Anno ſexto

Georgii III. Regis.

An Act for repairing and widening ſeveral Roads leading to the Town of *Dartford*, in the County of *Kent*.



WHEREAS the Road leading from the Cock and Lion Back Gate, in the Town of Dartford, in the County of Kent, into and through a certain Street called Lowfield, in the ſaid Town of Dartford, to Sutton Place, in the Pariſh of Sutton Athone, in the ſaid County; and from thence, through Sutton Street, to the Turnpike Road at the Weſt End of Farningham, in the ſaid County, and from the White Poſt at the Eaſt End of Farningham aforeſaid, to and through Eynsford Street in the ſaid County, by Eynsford Church, into and through the Road called The Upper Way, to Otford, in the ſaid County; and from thence through Otford Street, to the Pond at the North End of the Town of Sevenoakes, in the ſaid County; and alſo the Preamble.

Road (being about a Quarter of a Mile) leading out of the before-mentioned Road, at the South West Corner of the Garden Wall belonging to Sutton Place aforesaid, to the South West Corner of the Garden Wall belonging to the Mansion House in Darent Street, in the said County, now in the Occupation of Mr. Thomas Scrimsour; and the Road leading from Eynsford Church to the Parish House belonging to George Pawley, at the West End of Eynsford, in the said County, are, in many Places, greatly out of Repair, and in other Places so narrow, that a single Horse cannot pass a Carriage, which renders them very incommodious and unsafe, and dangerous to Carriages and Passengers daily passing thereon, and cannot be effectually repaired, widened, and altered, and kept in Repair, by the present Method provided 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 Lord Coleraine in the Kingdom of Ireland, the Right Honourable George Sackville Esquire, commonly called Lord George Sackville; the Honourable Robert Fairfax, the Honourable Thomas Townshend, the Honourable Charles Masham, Sir Jeffery Amherst Knight of the Bath, Sir Charles Frederick Knight of the Bath, Sir Brooke Bridges, Sir Philip Boteler, Sir Richard Bettenson, Sir Edward Deering, Sir John Dixon Dyke, Sir John Filmer, Sir Charles Farnaby, Sir Thomas Hales, Sir George Oxenden, Sir Gregory Page, Sir Thomas Ryder, Sir Thomas Styles, Sir Thomas Stapylton, Sir John Shaw, Sir William Twisden, Sir Roger Twysden, Sir George Young, Baronets; Sir Piercy Brett Knight, Sir Charles Hardy Knight, Francis Austen, John Austen, Francis Motley Austen, John Amherst, Colonel William Amherst, Peter Burrell, Thomas Best, John Lloyd, Francis Brooke, Joseph Brooke, Robert Bagshaw, Richard Bowles, Trevor Borrett, Thomas Borrett, James Bunce, James Bedell, the Reverend Doctor Curties, John Calcraft, Thomas Chiffinch, Richard Calvert, Josias Cockshutt, James Chapman, John Codd, Benjamin Crayker, Peter Dennis, Robert Dingley the elder, Robert Dingley the younger, William Evelyn, Thomas Edsall the elder, Thomas Edsall the younger, Gerrard Ann Edwards, John Egerton, William Evereſt, Thomas Faunce, Thomas Faunce the younger, Edward Fowke, Rose Fuller,

Trustees Names.

the Reverend Edmund Faurree, Mark Feilder, William Glanvill, Richard Gee, Benjamin Greenwood, George Greenwood, Nicholas Haddock, Charles Haddock, Edward Hasted, Richard Hornsby, Richard Hulse, Jeffery Hetherington, the Reverend James Harwood, the Reverend John Heathfield, William Hodsoll, Thomas Jones, William Jones, Thomas Lambard, Francis Leigh, Richard Leigh, William Lynch, George Lake, Reverend John Landon, Reverend Lawson, Reverend Edmund Marshall, Reverend Charles Metkirke, General Noel, John Nash M. D. John Nash, John Norris the younger, Staple Nash, Francis Otway, Charles Polhill, James Pettit, John Pettet, John Perry, John Pratt, Robert Pratt, the Reverend Parry, William Quelch the younger, Richard Round, Robert Relphe, John Sargent, William Selby, John Street, Thomas Streatfield, William John Selby, Darrel Short, Thomas Smith, Thomas Townshend, Roger Twisden, Thomas Tash the elder, Thomas Tash the younger, John Tasker, Thomas Twisleton, Francis Twisleton, John Thorpe, John Talbot, Finch Taylor, Henry Tasker, John Terry, Thompson Surgeon, Thomas Thompson, Charles Whitworth, Nathaniel Webb, William Wheatley, Henry Ward, Timothy Waldo, Peter Warren, the Reverend Caswell Winder, the Reverend John White, the Reverend William Winder, and Thomas Williams, and their Successors, to be appointed in Manner herein after-mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, 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 Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds; or possessed of, or intitled unto, a Personal Estate to the Amount or Value of One thousand Pounds: And if any Person hereby deemed incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prose-

Penalty on acting if not qualified.

cuted shall prove that he is so qualified, 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.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of John Powell, known by the Sign of The Granby's Head, in the Town of Dartford, on the Twenty first Day after the Day of the passing of this Act, and shall proceed to the Execution of this Act; and shall then, and at all their subsequent Meetings, adjourn themselves, from time to time, to such Times and Places in or near the said Roads, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn, then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Three Weeks, and so, from time to time, as often as the Case shall happen; and shall cause Notice of every such Meeting to be affixed on all the Turnpikes then erected by virtue of this Act, at least Ten Days before every such Meeting: And that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Proviso.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment.

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

And be it further enacted, That no Trustee shall be capable of acting as a Trustee, under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

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

And be it further enacted, That any Trustee appointed in or by virtue of this Act, who shall be a Justice of the Peace, is hereby authorized and impowered to act as a Justice of the Peace in the Execution of the Powers and Authorities hereby given to any Justice of the Peace, notwithstanding his being a Trustee.

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

And be it further enacted, That as often as any of the said Trustees shall die or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any Seven or more of them, under their Hands and Seals, to appoint another Trustee in the Room of such Trustee so dying or refusing to act; and Notice of the Time and Place of Meeting for the Election of such Trustee

Notice of such Election to be given.

shall

shall be given by the Clerk to the Trustees, by affixing the same in Writing on all the Turnpikes which shall be erected by virtue of this Act, at least Fifteen Days before the Meeting for such Election; and the Person so appointed shall and may act in the Execution of this Act, as fully, as any Trustee hereby appointed is impowered to do.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, such Part and Parts of the said Roads as the said Trustees shall think proper, and shall and may erect or provide a Toll-house to each of the said Gates or Turnpikes; and shall and may cause to be demanded and taken at each of the said Gates or Turnpikes, the following Tolls or Duties, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Six or more Horses, or other Cattle, the Sum of One Shilling and Six Pence; and drawn by Four or more Horses, or other Cattle, the Sum of One Shilling; and drawn by Two or more Horses, or other Cattle, the Sum of Six Pence; and drawn by One Horse, or other Beast, the Sum of Four Pence.

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

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll, and shall be paid to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint to collect the same; and the Money so to be raised is hereby vested in the said Trustees, and shall be applied 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, neglect

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale,

neglect or refuse to pay the same, it shall and may be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining, shall and may sell the Horses, Cattle, Beasts, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted and paid.

Distress may be sold after 4 Days.

Trustees may erect Side-gates, &c.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause to be erected One or more Bar or Bars, Gate or Gates, Fence or Fences, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, or upon or across any Lane or Way leading into the same, and also such other Fence or Fences as they shall think necessary, to prevent Persons evading the Payment of any of the Tolls hereby granted, and there cause to be taken and levied such Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof.

and take Tolls thereat.

Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That the said Gates or Turnpikes, and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or by their Surveyor or Surveyors, for repairing the said Roads, shall be, and they are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, and to bring, or cause any Action or Actions to be brought, in the Name of their Treasurer or Clerk, or to prefer and prosecute, or to order and direct the preferring and prosecuting any Bill or Bills of Indictment against any Person or Persons whomsoever, who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Turnpike, or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing of the said Roads, or who shall disturb them in the Possession of the Property of such Gate, Turnpike, Toll-house, or Materials.

And

And be it further enacted, That nothing in this Act contained shall extend to impower the said Trustees to erect any Gate or Turnpike on the said Roads, until some Person or Persons shall have agreed to advance and lend, upon the Credit of the Tolls to be collected on the said Roads, the Sum of One thousand Pounds, and shall have advanced and paid Twenty five Pounds per Centum of the said Sum to the said Trustees, or any Five or more of them, or to their Treasurer. Turnpikes not to be erected until a certain Sum advanced.

Provided always, That if any Person or Persons who shall have advanced and paid any Sum or Sums of Money in Manner and for the Purposes aforesaid, shall not, when thereunto required by the said Trustees, or any Five or more of them, pay, or cause to be paid, to the said Trustees, or any Five or more of them, or to their Treasurer for the time being, such further Sum or Sums of Money in Part, or the Whole of the said Sum or Sums agreed to be lent and advanced by such Person or Persons, after Three Months Notice shall have been given of the Time and Place of paying the same, by the Clerk of the said Trustees, by Writing under his Hand, either delivered to such Person or Persons, or affixed on all the Gates or Turnpikes then erected; every such Person so making Default in Payment shall forfeit and lose the Sum he or she shall have advanced and paid, and the same shall be applied as the Tolls to be collected by virtue of this Act are directed to be applied. Persons neglecting their Payments, the Advance Money forfeited.

And be it further enacted, That out of the First Money arising by the Tolls hereby granted, or out of the Money which shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge all the Expences and Charges of procuring and passing this Act; and shall apply the Remainder of the Monies so to be raised, in erecting Gates or Turnpikes, and Toll-houses, and repairing, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever. Application of the Monies.

And be it further enacted, That no Gate or Turnpike, or Toll-house, shall be taken down or removed to any other Place, except by Order of the said Trustees, or any Seven or more of them; and Twenty one Days Notice shall be given thereof, in Writing, by the Clerk to the Trustees, under his Hand, by affixing the same on all the Gates or Turnpikes erected by virtue of this Act. No Turnpike to be removed without Order of Trustees.

Trustees may lessen the Tolls.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, with the Consent of the Person or Persons intitled to Two-Thirds of the Money borrowed on the Credit of the Tolls, to lessen the Tolls hereby granted, or any Part thereof, for such Time as the said Trustees, or any Seven or more of them, shall think proper; and such Tolls so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees may let, &c. the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, upon One Month's Notice to be given in Writing under the Hand of the Clerk to the said Trustees, to be affixed on all the Turnpikes to be erected by virtue of this Act, at any Time during the Continuance of this Act, to let the Tolls hereby granted, or any Part thereof, on Lease, or otherwise, as the said Trustees shall think fit, to any Person or Persons by the Year, or for any Term not exceeding Three Years, for such Sum or Sums of Money as the said Trustees, or any Seven or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Tolls to be paid but once a Day.

And be it further enacted, That if any Person shall have paid the Tolls by this Act granted for the passing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of this Act, the same Person, upon producing a Note or Ticket denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Carriage or Cattle, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next Night, which said Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on the Payment of such Toll; and that no Person, having paid the Toll by this Act granted for the passing of any Carriage or Cattle through One Gate or Turnpike erected between Dartford and Otford, shall be subject or liable, the same Day, to the Payment of Toll at any other Gate or Turnpike erected between the said Places; nor shall any Person, who hath paid the Toll by this Act granted for the passing of any Carriage or Cattle through any

Gate

Gate or Turnpike erected between Sevenoaks and Farningham, be subject or liable, the same Day, to the Payment of Toll at any other Gate or Turnpike erected between the said Places, such Person producing a Note or Ticket denoting such Payment; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis.

Inhabitants of *Darent*, and

And be it further enacted, That in case any Gate or Turnpike shall be erected by virtue of this Act, in, upon, or across, the aforesaid Road leading from the West Corner of the Garden Wall belonging to Sutton Place aforesaid, to the South West Corner of the Garden Wall belonging to the Mansion House in Darent Street, in the Occupation of the said Thomas Scrimsour, no Inhabitant of, or Occupier of Lands within, the said Parish of Darent, shall be subject or liable to the Payment of Toll at any such Gate or Turnpike for the passing and repassing of his, her, or their Carriages or Cattle.

Eynsford, and *Lullingstone*, exempted from particular Tolls.

Provided always, and be it further enacted, That in case any Gate or Turnpike shall be erected by virtue of this Act in, upon, or cross, the Road leading from Eynsford Church, to the Farm House belonging to George Pawley, at the West End of Eynsford, no Inhabitant of, or Occupier of any Lands, Tenements, or Hereditaments, in the several Parishes of Eynsford or Lullingstone, shall be subject or liable to pay any Toll at the said Gate or Turnpike for passing through the same with their or any of their Cattle or Carriages.

Exemptions from Tolls.

And be it further enacted, That no Person shall be charged with any of the Tolls or Duties aforesaid, for any Carriage laden with Materials for repairing any Road or Highway in any Parish or Place through which the said Roads lead, or any Lime, Mould, or Compost, or other Materials to be used in amending or manuring of Gardens or Lands, or Hay, or Corn in the Straw, or Fodder to be laid up or stacked, or used in the Houses, Barns, and Lands, of the Inhabitants of the several Parishes through which the said Roads do lie; or for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever employed in Husbandry, or for manuring or stocking of Land in the several Parishes in which the said Roads do lie; nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Person or Persons residing in any of the Parishes in which the said Roads do lie, who shall pass through any of the said Gates or Turnpikes to and from Church, Chapel, or other Place of religious Worship, on Sundays; nor for any Horses,

Mares,

Mares, Geldings, or other Cattle or Beasts, going to, or returning from, Water or Pasture, belonging to any of the Inhabitants of the Parishes in which the said Roads do lie; nor going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Kent; or for any Post-horse carrying the Mail or Packet; nor for the Horses of any Soldiers passing that are upon their March, nor for Carts, Carriages, or Waggons, attending them; nor for Horses, Carts, or Waggons, travelling with Warrants sent by Passes.

Penalty on making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same; such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads.

Penalty on permitting private Passage, &c.

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike, erected by virtue of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Carriage or Cattle; or if any Person shall, with any Carriage or Cattle, pass through any such Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to, or receive from, any Person any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Note or Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike, with any Carriage or Cattle, whereby the Payment of any of the Tolls by this Act granted shall be evaded; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

or taking off Horses, &c. to avoid Payment of the Tolls.

Tolls may be assigned for Money borrowed.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the Tolls hereby made payable, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may and they are hereby impowered to mortgage or assign over the Tolls to any Person or Persons,

Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money which shall be so borrowed as aforesaid, and the Interest thereof; which said Sums of Money so to be borrowed (the Charges and Expences of procuring and passing this Act being thereout first paid) shall be laid out and applied in and for the repairing, widening, and keeping in Repair, the said Roads, in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Assignments may be transferred.

And be it further enacted, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, of the said Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

Notice to be given of borrowing Money.

Provided always, and it is hereby further enacted and declared, That no Money shall be borrowed upon the Credit of this Act, by the said Trustees, after their first Meeting, unless Notice in Writing under the Hand of the Clerk to the said Trustees be, by Order of the said Trustees, or any Five or more of them, fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the borrowing of such Money.

Trustees to appoint Officers,

and remove them, and appoint others.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers and other Persons, any or either of them, from time to time, to remove, and appoint others, in case of Death or such Removal; and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons, for their Services, as to the said Trustees, or any Seven or more of them, shall seem reasonable; and all and every such Officers and other Persons, and all and every the Officers and other Persons, who shall at any Time or Times hereafter, have, receive, or pay, any Sum or Sums of Money on account of, or relating to, the repairing, widening, and keeping in Repair, the said Roads, shall, from time to time (when thereunto required by the said Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect

Trustees to allow Officers Salaries.

Officers to account upon Oath.

fest Account in Writing under their respective Hands, upon Oath, to be taken before Two or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively shall, to that Time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment as aforesaid; then any One or more Justice or Justices of the Peace for the said County of Kent, shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender or Offenders to the Common Gaol of the said County of Kent, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers refusing to account,

Justices may enquire into the Default,

and commit the Offender, until Payment or Composition be made

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers, to be from time to time appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Treasurers to give Security;

And be it further enacted, That no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, shall be capable of holding any Place of Trust or Profit under this Act.

No Victuallers &c. to hold any Place of Profit.

And

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may, and is and are hereby authorized and impowered, at proper and seasonable Times, with Carts and other Carriages, to enter into, and pick up, gather, and carry away, Stones lying dispersed upon any Lands or Grounds, being or lying near or adjacent to the said Roads, without paying any Thing for the same (such Lands or Grounds not being then sown with any Sort of Corn, and such Stones not being before then picked and laid up by the Owner or Occupier for his own private Use) for the repairing and amending the said Roads, without Licence, Controul, or Interruption, of or by the Owner or Owners, Occupier or Occupiers, of such Lands or Grounds, and without incurring or being liable to any Trespass or Action for or by reason thereof; and to enter into any Gravel Pit lying near the said Roads, and there to dig, cast, and scry Gravel, paying the usual Price per Load for such Gravel, to be carried on and used for repairing and keeping in Repair the Roads aforesaid; and that it shall and may be lawful for the said Surveyor or Surveyors, or any Person or Persons appointed by such Surveyor or Surveyors, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from, any River or Brook, Waste or Common, or in any Parish, Town, or Place, in, adjoining to, or lying near, the Roads aforesaid, to be used in repairing the said Roads, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence to prevent any Misfortune or Accident happening in or from the Pits or Holes from whence such Materials shall be taken, or causing the same to be done: And if a Quantity of Materials proper and sufficient for that Purpose cannot be found in or upon such Rivers or Brooks, Wastes or Commons; then, and in such Case, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of, and from any River or Brook, or the Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands or Grounds not being a

Surveyors may dig Gravel, &c.

without paying for the same;

levelling the Pits;

If sufficient Materials cannot be there found,

they may take them from private Grounds,

yard,

Yard, Garden, Orchard, Park, Paddock, Nursery, planted Walk or Walks, or Avenue to a House) they the said Surveyors, or other Person or Persons paying, or offering to pay, to the respective Owners or Occupiers of such Lands or Grounds, such Damages for getting the said Materials, and for carrying the same over their Grounds, as the said Trustees or any Seven or more of them, shall think reasonable: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the said County of Kent shall and may, on Fourteen 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, to be left at their respective Places of Abode with some One of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part or Parts of the said Roads; and shall and may build, or cause to be built, any Bridge or Bridges upon, in, or across, the said Roads, or any Part or Parts thereof; and to cut, or cause to be cut, any Drains or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way, by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be widened and repaired (not being the Site of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, and ruinous Road is widening or repairing, and until such Time as it

Surveyors may make Causeways,

erect Bridges,

and make a temporary Road;

it shall be convenient and safe for Carriages and Cattle to pass the same; 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 Seven or more of them, shall seem reasonable.

making Satisfaction to the Owners.

And be it further enacted, That it shall and may be lawful to and for the said Surveyors and Surveyor, and such Person or Persons as he or they shall appoint, to remove all Annoyances whatsoever on the said Roads; and to cut down, top, lop, and shrove, all Trees, Pollards, and Bushes, growing in the said Roads, or in the Hedges, Banks, or Fences, adjoining thereto, the Owners or Occupiers neglecting to cut down, lop, top, and shrove, such Trees, Pollards, and Bushes, or to remove such Annoyances, for the Space of Fourteen 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 such Owners or Occupiers neglecting to cut down, lop, top, or shrove, such Trees, Pollards, and Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse the said 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 of Kent, from time to time, to levy the Charges thereof upon such Owners or Occupiers by Distress and Sale of his 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 the 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 said County of Kent (which Oath the said Justices are hereby impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid, and shall be applied in repairing the said Roads.

Surveyors may remove Annoyances, &c.

and cut down Trees;

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor;

to be levied by Distress and Sale.

Penalty of a Second Offence.

And be it further enacted, That if any Person or Persons who of Right ought to scour and cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Roads, shall not in a pro-

Owners neglecting to scour their Watercourses, after Notice,

per 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 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 shall not repay the Money 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, the said Money, and every Part thereof, upon Proof of the scouring and cleansing the said Ditches, Drains, and Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the said County of Kent (which Oath such Justice is hereby impowered to administer) shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied 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 set Men to cleanse the same,

and levy the Charge by Distress and Sale.

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

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

said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, or through which the said Roads may be turned, 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 therefore further enacted, 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, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted, That if any 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

Persons neglecting to treat, &c.

311 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, to be taken in, and used for, the said Roads, or into and through which such Roads, or any of them, are or is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice so 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 Five or more of them, shall cause it to be enquired into, and ascertained, by, and upon the Oaths of a Jury of Twelve indifferent Men of the said County of Kent, (which Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads into or through any such Lands, Grounds, or Hereditaments: And in order thereto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and 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 said Trustees are hereby impowered to administer); and they shall also order and cause the said Jury to view the said 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 Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition

Jury to settle Damages and Recompence.

Witnesses may be examined on Oath.

stion 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, as well as all other Person or Persons whomsoever: And all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby, 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 Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Kent for the time being, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve: And all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons who shall be summoned and returned on such

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

Jurors may be challenged.

Jury, and shall not appear, or who 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 or Fines in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Buildings, &c. not to be Injured.

Fine not to exceed 10*l.*

Expences of Jury how to be borne.

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

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of, the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth for ever after Part of the said Roads, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Roads so widened, turned, or altered, 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 Five 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 the repairing of the said Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made

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

and deemed a publick Highway.

Old Road may be sold.

of

of the said Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of Kent, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

And be it further enacted, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Expences of the Jury how to be borne.

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, concerning the ascertaining and determining the Value of any such Right, Interest, Property, or Damages, in any such Lands, Grounds, or Hereditaments, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed on the Credit thereof; but if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and

and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Persons liable to the Repair of the Roads, &c. to continue so.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, in the same Manner as they, and every of them, hath or have heretofore usually done or ought to do; and that the Inhabitants of and Occupiers of Lands, Tenements, or Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the said Work, and shall and are hereby required to do and perform such and so many Days Works in such Parts of the Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants or Persons respectively shall live, or shall occupy such Lands, Tenements, or Hereditaments, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of and Occupier of Lands, Tenements, and Hereditaments, in the said Towns, Parishes, Hamlets, and Places, 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 for every such yearly Value of Fifty Pounds he or they shall so rent or occupy, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Inhabitants to do Statute-work.

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

And,

And, to the end the said Trustees may know the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in all the Towns, Parishes, Hamlets, and Places, wherein the Roads directed by this Act to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Gates or Turnpikes erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants or Occupiers shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

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

Inhabitants liable to do Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay, for every such Default, the Sum of Five Pounds: And if any or either of the Inhabitants of or Occupiers of Lands, Tenements, and Hereditaments in the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall, by the Surveyor or Surveyors appointed by the said Trustees, be directed or appointed to do, such Inhabitants and Occupiers,

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereinafter mentioned; that is to say, Every such Inhabitant, Occupier, or Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Work for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads for the Repairs thereof, commonly called Statute-work, is or are found idle or negligent, or shall not properly perform such Statute-work; the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove and discharge such Person or Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Roads; and he, she, or they, shall be subject and liable to the respective Forfeitures, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work.

Labourers found idle, to be turned off.

Roads to be repaired, and Men not attending, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered to compound with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Roads, and also with the several Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Seven or more of them, and such Person or Persons, Bodies Politick or Corporate, Inhabitants or Occupiers respectively, shall agree upon; which the said Money shall be instantly paid to the said Trustees, or any Seven or more of them, or to their Appointment.

Trustees may compound with Parishes, &c. for Statute-work.

Penalties and Forfeitures how to be levied.

And be it further enacted, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie,

Justices to proportion the Statute-work.

shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Roads; it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the General Quarter Sessions of the Peace to be holden in and for the said County of Kent, next after such Direction or Appointment, unless the same shall be made within Ten Days preceeding such Quarter Sessions, and then to the Second Quarter Sessions next after such Direction or Appointment; and the Justices, in their said Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Labourers found idle, to be turned off.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and impowered to cause the said Roads to be measured, and Mile-stones or Posts to be set up or fixed on the Sides thereof, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, and also Posts at the several Roads leading out of the said Roads hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any of the said Stones or Posts, which shall be so set up or fixed, or shall erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause the same to be done; every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise hereby particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County of Kent, which Warrant the said Justice or Justices is and are hereby impowered

and required to grant, upon the Information of any 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 be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, for the time being, and shall be applied (if not otherwise directed to be applied by this Act) for and towards amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, 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 any Time not exceeding Two Months.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers to him or them hereby given, such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Session of the Peace to be holden in and for the said County of Kent, and which shall be holden next after the doing, making, or awarding of such Act, Order, or Judgement, he, she, or they, causing Eight Days Notice, in Writing, of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices, at their said Session, upon due Proof of such Notice being given, shall proceed in and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

And

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed 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 thereunto; 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.

Proceedings not to be removable by *Certiorari*.

Distress not to be deemed unlawful for want of Form;

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

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action, for any such Irregularity as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

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

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes.

Proceedings to be entered in a Book.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by

Writings to be without Stamps.

any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed unless 7 Trustees be present.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Seven Trustees shall be then present and consenting thereto.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the several Authorities, Powers, and Tolls, hereby granted and made payable, shall commence and have Continuance from and after the passing hereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County of Kent, and not in any other County or Place; 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, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, 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 for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries 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 nonsuit, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants

General Issue.

ants shall have Treble Costs, and shall have such Remedy for the Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law. Treble Costs.

And be it further enacted, 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 whomsoever, without specially pleading the same. Publick Act.