Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Road from *Tonbridge* to *Maidſtone*, and from *Watts Croſs* to *Cowden*, in the County of *Kent*.

WHEREAS the Road leading from Tonbridge, in the County of Kent, to the Village of Mereworth, in the ſaid County, and from thence to Maidſtone, in the ſaid County, through the Pariſhes of Tonbridge, Hadlow, Eaſt Peckham, Weſt Peckham, Mereworth, Wateringbury, Teſton, Barming, and Maidſtone; and alſo the Road from Wats Croſs, in the ſaid Pariſh of Tonbridge, through the Pariſhes of Leigh and Penſhurſt to Cowden, are very ruinous, and in ſeveral Places very narrow and incommodious: And whereas the ſaid Roads cannot be effectually repaired and widened by the ordinary Methods preſcribed by 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 the Lord Viſcount Vane, in the Kingdom of Ireland, the Right Honourable

Preamble.

Truſtees Names.

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, Sir William Twiſ~~den, Sir Philip Boteler, Sir John Filmer, Sir Thomas Style, Sir Roger Twiſden, Sir Thomas Stapleton, Sir John Honywood, Sir John Dixon Dyke, Sir Thomas Farnaby, and Sir Brook Bridges, Baronets; Sir Jeffery Amhurſt Knight, Sir George Kelly Knight, Charles Style, Roger Twiſden, Thomas Twyſden, William Twyſden, Peter Burrell, Thomas Beſt, John Papillon Twiſden, Leonard Bartholomew, William Glanvill, William Evelyn, Ralph Petley, John Auſten, Francis Auſten, Francis Brooke, Joſeph Brooke, William Champnies, Henry Champnies, William James, Nicholas Haddock, Charles Haddock, Francis Geary, William Geary, Richard Maſter, William Dormer, William Daniel, Thomas Lambard, William Daliſon, Benjamin Hubble, Charles Petley, William Selby, Charles Stewart, Thomas Streatfield, Charles Whitworth, William Parry, John Children, Thomas Harvey, Nicholas Weller, Thomas Smith Panuwell, George Children of Tonbridge Town, George Weller, Alexander Courthorpe, and John Hooker, Eſquires; the Reverend John Potter D. D. the Reverend John Davis D. D. Charles Milner D. D. the Reverend Robert Style, the Reverend John Davis, the Reverend Thomas Daliſon, the Reverend Henry Harpur, the Reverend Daniel Hill, the Reverend Charles Bowles, the Reverend [illegible] Menzies, the Reverend Joſeph Butler, the Reverend John Whitaker, the Reverend Edmund Latter, the Reverend Hopton Williams, the Reverend Johnſon Towers, Stephen Hooker, George Children of Nizells Heath, Henry Woodgate, George Walter, Thomas Miller, William Walter of Upper French, Peter Cole, John Cole, William Bowen, Richard Round, William Woodgate, Thomas Auſten, Samuel Mills the elder, John Eldridge, Robert Simmons, Iden Henham, John Amhurſt, William Eldridge, Edmund Prentis, James Eldridge, Thomas Andrewes, John Whitaker of Barming, John Smith, William Ruſſell, John Barton of the Courtlodge in Hadlow, Thomas Barton of the Parſonage in Hadlow, and John Saxby, Sir George Yonge Baronet, Sir George Kelley Knight, Algernon Sidney, Jonathan Chilwell, William Bowen, Eſquires; the Reverend William Lloyd of Cowden, the Reverend Doctor James Luck, the Reverend George Lillington, the Reverend Thomas Barker, the Reverend Francis Woodgate, the Reverend William Fitz-herbert, Thomas Auſten, Thomas Swayne, Robert Simmons, William

liam Dudggeon, John Woodgate of Tonbridge Town, Thomas Whiffin, John Colgate, James Norris, John Woodgate of Stonewall, Thomas Hooker, John Hooker junior, George Hooker, William Woodgate, William Scoones, Richard Round, William Mugridge, Chriſtopher Eldridge, John Slatter, Robert Burges, Apſley Hall, Robert Saxby, Thomas Scoones, and William Wells, ſhall be, and they and their Succeſſors to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, widening, repairing, and keeping in Repair, the ſaid Roads, and for putting in Execution all other the Powers hereby given.

Qualification of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or poſſeſſed of a Perſonal Eſtate of the Value of One thouſand Pounds; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act in the Truſt aforeſaid, every ſuch Perſon 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 by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of George Staples, known by the Sign of the Buffalo's Head, in the Pariſh of Mereworth aforeſaid, on the Twenty ſecond Day of May, One thouſand ſeven hundred and ſixty five, and ſhall proceed to the Execution of this Act; and ſhall then adjourn themſelves, and afterwards meet there, or at any other Place or Places near the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think proper, as often as there ſhall be Occaſion, or it be neceſſary

In Default of a sufficient Number to act,

cessary for the putting this Act in Execution; and if there shall not appear at any Meeting appointed to be held by virtue of this Act, a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk for the time being to the said Trustees shall, from time to time (by affixing publick Notice in Writing at or upon all the Gates or Turnpikes erected by virtue of this Act, at least Ten Days before the next Meeting) appoint the Trustees to meet at the House where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed; and that the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the 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 major Part 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 Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying to revoke or alter any such Order or Determination, shall give Notice thereof in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Turnpikes erected upon the said Roads, at least Ten Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any 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 Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Notice to be given of another Meeting.

Trustees to defray their own Expences

No Act valid, unless made at a publick Meeting.

In case the Clerk shall omit to give Notice, Trustees may do it.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen that no Trustees shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for

for any Two or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Six Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks, having first intervened) to appoint such Trustees to meet at some House in or near the said Roads, on a certain Day within Three Weeks after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands, to elect One other Person living in the said County of Kent, to be a Trustee in the Room of such Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the Trustees, by affixing the same in Writing upon all the Turnpikes upon the said Roads, at least Ten Days before every such Meeting; and all Persons so to be chosen 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 Trustees, or any Five or more of them, shall and may erect, or cause to erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross any Part or Parts of the said Roads, and also upon the Side or Sides thereof, and cross any Lane or Way leading into or lying near the same, and may also erect, or cause to be erected or provided, a Toll-house at or near each Turnpike, and from time to time to remove or alter the said Turnpikes or Toll-houses, or any of them, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall appoint for that Purpose, before any Cattle or Carriage whatsoever shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Caravan, or Hearse, drawn by Four or more Horses, or other Cattle, the Sum of One Shilling;

ling; and drawn by Two or Three Horses, or other Cattle, the Sum of Six Pence; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three Pence.

For every Waggon, Wain, Cart, or other Carriage, drawn by Four or more Horses, or other Cattle, the Sum of One Shilling; and drawn by Two or Three Horses, or other Cattle, the Sum of Six Pence; and drawn by One Horse, Mare, Gelding, Mule, or Ass, the Sum of Three Pence.

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

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

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

And also for every Waggon, Wain, Cart, or other Carriage, laden with Timber, Guns, or other Gloom, and drawn by Three or Four Horses, between the Tenth Day of October, and Fifth Day of April, during the Continuance of this Act, the Sum of One Shilling, over and above the respective Sums of Money above-mentioned.

Tolls vested in the Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised and collected, shall be, and is hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, refuse or neglect to pay the same, it shall and may be lawful for the Person or Persons appointed to collect such Tolls, to distrain any Horse or Horses, or other Cattle, or any Goods or Carriage, upon which such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Distress shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, Carriage, Goods, or Chattles, so distrained, returning the Overplus (if any there be) upon Demand, to the Owner or Owners thereof, after such Tolls, and the reasonable Charges occasioned by such Distress and Sale, shall be deducted.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

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

Property of Turnpikes and Toll-houses vested in Trustees.

And be it enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected and provided by virtue of this Act, and of the Materials provided for building or repairing the same, or of which the same shall respectively consist, and also all Materials which shall be actually cut, digged, got, collected, or gathered, for repairing the said Roads, shall be, and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby impowered to dispose thereof, or of any Part thereof, as they shall think proper, and to bring, or cause to be brought, any Action or Actions, Suit or Suits, in the Names of any Five or more of the said Trustees, or in the Name of their Treasurer or Clerk, or to prefer, or order the preferring, any Bill or Bills of Indictment against any Person or Persons, who shall take, steal, carry away, break down, injure, or spoil the same, or any Part thereof, or disturb them in the Possession thereof.

Trustees may lessen the Tolls,

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time assembled, at a Meeting or Meetings to be held for that Purpose (with the Consent of the Person or Persons who shall then be intitled to Three Fifths or more of the Money which shall have been advanced upon the Credit of the said Tolls) to lessen, vary, or alter, all or any, or any Part of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper, and may afterwards, if there shall shall be Occasion, advance or raise the same again, so as the same do not exceed the Tolls by this Act granted; and such Tolls, so lessened or altered, shall be collected, recovered, and applied, in the same Manner as the

and raise them again.

Tolls hereby granted are directed to be collected, recovered, and applied, but no Meeting shall be held for any of the Purposes aforesaid, unless Ten Days previous Notice, at the least, be given thereof in Writing, to be affixed upon all the Gates or Turnpikes which shall be then erected by virtue of this Act.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be liable to pay Toll more than Once for passing and 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 Cattle and Carriage through all or any of the Turnpikes to be erected by virtue of this Act, across or on the Sides of the said Road between Tonbridge and Maidstone, or cross any Lane or Way leading into the same; nor more than Once for passing and repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Turnpikes to be erected by virtue of this Act, across or on the Sides of the said Road between Wats Cross and Cowden, or cross any Lane or Way leading into the same; but that all and every Person and Persons, after having paid Toll as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Horses, Cattle, and Carriages, through the Turnpike at which any such Toll was paid, and also through all other Turnpikes across or on the Sides of such Road respectively whereon such Toll or Tolls was or were paid, or cross any Lane or Way leading into the same, upon producing a Note or Ticket, denoting the Payment of such Toll or Tolls; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis upon Receipt of the Toll.

Trustees may compound with Parishes, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from time to time (if they shall think proper) to compound or agree for any Term not exceeding Three Years, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the said Roads hereby directed to be repaired do lead, for the passing of their or any of their Cattle or Carriages, not travelling for Hire, through all or any of the said Gates or Turnpikes; which Composition-money shall be paid 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-money

money shall be applied in such Manner as the Tolls are herein directed to be applied.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered upon Ten Days Notice in Writing being affixed on the several Turnpikes upon the said Roads for that Purpose, to lease or farm by the Year the Tolls by this Act granted, or any Part or Parts thereof, to any Person or Persons, at or for the largest yearly Sums that can be got for the same, provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking or farming the said Tolls, and by the Trustees that let the same, and be not made for more than Seven Years at a Time; and that the Money that shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the said Trustees by quarterly Payments; and that the Person or Persons to whom the same shall be so let, shall always pay down One Quarter's Pay in Advance; and if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void, and the Person or Persons to whom the said Tolls shall be let, shall be liable to account for the same, and to have the same recovered and levied upon, and of him and them in the same Manner as is by this Act directed, for the accounting for the said Tolls by the Collectors thereof, and for recovering and levying the same.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties arising upon or on account of each of the said respective Roads, and the Monies to be borrowed on the Credit of such Tolls respectively, shall, from time to time, after Payment of the Charges and Expences of procuring and passing this Act, be applied in erecting and maintaining the Turnpikes and Toll-houses, and of repairing and widening the respective Road whereon or upon account whereof such Tolls or Monies shall arise or be borrowed, and for defraying the necessary Expences of executing the several Purposes of this Act, upon or in relation to such Road respectively; and that no Part of the Tolls or Monies arising upon or in respect of the said Road from Tonbridge to Maidstone, or the Monies to be borrowed on the Credit of such Tolls, shall upon any Account whatsoever be applied or expended in or upon account of repairing or widening

ening the said Road from Watts Cross to Cowden, or for executing any of the Purposes of this Act in relation thereto; and that no Part of the Tolls or Monies arising upon or in respect of the said Road from Watts Cross to Cowden, or the Monies to be borrowed on the Credit of such Tolls, shall upon any Account whatsoever, be applied or expended in or upon account of repairing or widening the said Road from Tonbridge to Maidstone, or executing any of the Purposes of this Act in relation to such Road; but that separate and distinct Accounts shall be kept of the Receipt, Payment, and Application of such respective Tolls and Monies: And that the said Trustees, or any Five or more of them, shall, out of the First Monies arising by the said Tolls or Duties of the said Roads respectively, or out of such Money as shall be borrowed on the Credit thereof respectively, pay and discharge all the Costs and Expences of procuring and passing this Act, in and by equal Shares and Proportions, alloting One Moiety of such Costs and Expences to each of the said Roads or Divisions.

Exemptions from Toll.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That no Tolls shall be demanded or taken for any Cattle or Carriage whatsoever, employed in the Conveyance or Loading of any Furze, Heath, Stones, Gravel, Sand, or other Materials for the repairing the said Roads, or any of the Roads in the Townships, Parishes, Hamlets, or Places, in which the Roads hereby intended to be repaired or any thereof do lie; or any Dung, Mould, or Compost, of any Nature or Kind whatsoever, for the manuring of Lands or Grounds within the said respective Townships, Parishes, Hamlets, or Places; nor for any Waggon, Cart, or Carriage, carrying any Grass, Hay, Saintfoin, Fodder, Straw, Corn in the Straw, Hop-poles, or Wood for Fuel, Lop or Top Wood to be laid up in the Houses, Out-houses, Yards, or other Places belonging to or used by the respective Inhabitants, or other Person or Persons renting, holding, or occupying, any Lands, Meadows, or Grounds, of or in the said several Townships, Parishes, Hamlets, or Places, in which the said Roads lie, for their own private Use and Consumption; nor for any Timber to be used in building in such Townships, Parishes, Hamlets, or Places, in which the said Roads lie; nor for any Waggon, Tug, or other Carriage; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Thing whatsoever used or employed in Husbandry,

handy, and for manuring, tilling, and stocking of Land in the said several Townships, Parishes, Hamlets, or Places; nor for any Horses or other Cattle going to or returning from Water or Pasture in the said respective Townships, Parishes, Hamlets, or Places; nor for any Waggon, Tug, or other Carriage, empty and unladen, of or belonging to the Tenant or Occupier for the time being, of a Farm and Lands in Mereworth aforesaid, called Brewers Hall, belonging to Sir Thomas Style Baronet, going upon or across the said Road at or near Mereworth Cross, to or from Work in the Abbey or Herst Woods; or for any Post-horse or Carriage carrying any Mail or publick Packet; or for the Horses of any Soldiers that are upon their March; or for the Horses, Waggons, Carts, or Carriages, employed in the drawing or carrying the Arms or Baggage of such Soldiers; or for Horses, Carts, or Carriages, travelling with Vagrants sent by lawful Passes, or returning after having been so employed; nor for any Horse, Mare, Gelding, Mule, Ass; or for any Coach, Chaise, or other Carriage, that shall be going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of Kent, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; any thing herein before contained to the contrary notwithstanding: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being duly intitled to the same, every such Person shall forfeit and pay the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein after directed to be applied.

Penalty of making illegal Claims.

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

Penalty of obstructing Officers in their Duty, &c.

Penalty on giving or receiving Tickets, &c.

or taking off Horſes, &c.

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

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

to avoid paying the Tolls.

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

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, 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 Tolls arising by virtue of this Act, upon the said respective Roads, or any Part of such Tolls (the Costs and Charges of mortgaging and assigning the same to be paid out of the said Tolls respectively) for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Seven or more of them, to such Person or Persons, his, her, or their, Trustee or Trustees who shall advance and lend the same, to secure the Payment thereof, with Interest for the same; and the Dates and Contents of all such Mortgages and Assignments shall be entered in a Book or Books, to be kept for that Purpose by the Treasurer or Clerk to the said Trustees; but no Money shall be borrowed upon the Credit of any of the said Tolls after the First Meeting of the said Trustees, unless Notice in Writing be for that Purpose fixed upon all the said Gates or Turnpikes, at least Ten Days before the Borrowing of such Money; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, 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 Securities, 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 transfer or assign over such Security or Securities, and all the Monies, both Principal and Interest, that shall be due thereon, to any Person

10 Days Notice thereof to be given.

Assignments may be transferred.

Entries of all Assignments to be made.

or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Treasurer or Clerk, who shall cause an Entry to be made thereof, containing the Dates, 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 original Mortgages or Assignments; for which such Treasurer or Clerk shall be paid the Sum of One Shilling, and no more; and which said Book and Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee or Assignees, his, her, and their, Executors and Administrators, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge, the same, or any Interest or Money due thereon.

Clerk's Fee.

All Creditors deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing or lending any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, to be collected upon the said respective Roads, in respect to the Priority of advancing or lending such Sum or Sums; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall, in Proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree one with another.

Trustees may appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, by Writing under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and One or more Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees, or any Seven or more of them, shall think necessary; and take such Securities for the due Execution of their several and respective Offices, as the said Trustees, or any Seven or more of them, shall in their Discretion think fit; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from time to time, to remove or displace, and to appoint others in the room of such of them as shall be so removed, or shall resign, or shall die; and may and are hereby impowered, by and

and remove them, and appoint others.

out

out of the Money arising by the said Tolls, to allow and pay to such Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person and Persons as shall be aiding or assisting them, or any of them, in their respective Offices or Places, or in or about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service in those Respects, as to the said Trustees, or any Seven or more of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail: And all such Officers and Persons shall from time to time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, true and perfect Account and Accounts, in Writing under their respective Hands, upon Oath (which Oath such Trustees, or any Two or more of them, are hereby impowered to administer) of all Monies which shall have been by them respectively had, collected, or received, and how, and to whom, and for what Purposes such Monies, and every Part thereof, hath or have been disposed of or applied, together with proper Vouchers and Receipts of such Payments, and shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Account or Accounts, shall appear to be in their several and respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same: And if any of the Officers or Persons, being required so to do, shall refuse or neglect to render and give up such Account or Accounts as aforesaid, or shall refuse or neglect to produce and deliver up the Receipts and Vouchers relating to the same, or to verify the Articles thereof, upon his or their Oath or Oaths; or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands, in Manner as aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint (within Ten Days after being thereunto required by the said Trustees, or any Five or more of them)

Trustees to allow Officers Salaries.

Victualler not to hold a Place of Profit.

Officers refusing to account, may be sued.

them) all the Books, Papers, and Writings in his or their respective Custody or Power, relating to the Execution of this Act; then and in each, any, or either of the said Cases, it shall and may be lawful for any Two or more Justices of the Peace for the Western Division of the County of Kent, and such Justices, upon Complaint thereof being made to them, are hereby authorized and required to make Enquiry concerning such Refusal or Neglect, as well by the Confession of the Party or Parties respectively, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward) and if any such Officers or Persons shall be convicted of any or either of the Offences aforesaid, such Justices shall commit every such Offender to the Common Gaol of the Western Division of the said County, there to remain without Bail or Mainprize, until he or they shall give and make a true and perfect Account or Accounts, and Payment as aforesaid, or until he or they shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as the said Trustees, or any Five or more of them, shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he or they 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.

Offender to be committed, until Payment or Composition be made.

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

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors appointed by virtue of this Act, or any Person or Persons who shall by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, be employed for that Purpose, from time to time, to cut, dig, gather, take, lead, and carry away any

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

any Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials, proper for repairing the said Highways or Roads, in, upon, or out of, or from any Waste or Common Grounds, River, or Brook, in any Town, Parish, Hamlet, or Place, through which the said Roads do lead, or in or upon, or out of, or from the Waste Grounds or Commons, River or Brook, of any other Town, Hamlet, Parish, or Place, near to the said Roads, to be used and applied in repairing and widening the said Roads, without paying any Thing for the same, such Surveyor or Surveyors, or other Person or Persons, filling up the Pits and levelling the Ground from which such Materials shall be taken, or causing the same to be done, or otherwise sufficiently fenced in and secured; and where there is not sufficient of such Materials to be had or found in or upon any such Waste or Common Grounds, Rivers or Brooks, then, and in such case, to cut, dig, gather, take, lead, and carry away, any Quantity or Quantities of Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, or from the Lands or Grounds of any Person or Persons where the same may be had or found, such Lands or Grounds not being a Yard, Garden, Orchard, Park, planted Walk or Walks of Trees, or Avenue to a House, they the said Surveyors, or other Person or Persons by them employed as aforesaid, or some or One of them, having an Order from the said Trustees, or any Five or more of them, for so doing, and paying, or offering to pay, to the respective Owner or Owners, Occupier or Occupiers of such Lands or Grounds, such Damages for the Materials, and for carrying the same over his, her, or their respective Lands or Grounds, as the said Trustees, or any Five or more of them, shall adjudge and think reasonable; and in case of any Differences between the said Trustees, Surveyors, or other Persons by them employed as aforesaid, and the said Owners and Occupiers, or any other of them, concerning the said Damages, the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace to be holden for the Western Division of the said County of Kent, shall and may, and they are hereby impowered and required (on Eight Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Place or Places of Abode, with some or One

without paying for the same;

levelling the Pits.

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

making Satisfaction to the Owners.

Justices to determine Differences.

of

of their respective Families) to hear, settle, and determine the Matter of the said Damages, whose Judgement or Order therein shall be final and conclusive to all Parties.

Penalty on taking away Materials dug from Quarries for the Use of the Roads.

Provided also, and be it enacted, That if any Owner or Occupier of any Grounds or Soil, or any Person whatsoever, shall take and carry away any Materials whatsoever which shall have been cut, got, digged, or gathered, in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Use or Purpose of repairing the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or used for the Purpose of getting such Materials, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein, by the Space of Six Calendar Months (except the Owner or Occupier of any private Ground, for his own private Use, and Persons authorized by such Owner or Occupier to get Materials therein, for his own private Use only, and not for Sale) every Person so offending shall forfeit and pay, for every such Offence, the Sum of Forty Shillings.

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

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Seven or more of them, shall think it necessary to widen or alter any Part or Parts of the Roads by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways, then it shall and may be lawful for the said Trustees, or any Seven or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments, lying by the Side or Sides of, or near to, any Part or Parts of the said Roads, or either of them, or that shall be proper or convenient for widening, turning, or altering, any Part or Parts of the said Roads (provided that such Part or Parts of the said Roads as shall be so widened, turned, or altered, be not thereby made wider than the Breadth of Forty Feet including the Ditches) and to pay for the same Lands and Hereditaments by and out of the Tolls and other Monies to be raised by virtue of this Act, upon or on account of the respective Roads so intended to be widened, turned, or altered; and all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on Behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with

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

the said Trustees by this Act appointed or to be appointed, or any Seven or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey such Lands and Hereditaments to the same Trustees, or any Seven or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever.

Persons refusing to treat,

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee, or other Person or Persons whatsoever, intitled to, or interested in, any Lands or Hereditaments, which the Trustees appointed or to be appointed by virtue of this Act, or any Seven or more of them, shall think necessary to be purchased for the widening, turning, or altering, any Part of the said respective Roads by this Act intended to be repaired, or any Part thereof, shall, upon Application to them, or any or either of them, for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of such Lands or Hereditaments, or if, by reason of their or any of their Absence or distant Residence from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to, or treated with, for that Purpose, or if treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments; then, and in either of such Cases, the said Trustees, or any Five or more of them, may, and are hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein such Lands or Hereditaments do lie, or his Deputy, to impanel, summon, and return, a Jury of Twenty four honest and disinterested Men of the said County to be and appear before the said Trustees, at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Twenty clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff, or his Deputy, then and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return, the said Jury accordingly, given to each Juryman at least Eight clear Days Notice of the Time and

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

Place of his Attendance, and the said Jurymen are thereby required to attend accordingly: And the said Trustees, or any Five or more of them, having caused Fourteen clear Days Notice in Writing, under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to be left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Nature, Situation, and Quantities of such Lands or Hereditaments, and the Time when, and Place where, the said Jury are to meet to assess and ascertain the Value thereof, they the said Trustees, or any Five or more of them, may proceed to enquire by Twelve of the said Jurors, on their Oaths, of the Value of such Lands and Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff, or his Deputy, shall return other like Persons of the By-standers, or that may conveniently be had for the Service; and to which Jurors all Parties interested shall have their lawful Challenges: And the said Trustees, or any Five or more of them, having given the Nature of the Inquiry in Charge to the said Jury that shall be sworn, may and are hereby impowered to send for, summon, and examine all proper Persons, on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments, and, if needful or required, to cause the Jury sworn to view the said Lands or Hereditaments; and to take such other Measures to inform themselves and the Jury sworn concerning the Natures and Values of the said Lands and Hereditaments, as they shall think proper; and the said Jury, being so informed, shall by their Verdict assess and ascertain the Value of the respective Lands and Hereditaments that shall have been given them in charge, to inquire of; and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquest, shall thereupon adjudge the Sums of Money assessed by the said Juries, as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries, and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Feme Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof. And if any such Sheriff, or his Deputy, shall refuse

Jury to assess the Recompence.

Jurors may be challenged. Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office relating to the Premisses; or if any Juryman, so summoned as aforesaid, shall not appear, or, appearing, shall refuse to be sworn, or, if sworn, shall not find his Verdict concerning the Matters that shall be given him in charge; or if any Witness, being sent for or summoned to appear and give Evidence to the said Trustees and Juries, shall not appear, or, if appearing, shall refuse to be sworn, and thereupon to give his Evidence concerning the Matters aforesaid; every such Sheriff, Deputy, Juryman, and Witness, shall, for every such Refusal, Neglect, or Offence, forfeit the Sum of Ten Pounds.

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

Fine to be 10*l.*

And be it further enacted by the Authority aforesaid, That all Conveyances Lands and Hereditaments, that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries and Judgements of the Trustees, concerning the Value of Lands and Hereditaments that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the County where the same shall lie; and that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration-monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries to the Person or Persons intitled to the same; or in case of Want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then, on leaving the same with the said Clerk of the Peace or his Deputy, for the Use or Uses of the Person or Persons intitled thereto, it shall be lawful for the said Trustees to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway; and the said Lands and Hereditaments shall from thenceforth for ever afterwards be deemed, taken, and used as a publick Highway or publick Highways, and shall be repaired and kept in Repair in the same Manner, and by the same Means and Powers, as the Roads by this Act intended to be repaired are hereby directed so to be; and after any such new Road shall be compleated, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private Lands to which such new Road doth not lead or communicate, shall be and are hereby vested in, and may be exchanged or sold and conveyed by, the said Trustees, or any Seven or more of them,

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

and esteemed a publick Highway.

Old Road may be sold.

them, for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the said Tolls to be taken upon such respective Road are hereby directed to be applied.

Buildings, &c. not to be injured.

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That the Powers and Authorities given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, which have or hath been planted Six Months before the passing of this Act; any thing herein contained to the contrary notwithstanding.

Sir *Philip Boteler* to make a new Road from *Maidstone* to *Teston*;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for Sir Philip Boteler, in the said County of Kent, Baronet, his Heirs, or Assigns of his Manor and Lands in Teston, and they are hereby required to make a new High Road leading from Maidstone to Teston Church, through and over the Corner of a Close called Chalk Ruff, in the Possession of Amherst Gentleman, and from thence through an Aldershaw and an Orchard, and also a Meadow belonging to Sir Philip Boteler, into the High Road leading from Teston Bridge to Teston Church; which Road shall be Thirty Feet broad at the least, and shall be made proper and commodious for the Passage of Carriages, Horses, and Foot Passengers, the Expence whereof shall be paid by the said Sir Philip Boteler, his Heirs or Assigns as aforesaid; and that immediately after the compleating of the said Road, the same shall be viewed and approved by Seven or more of the said Commissioners, who shall certify their Approbation thereof, and such Certificate signed by them, shall be entered by the Clerk of the said Turnpike in the Book kept for the Entry of the Proceedings of the said Turnpike; and from thenceforth the said Way so set out and made good as aforesaid, shall be, and be deemed to be, a publick Highway, to all Intents and Purposes whatsoever, and also shall be deemed and taken to be Part of the Road intended to be made good and repaired by virtue of this Act; and the Ground and Soil of the present Road from the said Place where the said intended new Road entering into Chalk Ruff, now leading by the Garden Wall of the said Sir Philip Boteler to the Top of Teston Hill, into the present Road leading from Teston Bridge to Teston Church, shall be from thenceforth vested in the said Philip Boteler, his Heirs and Assigns for ever, and may be by him

Old Road thereupon to vest in him, &c.

him or them stopped up and converted to his or their own Use or Uses, as Part of his and their Estate; any thing herein contained to the contrary notwithstanding.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall employ or appoint from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Timber, Wood, Rubbish, or otherwise, and to turn, alter, scour, or cleanse, any Watercourses, Sinks, Ditches, or Drains, running into, along, cross, or out of the said Roads, and to make the same as deep and large as he or they shall think proper and necessary, and to cut down, lop, or top, any Tree or Trees, or Bushes, growing in or near to the said Roads, or in the Hedges or Banks adjacent thereto, and to take, remove, and carry away, the same, and to plash or lower any Hedges adjoining to the said Roads, in case the Owners or Occupiers of the Premisses shall neglect to remove the same; or to cut down, lop, or top, or carry away such Tree or Trees, or Bushes, or plash or lower such Hedge as aforesaid, or to turn, open, scour, or cleanse, such Watercourses, Sinks, Ditches, or Drains, or remove such other Annoyances, for the Space of Twenty Days next after Notice given for that Purpose by the said Surveyor or Surveyors, the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person shall, for every such Second Offence, forfeit and pay the Sum of Twenty Shillings.

and cut down Trees,

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor,

Penalty of a Second Offence.

Surveyors to make Causeways, cut Drains, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, (by Order of the said Trustees, or any Five or more of them) to make, or cause to be made, Causeways, and Drains, in and upon the said Roads, and also to cut and make Ditches or Drains through any Lands or Grounds lying contiguous thereto, and to erect or keep in Repair Bridges or Arches of Brick, Timber, or Stone, upon the said Roads, or enlarge any Bridges or Arches already made, and to divert and

turn the said Roads, or any Part or Parts thereof, over any Part of the Woods, Commons, or Waste Grounds adjoining thereto, or through which the said Roads do now pass; and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as the said Surveyor or Surveyors shall think necessary for the better amending and keeping the said Roads in good Repair and Condition; and also to make, or cause to be made, a Road or Way through, over, and along the Lands or Grounds adjoining on any narrow, ruinous, or incommodious Part or Parts of the said Highways or Roads hereby intended to be repaired, (not being a Yard, Garden, Orchard, Park, planted Walk or Walks, or Avenue to a House, which have or hath been planted Six Months before the Passing of this Act) to be made use of by all Passengers with Cattle, Carriages, or otherwise, as a Publick Highway or Road, whilst the old Road is repairing, altering, or widening; and till such Time as it shall be convenient and safe for Passengers and Carriages to pass along the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds respectively, which shall be so laid in or unto the said Roads, or through which any such Drain or Drains shall be cut, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace to be holden for the County, Division, or Place, wherein such Lands or Grounds shall lie, and they are hereby impowered and required to hear, settle, and finally determine, what Recompence shall be made to such Owners or Occupiers for the respective Damages sustained as aforesaid, whose Judgement or Order therein shall be conclusive to all Parties concerned.

and make a temporary Road;

making Satisfaction to the Owners;

Justices to determine Differences.

Provided nevertheless, and it is hereby enacted and declared, That all and every Person and Persons, who are any ways liable or chargeable towards repairing, supporting, and amending the said Roads, or any Part or Parts thereof, or any Bridges or Arches upon or across the same, shall still remain and be liable and chargeable to such Repairs, in such and the same Manner, as before the Passing of this Act they are liable

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

and

and chargeable, except so far as is herein or hereby otherwise directed.

Persons liable to do Statute-work to continue so.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places, through which the Roads by this Act intended to be repaired do lead, and that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly and every Year do so much of such Statute-work or Duty in such Part or Parts of the said Roads as doth or do lie in such Parishes, Hamlets, and Places respectively, and in such Places thereof, and at such Times (the same not being in Hay-time or Harvest) and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by virtue of this Act appointed, or either of them, shall for those Purposes direct or appoint, and shall with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Ten Days next after Notice in Writing to him or them for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to Teams Duty, and which of them are Labourers, or liable only to do Labourers, or any and what other Duties to the Highways; and if any or either of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do their respective Statute-work or Duty on the said Roads, at such Times and Places, and in such Manner, as according to the Powers by this Act given he shall be directed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work, every such Person, for every such Neglect or Offence, shall forfeit the several and respec-

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

Penalty on Persons not performing Statute-work.

five Sums herein after-mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings; and every Person liable to do a Labourer's Duty only, the Sum of Two Shillings; and if any or either of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time or in the Manner herein before for those Purposes mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant, shall, for every such Neglect or Offence, forfeit the Sum of Five Pounds.

Trustees may compound for Statute-work.

Provided also, and be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, to compound or agree for any Term not exceeding One Year, with the Owners, Possessors, or Occupiers of Lands, Grounds, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part or Parts of the said Roads, or with any Person or Persons for the Performance of his, her, or their Statute-work thereon: And also that it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, Hamlets, 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, Parishes, Hamlets, or Places, first had at any Vestry, or other publick Meeting of such Inhabitants respectively, to compound or agree for any Term not exceeding Three Years, with the said Trustees, or any Five or more of them, or with the Surveyor or Surveyors appointed by virtue of this Act, for and in lieu of the Statute-work to be performed by such respective Inhabitants or Persons upon the said Roads: All which Composition-money shall from time to time be paid in advance into the Hands of the Treasurer or Clerk, and shall be applied in Repair of the said Roads lying in such respective Township, Parish, Hamlet, or Place: And all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Money so by them respectively paid, in such Manner and by such Ways and Means as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them respectively expending in repairing the Highways.

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

And

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall for that Purpose authorize or appoint, are hereby impowered from time to time to contract or agree with any Person or Persons for the repairing, widening, altering, or amending, the Roads by this Act directed to be repaired, or any Part or Parts thereof, and for erecting Mile-stones or Posts thereon, in such Manner, and for such Sum or Sums of Money, as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to an Order made at any Meeting by the said Trustees, or any Five or more of them, shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may contract for repairing the Roads, and erecting Mile-stones.

All Contracts, &c. entered into by the Trustees, deemed valid.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and are hereby impowered and required, to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up on the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles, and Distance of Places, as they, or any Five or more of them, shall think fit: And that if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions or Letters which shall be engraved or made thereon, or any Part thereof, or cause or procure or encourage any Person or Persons to do the same, every such Person so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings for each and every Stone or Post so wilfully or designedly broken, obliterated, defaced, injured, or pulled down, to be levied and recovered by Distress and Sale of the Goods and Chattles of such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County of Kent, before whom such Conviction shall be made; One Moiety of which Penalty shall go to the Informer, and the other Moiety thereof shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, defaced, or injured, or in supplying new ones in their Stead;

Roads to be measured, and Mile stones erected.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

Stead; and if there shall be any Overplus, the same shall be laid out and applied in repairing the said Roads: And in case the said Penalty shall not be forthwith paid upon Conviction of the Offender or Offenders, that then it shall and may be lawful for the said Justice or Justices before whom such Offender or Offenders shall have been convicted as aforesaid, or for any other Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction for the said County of Kent, there to remain without Bail or Mainprize, for any Time not exceeding One Calendar Month, or until such Penalty or Penalties shall be paid, or such Conviction or Convictions, as aforesaid.

Penalty on haling Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, 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 or trail upon any Part of the said Roads, to the Prejudice of such Roads, or draw any Plough upon or across the said Roads, or any Part thereof, whereby the said Roads, or any Part thereof, shall or may be prejudiced; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on obstructing Officers in their Duty.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times during the Continuance of this Act, assault, interrupt, hinder, or disturb, or cause or attempt to be assaulted, interrupted, hindered, or disturbed, any Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers appointed by virtue of this Act, or any of them, in the Execution of his or their respective Offices, Duties, or Places, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, employed in the Execution of this Act, or employed in the cutting, digging, taking, or carrying away, of any Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials for the repairing or widening the said Roads, or any Part thereof, or in topping, lopping, cutting down, or removing, any Tree or Trees, or Bushes, as aforesaid, or in digging, cleansing, or scouring, of any Ditch, Drain, Sink, or Watercourse, or in plashing or cutting any Hedge or Hedges, or in doing any other Act,

Matter, or Thing whatsoever, in or upon or for the repairing, widening, or altering the said Roads, or any Part thereof, or otherwise, in or for the Execution of the Powers and Authorities hereby given, or any of them; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures herein or hereby inflicted (the Manner of Recovery and Levying whereof is not herein or hereby otherwise particularly prescribed or directed) shall, upon Proof of the Offence or Offences respectively before any Justice or Justices of the Peace for the County of Kent, either by the Confession of the Party or Parties, or by the Oath or Oaths of One or more Witness or Witnesses, be levied and recovered by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices; which Warrant or Warrants any such Justice or Justices is and are hereby authorized and required to grant for those respective Purposes, and to administer such Oath and Oaths gratis; and the Overplus remaining, after such Penalties and Forfeitures are recovered, and the Charges of such Distress and Sale are deducted and paid, shall be returned on Demand to the Owner or Owners of such Goods and Chattles; which said Penalties and Forfeitures, so levied as aforesaid, or otherwise paid, and every Part thereof (if not otherwise directed to be applied by this Act) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers, Clerk or Clerks, for the time being, and shall be applied and laid out in the Repair of the said Roads respectively; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for any such Justice or Justices, and he or they are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the Western Part of the said County of Kent, there to remain without Bail or Mainprize, for any Time not exceeding Three Months for the First Offence, or until such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and for the Second Offence, and any other Offence of the same Kind or Nature, for any Time not exceeding Six Months, nor less than Three Months, or

until

until such Penalties and Forfeitures, and all reasonable Charges, shall be fully paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided nevertheless, That if any Person or Persons shall think him, her, or themselves aggrieved by any Matter or Thing done by virtue or in pursuance of this Act, and for which no particular Method of Relief hath been already prescribed or appointed) such Person or Persons may, within the Space of Four Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the County, Division, or Place, wherein the Offence was committed (he, she, or they, causing Eight intire Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Clerk or Treasurer for the time being to the said Trustees, or to some or One of the Receivers or Collectors of the said Tolls, or Surveyors of the said Road, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, Division, or Place, with Two sufficient Sureties that are Housholders, conditioned to try such Appeal at, and abide the Order or Judgement of, and pay such Costs as shall be awarded by such Justices at such Quarter Sessions) which said Justices at their said Sessions, or the major Part of them, upon due Proof of such Notice being given, and of entering into such Recognizances as aforesaid, shall and are hereby directed to proceed in, hear, and determine, the Causes and Matters of such Appeals, and every of them, and shall give such Relief and Costs to the Parties appealing or appealed against, as they or the major Part of them in their Discretion shall judge proper and reasonable; and their Judgements and Orders therein shall be final and conclusive to all Parties concerned.

Commencement and Continuance of this Act.

And be it enacted by the Authority aforesaid, That this present Act, and the several Tolls, Authorities, and Powers, herein and hereby made payable and given, shall commence and have Continuance from the Twentieth Day of May, in the Year of our Lord One thousand seven hundred and sixty five, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of the Powers and Authorities hereby to them given, relating to the said Roads respectively, shall, from time to time, be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings so entered, shall

shall be signed by the Clerk or Clerks to the said Trustees; and such Orders shall be taken and deemed to be original Orders; and which said Book or Books, and also the Book or Books directed to be kept for the registering of the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever. Books may be read in Evidence.

Provided always, That no Nomination, Appointment, Order, Conviction, Judgement, Warrant, Mortgage, Assignment, Transfer, or other Security for borrowing of Money, or other Writing or Instrument whatsoever, relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought by any Person or Persons, for any thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, every such Action or Suit shall be commenced within the Space of Six Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County or Place where the Cause of Action shall arise, and not elsewhere; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter in Evidence, on any Trial or Trials which shall be had thereupon; and that the Matter or Thing was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance of such his, her, or their Action or Actions, Suit or Suits, or if upon any Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgement shall be given for the Defendant or Defendants therein; then, and in either and in every of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedies for recovering the same, as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

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

FINIS.