Anno ſexto

Georgii III. Regis.

An Act for amending and widening the Road from the Town of *Biddenden*, in the *Weald* of *Kent*, through the Towns of *Smarden* and *Charing*, to join the Turnpike Road which leads from *Aſhford* to *Feverſham*, at a Place called *Bound Gate*.



WHEREAS the Road leading from the Town of Biddenden, in the Weald of Kent, through the Town of Smarden, to Pluckley Hill; and from thence through Charing Town to Bound Gate, to join the Turnpike Road which leads from Aſhford to Feverſham, in the ſaid County, is in a ruinous Condition, and in ſeveral Parts narrow and incommodious, and cannot be effectually amended, widened, and kept in Repair, by the ordinary Courſe of Law: May it pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable George Sackville Eſquire, commonly called Lord George Sackville; the Honourable Robert Fairfax, Sir Brook Bridges, Sir Edward Dering, Sir Edward Knatchbull, Sir John Honywood, Sir Thomas Hales, Sir Edward Hales, Sir Philip Boteler, Sir

Preamble.

Truſtees Names.

Qualification of Trustees 929

Sir William Fagg, Sir John Fagg, Baronets, Sir Thomas Ryder Knight, John Abbott, Thomas Bell, James Brockman, Thomas Blackmore, William Blackmore, Edward Belcher, Stringer Belcher, Francis Brook, Peter Berry, the Reverend Bedford Rector of Smarden, Richard Beale, Seaman Beale, George Bucklunt, John Burridge, William Byham, George Carter, William Champney, John Cook senior, John Cook junior, Alexander Courthope, Lewes Cage, John Christian, John Tempest Christian, Jeremiah Cliff, William Curteis, Samuel Curteis, Edward Curteis, Richard Curteis, Jeremiah Curteis, Philip Darell, Henry Darell, James Darell, the Reverend Silas Drayton, the Reverend Joseph Disney, William Deeds, John Dyne, Williams Emmett, William Glanville Evelyn, George Evelyn, Benjamin Hatley Foote, the Reverend Francis Hender Foote, Edward Finch, William Finch, the Reverend Friend of Fittenden, William Glanville, the Reverend William Gurney, Thomas Hodges, Thomas Hooker, Thomas Hulley, Jenkin Hague, Richard Haffenden, James Haffenden, John Haffenden, John Hodges, Richard Harcourt, the Reverend Jones Rector of Pluckley, Thomas Knight, Thomas Knight junior, the Reverend Johnson Lawson, William Lott, Stephen Luffington, Robert Monypenny, James Monypenny, Horatio Mann, Edward Louisa Mann, John Marshall, John Marshall, the Reverend John Mather, Matthew Robinson Morris, Thomas Morphett, John Norris, John Norris junior, Charles Ottaway, Charles Ottaway junior, William Pattenson, William Pattenson junior, Francis Pool, Josias Pattenson, Samuel Pattenson, the Reverend Josias Pomfrett, the Reverend Edmond Marshall of Charing, Thomas Plummer, Joseph Puxty, Doctor Isaac Rutton, Richard Righton, Benjamin Righton, John Sawbridge, the Reverend Wanley Sawbridge, John Elias Sawbridge, George Sayer, Robert Stace, Robert Stace junior, John Scott, Francis Talbot Scott, Samuel Shepperd, John Toke, the Reverend Nicholas Toke, William Tempest, George Tempest, John Taylor D. D. Thomas Thompson, Thomas Viny, John Usher, Thomas Usher, Charles Whitworth, the Reverend Granville Wheler, Granville Wheler junior, Thomas Willmott, Edward Willmott, Thomas Witherden, John Willard, William Weeks, the Reverend Edward Watkinson Rector of Little Chart, Alexander Weller,

Penalty on acting if not qualified.

Trustees may erect Turnpike and Toll-houses &c.

shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, widening, amending, repairing, and keeping in Repair, the said Road, and likewise for putting in Execution all other the Powers in and by this Act given.

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

Qualification of Trustees.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect, or cause to be erected, a Turnpike or Turnpikes, Gate or Gates, upon or cross any Part or Parts of the Road hereby intended to be repaired, at such Place or Places, in such Manner, and so many in Number, as they the said Trustees, or any Seven or more of them, shall think proper, so as the Number of Turnpikes or Gates to be erected upon or cross the said Road do not exceed Five; and also shall and may erect, or cause to be erected, a Toll-house or Toll-houses, in or upon the said Road, at each of the said Turnpikes or Gates, and shall and may demand, receive, and take, at all and every or each such Turnpike or Gate, the several and respective Tolls following, before any Cattle or Carriage whatsoever shall be permitted or suffered to pass through the same, or any of them; that is to say,

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

The Tolls.

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

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

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

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

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

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

And the same Toll shall be paid for every Pair or Yoke of Oxen, drawing in any Carriage, as for One Horse.

Toll to be paid at every Gate.

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

Trustees may erect Side-gates,

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, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side of the said Road, or at the End or cross any Lane or Way leading into the same, as near as conveniently may be to the Sides or Ends of such Lanes or Ways,

and there to demand and to take such Tolls as by this Act are appointed to be demanded and taken. and take Toll thereat.

Provided nevertheless, That all and every Person or Persons, having paid for passing through any Gate or Turnpike so to be erected on the Sides of the said Road as aforesaid, and producing a Note or Ticket of such Payment, shall pass through the next of the said Turnpikes erected upon and cross the said Road Toll-free; or if any Person or Persons having passed through any of the said Turnpikes so to be erected upon and cross the said Road as aforesaid, and having paid the Tolls at such Turnpike or Turnpikes, such Person or Persons, upon producing a Note or Ticket of such Payment, shall pass Toll-free through any Gate or Turnpike so to be erected on the Sides of the said Road. Tolls to be paid but Once a Day at the Side-gates.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged or chargeable with any of the Tolls aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, for any Cattle or Carriages going empty for, or returning laden with, any Materials for repairing the said Road, or for mending any of the Highways in the respective Parishes in which the said Road by this Act directed to be repaired doth lie; or going or returning through any of the said Turnpikes, for or with Dung, Mould, Marl, or Compost, or other Materials (Chalk and Lime excepted) for manuring of Land; nor any Hay, Seeds for Fodder, or Corn in the Straw (not for Sale) but intended to be laid up in Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes or Places in which the said Road hereby intended to be repaired doth lie; nor for any Carriage, Horse, or other Beast, laden with undried Hops; nor for any Ploughs, Harrows, or other Implements of Husbandry; nor shall any of the Tolls be demanded of or taken from any Person or Persons residing in any of the said Parishes in which the said Road hereby directed to be repaired doth lie, who shall pass through any of the said Turnpikes or Side Gates, to or from their own respective Church or Chapel, or other Place or Places of Religious Worship, on Sundays, or for any Horses, Mares, Geldings, or Cattle, belonging to any of the Inhabitants of the Parishes wherein the said Road doth lie, going to or returning from Pasture or Watering Places; nor for any Post Horse carrying or drawing any Mail or Packet; nor for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons attending Exemptions from Tolls.

ing them, laden with their Arms or Baggage; or for any Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes; nor for Horses drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, or Chair, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire for the said County, on the Day or Days of such Election; nor shall any Toll be taken or demanded at any Turnpike erected, or to be erected, across or on the Side of the Road leading from the Market-house, in the Town of Biddenden aforesaid, to Castleden Oak, in the Parish of Biddenden; or from Milkhouse Street, in the Parish of Cranbrook, to the Town of Biddenden aforesaid, for any Waggon, Wain, or Cart, or for the Horses or other Cattle drawing the same, which shall be employed by the Direction of the Surveyor or Surveyors to the said Trustees, and shall be actually going empty for, or returning laden only with, Materials to be made use of in amending the Road hereby directed to be repaired, for any such Carriage or Cattle passing or repassing, at any Time or Times, through any Turnpike erected across or on the Side of any Road, directed to be repaired by any Act of Parliament, and which shall only cross any such Road, or shall not pass along the same above the Distance of Two Miles; nor for any Horse or other Cattle, which shall draw any Waggon, Wain, or Cart, which shall be employed by Direction of any Surveyor of any other Turnpike Road, and shall be actually going empty for or returning laden only with Materials to be made use of in amending such Turnpike Road, for any such Carriage or Cattle passing or repassing, at any Time or Times, through any Turnpike or Gate erected across or on the Sides of the Road directed to be repaired by this Act, and which shall only cross the said Road, or shall not pass along the same above the Distance of Two Miles; any thing contained in any Act or Acts of Parliament, or in this present Act, to the contrary in any wise notwithstanding.

Penalty on making illegal Claims, &c.

Provided nevertheless, That if any Person or Persons shall claim or take any Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be applied to the Use of the Informer, and the other Moiety thereof to be applied towards amending the said Road.

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

Provided always, and be it further enacted by the Authority aforesaid, That all and every Carriage and Carriages

riages laden with Timber, Goods or any other Items passing through any Side Gate, Turnpike or Turnpikes to be erected by virtue of this Act between the First Day of October and the First Day of May in every Year during the Continuance of this Act, shall pay double at each Side Gate or Turnpike through which such Carriage or Carriages so laden shall pass; any thing in this Act contained to the contrary notwithstanding.

Tolls to be paid but Once a Day;

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons having paid the Tolls, hereby directed to be paid, at any of the Turnpikes erected by virtue of this Act, through which such Person or Persons shall pass with any Horse, Mare, Gelding, Mule, or Ass, or any Cattle, and producing a Note or Ticket that such Toll was paid (which Note or Ticket the Collector or Collectors is and are hereby required upon Demand to give) shall not be liable to pay again for passing or repassing through the same Turnpike the same Day, or before Twelve of the Clock at Night, with the same Horse, Mare, Gelding, Mule, Ass, or other Cattle; but if any Person or Persons shall pass the same Day through the said Turnpike a Third Time with any Carriage whatsoever, then such Person or Persons shall be liable and compellable to pay the said Toll hereby imposed on such respective Carriage, and to receive another Note or Ticket (which the Collector or Collectors is and are hereby required to deliver as aforesaid) which shall intitle him or them to return through the same Gate with the same Carriage, upon the same Day, Toll-free, and so toties quoties, for every Third Time the said Person or Persons shall pass and repass the same Day, through the same Gate or Turnpike on the said Road, with the said Carriage as aforesaid.

except where the same Cattle and Carriage shall pass a Third Time through such Gate.

Trustees may compound with Travellers, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to compound or agree with any Person or Persons, by the Year or otherwise, for passing through any Turnpike to be erected by virtue of this Act, provided that such Person or Persons shall dwell within the Space of Forty Rods from such Gate or Turnpike, and provided that such Person or Persons shall not carry Goods for Hire.

Tolls vested in Trustees.

And be it further enacted by the Authority aforesaid, That all and every the several and respective Sums of Money, so to be demanded, received, and taken, shall be demanded, received, and taken in the Name of, and as a Toll; and the Money so hereby to be raised

and collected, is hereby vested in the said Trustees; and the same, and every Part thereof, as also all and every Sum and Sums of Money to be borrowed on the Credit thereof, shall be applied in the first Place to pay and discharge all the Expences and Costs of procuring and passing this Act, and the Remainder thereof shall be applied in erecting Turnpikes and Toll-houses, Gates and Fences, and in repairing, widening, and amending, the said Road, and keeping the same in Repair, and in defraying the necessary Costs, Charges, and Expences, attending the same, and to no other Use or Purpose whatsoever: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more them, under their Hands and Seals, shall from time to time nominate, to levy the said Tolls upon any Person or Persons who shall, after Demand thereof, refuse or neglect to pay the same, by Distress of any Horse or Horses, or any other Goods and Chattles, upon which such Tolls are by this Act imposed, or by Distress of any the Goods and Chattles of such Person or Persons who ought to pay the same; and such Distress to detain, until such Toll, with the reasonable Charges of making and detaining such Distress, shall be paid; and after the Space of Four Days next after such Distress made, to sell the same, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges for the making, keeping, and selling such Distress, shall be deducted and paid.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Fences, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials for building or making the same, or for repairing the said Road, shall be vested in the Trustees appointed or to be appointed by or in pursuance of this Act; and they, or any Seven or more of them, are hereby impowered to dispose thereof as they shall think proper; and to bring Actions in the Names of any Three or more of them, or in the Name or Names of their Clerk or Clerks, or Treasurer or Treasurers, for the time being, or to prefer or prosecute any Bill or Bills of Indictment against any Person or Persons who shall disturb them in the Possession of the Property thereof.

Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That no Gate, Turnpike, or Fence, which shall be erected or set up by virtue of this Act, shall at any Time be

No Order made to be repealed, &c. but at a publick Meeting.

be taken down or removed to any other Place, except by Order of the Trustees, or any Twelve or more of them, at a publick Meeting assembled, of which Meeting Fourteen Days Notice shall be given in Writing by the Clerk or Clerks to the Trustees, under his or their Hand or Hands, to be affixed on all the Turnpikes then erected by virtue of this Act; any thing in this Act contained to the contrary notwithstanding.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, at a General Meeting to be held for that Purpose (whereof Notice shall be given in Manner aforesaid, at least Twenty Days before such Meeting) from time to time to lessen and reduce the Tolls granted by this Act, or any of them, in case it shall appear requisite and expedient; and to raise and advance such Tolls again, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so as the respective Tolls so varied do not exceed the Tolls granted by this Act, nor be lessened, until the Money to be borrowed on the Credit thereof, together with the Interest, be repaid, unless all Persons, to whom such Money and Interest which shall be then due, consent thereunto; and such Tolls, so reduced or varied, or any of them, shall be collected, levied, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, levied, recovered, and applied.

and raise them again.

Tolls may be assigned for Money borrowed,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the said Tolls, or any Part thereof (the Costs and Charges of such Assignment and Mortgage to be borne and paid out of the said Tolls, for the Time or Term for which the same are hereby made payable, or any Part of such Time or Term) as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by or out of the Monies arising or to be collected by the said Tolls, with such Interest for the same as the said Trustees, or any Seven or more of them, shall think fit and agree to give, not exceeding Five Pounds per Centum per Annum; which said Money so to be borrowed shall, after paying the Expences of obtaining this present Act, be ap-

plied and disposed of as the said Tolls are to be applied and disposed of by virtue hereof, and to or for no other Use or Purpose whatsoever; and that all and every the original Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees, shall be entered at Length in a Book to be kept by the Clerk or Clerks to the said Trustees.

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

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

Assignments to be transferred.

And be it further enacted by the Authority aforesaid, That all and every the Person and Persons to whom such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or his, her, or their Executors or Administrators, may, from time to time, by proper Words of Assignment, to be indorsed on his, her, or their Security, or by any other Writing or Writings, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and of his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment shall be produced and notified to the Clerk to the said Trustees, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Dates, Parties, and Sums of Money therein mentioned to be assigned, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, Assignment or Assignments, made by the said Trustees; and for which Entry or Memorial the Clerk or Clerks shall be paid Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties, as Occasion may require; and it shall not be in the Power of any Person or Persons who shall make such Assignment, to make void, release, or discharge, the same, or any Monies thereby due, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

Provided

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, upon Six Months Notice to be given them thereof by Writing, under the Hand or Hands of the Clerk or Clerks to the said Trustees, affixed on all the Turnpikes erected by virtue of this Act, from time to time, to lease, demise, and to farm let, by Writing under their Hands and Seals, for any Term not exceeding Three Years, the Tolls by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, for the best Price such Trustees can get, payable at such Times, and in such Manner, as they the said Trustees, or any Nine or more of them, shall think fit, and to be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same; which Monies so to be paid shall be applied as the Tolls are by this Act directed to be applied, and to no other Use whatsoever, Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, in or along the said Road, any Tree or Trees, Piece or Pieces of Timber, Pole or Poles, other than and except upon Wheel Carriages; every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Ten Shillings. Penalty on drawing Timber otherwise than upon Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning or occupying any Messuages or Lands near to any Gate or Turnpike which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any such Lands, Gates, Passages, or private Ways, with any Carriage, Horses, Mares, Asses, Mules, or any Sort of Cattle, on which any Toll is hereby laid; or if any Person or Persons shall, with any Carriage whatsoever, or with any Horse, Mare, or other Cattle, pass through any such Lands, Gates, Passages, or private Ways, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Penalty on permitting private Passage, &c.

or taking off Horses, &c.

Horse, Mare, or other Cattle, from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof, or shall leave, or cause to be left, upon or near the said Road, any Coach, Berlin, Landau, Chariot, Chaise, Marine, Calash, Chair, Waggon, Wain, or other Carriage, Horse, or any other Cattle, with such Intent as aforesaid, every Person offending in any of the Cases aforesaid, shall forfeit and pay the Sum of Twenty Shillings.

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

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

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may choose and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the Tolls aforesaid; and also a Surveyor or Surveyors of the said Road, and all such other Officers as they shall think necessary to employ in the Execution of this Act; and, from time to time, to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new Ones in case of Death or such Removal; and the said Tolls shall be paid, after the Rates aforesaid, to such Person or Persons as shall, from time to time, be so appointed to receive the same; and the Person so appointed to receive the said Tolls, and also such Surveyors, and all Persons any way employed by or under them, or any of them, shall, upon Oath, if thereunto required by the said Trustees, or any Three or more of them (and which Oath any Two of such Trustees are hereby impowered to administer) as often as the said Trustees, or any Three or more of them, shall require, give in a true, exact, and perfect Account in Writing, under their respective Hands, to the said Trustees, or any Three of them, of all Monies which such Persons shall to such Time respectively have received and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in the Hands of such respective Persons, or any of them, the same

and remove them, and appoint others.

Officers to account upon Oath.

same shall be paid to the said Trustees, or any Three of more of them, or to such Person or Persons as they, or any Three or more of them, shall empower to receive the same; and shall be laid out according to the true Meaning of this Act; and the said Trustees, or any Five or more of them, shall and may, out of the said Tolls, or Money to be borrowed on the Credit thereof, make such Allowance to the said Clerks, Collectors, Surveyors, and other Officers, for their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about procuring the said Road to be amended, as to the said Trustees, or any Five or more of them, shall seem reasonable: And in case such Collectors, Surveyors, or other Persons, or any of them, shall not give in such true, exact, and perfect Account, and make such Payment as aforesaid; that then any One or more Justice or Justices of the Peace for the County of Kent, for any Division in which any Part of the said Road doth lie, shall and may make Inquiry concerning such Default in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward); and if such Person shall be thereof convicted, such Justice or Justices shall commit the Party or Parties to the Common Gaol of the County or Place where such Offence shall be committed, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account as aforesaid, or until he shall have compounded or agreed with the said Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to make.

Trustees to allow Officers Salaries.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender,

until Payment or Composition be made.

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

Treasurers to give Security.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Road, out of any River or Brook, or out of any Common or Waste Grounds, not

Surveyors may dig Gravel, &c.

3 H2 any

any Parish wherein or near which the said Road, or any Part thereof, doth lie; and for want of a sufficient Quantity of such Materials there, such Surveyor or Surveyors, and such Persons to appointed by him or them, shall and may dig, gather, take, and carry away, the same, out of any River or Brook, or out of or from any Waste or Common Ground, in any neighbouring Parish, without paying any thing for such Materials; and if there is not a sufficient Quantity of such Materials in such Rivers, Brooks, Commons, or Waste Grounds, it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order of the Trustees, or any Five or more of them, for that Purpose) to dig, pick up, gather, and take away such Materials, and also loose Stones or Flints, in the Fields or Grounds of any Person or Persons whomsoever (not being a Garden, Orchard, Yard, Park, Paddock, Nursery, or planted Walk or Walks, or Avenues to a House) and such loose Stones or Flints to lay in small Heaps, in or on such Fields or Grounds where the same shall be gathered or picked up, there to remain for any Time not exceeding Fourteen Days (without Prejudice or Damage nevertheless to the Corn Seeds, or Sowing Grass, then and there growing or being) such Surveyor or Surveyors paying such Rates for such Materials, and paying or satisfying for any wilful or negligent Damage done, in such Fields or Grounds, by picking up, and laying in small Heaps, such Stones or Flints, to the Owners or Occupiers of the said Fields or Grounds, as the said Trustees, or any Five or more of them, and such Owners and Occupiers, shall think reasonable; and in case of any Difference concerning the same between such Owners and Occupiers, and the said Trustees, the Justices of the Peace, at the next General Quarter Sessions of the Peace to be holden for the said County, shall and may examine Witnesses upon Oath relating thereto, and shall adjudge and finally determine the same, and order the Damages to be paid, by the Treasurer or Treasurers for the time being of the said Road, out of the Money arising by the said Tolls; from which Determination there shall be no Appeal.

Without paying for the same.

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

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, or Person or Persons by them, or any of them, appointed, may and is hereby authorized and impowered to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part of the said Road; and shall and may build, or cause to be built, any Bridges in, upon,

Surveyors may make Causeways, &c.

upon, or cross the said Road, or any Part thereof; and cut or cause to be cut any Watercourses, in, through, or cross, any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Three or more of them, shall seem reasonable.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time, to remove all Annoyances on any Part of the said Road; and to lop and cut down Trees, Wood, and Bushes, growing in the said Road, or in the Hedges, Banks, or Shaws, adjacent thereto, or which are injurious to the said Road (the Owners or Occupiers neglecting to lop and cut down such Trees, Woods, Shaws, and Bushes, or to remove such Annoyances as aforesaid, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors) the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by the Owners or Occupiers neglecting to lop or cut down such Trees, Woods, Shaws, or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors, such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County, from time to time, to levy the Charge thereof upon such Owners and Occupiers, by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted, upon Oath, before Two or more Justices of the Peace for the County aforesaid, shall, for every such Offence, forfeit and pay to the said Trustees, or any Three or more of them, the Sum of Twenty Shillings, over and above the reimbursing to such Surveyor or Surveyors, the Costs and Charges of doing the same as aforesaid.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyors.

Penalty of a Second Offence.

Commissioners setting out the third Watercourses, after Notice, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons who of Right ought to have done the same, shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, it shall and may be lawful for such Surveyor and Surveyors, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace for the said County, by a Warrant or Warrants under the Hand and Seal of such Justice, to levy the same by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

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

Penalty on obstructing Officers in their Duty.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn or alter any Part or Parts of the said Road, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near the said Road, for the Purchase of such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain, by such widening, turning, or altering any Part of such Road; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss and Damage, such Sum and Sums of Money, as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreements and Purchase.

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

And whereas it may happen that some Persons, or Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, for turning, widening, or altering, or amending the same; and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots, Lunaticks, or other Trustees whatsoever, for or in Behalf of any Infants, Femes Covert, or Cestuique Trusts, Idiots, Lunaticks, and for all and every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to

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

treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, Custom, or other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they do in pursuance of this Act.

Persons neglecting to treat, &c

And be it further enacted by the Authority aforesaid, That if such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons, interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds or Hereditaments, so to be taken in, and added to, the said Road, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the said County (which Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into or through the same: And in order thereto the said Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath all and every

Jury to settle Damages and Recompence.

Witnesses may be examined on Oath.

every Person or Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the Trustees are hereby impowered and required to administer); and they shall also order and cause the said Jury to view the said Place or Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit: And after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Person or Persons whomsoever: And all and every such Owners, Proprietors, and Occupiers, and all and every Person or Persons any wise interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County, thereby requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in the said Warrant shall be appointed; and the said Sheriff, or his Deputy, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear

Verdict of the Jury to be final.

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

near upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up, with the said Persons summoned and appearing, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn. And the said Trustees, or any Seven or more of them, acting in the Premisses, shall have full Power and Authority, from time to time, to impose any reasonable Fine or Fines on such Sheriff, or his Deputy, Bailiffs, or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned to serve on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence; and, from time to time, to levy such Fine and Fines, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money so assessed by the said Jury for the Damage and Recompence aforesaid, shall be, and is hereby charged and chargeable upon the Monies which shall be so raised, borrowed, or received, by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or by their Treasurer or Treasurers, to the Person or Persons respectively intitled thereto, or to their Agent or Agents; and that upon Payment or Tender thereof to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons; such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Road, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a

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

publick

publick and common Highway, and from thenceforth Part of the said Road for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for repairing the said Road; and the Sale or Conveyance or Conveyances to be made of such Lands and Grounds, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the said County, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

and deemed a publick Highway.

Old Road may be sold.

Provided always, and be it enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Owners thereof shall consent thereto.

Buildings, &c. not to be injured.

And be it further enacted by the Authority aforesaid, That the Inhabitants of the several Parishes or Places, in which the Road hereby intended to be repaired doth lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways, for repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work; which shall be done and performed in such Parts of the said Road by this Act directed to be repaired, and lying within the said Parishes or Places in which such Inhabitants respectively shall live, as the said Trustees, or any Three or more of them, shall direct or appoint; and at such Times, and in such Manner, as the Surveyor or Surveyors, by them authorized, shall direct or appoint; and that every Inhabitant of the said Parishes or Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards repairing the High-

Inhabitants to do Statute-work.

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

ways

ways of the several Parishes and Places in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do.

And, to the end that the said Trustees may know the Inhabitants of all the Parishes and Places in which the said Road doth lie, who are obliged to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes and Places, shall, and they are hereby required, at the First Meeting of the said Trustees after the First Day of March yearly, or oftner if thereunto required by the said Trustees, or any Three or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the Treasurer or Clerk to the said Trustees, true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Parishes and Places respectively, who are liable to do their Statute-work for that Year in and upon the said Highways, with Teams or Draughts, or otherwise; as also the Number of Days Work which such Teams or Draughts, or otherwise, each Person ought to do on the said Road.

Surveyors to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Parishes or Places in which the said Road doth lie, shall not deliver in to the Clerk or Treasurer of the said Trustees Lists of the Inhabitants of their said several Parishes or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay the Sum of Twenty Shillings; to be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to applied: And if any of the several Parishes or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall neglect or refuse to do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as they shall, by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the Sum of Ten Shillings for every Team so making Default; and the Sum of One Shilling and Six Pence for each Day Labourer so making Default; which respective Penalties shall be applied for such Uses, and in such

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

such Manner, as the Tolls granted by this Act are to be applied.

Persons liable to the Repair of the Road, &c. to continue

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

And, for preventing Differences which may arise between the said Trustees, and the Surveyors of the Highways, for the time being, for the several Parishes and Places in which the said Road doth lie, touching the Statute-work the Inhabitants of each Parish or Place ought to do on the said Road, and also how and in what Manner such Bridges, Drains, and Sewers, shall be repaired and maintained; be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more Justices of the Peace for the said County, and they are hereby required and impowered upon Application made to them by the said Trustees, or any Five or more of them, yearly to adjudge or determine what Part or Proportion of the Statute-work shall every Year be done on the Road aforesaid, by the Inhabitants of the several Parishes or Places in which the said Road doth lie, and how and in what Manner such Bridges, Drains, Sewers, and Parts of the said Road shall, from time to time, be repaired by such Person or Persons so chargeable therewith as aforesaid.

Justices to determine Differences relating to Statute-work.

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, to compound and agree with the Surveyor or Surveyors of any of the Parishes or Places in which the said Road doth lie, and with any of the Possessors or Occupiers of Lands, Tenements, and Hereditaments, or other Persons, who are or shall be liable or chargeable towards the repairing of any Part of the said Road, either by Statute-work, Custom, or Tenure, as aforesaid, for a certain Sum of Money by the Year, or otherwise, as the said Trustees, or any Seven or more of them, shall think reasonable in lieu of such Statute-work, or other Work, to be done by the Inhabitants of such Parishes or Places, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, or other Persons chargeable by Custom or Tenure as aforesaid.

Trustees may compound for Statute-work.

Composition-money how to be recovered.

And be it further enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid in lieu of any Statute Work, or Days Work, of the Inhabitants of any Parish or Place wherein the Road to be amended by virtue of this Act doth lie, or in lieu of Repairs to be done to Bridges, Drains, Sewers, or other Parts of the said Road, by Persons chargeable therewith as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable, according to such Agreement or Composition, to the Person or Persons whom the said Trustees, or any Five or more of them, shall authorize to receive the same; that then it shall and may be lawful for any One Justice of the Peace of the said County, as Occasion may require, by Warrant under his Hand and Seal, to impower the Person or Persons so authorized by the said Trustees to receive such Composition (Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justice is hereby authorized and required to administer) to levy such Composition by Distress and Sale of the Goods of the Surveyor or Surveyors of the Highways, or of the Person or Persons so having compounded, either for such Statute or Days Work, or for such Repairs to be done to such Bridges, Drains, Sewers, or other Parts of the said Road, returning the Overplus (if any) after the Charges of such Distress and Sale thereout first deducted.

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

Provided always, and be it further enacted by the Authority aforesaid, That if any Surveyor of the Highways of, and for such Parish or Place for which any such Composition shall be made, for any Statute-work and Days Work as aforesaid, shall pay the Composition-money, or in case the Composition-money shall be levied on him in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as, by the Law, Surveyors of the Highways of this Kingdom are to be reimbursed the Money by them expended in buying Materials for amending the Highways.

Road to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required and impowered, to cause the said Road to be measured, and Mile-stones or Posts to be set up on or near the Sides thereof, at the Distance of One Mile each from the other, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees

shall

shall seem meet; and if any Person shall wilfully and maliciously break or pull up any of the said Stones or Posts, or any Part thereof, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be inscribed thereon, and shall be convicted thereof, by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace of the said County, (which said Oath, the said Justice or Justices are and is hereby required and impowered to administer) every such Person so offending, and being thereof convicted as aforesaid, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so broken or pulled down, obliterated or defaced, to be levied and recovered by Distress and Sale of the Goods and Chattles of such Offender or Offenders, to be applied in repairing the Stones or Posts so broken, pulled down, or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus thereof, the same shall be laid out in repairing the said Road; but in case no sufficient Distress can be found whereby to levy the same, then it shall and may be lawful for any One or more of such Justice or Justices, by Warrant under his and their Hand and Seal, to commit the Person or Persons so offending to the House of Correction within the said County of Kent, to be there kept to hard Labour for any Time not exceeding One Month, or until he, she, or they shall have paid the Money which he, she, or they shall forfeit or be liable to pay for the said Offence.

Penalty on defacing Mile Stones, &c.

Penalties how to be levied by Distress and Sale.

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

Penalties and Forfeitures how to be recovered.

Provided

Persons aggrieved may appeal to the Quarter Sessions.

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 hereby appointed, it shall and may be lawful for him or her to appeal to the Justices of the Peace, at their next General Quarter Sessions, to be held for the said County of Kent, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and, if they see Cause, may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties aforesaid; or vacate or set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgements in regard to the Premises, as they shall think right and proper.

Notice of Appeal to be given.

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

Proceedings not to be quashed for want of Form,

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

nor removable by *Certiorari*,

until Security be given to prosecute.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Tolls hereby granted and made payable, and all the Powers hereby given, shall take Place and have Commencement from and immediately after the passing of this Act, and shall continue, and be in force, from thenceforth, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the House of William Raymer, known by the Sign of the Swan, in the Town of Charing, upon the Sixteenth Day of June, One thousand seven hundred and sixty six, and shall proceed in the Execution of this Act; and shall then adjourn to such Time and Place in or near the said Road, as the said Trustees, or the major Part of them present at such First Meeting, shall think proper and convenient; and so shall meet and adjourn, from time to time, during the Continuance of this Act, as the said Trustees, present at any or every such Meeting, or the major Part of them, shall think necessary, for the putting this Act in Execution; and if it shall happen that at the Time of any Meeting there shall not be Three or more of the said Trustees present, then, and in every such Case, no Business shall be done or transacted thereat; but the Clerk of the said Trustees, by Notice in Writing under his Hand, to be fixed at all the Turnpikes which shall then be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at some convenient House in or near the said Road on that Day Four Weeks on which the said last Meeting of the said Trustees was appointed to have been held, and so toties quoties, as the Case may happen to be and require.

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act,

Notice to be given of any other Meeting.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment only; and if, upon any Emergency, a Meeting of the said Trustees shall be necessary to be held before the Time appointed by virtue of such Adjournment or Appointment, then, and in such Case, the said Trustees, or any Three or more of them, or the said Clerk, at their Request, shall or may give Seven Days Notice at least, in Writing, to be affixed on the Turnpikes which shall then be erected by virtue of this Act, of the Time and Place of the holding of 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 only the said Trustees, or the major Part of them, present at such Meetings, may do and transact if they think fit; and that any other Business done and transacted at any such Meeting or Meetings, other than what shall be specified in such Notice as aforesaid, shall be to all Intents void and of none Effect; and the Trustees at their first and all other subsequent Meetings shall defray their own Charges and

In case of Emergency particular Meetings may be appointed.

Trustees to defray their own Expences.

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

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

No act valid, except at a publick Meeting.

No Order made by any Number under 7 to be repealed, unless 7 Trustees are present;

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

nor if made by 7 or more, unless 9 or more are present.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed, or to be appointed, to put this Act in Execution, who are in the Commission of the Peace to act as a Justice or Justices of the Peace in all Matters, and Things, necessary for the more full and effectual putting in Execution the several Clauses and Powers in this Act mentioned and contained.

Trustee not to accept of a Place of Profit under this Act.

And be it further enacted by the Authority aforesaid, That if any Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit out of the Tolls by this Act granted, such Person shall be incapable of acting as one of the Trustees, from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid; and no Victualler, or Persons selling Foreign Distilled or Fermented Liquors by Retail, shall be capable of holding any Office by virtue of this Act.

And, for continuing a sufficient Power for putting this Act in Execut

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the House of William Raymer, known by the Sign of the Swan, in the Town of Charing, upon the Sixteenth Day of June, One thousand seven hundred and sixty six, and shall proceed in the Execution of this Act; and shall then adjourn to such Time and Place in or near the said Road, as the said Trustees, or the major Part of them present at such First Meeting, shall think proper and convenient; and so shall meet and adjourn, from time to time, during the Continuance of this Act, as the said Trustees, present at any or every such Meeting, or the major Part of them, shall think necessary, for the putting this Act in Execution; and if it shall happen that at the Time of any Meeting there shall not be Three or more of the said Trustees present, then, and in every such Case, no Business shall be done or transacted thereat; but the Clerk of the said Trustees, by Notice in Writing under his Hand, to be fixed at all the Turnpikes which shall then be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at some convenient House in or near the said Road on that Day Four Weeks on which the said last Meeting of the said Trustees was appointed to have been held, and so toties quoties, as the Case may happen to be and require.

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment only; and if, upon any Emergency, a Meeting of the said Trustees shall be necessary to be held before the Time appointed by virtue of any Adjournment or Appointment, then, and in such Case, the said Trustees, or any Three or more of them, or the said Clerk, at their Request, shall or may give Fifteen Days Notice at least, in Writing, to be affixed on all the Turnpikes which shall then be erected by virtue of this Act, of the Time and Place of the holding any such Meeting or Meetings; and in such Notice or Notices shall be specified the particular Business intended to be done and transacted thereat, and which Business the said Trustees, or the major Part of them, present at such Meeting or Meetings, may do and transact if they shall think fit; but any other Business done and transacted at such Meeting or Meetings, other than what shall be specified in such Notice as aforesaid, shall be to all Intents and Purposes void and of none Effect; and the said Trustees, at their first and all other subsequent Meetings, shall bear and defray their own Charges and Expences.

In case of Emergency particular Meetings may be appointed.

Trustees to defray their own Expences.

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

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

No act valid, except at a publick Meeting.

No Order made by any Number under 7 to be repealed, unless 7 Trustees are present;

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

nor if made by 7 or more, unless 9 or more are present.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed, or to be appointed, to put this Act in Execution, who are in the Commission of the Peace, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

Trustee not to accept of a Place of Profit under this Act.

And be it further enacted by the Authority aforesaid, That if any Person or Persons appointed or to be elected a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of the Tolls by this Act granted, such Person or Persons shall be incapable of acting as Trustee or Trustees, from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid: And that no Victualler, or Persons selling [illegible] rituous or Fermented Liquors by Retail, shall be [illegible]ble of holding any Office by virtue of this Act.

And for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by

by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, or refuse to act, it shall and may be lawful for the surviving Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, 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 dying or refusing to act; and such Person or Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees; but Notice of the Time and Place of Meeting for the Election of all and every such new Trustee or Trustees shall be given in Writing, under the Hand of the Clerk to the said Trustees, to be fixed at or on all and every such Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons who shall, from time to time, be chosen and appointed Trustees as aforesaid, shall and may, and are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner as the said Trustees hereby appointed are hereby impowered to act.

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

10 Days Notice of Election to be given.

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

Proceedings to be entered in a Book.

Books may be read in Evidence.

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

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That when any Distress shall be made for any Sum or Sums

Distress not to be deemed unlawful for want of Form;

Sums of Money, to be levied by virtue of this Act, the Distress shall not be deemed to be unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case: And no Plaintiff or Plaintiffs shall recover in any Action, for any such Irregularity, if sufficient Tender of Amends hath been made to him, her, or them, by or on Behalf of the Defendant or Defendants, before such Action brought.

not the Party distraining be deemed a Trespasser *ab initio*.

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

Limitation of Actions.

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

General Issue.

Treble Costs.

Publick Act.

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

FINIS.