Anno ſecundo

# Georgii III. Regis.

An Act for amending and widening the Road leading from the High Poſt Road near the Town of *Faverſham*, by *Bacon's Water*, through *Aſhford*, to the Town and Port of *Hythe*, in the County of *Kent*; and from *Bacon's Water*, to a certain Lane called *Holy Lane*, in *Wincheap*, near the City of *Canterbury*.

WHEREAS the Road leading out of the great Poſt Road near the Town of Faverſham, over Boughton Leeze and Kennington Leeze, by a Place called Bacon's Water, in the Pariſh of Kennington, through the Town of Aſhford, to the Town and Port of Hythe; and alſo the Road leading from the ſaid Place called Bacon's Water to Kemp's Corner, in the Pariſh of Boughton Aluph, and from thence by a Place called Bilting, through the Pariſhes of Godmerſham and Chilham, in the County of Kent, to a certain Lane called Holy Lane, in Wincheap, near the City of Canterbury, are, by means of Preamble.

of great Traffick, in a ruinous Condition, and in several Parts so narrow and incommodious, that Waggons and other Carriages cannot pass by each other: And, in regard the said Roads cannot be amended, widened, and kept in Repair, by the ordinary Course of the Laws now in Force for repairing of Highways; May it please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable the Lord Viscount Vane, in the Kingdom of Ireland; the Right Honourable Charles Sackville Esquire, commonly called the Earl of Middlesex; the Right Honourable George Sackville Esquire, commonly called Lord George Sackville; the Honourable Robert Fairfax Esquire, Sir Wyndham Knatchbull Wyndham, Sir Edward Dering, Sir John Honeywood, Sir Thomas Hales, Sir Philip Boteler, Sir William Fagg, Sir John Filmer, Sir Brooke Bridges, Baronets; Sir Thomas Rider Knight, Lieutenant General Philip Honeywood, Lieutenant General William Kingsley, Thomas Best, James Brockman, George Carter, William Champneys, Henry Champneys, Saint John Charlton, Robert Colebrooke, Philip Darrell, William Deeds, Edward Dering, William Glanville Evelyn, George Evelyn, William Fenton, William Glanville, Thomas Pym Hales, Thomas Hodges, Thomas Hooker, Thomas Hussey, Edward Jacob, Thomas Knight, Thomas Knight junior, John Collett Mawhood, John Mascall, Edward Mantell, Richard Milles, Matthew Robinson Morris, David Papillon, Doctor Isaac Rutton, John Sawbridge, John Sawbridge junior, Jacob Sawbridge, John Elias Sawbridge, George Sayer, Edward Scott, Francis Talbot Scott, Samuel Sheppard, John Smith, Thomas Thompson, John Toke, Nicholas Toke, Esquires; the Mayor and Recorder of the City of Canterbury for the time being; the Mayor of Hythe for the time being, the Mayor of Faversham for the time being, John Chapman Doctor in Divinity, Thomas Randolph Doctor in Divinity, Stephen Barrett, John Clough, Dawson, Ralph Drake, Edmund Filmer, Stephen Greenhill, Philip Hawkins, Jarvis Kenrick, Aden Ley, John Norcross, Richard Smith, Robert Tournay, Clerks; Edward Andrews, Thomas Apsley, Nicholas Bourne junior, Nicholas Brett, Moyle Breton, John Bridger, Thomas Buck, Thomas Calverley, George Geree Elwick, Abraham Flint,

Trustees Names.

Qua ificatio of Trustees.

James Flint, John Geree, John Gibſon, Thomas Green-ſtreet, John Hilton, John Horton, Walter Jobber, Turner Marſhall, Edward Norwood, Joſias Pattenſon, John Patey, Edward Rigden, Baſill Rogers, William Smith, Thomas Smith, George Smith, Charles Taſſell, Thomas Thurſton, Thomas Tournay, William Tournay, Robert Tournay, Edward Toker, Thomas Tritton, William Walter, John Waterman, Thomas Wilmott, Peter Young, Thomas Young, Gentlemen; Richard Sandys, William Hougham, Johnſon Maccaree, Charles Pyott, Whitfield, Eſquires; John Hatcher, William Sharpe, Thomas Alkin, Henry Gibbs, Gentlemen; the Reverend Thomas Curteis D. D. William Mackett, James Hills, Thomas Rogers, Sacville Bale, the Reverend Claudius Clare, John Friend, Jonathan Clark, Henry Gipps, John Weller, ſhall be, and they are hereby nominated and appointed Truſtees for ſurveying, ordering, widening, amending, repairing, and keeping in Repair, the ſaid Roads, and likewiſe for putting in Execution all other the Powers in and by this Act given.

Qualification of Truſtees.

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

Penalty on acting, not being qualified.

on the Part of the Prosecutor than that such Person had acted as a Trustee in the Execution of this Act.

Trustees may erect Turnpikes and Tollhouses;

And be it further enacted by the Authority aforesaid, That the said Trustees, and the Survivors of them, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect, or cause to be erected, One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes, between the High Post Road near the Town of Faversham aforesaid and the said Town of Ashford, and between the said Towns of Ashford and Hythe, and also between the Place called Bacon's Water and the End of Holy Lane in Winchean, near the City of Canterbury, in, upon, or across any Part or Parts of the said Roads, as such Trustees shall think fit; and shall and may erect and build a Toll-house or Toll-houses, in or upon the said Roads, at each or any of the said Turnpike or Turnpikes; and shall and may demand, receive, and take, at all and every the Bar or Bars, Gate or Gates, Turnpike or Turnpikes, the Tolls and Duties herein after-mentioned, before any Cattle or Carriage whatsoever shall be permitted to pass through the same, or any or either of them; that is to say,

The Tolls.

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

Not to subject Persons to a double Toll.

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

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

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

Exemptions from Toll.

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

For

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

And the same Toll shall be paid for every Pair or Yoke of Oxen, drawing in any Carriage, as for One Horse: but such Tolls or Duties shall be paid at no more than Two of the said Gates between the said high Post Road near the Town of Faversham aforesaid, and the said Town of Ashford, and in like Manner at no more than Two of the said Gates between the said Towns of Ashford and Hythe; and also in like Manner at no more than Two of the said Gates between the said Place called Bacon's Water in the Parish of Kennington and Holy Lane in Wye Sheap, near the City of Canterbury aforesaid. Restrictions of Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees hereby appointed, or hereafter to be appointed, by virtue of this Act, or any Seven or more of them, to erect or cause to be erected, One or more Bar or Bars, Gate or Gates, Toll-house or Toll-houses, on the Sides of the said Roads, or at the End or Ends cross any Lane or Way leading into the same, as near as conveniently may be to the Sides or Ends of such Lanes or Ways, and there to demand and take such Tolls and Duties as by this Act are appointed to be demanded and taken. Trustees may erect Turnpikes on the Sides of the Roads, and take Tolls thereat.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll-gate shall be erected in that Part of the Road called Newing Green, where the Road leading from Canterbury to Romney crosses the aforesaid Road leading from Ashford to Hythe, any thing in this Act to the contrary notwithstanding.

Provided nevertheless, That all and every Person or Persons having paid for passing through any Bar, Gate, or Turnpike, so to be erected on the Sides of the said Roads as aforesaid, and producing a Note or Ticket of such Payment, shall pass through the next of the said Gates erected upon and cross the said Roads Toll-free; or if any Person or Persons having passed through any of the said Bars or Gates so to be erected upon and cross the said Roads as aforesaid, and having paid the Tolls and Duties at such Gate or Gates, such Person or Persons, upon producing a Note or Ticket of such Payment, shall pass Toll-free through any Bar or Gate so to be erected on the Sides of the said Roads. Not to subject Persons to a double Toll.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged Exemptions from Toll.

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 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 Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay Seeds for Fodder, 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 shall any Toll be demanded for any Carriage, Horse, or other Beast, laden with undried Hops; 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 or Places 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, belonging to any of the Inhabitants of the Parishes wherein the said Roads do lie, going to or returning from Pasture or Watering Places, nor for any Post-horse or Post-horses carrying or drawing 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, or 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, 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 County, on the Day or Days of such Election.

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.

Carriages may be drawn up *Hythe Hill* with any Number of Horſes, &c.

And whereas it is not practicable to draw Carriages up Hythe Hill (Part of the ſaid Road) with the Number of Horſes allowed by Law, be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to make uſe of any Number of Horſes, or other Beaſts of Draught, for the drawing Carriages up the ſaid Hill called Hythe Hill; any thing in this or any other Act contained to the contrary notwithſtanding.

Tolls to be paid but Once a Day.

Provided always, and be it further 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 ſaid Gates or Turnpikes erected by virtue of this Act, through which ſuch Perſon or Perſons ſhall paſs with any Horſe, Mare, Gelding, Mule, Aſs, or any Cattle, or any Carriage, and producing a Note or Ticket 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, or Carriage.

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 Seven or more of them, to compound or agree with any Perſon or Perſons, by the Year or otherwiſe, for paſſing through any Gate or Turnpike to be erected by virtue of this Act, provided that ſuch Perſon or Perſons ſhall dwell within the Space of Forty Rods from ſuch Gate or Turnpike, and provided that ſuch Perſon or Perſons ſhall not carry any Goods for Hire.

Tolls veſted in the Truſtees.

And be it further enacted by the Authority aforeſaid, That all and every 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 and every Sum and Sums of Money to be borrowed on the Credit thereof, ſhall be applied in the firſt Place to pay and diſcharge all the Expences and Coſts of procuring and paſſing this Act,

and the Remainder thereof shall be applied in erecting Turnpikes and Toll-houses, Gates and Fences, and in 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:

Tolls may be levied by Distress and Sale.

And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five 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 House or Houses, 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 retain, until such Toll or Duty, with the reasonable Charges of making and detaining such Distress, shall be paid; and after the Space of Four Days next after such Distress made, to sell the same, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and Duties, and the reasonable Charges for the making, keeping, and selling such Distress, shall be deducted and paid.

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 Seven or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring Actions in the Names of any Three or more of them, or in the Name or Names of their Clerk or Treasurer for the time being, or to prefer and prosecute any 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, be taken down or removed to any other Place, except by Order of the Trustees, or any Twelve or more of them, at a publick Meeting assembled, of which Meet-

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

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ing Fourteen Days Notice shall be given in Writing by the Clerk to the Trustees under his Hand, to be affixed on all the Turnpikes to be erected by virtue of this Act; any thing in this Act contained to the contrary notwithstanding.

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

Provided also, 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, 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, from time to time, to lessen and reduce the Tolls granted by this Act, by any of them, in case it shall appear requisite and expedient, and again to raise and advance the Tolls or Duties hereby granted and made payable, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so as the respective Tolls so varied never exceed the Tolls granted by this Act, nor ever be lessened, until the Money to be borrowed on the Credit thereof, together with the Interest, be repaid, unless all Persons to whom such Money and Interest shall be then due, consent thereunto; 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 or 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 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 Seven or more of them, shall think fit and agree to give; 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 or for 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 Clerk to the said Trustees.

Notice to be given for borrowing Money.

Provided always, and be it hereby enacted and 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 first in Writing, under the Hand of the Clerk to such Trustees, upon all the Turnpike-gates erected by virtue of this Act, at least Fourteen Days before borrowing such Money.

Assignments may be transferred.

And be it 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, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties, as Occasion may require; and it shall not be in the Power of any Person or Persons, who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

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 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 and sealing any such Assignments or other Securities to be made in pursuance of this Act, or any or either of them. Trustees not subject to the Payment of Debts contracted upon this Act.

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 Seven or more of them, or to such Person or Persons as they, or any Seven 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. Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, in or along the Roads 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 the Sum of 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, Ass, Mule, or any Sort of Cattle on which any Toll or Duty is hereby laid, or if any Person or Persons shall with any Carriage whatsoever, or with any Horse, Mare, or other Cattle, pass through any Penalty on Persons permitting or going thro' private Passage, &c.

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, Chaise-marine, Calash, Chair, Waggon, Wain, or other Carriage, Horse, or any other Cattle, with such Intent as aforesaid, every Person so offending in any of the Cases aforesaid, shall forfeit and pay the Sum of Twenty Shillings:

or taking off Horses, &c.

Trustees to allow Officers Salaries.

And be it enacted by the Authority aforesaid, That if any Person or Persons having paid any of the Tolls or Duties by this Act granted, and having such Notes or Tickets, Books or Tickets, of such Payment delivered to him or them as aforesaid, shall give and dispose thereof to any Person or Persons in order to avoid the Payments of the said Tolls or Duties, every such Person so offending or disposing of such Note or Ticket, Book 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.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may chuse and appoint 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, and all such other Officers as they shall think necessary to employ in the Execution of this Act, and from time to time to remove such Clerk, Treasurer, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones in case of Death or such Removal; and the said Tolls and Duties shall be paid after the Rates aforesaid to such 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 way employed by or under them, or any of them, shall, upon Oath, if thereunto required by the said Trustees, or any Three or more of them, and which Oath any Two of such Trustees are hereby impowered to administer, as often as the said Trustees, or any Three or more of them, shall require, give in a true, exact, and perfect Account

Trustees may appoint Officers;

Officers removing to account,

Justices to enquire into the Default,

and commit the Offender, and remove them, and appoint others.

until he shall comform, &c.

Officers to account upon Oath.

Treasurers to give Security.

Account in Writing under their respective Hands to the said Trustees, or any Three or more of them, of all Sums which such Person 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 Three or more of them, or to such Person or Persons as they, or any Three 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 Five or more of them, shall and may, out of the said Tolls and Duties, make such Allowance to the said Clerk, Collectors, Surveyors, and other Officers, for their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about procuring the said Roads to be amended, as to the said Trustees, or any Five 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 County of Kent, for any Division in which any Part of the said Roads do lie, shall and may make Inquiry concerning such Default in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward); and if such Person shall be thereof convicted, such Justice or Justices shall commit the Party or Parties to the Common Gaol of the County or Place where such Offence shall be committed, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account as aforesaid, or until he shall have compounded or agreed with the said Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Trustees to allow Officers Salaries,

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

until he shall conform, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven 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 or their said Office, as the said Trustees, or any Seven or more of them, shall think fit.

Treasurers to give Security.

And

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

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 Common or Waste 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, gather, take, and carry away the same, out of any River or Brook, or out of or from any Waste or Common Ground in any neighbouring Parish, without paying any Thing for such Materials; and if there is not a sufficient Quantity of such Materials in such Rivers, Brooks, Commons, or Waste Grounds, it shall and may be lawful to and for such 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, pick up, gather, and take away, such Materials and also loose Stones or Flints, in the Fields or 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); and such loose Stones or Flints to lay in small Heaps in or on such Fields or Grounds where the same shall be gathered or picked up; there to remain for any Time not exceeding Fourteen Days (without Prejudice or Damage nevertheless to the Corn Seeds or Growing Grass then and there growing or being) such Surveyor or Surveyors paying such Rates for such Materials, and paying or satisfying for any wilful or negligent Damage done in such Fields or Grounds, by picking up and laying in small Heaps such small Stones or Flints, to the Owners or Occupiers of the said Fields or Grounds, 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 such Owners and Occupiers and the said Trustees, the Justices of the Peace at the next General Quarter Sessions to be holden for the said County, 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

Surveyor may make and keep Bridges &c.

without paying for the Owners of the same Grounds.

If sufficient Materials cannot be had there, they may be taken from Waste Grounds, removing Nuisances.

and cut down Bushes, &c.

the Owners neglecting to remove the same after making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Damages to be levied by Distress and Sale.

the ſaid Roads, out of the Money ariſing by the ſaid Tolls; from which Determination there ſhall be no Appeal.

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, or 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 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 or Grounds for the Damages they ſhall thereby ſuſtain, as to the ſaid Truſtees, or any Three or more of them, ſhall ſeem reaſonable.

Surveyors may make Cauſeways, erect Bridges, &c.

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforeſaid, 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 Road, or in the Hedges, Banks, and Shaws, adjacent thereto, the Owners or 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 ſaid County, from time to time, to levy the Charge thereof upon ſuch Owners and Occupiers, by Diſtreſs and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any

Surveyors may remove Annoyances,

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.

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 the like Manner, every such Person so offending, and being thereof convicted upon Oath, before Two or more Justices of the Peace for the County aforesaid, shall, for every such Offence, forfeit and pay to the said Trustees, or any Three or more of them, the Sum of Twenty Shillings, over and above the reimbursing to such Surveyor or Surveyors the Costs and Charges of doing the same as aforesaid.

Penalty of a Second Offence.

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

And be it further enacted by the Authority aforesaid, 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 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 for the said County, 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.

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 by the Authority aforesaid, 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 or either of them, or by the said Trustees, or any Three or more of them, employed

ployed 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 off, 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 by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time or Times, during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the ſaid Roads, for the better Accommodation of Paſſengers, that then the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority, from time to time, to treat, contract, and agree, with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, lying contiguous or near 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 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 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 Seven or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of Lands, Grounds, or Hereditaments, which may by the ſaid Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Roads, for turning, widening, or altering, the ſame, and ſuch Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the

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, Femes Covert, or Cestuique Trusts, Ideots, 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 Seven 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, Usages, Custom, or any other Matter or Thing whatsoever to the contrary thereof, in any wise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do in pursuance of this Act.

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

And be it further enacted by the Authority aforesaid, 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 as aforesaid, shall, by the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them,

Where Persons refuse to treat for Sale of such Lands.

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 (which Oath any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments into the said Roads, or of turning such Road into or through the same; and, in order thereto, the said Trustees, or any Seven 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 Seven or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any Seven 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 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, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid,

Jury to assess the Damages.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

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 Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Seven 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, not 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 Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven 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.*

And

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money to 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 so 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 Roads, 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 Roads 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 Roads so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Roads shall be completed, the Lands and Grounds compriſed in or constituting the old or former Roads, shall be vested in, and shall and may be sold by, the said Trustees, or any Seven 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 Seven or more of them, and inrolled with the Clerk of the Peace for the said County, shall be good and effectual in Law to all Intents and Purposes whatsoever.

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

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

and deemed a publick Highway,

and kept in Repair as such.

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 damaged.

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

And be it further enacted by the Authority aforeſaid, That the Inhabitants of the ſeveral Pariſhes or Places in 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 Three 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 towards 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.

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

And, to the end that the ſaid Truſtees may know the Inhabitants of all the Pariſhes or Places in which the ſaid Roads do lie, who are obliged to do Statute-work in their Highways, and what Sort of Duty they ought reſpectively to do; be it further enacted by the Authority aforeſaid, 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 Firſt Day of March yearly, or oftener, if thereunto required by the ſaid Truſtees, or any Three or more of them, during the Continuance of this Act, Ten Days Notice of ſuch Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the 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.

Penalty on Surveyors neglecting to deliver in ſuch Liſts, &c.

And be it further enacted by the Authority aforeſaid, That if the Surveyor or Surveyors of the ſeveral Pariſhes or Places, in which the ſaid Roads do lie, ſhall not

not deliver in to the Clerk or Treasurer of the said Trustees, Lists of the Inhabitants 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 the Sum of Twenty Shillings, to be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied; 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 every Team so making Default, and the Sum of One Shilling and Six Pence for each Day Labourer so making Default; which respective Penalties shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

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 on 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 County, and they are hereby required and impowered, upon Application made to them by the said Trustees, or any Five or

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

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 for and for the said Trustees, or any Seven 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 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 Seven 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 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 authorize to receive the same; that then it shall and may be lawful for any One Justice of the said County, 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 by Distress and Sale of the Goods of the

Surveyor

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, returning 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 further 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 Justice or Justices of the Peace of the said County, 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 by Distress and Sale of the Goods and Chattles of such Offender or Offenders, to be applied in repairing the Stones or

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

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 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 exceeding One Month, or until he, she, or they, shall have paid the Money which he, she, or they shall forfeit, or be liable to pay, for the said Offence.

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 other Provision is herein made, shall be levied by Distress and Sale of the Offender or Offenders Goods or Chattles, by Warrant or Warrants under the Hands and Seals of One or more Justice or Justices of the Peace of the said County; 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 Roads.

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 Eastern Division of the said County of Kent, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way, and if they see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate or set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such

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

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

Provided always, and be it further enacted by the Authority aforesaid, That no Proceedings to be had or done by the said Trustees, or by any Justice or Justices of the Peace, touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form, or be removable by Certiorari, or any other Process into any of his Majesty's Courts of Record at Westminster, until such Proceeding shall have first been removed to, and Judgement and Determination given and made thereupon, by such Quarter Sessions of the Peace; and that no Writ of Certiorari shall be issuable to remove the Record of any such Conviction from the said General Quarter Sessions, or to remove any other Proceedings of the said Quarter Sessions touching such Conviction, into any of his Majesty's Courts of Record at Westminster, until Security be given to the Prosecutor in the Sum of Thirty Pounds, to prosecute and pay the Charges to be ascertained by the Court to which such Proceedings shall be removed, in case such Conviction shall be confirmed.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Tolls and Duties hereby granted and made payable, and all the Powers hereby given, shall take place, and shall have Commencement from the Fourth Day of June, One thousand seven hundred and fifty two, and shall continue and be in Force, and be paid from thenceforth, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; but if at any Time before the Expiration of the said Term, all the said Roads directed by this Act to be repaired, shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said County, at their General Quarter Sessions of the Peace for the said County, that then, and from and after such Adjudication made, and Repayment of all Money due and owing on account of this present Act, the aforesaid Tolls and Duties, and Powers hereby granted and given, shall from thenceforth cease and determine; any thing herein contained to the contrary thereof notwithstanding.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, &c. to cease.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall first meet together at the House of John White, known by the Sign of the Saracen's Head in Ashford

aforeſaid, on the Fifth Day of June, One thouſand ſeven hundred and ſixty two, and ſhall proceed in the Execution of this Act, 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 at the Time of any Meeting, which ſhall be ſo from time to time appointed to be holden by the ſaid Truſtees as aforeſaid, there ſhall not be Three 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 fixed at the ſaid Turnpike-gates, to be erected by virtue of this Act, at leaſt Ten Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at ſome convenient Houſe in or near the ſaid Roads, on that Day Four Weeks on which the ſaid laſt Meeting of the ſaid Truſtees was appointed to be held, and ſo toties quoties as the Caſe may happen to be and require.

In Default of a ſufficient Number of act,

Notice to be given of another Meeting.

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

2 Truſtees may adjourn.

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

Truſtees to defray their own Expences.

Provided always, and be it further enacted by the Authority aforeſaid, That no Act, Order, or Determination, ſhall be

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. Trustees not to act except at a publick Meeting.

Provided always, and be it further enacted and declared, That no Order made by virtue and in pursuance of this Act, by Three or more Trustees (being under the Number of Seven) shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Seven or more of the Trustees shall be present at the making such subsequent Order; nor shall any Order made by Seven or more Trustees, be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine or more Trustees shall be present at the making such subsequent Order. No Order to be repealed unless 7 Trustees are present.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the said County of Kent, to act as a Justice or Justices of the Peace in the said County, 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. Trustees who are in the Commission of the Peace to act as Justices.

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; and that no Victualler, or Persons selling Spirituous or Fermented Liquors by Retail, shall be capable of holding any Office by virtue of this Act. No Trustee to accept of any Place of Profit arising from the Tolls. No Victualler, &c. to have a Place of Profit.

And,

On Death or Removal of Truſtees, others to be choſen.

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

10 Days Notice of Election to be given.

Proceedings to be entered in a Book.

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

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

ing the Execution of any Power or Authority hereby granted, ſhall be liable or chargeable with any Stamp Duty whatſoever.

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.

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

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.

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

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

Limitation of Actions.

General Iſſue.

Treble Coſts.

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

FINIS.