Anno ſecundo

Georgii III. Regis.

An Act for continuing, enlarging, and rendering more effectual, ſo much of an Act made 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* Sevenoaks *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* Pullen's Hill, *in the ſaid County; and to* Flimwell Vent, *in the County of* Suſſex; as relates to the amending, repairing, and keeping in Repair, the ſaid Roads leading from *Kipping's Croſs* aforeſaid, to *Lamberhurſt Pound*, *Pullen's Hill*, and *Flimwell Vent* aforeſaid.

WHereas by an Act of Parliament made in the Fourteenth Year of the Reign of the 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 *Sevenoaks* to *Woodſgate* and *Tunbridge 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 *Pullen's*

Preamble, reciting Act 14 *Geo.* II.

Pullen's Hill, in the ſaid County; and to *Flimwell Vent*, in the County of *Suſſex*; the Truſtees appointed to put the ſaid Act 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 a Turnpike thereby authorized to be erected, and which was afterwards put up in the Pariſh of Lamberhurſt, for the amending and repairing the ſaid Roads leading from Kipping's Croſs aforeſaid, to Lamberhurſt Pound, Pullen's Hill, and Flimwell Vent aforeſaid; and which ſaid Sums ſo borrowed, and ſtill remaining due and unpaid, have, together with the Tolls and Duties collected and received at the ſaid Turnpike Gate in Lamberhurſt aforeſaid by virtue of the ſaid Act, been applied in repairing and widening the ſaid Road, leading from Kipping's Croſs aforeſaid to Lamberhurſt Pound, Pullen's Hill, and Flimwell Vent aforeſaid; and ſome Progreſs hath been made therein, but it has not been poſſible effectually to repair and widen the ſaid Roads, nor can the ſame be done according to the Intent of the ſaid Act, and the ſaid Sums of Money borrowed, as aforeſaid, be repaid, unleſs the Term of the ſaid Act, ſo far as relates to the ſaid laſt-mentioned Roads, be enlarged, and a Power given to erect more Gates, and to take further Tolls thereat: Wherefore, and to the End that the ſaid Roads from Kipping's Croſs to Lamberhurſt Pound, and Pullen's Hill to the Top thereof, and Flimwell Vent 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 ſaid Fourteenth Year 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 Kipping's Croſs to Lamberhurſt Pound, Pullen's Hill, and Flimwell Vent aforeſaid, ſhall be, and is hereby further continued from the Expiration thereof; and alſo of the additional Term of Five Years, granted by an Act made in the Twenty eighth Year of His ſaid late Majeſty, intituled, An Act to amend an Act made in the Twenty ſixth Year of the Reign of His late Majeſty, 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.

28 *Geo.* II, 26 *Geo.* II,

further continued for 21 Years,

Parliament. And inſtead of all other the Clauſes, Proviſions, Tolls, Powers, Penalties, Forfeitures, Puniſhments, Matters, and Things whatſoever, in the ſaid Act of the Fourteenth Year of his ſaid late Majeſty contained (but ſo far only as relates to the amending, repairing, and keeping in Repair, the ſaid Roads leading from Kipping's Croſs aforeſaid, to Lamberhurſt Pound and Pullen's Hill, and to Flimwell Vent aforeſaid) the Clauſes, Proviſions, Tolls, Powers, Penalties, Matters, and Things, in this Act contained, ſhall for the Purpoſe of amending, repairing, and keeping in Repair the ſaid Roads, leading from Kipping's Croſs aforeſaid, to Lamberhurſt Pound, Pullen's Hill, and to the Top thereof, and Flimwell Vent aforeſaid, by the ſaid Act of the Fourteenth Year of the Reign of his ſaid late Majeſty, and alſo, by this preſent Act directed, and intended to be repaired, take Place, and ſhall commence, from and immediately after the paſſing this Act; and ſhall continue in force, not only until the Expiration of the ſaid firſt-mentioned Term of Twenty one Years, and the ſaid Term of Five Years, but alſo until the Expiration of the ſaid laſt-mentioned Term of Twenty one Years, and of the End of the then next Seſſion of Parliament.

to commence from the Expiration of the former Term of 21 Years, and the additional Term of 5 Years, granted by the ſaid Act of 28 *Geo.* II.

And for the more effectual putting this preſent Act in Execution; be it enacted by the Authority aforeſaid, That the Honourable Charles Sackville Eſquire, commonly called Earl of Middleſex; the Honourable George Sackville Eſquire, commonly called Lord George Sackville; the Honourable James Brudenell Eſquire, the Honourable Robert Fairfax Eſquire, the Right Honourable Sir Charles Pratt Knight Chief Juſtice of his Majeſty's Court of Common Pleas; Sir Wyndham Knatchbull Wyndham, Sir John Dixon Dyke, Sir Whiſtler Webſter, Sir Charles Eversfield, Baronets; the Mayor and Jurats of the Town and Port of Haſting now and for the time being, the Mayor and Jurats of the antient Town of Rye now and for the time being; the Mayor and Jurats of the antient Town of Winchelſea now and for the time being; William Aſhburnham, John Auſten, Edward Bathurſt, John Butler, William Braban, Samuel Boys, William Biſhop, Charles Booth, Alexander Courthop, George Courthop, George Courthop the younger, Peter Cole, John Cole, John Conſtable of Burwaſh, Stretfield of Burwaſh, John Chittenden, John Darell, James Dalrymple, Butler Dewe, John Foſter, Lawrence Foſter, Roſe Fuller, Thomas Fuller, Stephen Fuller, Edward Frewen, Philips Gybbon, Walter Gybbon, Thomas Orby Hunter, John Haſſell, Frazer Honey, William Hunt, Richard Harcourt, John Holman,

Truſtees Names.

Holman, Richard Savage Lloyd, Paul Legas, John Lucas, George Medley, James Markwick, Henry Montague, William Morland, Thomas Morland, Thomas Mills, John Dunmell Mercer, Stephen Malin, John Nicoll, John Lake Nicoll, John Ollive, Thomas Pelham of Stanmer, Henry Pelham of Crowhurst, John Pratt, John Pooke, Matthew Pope, Virgil Pomfret, Virgil Pomfret the younger, Thomas Paris, William Peckham, Samuel Roberts, John Russell, Edward Stephenson senior, Edward Stephenson junior, Thomas Sergison, John Sawyer, Stephen Sivyer, William Tempest, George Tempest, Richard Tapsell, George Tilden, Charles Whitworth, William Watson, Daniel Watson, Isaac Watson, John Weston, John Wilmshurst, Godfrey Webster, George Worge, George Weller, Peter Webb, Richard Weller, Esquires and Gentlemen; Thomas Nairn Dean of Battle, John Davis Doctor in Divinity, Prebend of Canterbury; Richard Bathurst, John Bishop, William Hassell, Courtail, William Hayley, William Courthop, Francis Woodgate, Samuel Denn, George Lewis, North, Robert Polhill, Thomas Jenkins of Salehurst, Robert Hunter, Ossory Medlicott, Henry Hodgson of Sandhurst, Thomas Hooper, John Whitaker, Clerks; shall, from and after the passing of this present Act, be Trustees for putting the same in Execution; and that they and the Survivors of them, and their Successors, to be elected in Manner herein after mentioned, shall be, and they are hereby invested with the Powers and Authorities hereby given and enacted for that Purpose.

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, all the Time he shall so act, be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear yearly Value of Fifty Pounds, to his own Use, above Reprizes, or shall be Heir Apparent of some Person or Persons having an Estate of the yearly Value of Two hundred Pounds, or be possessed and intitled to a Personal Estate alone, or Real and Personal Estate together, to the Amount of One thousand five hundred Pounds: And if any Person or Persons so made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons that will inform and sue for the same, to be recovered

Penalty on acting, not being qualified.

recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager in Law, or more than One Imparlance shall be allowed; and the Persons so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person has acted as a Trustee in the Execution of this Act.

And, to the end that a sufficient Sum of Money may be raised for amending and repairing the said Roads, by this present Act directed to be amended and repaired, and for keeping the same in Repair, and for discharging the Debt now due, or which shall be hereafter contracted on account of such Repairs, and for defraying other necessary Charges in putting this present Act in Execution; be it further enacted by the Authority aforesaid, That, from and after the First Day of June, One thousand seven hundred and sixty two, it shall and may be lawful to and for the Trustees appointed, or to be appointed, to put this present Act in Execution, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall, under their Hands and Seals, authorize and appoint, to demand and take the several Tolls and Duties herein after-mentioned, instead of the Tolls and Duties laid and made payable by the said former Act of the Fourteenth of His late Majesty, before any Cattle or Carriage whatsoever shall be permitted to pass through any Bar, Gate, or Turnpike, to be erected by virtue of this present Act, on any Part of the said Roads leading from Kipping's Cross aforesaid, to Lamberhurst Pound, Bullen's Hill, and to the Top thereof, and Flimwell Vent aforesaid; that is to say,

The Tolls following to be taken instead of those granted by the former Act.

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, Chaise Marine, Curricle, or Chair, drawn by more than Four Horses or Mares, the Sum of One Shilling; and drawn by Three or Four Horses or Mares, the Sum of Nine Pence; and drawn by Two Horses or Mares, the Sum of Six Pence; and drawn by One Horse or Mare, the Sum of Three Pence.

The Tolls.

For every Waggon, Wain, Cart, or other like Carriage whatsoever, drawn by Three or more Horses, Mares, or Oxen, the Sum of Nine Pence; and drawn by Two Horses, Mares, or Oxen, the Sum of Six Pence; and drawn by One Horse or Mare, or Pair of Oxen, the Sum of Three Pence.

For

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, Two Pence Halfpenny per Score; and so in Proportion for any greater or less Number.

And in taking of which said Tolls or Duties, One Pair or Yoke of Oxen shall be deemed and taken to be but as equivalent to One Horse.

Trustees may erect 4 principal Turnpikes,

And be it further enacted by the Authority aforesaid, That the said Trustees, and the Survivors of them, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall appoint, shall and may erect, or cause to be erected, a Bar or Bars, Gate or Gates, Turnpike or Turnpikes, upon or cross the said Roads, at the several Places following; that is to say, One at Kipping's Cross aforesaid, another over against Lamberhurst Pound aforesaid, another at a certain Place called Bewle Bridge, and another at Flimwell aforesaid; and shall and may erect a Toll-house or Toll-houses in or upon the said Roads, at each of the said Turnpikes; and shall and may demand, receive, and take, at all and every such distinct Bar, Gate, or Turnpike, the several and respective Tolls and Duties herein before mentioned, before any Cattle or Carriage whatsoever shall be suffered to pass through the same, any or either of them.

and take Tolls thereat,

Tolls to be paid separately at each of the said Gates,

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

Trustees may erect Gates and other Bars cross or on the said Roads,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees hereby appointed, or hereafter to be appointed, by virtue of this Act, any Nine or more of them, to erect, or cause to be erected (over and besides the above mentioned Four Bars, Gates, or Turnpikes) One or more other Bar or Bars, Gate or Gates, Fence or Fences,

Turn-

Turnpike or Turnpikes, upon or croſs the ſaid Roads, or on the Sides thereof, or at the Ends of or croſs any Lane or Way leading into or out of the ſame, or as near as conveniently may be to the Sides and Ends of ſuch Lanes or Ways, and there to demand and take ſuch Duties as by this Act are appointed to be demanded and taken. and take Tolls thereat.

Provided nevertheleſs, That all and every Perſon and Perſons (except as herein after is excepted) having paid for paſſing through any Bar, Gate, or Turnpike, ſo to be erected croſs the ſaid Road (over and above the Four Bars, Gates, or Turnpikes, herein before particularly mentioned and deſcribed) or on or near the Sides or Ends thereof as aforeſaid, and producing a Note or Ticket of ſuch Payment, ſhall paſs through the next of the ſaid Four particularly mentioned Gates Toll-free; or if any Perſon or Perſons having paſſed through any of the ſaid Four Bars particularly deſcribed as aforeſaid, and having paid the Tolls and Duties at ſuch Gate or Gates, ſuch Perſon or Perſons, upon producing a Note or Ticket of ſuch Payment, ſhall paſs Toll-free through any Bar or Gate ſo to be erected croſs the ſaid Road (over and above the ſaid Four Gates, ſo as aforeſaid mentioned and deſcribed) or on the Sides or Ends thereof: But be it excepted nevertheleſs, that no Perſon or Perſons who having entered upon the ſaid Road intended by this Act to be amended, through any Gate or Turnpike which may be ſet up at the End of a certain Lane called Roſemary Lane (unleſs ſuch Perſon or Perſons be an Inhabitant or Inhabitants within Half a Mile of the End of the ſaid Lane, next the Turnpike Road on the Right Hand Side of the ſaid Road leading from Bewle Bridge aforeſaid, to Flimwell Vent aforeſaid) notwithſtanding he or they may have paid at ſuch Gate the before mentioned Tolls and Duties, ſhall paſs through the ſaid Gate or Turnpike intended to be erected at Bewle Bridge aforeſaid, without paying the ſame Tolls and Duties there alſo; nor ſhall any Perſon or Perſons (unleſs he or they be ſuch Inhabitant or Inhabitants as aforeſaid) notwithſtanding he or they may have before paid the aforeſaid Tolls and Duties at Bewle Bridge aforeſaid, paſs through ſuch Gate or Turnpike at Roſemary Lane aforeſaid, without firſt paying the ſaid Tolls and Duties at that Gate or Turnpike alſo.

None to be ſubject to a double Toll in the Caſes here mentioned.

Exception to the above Rule.

Perſons paſſing the Gate at *Roſemary Lane* (not being neighbouring Inhabitants) are not to paſs *Bewle Bridge Gate*, without paying Toll there, &c.

And be it likewiſe further enacted, That no Perſon or Perſons who having entered upon the ſaid Road intended by this Act to be amended, through any Gate or Turnpike which may be ſet up croſs the ſaid Road leading from Pullen's Hill to Lamberhurſt Pound aforeſaid, not-

In like Manner Perſons who have paid Toll at *Pullen's Hill*,

withstanding he or they may have paid at such Gate the before-mentioned Tolls or Duties, shall pass through the said Gate or Turnpike intended to be erected at Bewle Bridge aforesaid, without paying the said Tolls and Duties there also; nor shall any Person or Persons, notwithstanding he or they may have before paid the aforesaid Tolls and Duties at Bewle Bridge aforesaid, pass through any such Gate or Turnpike cross the said Road leading from Lamberhurst Pound to Pullen's Hill aforesaid, without first paying the said Tolls and Duties at that Gate or Turnpike also.

are to pay also at *Bewle Bridge* if they pass there, &c.

Provided always, and it is hereby enacted by the Authority aforesaid, That all and every Carriage and Carriages laden with Timber, Wood, Guns, or any other Iron, or Hop Poles, passing through any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the Tenth Day of October and the First Day of April in every Year, from and after the passing of this Act, shall pay double Tolls or Duties at each Gate or Turnpike, through which such Carriage or Carriages whatsoever so laden shall pass; any thing in this Act contained to the contrary thereof notwithstanding.

Tolls to be paid for Carriages loaded with Timber or Iron.

And whereas in and by the said recited Act of the Fourteenth of the late King, it is amongst other Things enacted, That during the Continuance of that Act, no Toll or Duty should be demanded or taken at any Turnpike or Turnpikes, erected or to be erected in pursuance of the said Act, for any Horse or Horses, or Carriage laden or passing with Fish; nor for the Horses on which the Rippiers or Drivers of such Horse, Horses or Carriages should ride, or which should be going on or towards London; nor for any such Horses or Carriages returning; be it enacted by the Authority aforesaid, That the said recited Clause, so far as relates to such Fish Horses and Carriages laden with Fish, and the Horses of the Rippiers or Drivers thereof, not paying any Toll at any Turnpike or Turnpikes, erected or to be erected on that Part of the said Roads, leading from Kipping's Cross to Lamberhurst Pound, and Pullen's Hill, and Flimwell Vent aforesaid, shall from and after the passing of this Act, be repealed.

Clause in the recited Act of 14 *Geo.* II. relating to Fish Carriages, or Horses exempted from Toll, repealed.

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 by virtue of this Act, and carrying any Materials for repairing the said Roads, or for mending any of the Highways in the Parishes in which the said

Exemptions from Toll.

Roads

Roads by this Act directed to be repaired do lie, or going, or returning through any of the said Turnpikes, for or with Dung, Mould, Marl, or Compost, or other Materials, Chalk and Lime excepted, for manuring of Lands; nor shall any Toll or Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay or Corn in the Straw not for Sale, but intended to be laid up in any Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes or Places in which the said Roads hereby intended to be repaired do lie; nor for any Ploughs, Harrows, or other Implements of Husbandry; nor shall any of the Tolls or Duties hereby laid, be demanded of or taken from any Person or Persons residing in the said Parishes in which the said Roads hereby directed to be repaired do lie, who shall pass through the said Turnpikes, or cross any Side Gates, to and from their own respective Church or Chapel, or other Place of Religious Worship, on Sundays, or who shall attend the Funeral of any Person or Persons to be buried in any of the said Parishes, or for any Horses, Mares, Geldings, or Cattle, going to, or returning from, Pasture or Watering Places, of any of the 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 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 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 or 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

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 Twenty Shillings; One Moiety whereof shall be applied to the Use of the Informer, and the other Moiety thereof to be applied towards amending the said Roads; any thing in this Act contained to the contrary thereof notwithstanding.

Tolls to be paid but Once a Day for Horses;

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 this Act, through which such Person or Persons shall pass with any Horse, Mare, Gelding, Mule, or Ass, or any Cattle, and producing a Note or Ticket, Notes or Tickets, that such Toll was paid (which Note or Ticket 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: But if any Person or Persons shall pass the same Day through the said Turnpike a Third Time with any Carriage whatsoever (with Wood for Fireing excepted) then such Person or Persons shall be liable and compellable again to pay the said Toll or Duty hereby imposed on 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 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 the said Carriages as aforesaid.

Carriages to pay every Third Time they pass.

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the several and respective Sums of Money so to be demanded, received, and taken, shall be demanded, received, and taken, in the Name of, and as a Toll or Duty; and the Money so hereby to be raised and collected is hereby vested in the said Trustees; and the same, and every Part thereof, as also all Sum or Sums of Money to be borrowed on the Credit thereof, shall be applied in the first Place to pay and discharge all the Expences and Costs of procuring and passing this Act, and the Remainder thereof shall be applied in erecting Turnpikes and Toll-houses, Gates and Fences, and in repair-

repairing, widening, and amending the said Roads; and keeping the same in Repair, and in defraying the necessary Costs, Charges, and Expences attending the same, and to no other Use or Purpose whatsoever, except as herein after is mentioned: And it shall and may be lawful to and for the said Trustees, or any Nine or more of them, or any such Person as they, or any Nine or more of them, under their Hands and Seals, shall, from time to time, nominate, to levy the said Tolls and Duties upon any Person or Persons who shall, after Demand thereof, refuse or neglect to pay the same, by Distress of any Horse or Horses, or any other Goods and Chattles upon which such Tolls and Duties are by this Act imposed, or by Distress of any the Goods and Chattles of such Person or Persons who ought to pay the same; and such Distress to detain, until such Tolls and Duties, with the reasonable Charges of making and detaining such Distress, shall be paid; and after the Space of Four Days after such Distress made, to sell the same, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and Duties, and the reasonable Charges for the making, keeping, and selling such Distress, shall be deducted and paid.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every Bar and Bars, Gate and Gates, Fence and Fences, Turnpike and Turnpikes, Toll-house and Toll-houses, which shall be erected by virtue of this Act, and of the Materials for building the same, and for repairing the said Roads, and keeping them in Repair, shall be vested in the Trustees appointed, or to be appointed, by or in pursuance of this Act; and they, or any Nine or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring Actions in the Name 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 disturb them in the Possession of the Property thereof.

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

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

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

To D[illegible] Four

Four Turnpikes to be erected by virtue of this Act; any thing in this Act contained to the contrary notwithstanding.

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

Provided also, and it is hereby enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at the First Meeting of such Trustees which shall be held in pursuance of and by virtue of this Act, are hereby authorized and impowered to lessen and reduce the Tolls and Duties hereby granted and made payable, in case it shall appear requisite and expedient; and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, provided that at such First Meeting none of the said Tolls and Duties be lessened or reduced more than One Third Part; and that the said Trustees, or any Fifteen or more of them, at a General Meeting to be held for that Purpose, after such First Meeting, whereof Notice shall be given in Manner aforesaid, at least Twenty Days before such Meeting, are hereby also authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen and reduce, and again to raise and advance, the said Tolls or Duties, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so as the respective Tolls so varied never exceed the Tolls granted by this Act, nor ever be lessened, except at such First Meeting, until the Money to be borrowed on the Credit thereof, together with the Interest, be repaid, unless all Persons to whom such Money and Interest is due consent thereto; and such Tolls or Duties so varied, or any of them, shall be 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.

Tolls may be assigned for Money borrowed.

And forasmuch as the Money to be collected by Receipt of the Tolls and Duties by this Act imposed or granted will not be sufficient for the speedy amending the Roads hereby directed to be repaired, be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the said Tolls or Duties, or any Part thereof, collected on the said Roads, the Costs and Charges of such Assignment and Mortgage to be borne and paid out of the said Tolls and Duties, for the Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, his, her, or their Trustees, as shall advance and lend such Money, to

secure

secure the Repayment thereof, by or out of the Monies arising or to be collected by the said Tolls or Duties, with such Interest for the same, as the said Trustees, or any Nine or more of them, shall think fit and agree to give, not exceeding legal Interest; which said Money, so to be borrowed, shall, after paying the Expences of obtaining this present Act, be applied and disposed of as the said Tolls and Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and that all and every the original Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees, shall be entered at Length in a Book to be kept by the said Clerk for that Purpose.

Notice to be given for borrowing Money.

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

Assignments may be transferred.

And it is also further enacted by the Authority aforesaid, That all and every the Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or his, her, or their Executors or Administrators, may, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security, or by any other Writing or Writings to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security and Securities, and all Benefit and Advantage thereof, and of his, her, or their Right, Title, and Interest, to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment shall be produced and notified to the Clerk appointed, or to be appointed, by the said Trustees, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Dates, Parties, and Sum of Money therein mentioned to be assigned, in the said Book to be kept for entering the said original Mortgage or Mortgages, Assignment and Assignments made by the said Trustees; and for which Entry or Memorial the Clerk shall be paid Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, or his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties, as

Entries to be made of all Assignments.

Clerk's Fee.

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 Duties thereby due, or any Part thereof.

Trustees not subject to the Payment of Debts contracted upon this Act.

Provided, 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 Money, 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 or sealing any such Assignments or other Securities to be made in pursuance of this Act, or any or either of them.

Monies lent on Credit of the *Lamberhurst* Tolls to be repaid out of the Tolls arising by this Act.

And for the Security of all and every such Person or Persons, who shall or may have advanced, or lent Money upon the Credit of the said Tolls and Duties, by this said former Act directed to be taken at the Gate or Turnpike, thereby authorized to be set up in the Parish of Lamberhurst; be it further enacted by the Authority aforesaid, That the Tolls and Duties granted by this Act, shall be subject and liable to the Payment of the Principal and Interest of all Money borrowed, or otherwise due and owing upon the Credit of the Tolls, in the said Parish of Lamberhurst, granted by the said former Act, in such and the like Manner as the Tolls granted by this Act are declared to be subject to the Payment of any Sum or Sums of Money borrowed upon the Credit thereof.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, upon Six Months Notice to be given thereof, by Writing under the Hand of the Clerk to the said Trustees, affixed on all the Turnpikes erected by virtue of this Act, from time to time, to lease, demise, let, farm, or set out, by Writing under their Hands and Seals, for any Term not exceeding Three Years, the Tolls and Duties by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, for the best Price such Trustees can get, payable at such Times, and in such Manner, as they the said Trustees, or any Nine or more of them, shall think fit; and to be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same; which 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.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance

of

of this Act, shall hale or draw, or cause to be haled or drawn, in or along the Road by this Act intended to be repaired, or any Part thereof, any Tree or Trees, Piece or Pieces of Timber, Pole or Poles, otherwise than and except upon Wheel Carriages, every such Person or Persons for every such Offence shall forfeit and pay Ten Shillings. Penalty on haling Timber, otherwise than with Wheel Carriages.

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

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may chuse a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls or Duties aforesaid, and also a Surveyor or Surveyors to view the Condition of the said Roads, and to see that the same be repaired, Trustees to appoint Officers;

and remove them, and appoint others.

ed, and all such other Officers as they shall think necessary to employ in the Execution of this Act, and from time to time to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones in case of Death or such Removals; and the said Tolls or Duties shall be paid after the Rates aforesaid to such Person or Persons as shall from time to time be so appointed to receive the same; and the Persons so appointed to receive the said Tolls and Duties, and also such Surveyors, and all Persons any ways employed by or under them, or any of them, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, and which Oath any Two of the said Trustees are hereby impowered to administer, so often as the said Trustees, or any Five or more of them, shall require, give in a true, exact, and perfect Account in Writing, under their respective Hands, to the said Trustees, or any Five or more of them, of all Monies which such Persons shall, to such Time respectively, have received and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in the Hands of such respective Persons, or any of them, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall impower to receive the same, and shall be laid out according to the true Meaning of this Act; and the said Trustees, or any Nine or more of them, shall and may, out of the said Tolls and Duties, make such Allowance to the said Clerks, Collectors, Surveyors, and other Officers, for their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about procuring the said Roads to be amended, as to the said Trustees, or any Nine or more of them, shall seem reasonable; and in case such Collectors, Surveyors, or other Persons, or any of them, shall not give in such true, exact, and perfect Account, and make such Payment as aforesaid, that then any One or more Justice or Justices of the Peace for the Counties of Kent or Sussex, for any Division in which any Part of the said Roads do lie, shall and may make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward), and if such Person shall be thereof convicted,

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers refusing to account.

Justices may enquire into the Default.

such

such Justice or Justices shall commit the Party to the Common Gaol of the County wherein the said Offender shall reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account as aforesaid, or until he shall have compounded with the said Trustees, or any Nine or more of them, and have paid such Composition to the said Treasurer or Treasurers; which Composition the said Trustees, or any Nine or more of them, at any Meeting assembled, are hereby impowered to take; provided no Collector, Surveyor, or other Officer under this Act, gain a Settlement in any Parish or Place, by reason of his being appointed to, or serving in, such Office.

and commit the Offender.

until Payment or Composition made.

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 or Securities from their said Treasurer or Treasurers for the due Execution of his said Office, as the said Trustees, or any Five or more of them, shall think fit.

Treasurers to give Security.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, or such Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Roads, out of any River or Brook, or out of any Waste or Common Grounds, in any Parish wherein or near which the said Roads, or any Part thereof, do lie; and for want of a sufficient Quantity of such Materials there, such Surveyor or Surveyors, and such Persons so appointed by him or them, shall and may dig, take, and carry away the same, out of any River or Brook, or out of or from any Waste or Common Ground, in any neighbouring Parish, without paying any Thing for such Materials; and if there is not a sufficient Quantity of such Materials in such Rivers, Brooks, Commons, or Waste Grounds, it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order of the Trustees, or any Five or more of them, for that Purpose) to dig, gather, and take away, such Materials in the Grounds of any Person or Persons whomsoever (not being a Garden, Orchard, Yard, Park, Paddock, Nursery, or planted Walk or Walks, or Avenue to a House) paying such Rates for such Materials, to the Owners or Occupiers of the Ground, as the said Trustees, or any Five or more of them, and such Owners and Occupiers, shall think reasonable; and in case of any Difference concerning the same between

Surveyors may dig Gravel, &c. out of Waste Grounds, &c.

without paying for the same.

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

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

between such Owners and Occupiers and the said Trustees, the Justices of the Peace at the next General Quarter Sessions to be holden for the County wherein such Grounds shall lie, 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.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, or Person or Persons by them, or either of them, appointed, may and is and are hereby authorized and impowered to make, or cause to be made, any Causeway or Causeways, in, or along the Side or Sides of any Part of the said Roads, and shall and may 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 cross any Lands or Grounds, to prevent the said Road or Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary, making such reasonable Satisfaction to the Owners or Occupiers of such Lands for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

erect Bridges, &c.

making Satisfaction to the Owners of the Grounds.

Surveyors may remove Annoyances,

And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove all Annoyances on any Part of the said Roads, and to lop and cut down Trees, Wood, and Bushes, growing in the said Roads, or in the Hedges, Banks, and Shaws, adjacent thereto, the Owners and Occupiers neglecting to lop and cut down such Trees, Woods, Shaws, 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 the Owners or Occupiers neglecting to lop or cut down such Trees, Wood, Shaws, 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 or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein such Trees, Wood, Shaws, or Bushes stood, which shall be

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges,

to be levied by Distress and Sale.

so

to cut down or lop, or from whence such Annoyances shall be removed, from time to time, to levy the Charges thereof on such Owners and Occupiers, by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; 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 Two or more Justices of the Peace for the County wherein such Annoyances are or may be, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, Twenty Shillings, over and above reimbursing to such Surveyor or Surveyors the Costs and Charges of doing the same as aforesaid.

Penalty of 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 Watercourses, 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 to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons, who of Right ought to have done the same, shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, it shall and may be lawful for such Surveyor and Surveyors, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace in the County where any such Ditches, Drains, or Watercourses, do lie, by a Warrant or Warrants under the Hand and Seal of such Justice, to levy the same by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Owners neglecting to scour their Watercourses, &c. after Notice given for that Purpose,

the Surveyors may set Men to work thereon, and levy the Charges.

Penalty of obstructing Officers in their Duty, &c.

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 Surveyors, or any other Person or Persons, by them, either or any 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 the altering, widening, or repairing, the Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying of, any Tree, Top, Lop, 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 Twenty Shillings.

Trustees may contract for the Purchase of Lands to be taken into the Roads.

And be it further enacted, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said 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, lying contiguous or near the said Roads, for the Purchase of such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Road; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss and Damage, such Sum and 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 whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the

said

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

Bodies Politick, &c. to contract for Sale of such Lands.

And be it further enacted, That if such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Roads, or into or through which such Road is to be turned or altered 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

Where Persons refuse to treat for Sale of such Lands.

Jury to aſſeſs the Damages.

agree in the Premiſſes, or, by reaſon of Abſence, ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Truſtees, or any Nine or more of them, ſhall cauſe it to be enquired into, and aſcertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County wherein ſuch Land doth lie (which Oath any Two or more of the Truſtees are hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to, ſuch Owners, Proprietors, Occupiers, or other Perſon or Perſons intereſted, for or upon account of the taking ſuch Lands, Grounds, or Hereditaments, into the ſaid Roads, or of turning ſuch Road into or through the ſame; and, in order thereto, the ſaid Truſtees, or any Two or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any Two or more of the Truſtees are hereby impowered and required to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Place or 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 Premiſſes, as they the ſaid Truſtees, or any Nine or more of them, ſhall think fit: And after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled, ſuch Damage and Recompence, they the ſaid Truſtees, or any Nine or more of them, ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, Occupiers of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Feme Coverts, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon or Perſons any wiſe intereſted in ſuch Lands,

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be binding.

Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of, the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Nine or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands shall lie, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in the said Warrant shall be appointed; and the said Sheriff, or his Deputy, 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, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up, with the said Persons summoned and appearing, to the Number of Twelve; and all Persons concerned shall have their lawful Challenge against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Nine or more of them, acting in the Premisses, shall have full Power and Authority, from time to time, to impose any reasonable Fine or Fines on such Sheriff, or his Deputy, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned to serve on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence; and, from time to time, to levy such Fine and Fines, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

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

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Fine not to exceed 10*l.*

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

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

Lands, &c. when purchased, to be made Part of the Road,

and deemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

Buildings, &c. not to be damaged.

Provided always, and be it enacted, That in widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any 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.

And

And be it further enacted, That the Inhabitants of 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 still be subject and liable to do and perform the same Work, which shall be done and performed 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 respectively shall live, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times and in such Manner as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of 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 toward repairing the Highways of the several Parishes and Places in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do. Persons liable to do Statute-work, to continue so.

And, to the end that the said Trustees may know the Inhabitants of all the Parishes and Places in which the said Roads do lie, who are obliged to do Statute-work in the 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 first on all the Four Turnpikes erected 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 of such Parishes and Places respectively, who are liable to do their Statute-work for that Year in and upon the said Highways, with Teams or Draughts, or otherwise; as also the Number of Days Work which such Teams or Draughts, or otherwise each Person, ought to do on the said Roads. Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of 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, Lists of the Inhabitants Penalty on Surveyors neglecting to deliver in such Lists, &c.

bitants of their said 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 of the said several Parishes or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall neglect or refuse to do such Statute-work in and 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, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the Sum of Ten Shillings for each Day's Default for every Team or Draught, and every other Inhabitant not keeping a Team or Draught, shall forfeit and pay the Sum of One Shilling and Six Pence 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.

Penalty on Persons not performing Statute-work.

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

Persons liable to repair Bridges, &c. to continue so.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways, for the time being, for the several Parishes and Places in which the said Roads do lie, touching the Statute-work the Inhabitants of each Parish or Place ought to do in the said Roads by this Act directed to be repaired, or 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 for any Two or more Justices of the Peace for the said Counties of Kent and Sussex respectively, and they are hereby required and impowered, upon Application made to them by the said Trustees, or any Five or more

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

of

more of them, yearly to adjudge or determine what Part or Proportion of the Statute-work ſhall every Year be done in the Roads aforeſaid by the Inhabitants, all or any of them, of each of the Pariſhes or Places in which the ſaid Roads hereby directed to be amended do lie, and how and in what Manner ſuch Bridges, Drains, Sewers, and 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, &c.

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

Compoſition-money how to be recovered and applied.

And be it further enacted be the Authority aforeſaid, That in caſe any Compoſition Money agreed to be paid in lieu of any Statute-work, or Days Work of the Inhabitants of any Pariſh or Place wherein the 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 Road, by Perſons chargeable therewith, as aforeſaid, ſhall not be paid within Fifteen Days next after the ſame ſhall become payable, according to ſuch Agreement or Compoſition, to the Perſon or Perſons whom the ſaid Truſtees, or any Five or more of them, ſhall authorize to receive the ſame; that then it ſhall and may be lawful for any One of the Juſtices either of the ſaid Counties of Kent or Suſſex, as Occaſion may require, by Warrant under his Hand and Seal, to impower the Perſon or Perſons ſo authorized by the ſaid Truſtees to receive ſuch Compoſition, Oath being firſt made that the ſame has been demanded, and remains unpaid, which Oath the ſaid Juſtice is hereby authorized and required to adminiſter, to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods of the Surveyor

veyor 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 Road, by Persons chargeable therewith as aforesaid, the Overplus, if any, after the Charges of such Distress and Sale thereout first deducted.

Surveyors paying the Composition Money, how to be reimbursed.

Provided always, and be it enacted by the Authority aforesaid, That if any Surveyor of the Highways of and for such Parish or 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, each Stone or Post at the Distance of One Mile each from the other, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees shall seem meet: And if any Person shall wilfully and maliciously break or pull up any of the said Stones or Posts, or any Part thereof, which shall be erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more of the said Justices of the Peace of the County wherein such Mile-stone shall stand; which said Oath the said Justice or Justices are and is hereby required and impowered to administer; every such Person so offending, and being thereof convicted as aforesaid, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so broken or pulled down, obliterated or defaced, to be levied and recovered in such Manner as Forfeitures and Penalties 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

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

thereof to be applied in repairing the Stones or Poſts ſo broken, pulled down, 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 lawfor any One or more of ſuch Juſtice or Juſtices, by Warrant under his and their Hand and Seal, to commit the Perſon or Perſons offending to any Houſe of Correction within the County wherein ſuch Offender ſhall live, 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.

Penalties and Forfeitures how to be recovered and applied.

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

Perſons aggrieved may appeal.

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it ſhall and may be lawful for him or her to appeal to the Juſtices of the Peace, at their next General Quarter Seſſions to be held for the County wherein the Cauſe of Complaint ſhall ariſe, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any ſuch Perſon in a ſummary Way, and, if they ſee Cauſe, may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the Penalties aforeſaid, or vacate

or

or set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgements in regard to the Premisses as they shall think right and proper.

Notice of Appeal to be given.

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

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

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

or removable by *Certiorari*.

or be removable by Certiorari, or any other Process in any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Times and Places of Trustees Meeting,

And it is hereby further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall first meet together at the House known by the Sign of the Checquer in Lamberhurst aforesaid upon the Third Saturday after the passing of this Act, and shall proceed in the Execution thereof, and shall then adjourn to such Time and Place in or near the said Roads so to be repaired, as the said Trustees, or the major Part of them present at such First Meeting, shall think proper and convenient, and so shall meet and adjourn from time to time, during the Continuance of this Act, as the said Trustees, present at any or every of such Meeting or Meetings, or the major Part of them, shall think necessary for the putting this Act in Execution; and if it shall happen that the Time of any Meeting, which shall be so from time to time appointed to be holden by the said Trustees as aforesaid,

In Default of a sufficient Number of act,

there shall not be Five at least, or more of the said Trustees present, then, and in every such Case, no Business shall be done or transacted thereat, but the Clerk of the said Trustees, by Notice in Writing under his Hand, to be affixed at the said Four Turnpike-gates, to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at some convenient House in or near the said Roads, on that Day Three Weeks on which the said last Meeting of the said Trustees was appointed to be held, and so toties quoties as the Case may happen to be and require.

Notice to be given of another Meeting.

2 Trustees may adjourn.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment only; and if upon any Emergency, a Meeting of the said Trustees shall be necessary to be held before the Time appointed, in virtue of any Adjournment or Appointment to be made as aforesaid, shall come,

Emergent Meetings may be appointed, giving 15 Days Notice, and specifying the Business.

them, and in such Case, the said Trustees, or any Five or

more of them, or the ſaid Clerk at their Requeſt, ſhall or may give Fifteen Days Notice at leaſt, in Writing, to be affixed on the ſaid Four Turnpike-gates as aforeſaid, of the Time or Place of the holding any ſuch Meeting or Meetings, and in ſuch Notice or Notices ſhall be ſpecified the particular Buſineſs intended to be done and tranſacted thereat, and which Buſineſs the ſaid Truſtees, or the major Part of them preſent at ſuch Meeting or Meetings, may do and tranſact, if they ſhall think proper; but any other Buſineſs done and tranſacted at ſuch Meeting or Meetings, other than what ſhall be ſpecified in every ſuch Notice thereof as aforeſaid, ſhall be to all Intents and Purpoſes void and of none Effect.

Truſtees to defray their own Expences.

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

Truſtees not to act except at a publick Meeting.

Provided always, and be it enacted by the Authority aforeſaid, That no Act, Order, or Determination, ſhall be done or made at any Meeting or Meetings of the ſaid Truſtees, without the Conſent of the major Part of the ſaid Truſtees preſent at ſuch Meeting or Meetings reſpectively; nor ſhall any or either of the ſaid Truſtees act, or be impowered to act, in the Execution of the Power hereby given to them, in any Caſe where Five or more of the ſaid Truſtees are by this Act required to join in the doing thereof, unleſs it be at a Meeting to be by them held in purſuance of, and according to the Direction of, this Act, or in purſuance of a Reſolution of the Truſtees preſent at ſome former Meeting or Meetings, whereby any Perſon or Perſons is or are authorized to carry ſuch Reſolution into Execution.

No Order made by 5 Truſtees, to be repealed, unleſs 9 are preſent;

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

or made by 9, unleſs 15 are preſent.

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

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any of the Truſtees appointed, or to be appointed, to put this Act in Execution, who is, are, or ſhall be, in the Commiſſion of the Peace for the ſaid Counties of Kent or Suſſex, or either of them, to act as a Juſtice or Juſtices of the Peace in their

respective Counties, in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

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

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

On Death of Refusal of Trustees, others to be chosen.

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when and so often as any Trustee or Trustees shall die or refuse to act, it shall and may be lawful for the surviving Trustees, or any Nine or more of them, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Continuance of this Act, to nominate, elect, and appoint, One or more fit Person or Persons qualified as aforesaid, living in the said Counties of Kent or Sussex, or in One of them, in the Room and Place of such Trustees so dying or refusing to act, and such Person or Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees; but Notice of the Time and Place of Meeting for the Election of all and every such new Trustee or Trustees, shall be given in Writing under the Hand of the Clerk to the said Trustees for the time being, to be fixed at every of the said Four Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall from time to time be chosen and appointed Trustees as aforesaid, shall and may, and be and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are hereby impowered to act.

10 Days Notice of Election to be given.

Proceedings to be entered in a Book.

And it is hereby further enacted by the Authority aforesaid, That all and every the Orders and Proceedings of the said Trustees, done by them in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and which Orders and Proceedings so entered, shall be signed by the said Clerk; and such Orders and Proceedings so signed shall be deemed and taken to be as Originals, and shall and may be produced and read in Evidence in all Cases of

Appeals, Suits, Actions, and other Proceedings, touching any thing done in purſuance of or by Authority of this Act; and which Book or Books, and alſo the Book directed to be kept for regiſtering the original Mortgages of the ſaid Tolls, and of the Aſſignments thereof, ſhall and may be ſeen and peruſed by any Perſon or Perſons whatſoever, without Fee or Reward.

Writings to be without Stamps.

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

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

And be it further enacted by the Authority aforeſaid, That when any Diſtreſs ſhall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Diſtreſs ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

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

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

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and ſhall be laid and brought in the County wherein the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance, and by the Authority, of this Act; and if it ſhall appear ſo to be done, or that ſuch Action or Suit ſhall be commenced after the Time limited for bringing the

General Iſſue.

the ſame as aforeſaid, or ſhall be brought in any other County or Place than where the Cauſe of Action ſhall ariſe, 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 have ſuch Remedy for the ſame as any Defendant or Defendants have or hath in any other Caſes by Law.

Treble Coſts.

Publick Act.

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

FINIS.