Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Roads leading from the Turnpike Road at *Kipping's Croſs* in the Pariſh of *Brenchley*, in the County of *Kent*, through the Pariſhes of *Brenchley*, *Horſmonſden*, and *Goudhurſt*, by the Left Hand Side of *Iden Green*, to the Turnpike Road on *Wilſley Green*, in the Pariſh of *Cranbrooke*; and from a Place near *Goudhurſt Gore*, through the Pariſh of *Marden*, to *Stile Bridge* in the ſaid Pariſh, and from *Underden Green*, in *Marden* aforeſaid, to *Wanſhutt's Green*, in the County of *Kent*.

WHEREAS the high Roads leading from the Turnpike Road at a Place called Kipping's Croſs, in the Pariſh of Brenchley, in the County of Kent, through the Pariſhes of Brenchley, Horſmonden, and Goudhurſt, by the Left Hand Side of a certain Green called Iden Green, to the Turnpike Road on Wilſley Green, in the Pariſh of Cranbrooke, in the ſaid County; and alſo the Road leading out of the aforeſaid high Roads at a Place near Goudhurſt Gore in Goudhurſt aforeſaid, through the Pariſh of Marden, to the aforeſaid Turnpike Road, at a Place called Stile Bridge, in Marden aforeſaid; and alſo the Road leading out of ſuch Road at a Place in Marden aforeſaid, called Underden Green, to Wanſhutt's Preamble

Green, in the said County of Kent, are in many Places thereof so very ruinous and deep in the Winter Season, that neither Carriages nor Persons travelling on Horseback can pass without great Danger and Difficulty, and are in many Parts thereof very narrow and incommodious; and the said Roads cannot be effectually amended, widened, and kept in good Repair, by the ordinary Course of Law: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Charles Sackville, commonly called Earl of Middlesex; the Right Honourable George Sackville, commonly called Lord George Sackville; Sir Jeffery Amherst Knight of the Bath, John Amherst, William Amherst, John Amhurst of Farleigh, John Austen, William Ashburnham, Francis Austen, Francis Motley Austen, Thomas Ashe, Sir Richard Betenson Baronet, Sir Philip Boteler Baronet, Sir Brook Bridges Baronet, Charles Boothe, James Blackmore, Edward Bathurst, Thomas Bathurst Clerk, Richard Bathurst Clerk, Charles Bathurst, John Barbor, Thomas Baker Clerk, Edward Beeston, Lawrence Boorman, Alexander Courthope, John Children, William Courthope Clerk, George Children, John Cole, Peter Cole, Thomas Crispe, John Crispe, John Corke the elder, John Corke the younger, Edward Curtis, Ambrose Coveney, John Cooke, Henry Campion, Sir John Dixon Dyke Baronet, the Reverend John Davis Doctor in Divinity, John Darel, Thomas Diamond, Samuel Denne Clerk, Joseph Disney Clerk, John Diamond, the Honourable Robert Fairfax, Sir Charles Farnaby Baronet, Sir John Filmer Baronet, Rose Fuller, Stephen Fuller, Edward Fage, Lawrence Foster the elder, Lawrence Foster the younger, Adam Foster, John Fuggle, Thomas Fuller, Beversham Filmer, John Foster, Richard Faucett, Richard Gibbons, John Gilbert, William Hassell Clerk, John Hassell, Stephen Hooker, Thomas Hooper Clerk, Alexander Hendley, Collyer Holden, Peter Hendley, Henry Hodson Clerk, John Inge, Richard Knight, Thomas Lambard, the Honourable Charles Masham, James Marriott, Thomas Morphett, William Moreland, Thomas Moreland, Thomas Marchant, Edward Louisa Mann, John Mittell, Horatio Mann, John Monckton, Stephen Monckton, Edward Monckton, Robert Monypenny, Nash Mason, Jonathan Monckton Clerk, Timothy Monckton, William Marchant, Giles Miller, Thomas Miller, John Miller,

Trustees for the First District.

John Norris, John Norris junior, Solomon Norris, Francis Otway, Joseph Ovenden, Edward Osborne Clerk, John Osborne, John Ollive, John Ollive the younger, John Osbourn, Edward Osbourn, the Honourable Sir Charles Pratt, Sir Mark Parsons Baronet, John Pratt, Robert Pratt, Robert Polhill Clerk, Mathew Pope, Virgil Pomfret the elder, Virgil Pomfret the younger, Thomas Paris, John Putland, David Polhill, John Post, Thomas Pope, Sir Tomas Ryder, Richard Ratcliff, Thomas Redford, Thomas Redford junior, Richard Savage, John Sawyer, Boys Simmons, Darell Short, Thomas Skudder, Thomas Stevens, Edward Stephenson, Edward Stephenson junior, Robert Stace, John Simmonds, Sir William Twisden Baronet, Sir Roger Twisden Baronet, John Taylor D. D. Roger Twisden, Thomas Twort, John Thomas, Willian Tempest, George Tempest, David Twort, William Twort, Richard Tyler Twort, John Twort, Thomas Turner, William Usborne, Edward Usborne, Richard Warde, Robert Willis, Charles Whitworth, John Whitaker Clerk, John Ward Clerk, John Weston, Stephen Walter, Walter, and their Successors, to be elected in manner herein after-mentioned, shall be and are hereby appointed Trustees for repairing and widening the said Road, leading from the Turnpike Road at Kipping's Cross, in the Parish of Brenchley, through the Parishes of Brenchley, Horsmonden, and Goudhurst, by the Left hand Side of Iden Green, to the Turnpike Road on Willsley Green, in the Parish of Cranbrooke aforesaid, and for putting in Execution all the Powers of this Act in relation to the said Road, which shall be and is herein after called the First District of the Roads hereby intended to be repaired and widened: And that Sir Jeffery Amherst Knight of the Bath, John Amherst, William Amherst, John Amhurst of Farleigh, John Austen, William Ashburnham, Francis Austen, Francis Motley Austen, Thomas Ashe, Sir Richard Betenson Baronet, Sir Philip Boteler Baronet, Sir Brook Bridges Baronet, Charles Boothe, James Blackmore, Edward Bathurst, Thomas Bathurst Clerk, Edward Bathurst Clerk, Charles Bathurst, John Barbor, Thomas Baker Clerk, Edward Beeston, Lawrence Boorman, Alexander Courthope, John Children, William Courthope Clerk, George Children, John Cole, Peter Cole, Thomas Crispe, John Crispe, John Corke the elder, John Corke the younger, Edward Curtis, Ambrose Coveney, John Cooke, Henry Campion, Sir John Dixon Dyke Baronet, the Reverend John Davis D. D. John Darell, Thomas Diamond, Samuel Denne Clerk, Joseph Disney

Trustees for the second District.

Diſney Clerk, John Diamond, the Honourable Robert Fairfax, Sir Charles Farnaby Baronet, Sir John Filmer Baronet, Roſe Fuller, Stephen Fuller, Edward Fage, Lawrence Foſter the elder, Lawrence Foſter the younger, Adam Foſter, John Fuggle, Thomas Fuller, Beverſham Filmer, John Foſter, Richard Faucet, Richard Gibbons, John Gilbert, William Haſſell Clerk, John Haſſell, Stephen Hooker, Thomas Hooper Clerk, Alexander Hendley, Collyer Holden, Peter Hendley, Henry Hodſon Clerk, John Inge, Richard Knight, Thomas Lambard, the Honourable Charles Maſham, James Marriott, Thomas Morphett, William Moreland, Thomas Moreland, Thomas Marchant, Edward Louiſa Mann, John Mittell, Horatio Mann, John Monckton, Stephen Monckton, Edward Monckton, Robert Monypenny, Naſh Maſon, Jonathan Monckton Clerk, Timothy Monckton, William Marchant, Giles Miller, Thomas Miller, John Miller, John Norris, John Norris junior, Solomon Norris, Francis Otway, Joſeph Ovenden, Edward Oſborne Clerk, John Oſborne, John Ollive, John Ollive the younger, John Oſbourn, Edward Oſbourn, the Honourable Sir Charles Pratt, Sir Mark Parſons Baronet, John Pratt, Robert Pratt, Robert Polhill Clerk, Mathew Pope, Virgil Pomfret the elder, Virgil Pomfret the younger, Thomas Parris, John Putland, David Polhill, John Poſt, Thomas Pope, Sir Thomas Rider, Richard Ratcliff, Thomas Redford, Thomas Redford junior, Richard Savage, John Sawyer, Boys Simons, Darell Short, Thomas Skudder, Thomas Stephens, Edward Stephenſon, Edward Stephenſon junior, Robert Stace, John Simmonds, Sir William Twiſden Baronet, Sir Roger Twiſden Baronet, John Taylor, D. D. Roger Twiſden, Thomas Twort, John Thomas, William Tempeſt, George Tempeſt, David Twort, William Twort, Richard Tyler Twort, John Twort, Thomas Turner, William Uſborne, Edward Uſborne, Richard Warde, Robert Willis, Charles Whitworth, John Whitaker Clerk, John Ward Clerk, John Weſton, Stephen Walter, Walter, and their Succeſſors, to be elected in Manner herein after-mentioned, ſhall be and are hereby appointed Truſtees for repairing and widening the ſaid Road, leading from the ſaid Place, near Goudhurſt Gore, through the ſaid Pariſh of Marden, to Stile Bridge, in the ſaid Pariſh, and from Underden Green, in the ſaid Pariſh, to Wanſhutt's Green aforeſaid, and for putting in Execution all the Powers of this Act in relation to the ſaid laſt-mentioned Roads, which ſhall be and is herein after called the Second Diſtrict of the Roads hereby intended to be repaired and widened.

Provided always, and be it 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, at the Time he shall so act, be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, 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 or intitled to a Personal Estate to the Amount of Fifteen hundred Pounds; and if any Person or Persons, not being so qualified, shall 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 who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted, shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Qualification of Trustees.

Penalty on acting if not qualified.

And it is hereby further enacted by the Authority aforesaid, That the said Trustees for the said First District, or any Five or more of them, shall first meet together at the House of William Foreman, known by the Sign of The Gun on Horsmonden Heath, in the County of Kent, upon that Day Five Weeks next after the passing this Act; and that the said Trustees for the said Second District, or any Five or more of them, shall first meet together at the House of William Foreman, known by the Sign of The Gun on Horsmonden Heath aforesaid, upon that Day Five Weeks next after the passing of this Act, and shall severally proceed in the Execution hereof, and shall then and from time to time afterwards adjourn themselves to meet at such Place and Places, within or near such respective Districts, as they the said respective Trustees, or any Five or more of them, present at such Meetings, shall think most convenient for putting this Act into Execution: And if at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees respectively,

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

tively, shall from time to time, as often as such Case shall so happen, by Notice in Writing, under his Hand, to be affixed at the several Turnpike Gates which shall then be erected by virtue of this Act, within the District where such Default shall happen to be, at least Ten Days before the next Meeting, appoint the said Trustees to meet at some convenient House in or near the said respective Districts, on that Day Fortnight on which the said last Meeting of the said Trustees was appointed to be held; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said respective Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present and concur therein; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as such in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees to defray their own Expences.

No Order to be valid, unless made by the Majority of the Trustees present.

No Trustee to accept of a Place of Profit.

Provided always, That if upon any Emergency a Meeting of the said respective Trustees shall be necessary to be held before the Time appointed by virtue of any Adjournment or Appointment to be made as aforesaid shall come, then and in such Case the said respective Trustees, or any Five or more of them, or the said Clerk at their Request, shall or may give Ten Days Notice at the least in Writing to be affixed on the said several Turnpike Gates as aforesaid, within the District where such Emergency shall happen, of the Time and Place of 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 respectively, may do and transact, if they think proper; but any other Business done and transacted at such Meeting or Meetings, other than what shall be so specified in every such Notice

Notice to be given of an extraordinary Meeting.

Notice thereof as aforesaid, shall be to all Intents and Purposes void and of none Effect.

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

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee or Trustees hereby appointed or hereafter to be chosen for the said Districts respectively, it shall and may be lawful for the surviving or remaining Trustees for such Districts respectively, or any Seven or more of them, 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 or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be fixed on all the Turnpikes within such respective District, at least Ten Days before the Meeting for such Election; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with.

10 Days Notice of Election to be given.

Trustees may erect Turnpikes and Toll houses, &c.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, or any such Person or Persons as they or any Seven or more of them shall appoint, shall and may erect One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or across any Part or Parts of the said Roads, within their respective Districts; and also One or more Toll-house or Toll-houses, with suitable Out-buildings and Conveniencies thereto, in and upon the said several Roads in each of the said Districts, and from time to time pull down and remove the same, as they the said respective Trustees, or any Seven or more of them, shall judge proper; and the Tolls following shall be demanded and taken by such Person or Persons as they the said respective Trustees, or any Seven or more of them, shall from time to time appoint to receive the same at each and every of the said Turnpikes, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same (that is to say)

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing in any Carriage, the Sum of Four Pence.

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

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

And for every Drove of Calves, Hogs, Swine, Sheep, or Lambs, the Sum of Five Pence 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, drawing in any Carriage, shall be deemed and taken to be but as equivalent to One Horse or Beast drawing in such Carriage.

Tolls to be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for the collecting of such Tolls, to seize and distrain any Horse or Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles so distrained, returning the Overplus (if any be) upon Demand to the Owners thereof, after such Tolls and all reasonable Charges shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said respective Trustees, and shall be applied or may be assigned in such Manner as is herein after mentioned.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

Trustees may erect Turnpikes and Toll houses, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Trustees, or any Seven or more of them, within their respective Districts, to erect or cause to be erected (over and besides the above-mentioned Gates or Turnpikes upon or cross the said Roads) One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said several Roads, and upon, in, or across, any Lanes or Bye-ways that do or shall lead into or out of the said Roads; and there to demand and take such Tolls and Duties as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue hereof within such District.

Pro-

Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once at any Toll-gate or Turnpike to be erected upon the said Road for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, or Carriages, through the same Turnpike in each respective District, and cross any Lane or Way leading into the same respectively; but all and every Person and Persons, after having paid Toll Once at any Gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Tolls) shall afterwards repass with the same Horses, Cattle, Beasts, and Carriages Toll-free during such Day through the same Gate or Turnpike; but in case any Person or Persons shall pass through any Gate or Turnpike a Third Time with the same or any Carriage whatsoever (except laden with Wood for Firing) then and in such Case such Person or Persons shall again be liable to pay the said Toll; any thing herein contained to the contrary notwithstanding. Tolls to be paid but Once a Day.

Provided always, That no more than Four Tolls in the Whole shall be demanded or taken from any Person or Persons for passing and repassing the same Day, with the same Horses, Cattle, Beasts, or Carriages, through all the Toll-gates or Turnpikes to be erected by virtue of this Act in the said First District, nor more than Three Tolls in the Whole in the said Second District; but that all and every Person and Persons, having paid the said Four Tolls in the said First District, and the said Three Tolls in the said Second District respectively, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on the Receipt of such Tolls) shall pass and repass with the same Horses, Cattle, Beasts, or Carriages Toll-free during such Day through all such Toll-gates or Turnpikes respectively, to be erected by virtue of this Act, except as before excepted. Tolls for the Two Districts.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act within the said respective Districts, and of the Materials for building the same, and also of all Materials Property of Turnpikes and Toll-houses vested in Trustees.

which shall be actually got or collected for repairing the said Roads, shall be and are hereby vested in the said Trustees respectively; and they, or any Five or more of them, are hereby impowered to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or of their respective Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied within the said Districts, or the Monies to be borrowed upon the Credit thereof respectively, the said respective Trustees, or any Five or more of them, shall in the First Place pay all the Expences incurred in and in relation to the obtaining of this Act; and that Two Third Parts of such Expences shall be defrayed out of the Monies arising within or upon account of the said First District, and the remaining Third Part of such Expences shall be defrayed out of the Monies arising within or upon account of the said Second District; and afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the respective Roads in the District wherein or on account whereof such Tolls are collected or levied, and for which such Monies are severally borrowed, and of executing the other Purposes of this Act within and in relation to such Districts separately and respectively, and to no other Use whatsoever.

This Act not to extend to the Repair of Pavements, &c.

Provided always, and be it enacted, That no Part of the Money arising from the said respective Tolls, or to be borrowed on the Credit thereof, shall be laid out in or applied to the paving or repairing any Pavements or Causeways in any Town or Street through which any Part of the said respective Roads by this Act directed to be widened and repaired shall lead; any thing herein contained to the contrary notwithstanding.

Trustees may lessen the Tolls.

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, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce within such Districts respectively, all or any of the Tolls by this Act granted, and for such Time or Times as they the said respective Trustees, or any Seven or more of them, shall think proper, and may afterwards from time to time advance all or any of the

Tolls

Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein before-mentioned; and the said respective Trustees, or any Seven or more of them, may from time to time direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions at the Turnpikes within such respective District, as they the said respective Trustees, or any Seven or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said respective Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said First Meeting for such Districts respectively, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be so reduced shall be consenting thereto; and that no such subsequent Meeting shall be held for any of the Purposes aforesaid, unless Fourteen Days previous Notice at the least shall be given thereof, in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, within such District respectively.

Carriages laden with Timber, &c. to pay Double Toll.

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 in either of the said Districts by virtue of this Act, between the Tenth Day of October and the First Day of April in every Year, shall pay Double Tolls or Duties at each Gate or Turnpike through which such Carriage or Carriages so laden shall pass; any thing in this Act contained to the contrary notwithstanding.

Penalty on going through or permitting private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Land, Ground, or Hereditament, shall knowing permit or suffer any Person or Persons with any Horse, Cattle, Beast or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, in either of the said Districts, shall be

avoided; or if any Person or Persons shall forcibly pass through any such Turnpikes with any Horse or other Cattle or Beast; or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said respective Roads, any Carriage, Horse, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Tolls; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Five Pounds; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied.

Exemptions from Tolls.

Provided always, and be it enacted by the Authority aforesaid, That no Tolls shall be taken in either of the said Districts for any Carriage, or any Horse, Cattle, or Beast, laden only with, or going unladen for, or returning unladen, having been laden only on the same Day with Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do lie, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Marl, Compost, or Manure employed in Husbandry for manuring or improving of Lands (Chalk or Lime excepted) or for any Person or Persons residing in any Township or Parish in which the said Road lies, going to or from their proper Parochial Church, Chapel, or other Place of Religious Worship on the Sabbath Day, or Sunday, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post-horse carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Kent during the Time of such Election, or on the Day before or Day after such Election shall begin or be

concluded? And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit for every such Offence the Sum of Forty Shillings. Penalty of making illegal Claims.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any One Time, with any Person or Persons for any Carriages, Horses, Cattle, or Beasts, travelling upon the said respective Roads, or any Part thereof, for all or any of the Tolls to be paid within such respective District for or in respect of such Carriages, Horses, Cattle, or Beasts; and all such Composition Money shall be paid Quarterly in Advance; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition Monies shall be applied in such Manner as the Tolls in respect whereof such Composition is made, are directed to be applied. Trustees may compound with Travellers.

And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act in the said respective Districts, or any Part or Parts of such Tolls, unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said respective Trustees, or any Seven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are hereby severally directed to be applied. Trustees may sale the Tolls.

And be it enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Seven or more of them, at their First or any subsequent Meeting, upon the Credit of the Tolls arising within their respective Districts, in such Manner as they the said respective Trustees, or any Seven or more of them, shall think proper, to borrow and take up at Interest such Sum or Sums of Money as they, or any Seven or more of them, shall think fit; and also they the said respective Trustees may and are hereby impowered from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said respective Tolls, or any Part or Parts thereof (the Trustees may borrow Money on the Credit of the Tolls.

Charges

Charges of such original Mortgages or Assignments to be paid out of such Tolls respectively) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said respective Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, after such First Meeting in such respective Districts, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes erected by virtue of this Act, within that District where and for the Use whereof such Money shall be so intended to be borrowed, at least Fourteen Days before the Borrowing thereof; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured; all which Assignments or Transfers shall be produced and notified to the said respective Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Six Pence, and no more, and which said Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon; and such Assignee may in like manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or

14 Days Notice thereof to be given.

Assignments may be transferred.

Entries of all Assignments to be made.

Clerk's Fee.

All Creditors deemed equal in Degree.

Sums

Sums therein mentioned, Creditors on such Tolls respectively in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees for the said respective Districts, or any Seven or more of them, may, from time to time, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and, from time to time, to remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said respective Trustees, or any Seven or more of them, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said respective Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint: And all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said respective Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; then, in each, any, or either of the said Cases, any One or more Justice or Justices of the Peace for the said County or Place wherein such Offender or Person shall be or reside, shall make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses, upon Oath (which Oath such Justice or

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default,

Justices is and are hereby impowered and required to administer without Fee or Reward) and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the common Gaol for such County or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said respective Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

and commit the Offender,

until Payment or Composition made.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Seven or more of them, shall think proper.

Treasurer to give Security.

Provided also, That as often as any Collector of the said several Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees for such District respectively, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees for such District, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Trustees may appoint Collectors, tho' not at a publick Meeting.

Provided also, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors appointed by any Seven or more of the said Trustees respectively, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said respective Roads, out of and from any Waste Grounds, Commons, Rivers, or Brooks, in any Parish, Town, or Place, in which any

Surveyors may dig Gravel, &c.

Part of the said respective Roads lies; or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same be not dangerous to Passengers or Cattle; and also, by Order of the said respective Trustees, or any Five or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any Waste Ground, Common, River, or Brook, or Private Grounds, shall be conveyed, as the said respective Trustees, or any Five or more of them, shall adjudge reasonable.

without paying for the same; levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor and Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said respective Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said respective Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches running into, along, or out of the said Roads, to the Prejudice thereof, and open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees, Shrubs, Hedge-rows, or Bushes, growing in the said respective Roads, or in the Hedges and Banks adjacent thereto, and to take and carry away the same; in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down, and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such

Surveyors may remove Annoyances, &c.

cut down Bushes, &c.

Owners neglecting the same after Notice.

Manner

Manner as the said respective Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said respective Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after such Removal of any the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Charges to be reimbursed the Surveyors.

Penalty of a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said respective Roads, and also through any Grounds lying contiguous thereto, and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain where necessary, and also to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads, not exceeding Forty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road (such Grounds respectively not being the Grounds whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is repairing or widening, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said respective Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Moor, Common, or Waste Ground; and if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any of the said Turnpike Surveyors, or any other Person or Persons by them, or any of them, or by the said respective Trustees, or any Five or more of them, employed in cutting,

and erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners.

Penalty on obstructing Officers in their Duty.

ting, digging, taking, or carrying away, of any Materials for the altering, widening, or repairing of any of the said Roads, or in removing of any Annoyances from the same; or in cutting down, lopping, or topping any such Trees, Shrubs, Hedge-rows, or Bushes as aforesaid, or in removing or carrying away the same, or in turning away, cleansing, scouring, widening, or making deeper, any such Watercourses or Ditches as aforesaid, or in making any Causeways, Ditches, or Drains, or erecting Bridges, or in doing any other Act in or for the repairing, widening, or altering the said respective Roads, or otherwise in or for the Execution of any of the Powers by this Act given, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; to be levied, recovered, and applied, in such Manner as the other Penalties by this Act inflicted are directed to be recovered and applied.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, shall be and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads within their respective Districts, through any Moor, Common, or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain: And for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, within their respective Districts, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whatsoever, seised of, or interested in, or intitled unto, such Lands, Tenements, or Hereditaments, in Mortmain, or under any Ecclesiastical Right, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Persons whatsoever, and to and for all Femes Covert who are or shall be interested in their own

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

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

own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, under any Manner of Right or Title whatsoever, to contract with the said respective Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, and to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; or to contract for, and give in Exchange, any Part or Parts of the said new Roads or Paths so to be made as aforesaid, for the said old Roads or Paths so to be diverted or altered as aforesaid, or for any Part or Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Persons seised or intitled in Mortmain, or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or 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 Principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of Thirty Days after such Notice given or left, 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 such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of Kent: 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 require, to summon

Persons, &c. neglecting to treat,

Jury to settle the Damage and Recompence.

ſummon and call before ſuch Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter) and ſuch Truſtees, or any Seven or more of them, ſhall, by ordering a View, or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid reſpective 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 and other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming, or to claim, in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed or intitled in Mortmain, or in Right of the Church, as well as all other Perſon or Perſons whomſoever: And, for ſummoning and returning ſuch Juries, the ſaid reſpective Truſtees, or any Seven or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of Kent, commanding him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, qualified to ſerve on Juries, to appear before the ſaid reſpective Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return ſuch Number of Perſons accordingly: And out of the Perſons ſo ſummoned, impanelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid reſpective Truſtees, or any Seven or more of them, ſhall, and they are hereby impowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid: And, in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

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

Jurors may be challenged.

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

Fine not to exceed 5l.

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

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

wen either of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they shall come to be sworn: And the said respective Trustees, or any Seven or more of them, acting in the Premisses within their said respective Districts, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury; or, being so sworn, shall refuse 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, shall refuse or neglect to appear, or, appearing, shall refuse to be examined, or to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as other the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine shall be more than Five Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising within or on account of the District wherein such Road is intended to be diverted, turned, or altered, or out of the Monies to be borrowed on the Credit thereof, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Treasurer to the said respective Trustees for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said respective Trustees, or any Seven or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Roads, as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands, and all Lands and Hereditaments which shall be made a Part

or Parts of the said several Roads by virtue of this Act, shall be for ever thereafter to all Intents and Purposes a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired within such respective Districts are by this or any other Law to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Roads, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by, the said respective Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the Road within such respective District by this Act directed to be repaired; or the said respective Trustees, or any Seven or more of them, may and are hereby impowered to give in Exchange any Part or Parts of the Lands so constituting such former Road for any Part or Parts of such new Roads; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

and esteemed a publick Highway, and kept in Repair as such.

Old Roads may be sold.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Mills, Rents, and Annuities, or any Sum or Sums of Money, which have been given, or are liable to the amending or maintaining any Part or Parts of the said respective Roads, or any Bridge or Bridges therein, shall still remain chargeable and liable to the Repair thereof, in such Manner as they were before the making of this Act; and that all Inhabitants of the Townships, Parishes, and Places, in which any Part of the respective Roads lies, and all other Persons liable to perform the Work, commonly called Statute-work, upon the said Roads, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments,

Lands, &c. chargeable to Repairs to continue so.

Persons renting 50 *l. per Ann.* deemed Team-holders.

of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team, for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said several Roads lies, or, in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists which of such Persons shall or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the Roads hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the Trustees for such respective Districts, or any Five or more of them, or the Turnpike Surveyor or Surveyors, shall from time to time direct and appoint, so that no more than Two Days Work shall be done by any One Person or Team on the said respective Roads in any One Year, in any Parish or Parishes through which the said Roads shall lead: And the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time or Times when and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, within such District respectively, shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor or Churchwarden, or Overseer, shall for every such Neglect or Refusal forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner,

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

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

as shall be appointed by the said respective Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after-mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling and Six Pence; and every Person who shall, according to such Publick Notice as aforesaid, come as a Labourer or with any Team to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Days Work on the said Roads as aforesaid, shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, Mills, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road within such Districts respectively, or with any Person or Persons, for the Performance of his or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships, or Places, first had at any Vestry or other publick Meeting of such Inhabitants) to compound and agree, by the Year or otherwise, with the said respective Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said respective Roads; all which Composition-monies shall be from time to time paid in Advance, and shall be applied in Repair of such Road respectively; and all such Surveyors, Churchwardens,

Trustees, with Consent of Inhabitants, may compound for Statute-work.

or

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

or Overſeers of the Poor, ſhall be reimburſed the Monies ſo by them paid, in ſuch Manner as Surveyors of the Highways are, by the Laws now in being, to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Penalty on hawling Timber otherwiſe than on Wheel Carriages.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of ſuch Roads, to the Prejudice thereof, every ſuch Perſon, for every ſuch Offence, ſhall forfeit the Sum of Forty Shillings.

Road to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Five or more of them, may cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in, upon, or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit; and if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or obliterate any Inſcription which ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath by One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion before any Juſtice of the Peace for the County or Place wherein ſuch Offence ſhall be committed (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward) every ſuch Perſon ſo offending ſhall forfeit the Sum of Forty Shillings for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated, whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied; and in caſe ſuch Penalties ſhall not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months, nor leſs than One Calendar Month, unleſs ſuch Forfeitures and all reaſonable Charges ſhall be ſooner paid; and every ſuch Offender, in either of the ſaid Caſes, ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee

Penalty on defacing Mile-ſtones.

any

any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender before any Justice of the Peace, to be dealt with according to Law and the Directions of this Act.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not hereby otherwise particularly directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes) and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to any Five or more of the said respective Trustees, or to their Treasurer, and applied in the Repair of the said Roads within their said respective Districts; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Overplus Money to be returned to the Owner.

For want of Distress, the Offender to be committed.

Provided always, and be it further enacted by the Authority aforesaid, That if 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 appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the County or

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

Place wherein the Cause of Complaint shall arise, and within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said respective Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Securities, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions; and the said Justices at the said Sessions, upon due Proof of such Notice being given as aforesaid, and entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes.

Recognizance to be entered into.

Distress not unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Notice, 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 may recover full Satisfaction for the special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writings whatsoever, under the Hand and Seal, or Hands and Seals, of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of

the said respective Trustees, or any Five or more of them, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks to the said respective Trustees at any Meeting of Five or more of the said Trustees assembled as the Case shall require, and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form; nor removeable by *Certiorari*.

Provided always, and be it enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in Pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said respective Trustees, or after a sufficient Satisfaction, or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be laid or brought in the County where the Offence shall be committed, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall and may at his Election plead specially, or the General Issue, Not Guilty, 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 the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer,

Limitation of Actions.

General Issue.

Judgement

Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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.