected, and which were afterwards put up or continued in the Parishes of Sevenoakes and Tonbridge; and which said Sums so borrowed, and still remaining due and unpaid, have, together with the Tolls and Duties collected at the said Turnpike-gates in Sevenoakes and Tonbridge by virtue of the said Acts, been duly laid out, and applied in repairing and widening the said Roads leading from Sevenoakes to Woodsgate and

Tonbridge Wells, and from Woodſgate to Kipping's Croſs aforeſaid; and great Progreſs has been made therein; but it has not been poſſible effectually to repair the ſaid Roads, nor can the ſame be done according the Intent of the ſaid Acts, and the ſaid Sums borrowed as aforeſaid be repaid, unleſs the Term of the ſaid Acts, ſo far as relates to the ſaid laſt-mentioned Roads, be enlarged, and a Power given to take further Tolls: Wherefore, and to the End that the ſaid Roads leading from Sevenoakes Common to Woodſgate and Tonbridge Wells, and from Woodſgate to Kipping's Croſs in the County of Kent aforeſaid, may be ſpeedily repaired, 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 Term of the ſaid Act made in the Eighth Year of the Reign of Her late Majeſty Queen Anne; and alſo the Term of the ſaid Act, made in the Eleventh Year of the Reign of His late Majeſty King George the Firſt; and alſo the Term of the ſaid Act made in the Fourteenth Year of the Reign of His ſaid late Majeſty King George the Second, ſo far as relates to the amending, repairing, and keeping in Repair the ſaid Roads, leading from Sevenoakes Common to Woodſgate and Tonbridge Wells, and from Woodſgate to Kipping's Croſs aforeſaid, ſhall be, and are hereby continued from the Expirations thereof, and alſo of the additional Term of Five Years, granted by an Act made in the Twenty-eighth Year of the Reign of His ſaid late Majeſty King George the Second, intituled, An Act to amend an Act made in the Twenty-ſixth Year of the Reign of His ſaid late Majeſty King *George* the Second, intituled, *An Act for the Amendment and Preſervation of the publick Highways, and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto,* for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament; and inſtead of all other the Clauſes, Proviſions, Tolls, Powers, Penalties, Forfeitures, Puniſhments, Matters, and Things whatſoever, in the ſaid ſeveral Acts contained; but ſo far only as relates to the amending, repairing, and keeping in Repair the ſaid Roads leading from Sevenoakes Common to Woodſgate and Tonbridge Wells, and from Woodſgate to Kipping's Croſs aforeſaid the Clauſes, Proviſions, Tolls, Powers, Penalties, Matters and Things

Recited Acts further continued.

Commencement and Continuance of this Act.

Things in this Act contained, shall, for the Purpose of amending, repairing and keeping in Repair, the said Roads leading from Sevenoakes Common to Woodsgate and Tonbridge Wells, and from Woodsgate to Kipping's Cross aforesaid, by the said several recited Acts, and also by this present Act, directed and intended to be repaired, take place and shall commence from and immediately after the Passing of this Act, and shall continue in full Force, not only until the Expiration of the said Terms of Fifteen Years, Twenty-one Years, Twenty-one Years, and the said Term of Five Years, but also until the Expiration of the last-mentioned Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Trustees. And, for the more effectual putting this Act in Execution, be it enacted by the Authority aforesaid, That the Right Honourable Lord Viscount Vane in the Kingdom of Ireland, the Right Honourable Lord George Germain, the Honourable Sir Sydney Stafford Smythe Knight, Sir Whistler Webster, Sir John Dixon Dyke, Sir Charles Farnaby, Sir Roger Twisden, Baronets; Sir Jeffery Amhurst Knight of the Bath, Sir Mark Parsons Baronet, Sir George Kelly Knight, Francis Austen, John Austen, Henry Austen Clerk, Thomas Austen, George Alchin, Stephen Hooper Alchin, Thomas Alchin, Peter Burrell, Sackville Bale, Samuel Boyce, the Reverend Brett, Thomas Baker, Clerks; William Bowen, Robert Burgess, John Barton of the Court Lodge in Hadlow, John Cooke, Alexander Courthope, John Children, George Children, Thomas Chiffinch, John Cole, William Courthope Clerk, Thomas Curteis Doctor in Divinity, George Children of New Romney, William Dalison, the Reverend Delves, Thomas Dalison, Clerks; William Dudggen, James Eldridge, William Eldridge, John Eldridge, the Reverend Franklyn, Foster, William Fitzherbert, Clerks; Nicholas Haddock, Thomas Harvey, Thomas Hooker, the Reverend Henry Harpur, William Hassell, Clerks; Stephen Hooker, Thomas Harvey the younger, William Thomas Harvey, Thomas Hooker the younger, Edmund Latter Clerk, Thomas Lane Doctor of Physick, William Morland, William Daniel, Master Thomas Morland, Thomas Miller, Samuel Mills, Walter May, Thomas Miller the younger, Francis Otway, Only Clerk, Thomas Smith Panuwell Richard Round, John Sabbateer, Thomas Streatfield, Thomas Swayne, Robert Simmons, Thomas Scoones, Thomas Slatter, William Scoones, Roger Twisden, Johnson Towers Clerk, George Weller, Nicholas Weller, the Reverend Caswell Winder, John

John Whitaker, Francis Woodgate, Edward Weller, Clerks; Henry Woodgate, William Woodgate, Stephen Woodgate, Henry Woodgate the younger, George Walter, Charles Wakefield, George Weller the younger, John Weller, William Weller, Crawfurd, Roſe Fuller, the Honourable Marſham, Sir Thomas Pym Hales, William Gordon, Arnold Neſbitt, William Camfield, George Weller Timber Merchant, Edward Budgen, Thomas Jarrett, Richard Delves, John Legus, Edward Mercer, Edmund Baker Poſt Maſter, Henry Nadauld Surgeon, Chriſtopher Pinchbeck, Eaſtman Stickland, Latter, William Marſden Surgeon, George Lamont Doctor in Phyſic, Edward Willett, George Foſter, Thomas Camfield, William Twort, Francis Motley Auſten, Sir Richard Betenſon Baronet, Charles Booth, John Children of Nizells Hoath, Richard Children of the Bank, John Carnell, Colonel James Douglas, the Reverend George Davis, William Everest, Thomas Farnaby, John Farnaby, Thomas Hodſoll, Thomas Horton, Richard Knight, Multon Lambard, John Naſh M. D. John Naſh, Staple Naſh, Ralph Robert Carter Petley, John Smith, William Thompſon, and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for putting this Act in Execution.

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 or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds above Reprizes; or ſhall be Heir Apparent of ſome Perſon or Perſons having an Eſtate in Lands, Tenements, and Hereditaments, of the clear yearly Value of Two hundred Pounds; or be poſſeſſed of, or intitled to a Perſonal Eſtate to the Amount of Fifteen hundred Pounds: And if any Perſon not being ſo qualified ſhall preſume to act, contrary to the Intent and Meaning of this Act; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons that ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted, ſhall prove that he is qualified as aforeſaid, or

Penalty on acting if not qualified.

otherwiſe

otherwiſe ſhall pay the ſaid Penalty, 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.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall firſt meet together at the Houſe of James Olding, known by the Sign of the King's Head in Tonbridge Town, in the ſaid County of Kent, within One Month after the paſſing of this Act, and proceed to the Execution of this Act; and ſhall then, and from Time to Time afterwards, adjourn themſelves to meet at ſuch Place in or near the ſaid Roads, as the Truſtees preſent at every or any ſuch Meeting, or the major Part of them, ſhall think proper and convenient for 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 appear a ſufficient Number of Truſtees to act and to adjourn to another Day, or in caſe the Truſtees at any Time ſo aſſembled ſhall omit or neglect to adjourn themſelves; the Clerk to the ſaid Truſtees ſhall, from Time to Time, in either of ſuch Caſes, by Notice in Writing under his own Hand, to be affixed at and on all the Turnpikes which ſhall be erected or continued by virtue of this Act, at leaſt Ten Days before the next Meeting, appoint the ſaid Truſtees to meet at ſome convenient Houſe, in or near the ſaid Roads, on that Day Three Weeks, on which ſuch laſt Meeting was appointed; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

For want of a ſufficient Number to act,

Clerks to adjourn to another Day.

Truſtees to defray their own Expences.

Provided always, That Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only; and if a Meeting of the ſaid Truſtees ſhall be thought neceſſary to be held for the better Execution of this Act, before the Time appointed in virtue of any Adjournment ſhall come; then, and in every ſuch Caſe, the ſaid Truſtees, or any Five or more of them, or the Clerk at their Requeſt, ſhall and may give Fifteen Days Notice at leaſt in Writing, to be affixed on all the Turnpike Gates, of the Time and Place of the holding ſuch Meeting; and in every ſuch Notice 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, may do and tranſact; and ſuch Buſineſs, ſo done and concluded, ſhall have the ſame Effect as it could have had, in caſe it had been done at a Meeting of the Truſtees herein

Two Truſtees ſufficient to adjourn.

Intermediate Meetings may be held,

on 15 Days Notice.

herein otherwiſe authoriſed or directed to be held; but any Buſineſs done at ſuch Meeting, other than what ſhall be ſo ſpecified, ſhall be to all Intents and Purpoſes void and of none Effect.

Orders how to be made and revoked.

And be it further enacted by the Authority aforeſaid, That all Orders and Determinations of the ſaid Truſtees in the Execution of this Act, ſhall be at Meetings to be held in purſuance of this Act, and not otherwiſe, (except as is herein before and herein after excepted); and that no ſuch Order or Determination ſhall be made, without the Conſent of the major Part of the ſaid Truſtees preſent at each Meeting; (except it be in purſuance of a Reſolution of the Truſtees preſent at ſome former Meeting or Meetings, whereby any Perſon or Perſons is or are authoriſed to carry ſuch Reſolutions into Execution; and alſo except in appointing a Collector of the Tolls, in caſe any Collector thereof ſhall die, reſign, or be incapable of acting as herein after mentioned) nor ſhall any Order or Determination made by Five or more Truſtees, being under the Number Nine, be revoked, repealed, or ſet aſide at any ſubſequent Meeting, 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 at any ſubſequent Meeting, unleſs Fifteen or more Truſtees, ſhall be preſent at the making ſuch further ſubſequent Order; nor ſhall any Truſtee be capable of acting in the Execution of any of the Powers of this Act, during the Time he ſhall hold any Place of Profit under this Act; but all ſuch Truſtees as are Juſtices of Peace for the ſaid County of Kent, may act as ſuch in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they are perſonally intereſted.

No Truſtee to hold any Place of Profit.

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

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

And be it further enacted by the Authority aforeſaid, That when and ſo often as any Truſtee ſhall die, or refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Nine or more of them, by Writing under their Hands and Seals, to elect and appoint one other Perſon, qualified as aforeſaid, living in the ſaid County of Kent, to be a Truſtee in the Room of ſuch Truſtee ſo deceaſed or refuſing to act; but Notice of the Time and Place of Meeting for every ſuch Election, ſhall be given in Writing under the Hand of the Clerk to the ſaid Truſtees, and be fixed on all and every the Turnpike-gates which ſhall be erected or continued by virtue of this Act, at leaſt Ten Days before ſuch Meeting; and all Per-

Notice of Election to be given.

tons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons, in whose Places they shall be respectively chosen, were vested with.

Trustees may erect Turnpikes, and Toll houses, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall from Time to Time appoint, shall and may erect and continue, or cause to be erected and continued, One Turnpike or Toll-gate across any Part of the said Road, between the Market-house in Tonbridge Town and Sevenoakes Common, not being within Two Miles Distance of either of the Market-houses in the said Towns of Tonbridge and Sevenoakes; and shall and may erect and continue any Turnpike or Turnpikes in, upon, or across any other Part or Parts of the said Roads hereby intended to be made or repaired; and also upon the Sides of the said Roads, and at the End of, or cross, or as near as conveniently may be to the End of any Lane or Way leading into or out of the same; and may also cause to be erected or provided, a Toll-house with suitable Buildings at or near each Turnpike; and shall and may enclose any adjoining Part of the said Roads or Highways, to be used as a Garden for the Accommodation of the Collectors of the Tolls or Duties; and from Time to Time remove such Turnpike or Turnpikes and Toll-houses, or alter the same, or any Part or Parts thereof respectively, as they the said Trustees, or any Nine or more of them, shall think necessary; and the Tolls following (instead of the Tolls and Duties laid and made payable by the said former Acts) shall be demanded and taken at every Turnpike, by such Person or Persons as the said Trustees, or any Nine or more of them, shall from Time to Time appoint for that Purpose, before any Cattle or Carriage whatsoever shall be permitted to pass through the same, (that is to say)

and take Tolls thereat.

New Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast drawing in any Carriage, the Sum of Two-pence.

For every Horse, Mare, Gelding, Mule, or other Beast, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five-pence per Score; and so in proportion for any greater or less Number.

And

And for every Drove of Calves, Hogs, Swine, Sheep, or Lambs, the Sum of Two-pence halfpenny per Score; and so in proportion for any greater or less Number.

Provided always nevertheless, That, in demanding and paying the Tolls upon Oxen drawing, One Pair or Yoke of Oxen shall be reckoned and paid for only as One Horse drawing. A Pair of Oxen, to pay as One Horse.

Provided always, and it is hereby enacted by the Authority aforesaid, That the Horses or Beasts of Draught, drawing in all and every Carriage and Carriages laden with any Tree or Trees, or other Pieces of Timber, Cannon, Gun or Guns, or any Ore, passing through any Gate or Gates, Turnpike or Turnpikes, erected or to be erected by virtue of this, or any former Act or Acts upon the said Roads respectively, between the Tenth Day of October and the First Day of April in every Year, from and after the passing this Act, shall pay double Tolls or Duties, at each and every such Gate or Turnpike through which such Carriage or Carriages so laden shall pass; any Thing in this Act contained to the contrary thereof notwithstanding. Carriages laden with Cannon, &c. to pay double Tolls, between 10 *October* and 1 *April*.

Provided always, That no more than One Toll shall be demanded or taken from any Person or Persons for once passing and repassing the same Day, with the same Horses, Cattle, Beasts, or Carriages, through all the Bars, Toll-gates, or Turnpikes, to be erected or continued by virtue of this Act, on any Part of the said Roads between the Market-house in Tonbridge Town and Sevenoakes Common; and that no more than One Toll in the Whole shall be demanded or taken from any Person or Persons for once passing and repassing the same Day, with the same Horses, Cattle, Beasts or Carriages, through all the Bars, Toll-gates, or Turnpikes, to be erected or continued by virtue of this Act, on any Part of the said Roads between the said Market-house in Tonbridge Town aforesaid, and Kipping's Cross aforesaid; and that no more than One Toll shall be demanded or taken from any Person or Persons for once passing and repassing the same Day, with the same Horses, Cattle, Beasts, or Carriages, through all the Bars, Toll-gates, or Turnpikes, to be erected or continued by virtue of this Act, on any Part of the said Roads between the said Market-house in Tonbridge Town aforesaid and Tonbridge Wells; but that all and every Person and Persons having paid One Toll in the Whole between the said Market-house and Sevenoakes Common, and the said One Toll in the Whole be- One Toll only for passing through all the Gates hereinafter mentioned.

tween the ſaid Market-houſe and Kipping's Croſs, and the ſaid One Toll in the Whole between the ſaid Market-houſe and Tonbridge Wells, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of ſuch Tolls, (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis) ſhall once paſs and repaſs the ſame Day, through all ſuch Bars, Toll-gates, or Turnpikes, Toll free; and in taking which ſaid Tolls, the Two Gates now at the Bottom of Tonbridge Town, ſhall be conſidered and paid for only as One Gate.

Perſons having paid Toll, not to pay for returning.

Provided always, and it is hereby enacted by the Authority aforeſaid, That no Perſon or Perſons, having paid the Tolls or Duties hereby directed to be paid at any of the Gates or Turnpikes erected by virtue of the ſaid former Acts, or to be erected or continued by virtue of this Act, between Sevenoakes Common and Woodſgate, and Tonbridge Wells and Woodſgate and Kipping's Croſs aforeſaid, or croſs any Lane or Way leading into or out of the ſame, through which ſuch Perſon or Perſons ſhall paſs with any Horſe, Mare, Gelding, Mule, Aſs, or any Cattle not drawing, and producing a Note or Ticket, Notes or Tickets that ſuch Toll was paid (which Note or Ticket, Notes or Tickets, the Collector or Collectors is and are hereby required upon Demand to give) ſhall be liable to pay again for returning ever ſo often through the ſame Gate or Turnpike the ſame Day, or before Twelve of the Clock at Night, with the ſame Horſe, Mare, Gelding, Mule, Aſs, or other Cattle not drawing: But if any Perſon or Perſons ſhall paſs the ſame Day through the ſame Turnpike a Third Time with any Horſe, Mare, Gelding, Mule, Aſs, or any Cattle drawing any Carriage whatſoever; then ſuch Perſon or Perſons ſhall be liable and compellable again to pay the ſaid Toll or Duty hereby impoſed on ſuch Horſe, Mare, Gelding, Mule, Aſs, or any Cattle drawing in ſuch reſpective Carriage, and to receive another Note or Ticket, (which the Collector and Collectors is and are hereby required to deliver as aforeſaid) which ſhall intitle him or them to return through the ſame Gate with the ſame Horſe, Mare, Gelding, Mule, Aſs, or any Cattle drawing in ſuch Carriage, upon the ſame Day, once more Toll-free; and ſo (toties quoties) for every Third Time the ſaid Perſon or Perſons ſhall paſs, the ſame Day, through the ſame Gate or Turnpike on any of the ſaid Roads with any Horſe, Mare, Gelding, Mule, Aſs, or any Cattle drawing in ſuch Carriage as aforeſaid.

And

And be it further enacted by the Authority aforesaid, That all the said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid, to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to distrain any Horse or Horses, or other Cattle, together with their Bridles, Gears, Harness, or Accoutrements, or their Loading, or any Goods, or Carriage upon which such Toll is hereby imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls and the reasonable Charges of such Distress shall not be paid within the Space of Four Days after such Distress shall be made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattles, or Things so distrained, returning the Overplus, (if any be) on Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Distress and Sale, shall be deducted; and all the Tolls collected by virtue of this Act shall be and are hereby vested in the said Trustees, and shall be applied in the first Place, to pay and discharge all the Expences and Costs in and about procuring and passing this Act; and the Remainder thereof, in erecting and providing Turnpikes and Toll-houses, and in amending the said Roads, (but no Part thereof shall be employed for or towards repairing any of the Streets, Lanes, or Passages, lying within the Town of Tonbridge) and other necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Tolls may be levied by Distress.

Distress may be sold after 4 Days.

Tolls vested in Trustees.

And be it further enacted and declared, That the Tolls or Duties hereby granted, shall be subject and liable to the Payment of all Sums of Money to be borrowed by virtue of this Act, or which are now owing upon the Credit of the Tolls granted and to be collected in the said Parishes of Tonbridge and Sevenoakes, by the said recited Acts, and of the Interest due and to grow due on the same respectively.

Tolls subject to Payment of former Debts.

And whereas in and by the said recited Acts of the Eighth of Queen Anne, the Eleventh of George the First, and the Fourteenth of George the Second, it is amongst other Things enacted, that during the Continuance of those Acts, no Toll or Duty should be demanded or taken at any Turnpike or Turnpikes, erected or to be erected in pursuance

of the said Acts, for any Horse or Horses, or Carriages laden or passing with Fish, nor for the Horses on which the Rippiers or Drivers of such Horse, Horses, or Carriages should ride, which should be going towards London, nor for any such Horses or Carriages returning: Be it enacted by the Authority aforesaid, That the said recited Clauses, so far as relates to such Fish Horses, and Carriages laden with Fish, and the Horses of the Rippiers and Drivers thereof, not paying any Toll at any Turnpike or Turnpikes, erected or to be erected upon that Part of the said Roads leading from Sevenoakes to Woodsgate and Tonbridge Wells, and from Woodsgate to Kipping's Cross aforesaid, shall, from and after the passing of this Act, be repealed.

Clauses, exempting Fish Horses, &c. repealed.

Exemptions from Tolls.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons shall be charged or chargeable with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected or continued by virtue of this Act, and carrying any Materials for repairing the said Roads, or for mending any of the Highways in the said County of Kent, or going or returning through any of the said Turnpikes for or with Dung, Mould, Marle, or Compost of any Nature or Kind whatsoever, Chalk or Lime, for the manuring of Lands or Grounds: Nor shall any Toll or Duty be demanded or taken by virtue of this Act, for the Horses or Beasts of Draught drawing any Carts, Wains, Waggons, or other Carriages carrying any Grass, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw, or Wood for Fuel, to be consumed in the said Parishes: Nor for the Horses or Beasts of Draught drawing any Wood or Timber, (Hop-poles for the stocking of Land excepted) carried or drawn by, or at the Expence of the Owner or Proprietor thereof, to be used in building or repairing the Houses, Buildings, or Outhouses of such Owner or Proprietor, in the Parishes through which the said Roads do lead: Nor for any Ploughs, Harrows, or other Implements of Husbandry: Nor shall any Tolls or Duties hereby laid be demanded of, or taken from any Person or Persons residing in the said Parishes in which the said Roads hereby directed to be repaired do lie, who shall pass through the said Turnpikes or Cross or Side Gates, to and from their own respective Parish 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; nor from any Person or Persons riding any Horse, Mare, Gelding, or other Beast, to and from any Lands in their own Occupation only; or for any Horses, Mares, Geldings, or other Cattle,

Cattle, going to or returning from Pasture or Watering Places, of any of the Inhabitants of the Parishes wherein the said Roads lie; 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 the 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 demanded, by virtue of this Act, for any Horse or Horses, 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 for the said Counties of Kent and Sussex, on the Day or Days of such Election, or on the Day before or on the Day after the same; nor shall any Toll or Duty be demanded or taken, for any Horse or Horses, Carriage or Carriages, having been laden with Fish from the Sea Coast, towards London, (and having first paid the Toll or Duty aforesaid when so laden) as the same Horse or Horses, Carriage or Carriages, shall return unladen from London, or elsewhere, towards the Sea Coast; nor for any Horse or Horses on which the Rippiers or Drivers of such Horses or Carriages, on their Return with such unladen Horses or Carriages aforesaid, shall ride, provided they carry no Loading whatsoever on such their Return; (the empty Dorsers, Panniers, or Baskets, in which such Fish were carried on or towards London, excepted)

Collectors may search Dorsers, &c.

And, for the better discovering whether such Horses or Carriages, carry any Loading whatsoever, (except as before excepted,) on their Return as aforesaid; it is hereby further enacted, That it shall and may be lawful to and for the said Collectors, and for every of them, and for all and every Person or Persons by them required to assist in that Respect, to search all such Dorsers, Panniers, or Baskets, with which such returning Fish Horses or Carriages shall be laden.

without Hindrance from Driver.

And be it further enacted, That no Rider or Driver of such Fish Horses or Carriages, shall hinder or refuse to permit such Collectors or Persons to search such Carts, Dorsers, Panniers, or Baskets as aforesaid.

Penalty on Persons 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 Persons shall, for every such Offence, forfeit and pay the Sum of Five Pounds; One Moiety whereof shall be applied

to the Use of the Informer, and the other Moiety thereof to be applied towards amending the said Roads.

Trustees may compound with Inhabitants.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, to compound or agree with any of the Inhabitants of any Parish wherein the Roads hereby directed to be repaired do lie, for any Term not exceeding Three Years, for passing through any Bar, Gate, or Turnpike, to be erected or continued by virtue of this Act; provided such Person or Persons shall not carry Goods for Hire, and shall always pay down the Composition Money in Advance.

Trustees may reduce the Tolls,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine 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 authorised and impowered from Time to Time, in case it shall appear requisite and

and raise them again.

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 never be lessened, until the Money borrowed, or to be borrowed on the Credit thereof, together with the Interest, be repaid, unless the Persons to whom the major Part in Value of such Money and Interest is due, consent thereto; and such Tolls or Duties so varied, shall 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.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at their first or any subsequent Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest such Sum or Sums of Money as they, or any Nine or more of them, shall think fit; and may and are hereby impowered to assign over or mortgage the said Tolls, or any Part or Parts thereof, by Writing under their Hands and Seals (the Costs and Charges of such Assignment or Mortgage to be borne and paid out of the said Tolls) to any Person or Persons, or their Trustees, who shall advance the same; which said Money so borrowed shall (after paying the Expences of obtaining this present Act) be applied and disposed of as the said Tolls are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and Copies of all such Mort-

gages

gages or Assignments shall be entered at length in a Book to be kept for that Purpose, by the Clerk to the said Trustees: But no Money shall be borrowed on the Credit of the said Tolls, 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 or continued by virtue of this Act, at least Fourteen Days before borrowing such Money. Notice thereof to be given.

Provided always, That nothing herein contained shall extend or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Monies, or any Part thereof, so to be borrowed as aforesaid, to any Payment of the same, by reason of their, or any of their signing and sealing any such Assignment, or other Securities to be made in pursuance of this Act, or any or either of them. Trustees, &c. not subjected to Payment of Debts.

And it is also further enacted by the Authority aforesaid, That all and every Person and Persons to whom such Mortgage or Assignment 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 Witnesses, assign or transfer the same Security and Securities, and all Benefit and Advantage thereof, and of his, her, or their Right, Title or Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment shall be produced and notified to the Clerk to 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 Names, and Sum of Money therein mentioned to be assigned, in the said Book to be kept for entering the said original Mortgages or 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 entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefits 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. Assignments may be transferred. Assignments to be entered in a Book. Clerk's Fee.

All Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing or lending any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, to be collected upon the said Roads, leading from Sevenoakes Common to Woodsgate and Tonbridge Wells, and from Woodsgate to Kipping's Cross aforesaid, in respect of the Priority of advancing or lending such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall, in proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree one with another.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, upon One Month's Notice to be given thereof in Writing, under the Hand of the Clerk to the said Trustees, affixed on all the Turnpikes erected or continued 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 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 Nine or more of them, shall think fit; and to be paid to the said Trustees, or any Nine or more them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same; which Monies 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 evading the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same; or shall knowingly or designedly assault, interrupt, or obstruct any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or any otherwise, in the Execution of his or their Office or Offices of Collector or Collectors; or shall forge, counterfeit, or alter, or shall deliver to or receive of any other Person or Persons any Ticket or Tickets, with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken

off

off any Horse or other Beast from any Carriage, or shall unload any Cattle or Carriage, or, having passed through any of the said Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded, the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place, lying by the Side of, or near to either of the said Roads, the same not being a publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or other Place, not being a publick Highway, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in order, or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided; such Persons, and every of them so offending, shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law: And it shall and may be lawful to and for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize and take any Horse or Horses, Beast or Beasts, or Goods belonging to, or in the Possession, or under the Care of any Person or Persons so offending in the Premises, and the same to take before a Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may, and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they, shall or shall not appear before him, in the respective Penalties aforesaid; and for Nonpayment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of taking and keeping the same,

Penalty may be levied by Distress and Sale.

Distress may be sold.

and of such Sale or Sales; and after Payment thereof, to render the Overplus of the Money arising by such Sale or Sales (if any there shall be, and be demanded) to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession they respectively was or were when so seized or taken as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be recovered and levied by such Means, and in such Manner, as are herein after mentioned and provided for the recovering and levying of the Penalties and Forfeitures imposed by this Act.

Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses which shall be erected, continued, or provided by virtue of this Act, and of the Materials for building or making the same, and for repairing the said Roads, shall be, and are hereby vested in the said Trustees; and they, or any Five 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 a Bill or Bills of Indictment against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy the same, or disturb them in the Possession of the Property thereof.

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

Provided always, and be it further enacted by the Authority aforesaid, That no Bar, Gate, or Turnpike, erected or set up by virtue of the said former Acts, or to be erected or set up by virtue of this Act, shall be taken down or removed to any other Place, except by Order of the said Trustees, or any Nine or more of them, and whereof Fourteen Days Notice shall be given in Writing by the Clerk of the Trustees under his Hand, to be affixed on all the Turnpikes to be erected and continued across the said Roads; any Thing in this Act contained to the contrary notwithstanding.

Penalty on haling Timber, &c. otherwise than on Wheel-carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, in or along the Roads by this Act intended to be repaired, or any Part thereof, any Tree or Trees, Piece or Pieces of Timber, otherwise than and except upon Wheel Carriages; or shall suffer any Tree or Piece of Timber to drag or trail on the said Roads, or any

Part

Part thereof, to the Prejudice thereof; every such Person, for every such Offence, shall forfeit and pay the Sum of Ten Shillings.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees or any Nine or more of them, may from Time to Time, by Writing under their Hands, continue or appoint one or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, or such other Officers as the said Trustees, or any Nine or more of them, shall think necessary; and from Time to Time remove any or either of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Nine or more of them, shall seem reasonable; and all such Officers and Persons shall under their Hands, at such Time and Times, and in such Manner as the said Trustees or any Five or more of them shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers and Person or Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid shall, upon Oath, if 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 empowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees or any Five or more of them, within Ten Days after being required thereunto by any Five or more of such Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or as they shall direct or appoint;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

then, and in either of the said Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorised and impowered to bring or cause to be brought, any Action or Actions, in the Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any one or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justice or Justices may, and is and are hereby authorised and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons so refusing or neglecting to be brought before him or them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons; such Justice or Justices may, and is and are hereby authorised and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons can be found, sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale for the same, then, and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for the County or Place where such Offender shall reside or be apprehended, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner.

Justices to enquire into the Default;

and levy the Balance by Distress.

For want of Distress, Offender to be committed.

ner as they shall appoint (which Composition the said Trustees or any Five or more of them, are hereby impowered to make) or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Officers not to gain Settlements.

Provided always, and it is hereby enacted and declared That no Collector, Surveyor or other Officer shall, under this Act, gain a Settlement in any Parish or Place, by reason of his being appointed to, or serving in such Office.

On Death, &c. of Collector, 3 Trustees may appoint another.

Provided nevertheless, That as often as any Collector of the said Tolls shall die, resign, or be incapable of performing his Duty, it shall and may be lawful for any Three or more of the said Trustees (though not assembled at a Meeting pursuant to this Act) by Writing under their Hands, to appoint any other Person to receive or collect such Tolls; and the Person so appointed shall have the same Power and Authority for recovery of the said Tolls, as the Person he shall succeed was vested with, until the Trustees, or any Nine or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Receiver or Collector of such Tolls.

Treasurer to give Security.

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

No Victualler, &c. to hold any Place of Profit.

Provided always and be it enacted, That no Victualler or Retailer of Beer, Ale, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors for the said Roads by this Act intended to be repaired, or such Persons as he or they, or the said Trustees, or any Five or more of them, shall appoint, to dig, gather, take and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the said Roads, out of or from any River or Brook, Waste or Common Grounds in any Parish or Place wherein or near which the said Roads, or any Part thereof, do lie, or in any neighbouring Parish or Place, without paying any Thing for the same; such Surveyors or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle: And if there is not a sufficient Quantity of such Materials in such Rivers, Brooks, Common or Waste Ground,

without paying for the same, levelling the Pits;

Ground, it shall and may be lawful for the said Surveyor or Surveyors, or other Persons as aforesaid, (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 or tendering Payment for such Materials, and for the Damage done to such private Grounds over which any Materials shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, between the Parties concerned 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 Roads, out of the Money arising by the said Tolls; from which Determination there shall be no Appeal.

or from private Grounds,

making Satisfaction.

Justices may determine Differences.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part of the said Roads, and to build or cause to be built any Bridges, in, upon, or cross the said Roads or any Part thereof, and cut or cause to be cut, any Watercourses in, through, or across any Lands or Grounds, to prevent the said Roads or any Part or Parts thereof from being overflowed, and to erect Bridges over such Drains or Watercourses, if necessary; and also to make a Road or Way through the Grounds adjoining, or lying near to any hollow Way, or any narrow or ruinous Part of the said Roads, (such Grounds respectively not being the Ground where n any House stands, nor any Yard, Garden, Orchard, Park, Paddock, planted Walk, Nursery, or Avenue to a House) to be made use of as a Publick Highway, whilst the Old Road is repairing and widening; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds respectively, for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Surveyors may make Causeways,

erect Bridges,

cut Watercourses,

and make a temporary Road;

making Satisfaction to the Owners of Lands.

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

Surveyors may remove Annoyances,

Time to remove and prevent all Annoyances, and to plash and cut Hedges adjoinining to, or on any Part of the said Roads, and to cut down Trees or Bushes growin the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to plash and cut such Hedges, or to cut down such Trees and Bushes, or to remove such Annoyances as aforesaid, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to plash or cut such Hedges, or to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; 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 and 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 wherein such Hedges, Trees, and Bushes stood, which shall be so plashed, cut down and lopt, or from whence such Annoyances shall be removed, 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 Chattels, rendering the Overplus, if any be, to the Owners or Occupiers thereof upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person so offending, and being thereof convicted upon Oath before One or more Justices of the Peace for the County of Kent, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, Twenty Shillings, over and above the reimbursing to such Surveyor or Surveyors the Costs and Charges of doing the same as aforesaid.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed to the Surveyors.

On Nonpayment,

Charges may be levied by Distress and Sale.

Penalty on a Second Offence.

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 Roads, 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,

Owners neglecting to scour their Watercourses.

Surveyors may cleanse the same,

courses, 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 of 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 for 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 Chattels of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

and levy the Charges by Distress and Sale.

And be it further enacted, That in case the said Trustees, or any Five or more of them, shall at any Time or Times think proper to widen the said Roads, or to divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Roads, for the better Accommodation of Passengers, that then the said Trustees, or any Five 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, 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, diverting, turning, shortening, varying or altering any Part of such Roads; 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 Five or more of them, and also the Costs and Charges attending such Agreement and Purchase: And it shall be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations, Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots,

Trustees may contract for the Purchase of Lands, &c.

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

Idiots, Lunaticks, and Husbands, and other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, and Cestuique Trusts, Idiots, 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 Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interests 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 Politic, 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: And if any such Owners, Proprietors, Occupiers, 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 Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or of the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in or added to the said Roads, or into or through which the Roads are 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 Premises, or by reason of Absence shall be prevented from treating; then, or in every or any such Case, the said Trustees, or any Five 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 any other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads into or through the same;

Persons refusing to treat, Damage to be settled by a Jury.

Witneſſes may be examined on Oath.

ſame; and in order thereto, the ſaid Truſtees, or any Five 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 Premiſes (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 Jury's better Information in the Premiſes, as they the ſaid Truſtees, or any Five 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 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 ſaid Owners, Proprietors, 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, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregagte 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 Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of Kent, requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty-four Perſons qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in

Jury to ſettle the Damage and Recompence.

Verdict of the Jury to be final.

Truſtees may iſſue their Warrant to the Sheriff to impanel and ſummon a Jury.

the

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 Five or more of them, acting in the Premises, 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 Premises, 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 to be sworn of the said Jury, or being 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 Premises, 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 such Fines shall be applied for such Uses, and in such Manner as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, 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 to the Person or Persons respectively intitled thereto, or to their Agent or Agents; and 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, it shall be lawful for any Per-

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

ſon or Perſons authoriſed by Writing under the Hands of the ſaid Truſtees, or any Five or more of them, to widen, divert, or turn ſuch Road through ſuch Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit: And all Lands, Grounds, or Hereditaments, which ſhall be laid into, and made Part of the ſaid Roads by virtue of this Act, ſhall to all Intents and Purpoſes whatſoever become, and be deemed and taken to be a publick and common Highway, and ſhall be repaired and kept in Repair in ſuch Manner as the other Parts of the Roads included in this Act are to be repaired; and from thenceforth all Parties and Perſons ſhall be diveſted of all Right or Title to ſuch Lands and Hereditaments; and after any ſuch new Road ſhall be completed, the Lands and Grounds comprized in and conſtituting the old or former Road, unleſs leading over ſome Moor or Waſte Ground, or to ſome Village, Town, or Place to which ſuch new Road doth not lead, ſhall be veſted in, and ſhall and may be ſtopped up, or ſold by the ſaid Truſtees, or any Five 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 for repairing that Part of the ſaid Roads ſo widened, turned, or altered; and the Sale, and Conveyance and Conveyances, to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Five or more of them, and enrolled 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.

Old Road may be ſold.

Provided always, and be it further enacted by the Authority aforeſaid, That in widening, turning, or diverting any Part or Parts of the ſaid Roads, nothing ſhall be done which ſhall or may in any wiſe 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.

Buildings, &c. not to be injured.

And be it further enacted, That in caſe any Jury or Juries, to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Monies, as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch Lands, Grounds, or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to, and offered by the ſaid Truſtees or

Expence of Juries how to be borne.

any

any Seven or more of them, before the ſummoning or returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands, Grounds, or Hereditaments, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, concerning the aſcertaining and determining the Value of any ſuch Right, Property, or Intereſt, in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages ſuſtained as aforeſaid, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed on the Credit thereof: But if any Jury or Juries ſo to be ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Monies than ſhall have been agreed to, and offered by the ſaid Truſtees or any Seven or more of them, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages as aforeſaid; that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

Perſons liable to do Statute-work, to continue ſo.

And be it further enacted, That the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, in the ſeveral Pariſhes or Places through which the Roads hereby intended to be repaired do 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 repairing thereof, commonly called Statute-work, ſhall be ſtill ſubject and liable to do and perform the ſame Work, and ſhall and are hereby required to do and perform ſuch and ſo many Days Statute-work, in ſuch Parts of the ſaid Roads by this Act directed to be repaired, and lying within the ſaid Pariſhes or Places in which ſuch Inhabitants and Occupiers reſpectively ſhall live, or occupy Lands, as the ſaid Truſtees or any Five or more of them ſhall direct and appoint, and at ſuch Times and in ſuch Manner as the Turnpike Surveyor or Surveyors by them authoriſed ſhall direct or appoint; and that every Inhabitant or Occupier of Lands, of and in the ſaid Pariſhes 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

Perſons renting 50*l. per Annum*, deemed Team-holders.

wards repairing the said Highways, as Persons keeping Teams are obliged by Law, and ought to do.

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

And, to the End the said Trustees may know the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, in the said several Parishes and Places in which the said Roads do lie, who are obliged to do Statute-work on their Highways, and what Sort of Duty they ought respectively to do: Be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes and Places, shall, and they are hereby required, at the first Meeting of the said Trustees after the Twenty-fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected or continued by virtue of this Act) to deliver in to the Treasurer or Clerk to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, of and in such Parishes and Places respectively, who are liable to do Statute-work for that Year, in and upon the said Highways; and therein shall distinguish which of such Inhabitants or Occupiers keep Teams or Draughts, or occupy Plough Lands, and how many, and which of them, are Labourers only, and also the Number of Days Work which such Teams or Draughts, or otherwise, each Person ought to do on the said Roads.

Surveyors neglecting to deliver in such Lists,

And be it further enacted, That if the Surveyor or Surveyors of the Highways of and in the several Parishes or Places in which the said Roads do lie, shall not deliver in to the Clerk or Treasurer of the said Trustees true Lists of the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in their several Parishes or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered; such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And if any or either of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments, of and in the several Parishes or Places, being obliged or liable by Law to do Statute-work, in or upon the Highways, shall neglect or refuse to do such Statute-work, in or upon the said Roads, at such Times and Places, and in such Manner as they shall, by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do the same; such Inhabitants or Occupiers, and every of them, shall, for every such Neglect or Default,

and on Persons not performing Statute-work.

forfeit

forfeit and pay the Sum of Ten Shillings for each Day's Default for every Team or Draught of Three or more Horses, and the Sum of Four Shillings for each Day's Default for every Team or Draught of One or Two Horses; and every other Inhabitant, not keeping a Team or Draught, shall forfeit and pay the Sum of One Shilling and Sixpence for every Day's Default, instead of such Penalties and Forfeitures as he, she, and they, is and are respectively now by Law subject to, for neglecting to do their Statute-work.

Parish Surveyors to give Notice when and where Statute-work is to be done.

And, to the End that the Inhabitants and Occupiers of Lands in the said several Parishes, Boroughs, and Places, may know when and where to do their respective Statute-work or Duty on the said Roads by this Act intended to be repaired, widened, and kept in Repair; it is hereby enacted by the Authority aforesaid, That the Parish Surveyor or Surveyors of the Highways, of and in the said several Parishes, Boroughs, and Places; and in case there shall be no Surveyor or Surveyors, then the Churchwardens and Overseers of the Poor of such Parish or Place, (having an Order from the said Turnpike Surveyor or Surveyors, specifying the Time when, and Place where such Teams, Carts, and Labourers, or either, and which of them shall meet at, and work on the said Turnpike Roads, and what Work they shall do) shall, and they are hereby required the first Sunday after they shall receive such Notice from the said Turnpike Surveyor or Surveyors, or either of them, to give or cause to be given publick Notice in the Church or Chapel belonging to such Parish or Place, immediately after Divine Service in the Forenoon, if any, and if none, then immediately after Divine Service in the Afternoon, of the Times when, and Places where, the said Teams, Carts, and Labourers, or either, and which of them shall meet at, and work on the said Turnpike Roads, and what Work they shall do; which Notice so given, is hereby declared to be a good and sufficient Notice for the Purposes aforesaid.

Persons liable to Repair of Bridges, &c. 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 amending and repairing 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.

Justices to determine Differences.

And, for preventing Differences which may arise between the said Trustees and the Persons chargeable as aforesaid, how and in what Manner such Bridges, Drains, Sewers, or Parts of the said Roads, shall be repaired and maintained, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Two or more Justices for the said County of Kent, and they are hereby required and impowered, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine how, and in what Manner such Bridges, Drains, Sewers, or Parts of the said Roads shall from Time to Time be repaired by the Person or Persons in any Manner chargeable therewith as aforesaid.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five 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 Roads do lie, and with any of the Possessors or Occupiers of any Lands, Tenements, or Hereditaments, or other Persons who are or shall be liable or chargeable towards the repairing of any Part of the said Roads, 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 Five or more of them, shall think reasonable, in lieu of such Statute-work, 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, or Hereditaments, and other Persons chargeable by Custom or Tenure as aforesaid.

Composition-money may be levied by Distress.

And be it further enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid in lieu of any Statute or Days Work of the Inhabitants of any Parish or Place wherein the Roads to be amended by virtue of this Act do lie, or in lieu of Repairs to be done to Bridges, Drains, Sewers, or other Parts of the said Roads 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 Five or more of them, shall authorise to receive the same; that then it shall and may be lawful for any One of the Justices of the said County of Kent, by Warrant under his Hand and Seal, to impower the Person or Persons so authorised by the said Trustees, to receive

receive such Composition-money (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justice is hereby authorised 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, Drains, Sewers, or other Parts of the said Roads, by Persons chargeable therewith as aforesaid, rendering the Overplus (if any) after the Charges of such Distress and Sale thereout first deducted.

Surveyors to be reimbursed.

Provided always, and be it enacted by the Authority aforesaid, That if any Surveyor or Surveyors of the Highways of and for such Parish or 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 Roads to be measured, and Stones or Posts to be set up in or near the Sides thereof, 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, or any Part thereof, which shall be erected and set up or continued, 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 for the said County of Kent, (which Oath the said Justice or Justices is and are 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 down, obliterated,

Penalty on defacing Mile-stones.

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 Roads; but in case no sufficient Distress can 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.

For want of Distress, Offender to be committed.

Penalty on interrupting Officer in the Execution of his Duty.

And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted or hindered, any or either of the said Turnpike Surveyor or Surveyors, or any other Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, employed in cutting, digging, taking, or carrying away of any Heath, Furze, Sand, Gravel, Stones, or other Materials for altering, widening, or repairing the Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying of any Tree, Lop, Top, or Overhangings, or digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse, or doing any other Act, in or for the repairing, widening, or altering the said Roads, or otherwise in or for the Execution of the Powers in this Act given, or any of them; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed or incurred, (touching which no Provision is herein made) shall be levied by Distress and Sale of the Offender or Offenders Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of one or more of the said Justices of the Peace for the County wherein such Offender or Offenders shall dwell, which Warrant or Warrants the said Justice and Justices

are

are and is hereby impowered and required to grant; upon Information of One or more credible Witness or Witnesses upon Oath, (which Oath any such Justice or Justices is and 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 Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall go and be applied and laid out, if not otherwise applied and disposed by this Act, for and towards amending the said Roads.

Persons aggrieved may appeal to the Quarter Sessions;

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons 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, such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions to be held for the Western Division of the said County of Kent, and within Three Months after the Cause of such Complaint shall have arisen; such Appellant first giving Eight Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the Trustees; and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace of the County aforesaid, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Session; and the said Justices, at such Session, upon due Proof of such Notice being given, and such Recognizance entered into, shall hear and determine the Causes and Matters of Complaint in a summary Way; and if they see Cause may, by Order of such Session, 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 Premises, as they shall think right and proper; and the Determination of such Session shall be binding and conclusive upon all Persons.

giving Notice,

and entering into Recognizance.

Proceedings not to be quashed for want of Form,

nor removeable by *Certiorari*, till Judgement given in Quarter Sessions.

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 removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster, until such Proceedings shall have been

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 by the Prosecutor in the Sum of Forty Pounds to prosecute and pay the Charges to be ascertained by the Court to which such Proceeding shall be removed, in case such Conviction shall be confirmed.

Record not to be removed till 40 *l.* Security be given.

And it is hereby further enacted by the Authority aforesaid, That all and every the Orders and Proceeding 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 Trustees, or the major Part of them present at the making of such Orders and Proceedings; and such Orders and Proceedings so signed, 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 the Authority of this Act; and which Book or Books, and also the Book directed to be kept for registering the original Mortgage of the Tolls and of the Assignments thereof, shall and may be seen and perused, by any Person or Persons whomsoever without Fee or Reward.

Proceedings to be entered in a Book.

Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That no Mortgage, 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.

All 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 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 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

Distress not to be deemed unlawful for want of Form;

nor the Parties distraining deemed Trespassers *ab initio*, for subsequent Irregularity.

and may recover full Satisfaction for the Special Damage in an Action upon the Case.

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. Plaintiff not to recover, if Tender of Amends hath been

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 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 not be commenced within the Time before 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 Actions after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in any other Case by Law. Limitation of Actions. General Issue. Treble Costs.

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 judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

FINIS.