Anno ſeptimo

Georgii III. Regis.

An Act for repairing and widening the Road leading from the Turnpike Road, in the Town of *Tenterden*, to and over *Bull Green*; and to and through the Town of *Great Chart*, to a Houſe known by the Sign of *The Caſtle*, at the Entrance of the Town of *Aſhford*, in the County of *Kent*; and alſo the Road leading from *Bull Green* aforeſaid, to *Hothfield Heath*; and alſo the Road leading from *Bull Green* aforeſaid, through *High Halden*, to *Daſhmanden*, in the Pariſh of *Biddenden*, in the ſaid County of *Kent*.

WHEREAS the Road leading from the Turnpike Road in the Town of Tenterden, in the County of Kent, through the Pariſhes of High Halden and Betherſden, in the ſaid County of Kent, to and over a certain Green called Bull Green, in the Pariſh of Betherſden aforeſaid; and from thence to and through the Town or Village of Great Chart, in the County of Kent aforeſaid, to the Bottom of a certain Hill called Barrow Hill, and from thence to a Houſe known by the Sign of The Caſtle, Preamble.

at the Entrance of the Town of Aſhford, in the ſaid County of Kent; and alſo the Road leading from Bull Green aforeſaid, to Hothfield Heath; and alſo the Road leading from Bull Green aforeſaid, through High Halden, to a Houſe or Place called Daſhmanden, in the Pariſh of Biddenden, in the ſaid County of Kent, are in a ruinous Condition, and in many Parts thereof narrow and incommodious to Paſſengers, and cannot be effectually repaired and widened by the preſent Methods provided by 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,

Truſtees Names.

That the Right Honourable George Sackville, commonly called Lord George Sackville, the Honourable Charles Marſham, the Honourable Robert Fairfax, Sir Robert Auſten, Sir Philip Boteler, Sir Edward Dering, Sir John Filmer, Sir Thomas Hales, Sir Edward Hales, Sir John Honywood, Sir Francis Head, Sir Edward Knatchbull, Sir Brook Bridges, Baronets; Sir Thomas Rider Knight, the Mayor and Jurats of the Town and Hundred of Tenderden for the time being; John Auſten, Thomas Apſley, Thomas Apſley junior, Edward Andrews, Thomas Blackmore, James Blackmore, James Blackmore ſenior, James Blackmore junior, James Brockman, Nicholas Bourne, Stephen Brattle, Charles Booth, John Billington, Richard Beale, Seaman Beale, Leaman Cook Beale, Richard Beale junior, John Bechill, Thomas Beckett, Peter Berry, Thomas Beſt, Moyl Breton, Whitfeld Breton, Nicholas Brett, Thomas Burridge, John Burridge, John Cooke, George Carter, Jeremiah Cliff, William Curteis, John Curteis of London, Samuel Curteis, Jeremiah Curteis; Edward Curteis, Jeremiah Curteis of Rye, Richard Curteis, Edward Curteis of London, William Curteis of London, George Curteis, Robert Curteis, William Children, John Chriſtian, Alexander Courthorpe, John Spencer Colepepper, John Cole, Thomas Cole, George Carter, Robert Colebrook, William Deedes, John Dyne, Philip Darell, Henry Darell, James Darrell, John Elmeſtone, Wiltſhire Emmett, Richard Elphick, George Geree Elphick, Roſe Fuller, Edward Finch, William Finch, Edward Finch junior, Richard Finch, Nicholas Finch, John Friend, Samuel Furner, Abraham Flint, James Flint, Thomas Flint, Richard Fitch, Daniel Fitch, Charles Fagg, Searles Giles, Richard Greenhill, George Gipps, James Haffenden, Richard Haffenden, John Haffenden of Betherſden, Thomas Haffenden, John Hapley, John Hills, John Harding,

Harding, Jenkin Hague, Stephen Hooker, Thomas Hope, Richard Hope, Edmund Hope, John Howland, Harman Howland, Thomas Hodges, Thomas Hodges junior, John Horton, John Bennett Horton, Thomas Huſſey, William James, John Johnſon, Edward Jeffery, Thomas Knight, Thomas Knight junior, Thomas Kingſworth, William Lott, William Lott junior, Richard Luckhurſt, Richard Milles, Horatio Mann, Robert Monypenny, James Monypenny, James Monypenny junior, John Marſhall, Turner Marſhall, Thomas Marſhall, Francis Mantell, Benjamin Martin, Thomas Morphett, John Morphett, George Morphett, John Maſcall, Joſeph Mace, John Mace, Matthew Robinſon Morris, John Norris, John Norris junior, Edward Norwood, George Norwood, Charles Otway, Philip Owenden, Joſeph Puxty, William Pattenſon, William Pattenſon junior, Joſias Pattenſon, John Patey, Thomas Pain, Thomas Pain junior, Richard Righton, Benjamin Righton, Thomas Ruſſell, Henry Read, Iſaac Rutton D. D. Francis Talbot Scott, Robert Stace, Robert Stace junior, Jeremiah Smith of Betherſden, John Sawbridge, George Sayer, William Sharpe, John Toke, William Tempeſt, George Tempeſt, Thomas Thurſton, John Thomas, Bertram Thorne, Nathan Taylor junior, Robert Triton, John Uſher, Thomas Uſher, Thomas Viny, Charles Whitworth, Edward Whitaker, Francis Whitfeld, Thomas Witherden, Thomas Wilmott, Edward Wilmott, Thomas Wilſon, John Willard of Standen, William Waters of Betherſden, William Waters junior, Richard Waterman, John Waterman, William Walter, Peter Young, Thomas Young, Benſon Doctor in Divinity, Andrew, Thomas Curteis, John Chapman, Thomas Randall, Doctors in Divinity; Matthew Wallace, Benjamin Burridge, Henry Kent, Stephen Greenhill, Stephen Barrett, Daniel Chadeſly, Ralph Drake, Francis Hender Foot, Philip Hawkins, James Allen Gorſſe, Thomas Morphett, William Jones, John Morcroſs, Wanley Sawbridge, Nicholas Toke, Robert Tournay, Herbert Randall, Francis Whitfeld, Clerks; ſhall be, and they are hereby nominated and appointed Truſtees for the ſurveying, ordering, amending, widening, repairing, and keeping in Repair, the ſaid Roads, and likewiſe for putting in Execution all other the Powers in and by this Act given.

Qualification of Truſtees.

Provided always, and be it further enacted, 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 and 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, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, ſhall firſt meet together at the Houſe of William Hiſted, known by the Sign of The Bull, on Bull Green, in the Pariſh of Betherſden, upon the Third Monday after the Day of the paſſing of this Act; and ſhall proceed in the Execution of this Act, and ſhall then adjourn to ſuch Time and Place in or near the ſaid Road ſo to be repaired, as the ſaid Truſtees, or the major Part (ſuch major Part not being fewer than Five) of them preſent at ſuch Firſt Meeting, ſhall think proper and convenient; and ſo ſhall meet and adjourn, from time to time, during the Continuance of this Act, as the ſaid Truſtees preſent at any or every of ſuch Meeting or Meetings, or the major Part (ſuch major Part not being fewer than Five) of them, ſhall think neceſſary for putting this Act in Execution: And if it ſhall happen that at the Time of any Meeting which ſhall be ſo, from time to time, appointed to be holden by the ſaid Truſtees as aforeſaid, there ſhall not be Five 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 affixed at all the ſaid Turnpike Gates to be erected by virtue of this Act, at leaſt

Time and Place of Truſtees Meeting.

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

leaſt Ten Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at ſome convenient Houſe in or near the ſaid Roads on that Day Three Weeks on which the ſaid laſt Meeting of the ſaid Truſtees was appointed to be held, and ſo toties quoties as the Caſe may happen to be and require.

Clerk to give Notice for intermediate Meetings.

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 to be made as aforeſaid ſhall come; then, and in ſuch Caſe, the ſaid Truſtees, or any Five or more of them, or the ſaid Clerk at their Requeſt, ſhall or may give Fifteen Days Notice at leaſt in Writing, to be affixed on all the ſaid Turnpike Gates as aforeſaid, of the Time or 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 (ſuch major Part not being fewer than Five) of them preſent at ſuch Meeting or Meetings, may do and tranſact, if they ſhall think fit; but any other Buſineſs done and tranſacted at ſuch Meeting or Meetings, other than what ſhall be ſpecified in every ſuch Notice thereof as aforeſaid, ſhall be, to all Intents and Purpoſes, void and of none Effect: And the ſaid Truſtees, at their firſt and all other ſubſequent Meetings, ſhall bear and defray their own Charges and Expences.

Truſtees to defray their own Expences.

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

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

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

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

Truſtee not to except a Place of Profit.

Provided always, and be it further enacted, That if any Perſon or Perſons appointed by this Act, or by virtue hereof to be appointed, a Truſtee or Truſtees for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of or by reaſon of any Toll or Duty by this Act laid or granted, ſuch Perſon

or

or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of accepting and during the Enjoyment of such Place of Profit as aforesaid.

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

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

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted, That the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall appoint, shall and may erect, or cause to be erected, a Bar or Bars, Gate or Gates, Turnpike or Turnpikes, upon or across the Roads 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 Nine or more of them, shall think proper, so as the Number of Bars, Gates, or Turnpikes, to be erected upon and across the said Road leading from the Turnpike Road in the Town of Tenterden, to a House known by the Sign of The Castle, at Ashford, do not exceed Four; and that the Number to be erected upon and cross the said Road leading from Bull Green to Hothfield Heath do not exceed Two; and that the Number to be erected upon and cross the said Road leading from Bull Green aforesaid, to a House or Place called Dashmanden, in the Parish

of

of Biddenden, do not exceed Two; and alſo ſhall and may erect, or cauſe to be erected, a Toll-houſe or Toll-houſes in and upon the ſaid Roads at each of the ſaid Bars, Gates, or Turnpikes; and ſhall and may demand, receive, and take, at all and every and each ſuch Bar, Gate, or Turnpike, upon the ſaid Roads, the Tolls and Duties following, before any Cattle or Carriage whatſoever ſhall be permitted or ſuffered to paſs through the ſame, or any or either of them; and in the taking and demanding ſuch Tolls or Duties, One Pair or Yoke of Oxen drawing ſhall be deemed and taken to be but as One Horſe: and take Tolls thereat.

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 Nine 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. The Tolls.

For every Caravan, Waggon, Tugg, 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 Nine 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 Two Pence.

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, 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 Two Pence Halfpenny per Score; and ſo in Proportion for any greater or leſs Number.

Which ſaid reſpective Sum or 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 Nine or more of them, ſhall appoint: And it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, or any ſuch Perſon or Tolls to be levied by Diſtreſs and Sale.

Perſons as they, or any Nine or more of them, under their Hands and Seals, ſhall, from time to time, nominate, to levy the ſaid Tolls and Duties upon any Perſon or Perſons who ſhall, after Demand thereof, refuſe or neglect to pay the ſame, by Diſtreſs of any Horſe or Horſes, or any other Goods and Chattles upon which ſuch Tolls and Duties are by this Act impoſed, or by Diſtreſs of any of the Goods and Chattles of ſuch Perſon or Perſons who ought to pay the ſame; and ſuch Diſtreſs to detain until ſuch Toll or Duty, with the reaſonable Charges of making and detaining ſuch Diſtreſs, ſhall be paid; and after the Space of Four Days next after ſuch Diſtreſs made, to ſell the ſame, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls and Duties, and the reaſonable Charges for the making, keeping, and ſelling, ſuch Diſtreſs, ſhall be deducted and paid.

Diſtreſs to be ſold after 4 Days.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, to erect, or cauſe to be erected (over and beſides the above mentioned Bars, Gates, or Turnpikes, upon or acroſs the ſaid Roads) One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, on the Sides of the ſaid Roads, or at the Ends of, or acroſs any Lane or Way leading into or out of, the ſame, and there to demand and take ſuch Tolls or Duties as by this Act are appointed to be demanded and taken.

and take Tolls thereat.

Proviſo.

Provided always, That no Gate ſhall be erected between the Top of Barrow Hill and the Town of Aſhford aforeſaid.

Tolls being paid at One Gate, to carry the Party through the next Toll-free.

Provided nevertheleſs, That all and every Perſon and Perſons, having paid for paſſing through any Bar, Gate, or Turnpike, ſo to be erected on the Sides of the ſaid Roads as aforeſaid, and producing a Note or Ticket of ſuch Payment, ſhall paſs through the next and neareſt of the ſaid Gates erected upon and acroſs ſuch of the ſaid Roads to which the ſame is adjoining Toll-free; or if any Perſon or Perſons, having paſſed through any of the ſaid Bars, Gates, or Turnpikes, ſo to be erected upon and acroſs the ſaid Roads as aforeſaid, and having paid the Tolls and Duties at ſuch Gate or Gates, ſuch Perſon or Perſons, upon producing a Note or Ticket of ſuch Payment, ſhall paſs Toll-free through the next and neareſt Bar or Gate ſo to be erected on the Sides of the ſaid Roads.

And

And be it further enacted, That all and every Carriage or Carriages laden with Timber, Chalk Stones, and Guns, or any other Iron, paſſing through any Bar or Bars, Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the Tenth Day of October and the Tenth Day of May in every Year, during the Continuance of this Act, ſhall pay Double at each Bar, Gate, or Turnpike, through which ſuch Carriage or Carriages ſo laden ſhall paſs; any thing in this Act contained to the contrary thereof notwithſtanding. Carriages with Timber, &c. to pay Double Toll.

Provided always, and be it further enacted, That no Perſon, having paid the Toll by this Act granted for the paſſing of any Cattle or Carriage through One Gate or Turnpike that ſhall be erected by virtue of this Act, between Bull Green and Hothfield Heath, ſhall be ſubject or liable to the Payment of Toll for the paſſing of the ſame Cattle or Carriage the ſame Day, through any other Gate or Turnpike to be erected between the ſaid Places. Toll to be paid between *Bull Green* and *Hothfield Heath*.

Provided alſo, and be it further enacted, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid for paſſing through any of the Turnpikes to be erected by virtue of this Act, and carrying any Materials for repairing the ſaid Roads, or for mending any of the Highways in the reſpective Pariſhes in which the ſaid Roads by this Act directed to be repaired do lie; or going to or returning through any of the ſaid Turnpikes for or with Dung, Mould, Marl, or other Compoſt, or other Materials (Chalk and Lime excepted) for manuring of Lands or Gardens; nor ſhall any Duty be demanded or taken by virtue of this Act for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, or Corn in the Straw, not for Sale, but intended to be laid up in any Houſes, Out-houſes, Barns, or Yards, of or belonging to the reſpective Inhabitants of the ſeveral Pariſhes or Places in which the ſaid Roads hereby intended to be repaired do lie; nor for any Ploughs, Harrows, or other Implements of Husbandry; nor ſhall any of the Tolls or Duties hereby laid be demanded of, or taken from, any Perſon or Perſons reſiding in the ſaid Pariſhes in which the ſaid Roads hereby directed to be repaired do lie, who ſhall paſs through the ſaid Turnpikes or Croſs Gates, to or from their own reſpective Church or Chapel, or other Place of religious Worſhip, on Sundays; or who ſhall attend the Funeral of any Perſon or Perſons to be buried in any of the ſaid Pariſhes; or for any Horſes, Mares, Geldings, or Cattle, going to or returning from Exemptions from Tolls.

Plough, or other Tillage or Work in Husbandry, or the Watering Places of any of the neighbouring Inhabitants near the ſaid Roads; nor for any Poſt-horſe or Poſt-horſes carrying any Mail or Packet; nor ſhall any Toll or Duty be demanded for the Horſes of Soldiers paſſing who are upon their March, or for Carts, Carriages, or Waggons, attending them, laden with their Arms or Baggage; nor for any Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes; nor ſhall any Tolls be taken by virtue of this Act for Coaches, Berlins, Landaus, Chariots, Chaiſes, Chaiſe-marines, Calaſhes, or Chairs, or Paſſengers on Horſeback going to, or returning from, any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of Kent, on the Day or Days of ſuch Election.

Penalty on making illegal Claims.

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

Tolls to be paid but Once a Day.

And be it further enacted, That no Perſon or Perſons having paid the Toll or Duty hereby granted at any of the ſaid Gates or Turnpikes erected by virtue of this Act, through which ſuch Perſon or Perſons ſhall have paſſed with any Horſe, Mare, Gelding, Mule, Aſs, or Cattle, or any Carriage whatſoever, and producing a Note or Ticket, Notes or Tickets, denoting ſuch diſtinct and ſeparate Payment at all and every of the ſaid Gates through which he, ſhe, or they, ſhall have paſſed, (which ſaid Note or Ticket, Notes or Tickets, the Collector or Collectors is and are hereby required upon Demand, to give gratis) ſhall be liable to pay again for returning through the ſame Bar or Bars, Gate or Gates, Turnpike or Turnpikes, the ſame Day, or before Twelve of the Clock at Night with the ſame Horſe, Mare, Gelding, Mule, Aſs, Cattle, or any Carriage whatſoever; but if any Perſon or Perſons ſhall paſs the ſame Day through the ſaid Turnpike a Third Time with the ſame Carriage, 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

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 Roads, with the ſame Carriage as aforeſaid.

Tolls veſted in Truſtees.

And be it further enacted, That the ſeveral and reſpective Sums of Money ſo to be demanded, received, and taken, ſhall be demanded, received, and taken, in the Name of, and as a Toll or Duty; and the Money ſo hereby to be raiſed and collected, is hereby veſted in the ſaid Truſtees; and the ſame and every Part thereof, and alſo all 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, and in repairing, widening, and amending the ſaid Roads, and in defraying the neceſſary Coſts, Charges, and Expences, attending the ſame; and to no other Uſe or Purpoſe whatſoever.

Truſtees not to repair Pavements.

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

Property of Turnpikes, &c. veſted in the Truſtees.

And be it further enacted, That the Right and Property of all and every Bar and Bars, Gate and Gates, Turnpike and Turnpikes, Toll-houſe and Toll-houſes, which ſhall be erected by virtue of this Act, and of the Materials for building the ſame, and for repairing the ſaid Road and keeping the ſame in Repair, ſhall be veſted in the ſaid Truſtees; and they, or any Nine or more of them, are hereby impowered to diſpoſe thereof as they ſhall think proper, and to bring Actions in the Names of any Five or more of them, or in the Name or Names of their Clerk or Treaſurer for the time being; or to proſecute Bills of Indictment againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion of the Property thereof.

No Turnpike to be removed unleſs by Order of 11 Truſtees.

And be it further enacted, That no Bar, Gate, or Turnpike, to be erected or ſet up by virtue of this Act, ſhall, at any Time after the ſame ſhall be ſet up, be taken down, or removed to any other Place, except by Order of the Truſtees, or any Eleven or more of them, and whereof Fourteen Days Notice ſhall be given in Writ-

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

Trustees may reduce the Tolls,

And be it further enacted, That the said Trustees, or any Fifteen 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, are hereby authorized and impowered from time to time, in case it shall appear requisite and expedient, to lessen and reduce, and again to raise and advance the Tolls or Duties hereby granted and made payable, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so as the respective Tolls so varied never exceed the Tolls granted by this Act, nor ever be lessened, until the Money to be borrowed on the Credit thereof, together with the Interest, be repaid, unless all Persons to whom such Money and Interest is due, consent thereto; and such Tolls or Duties so varied, or any of them, shall be collected, recovered, laid out, and applied, in the same Manner, as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied.

and raise them again.

Power to borrow Money.

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

hereof, and to 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 for that Purpoſe by the ſaid Clerk.

Notice thereof to be given.

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

Aſſignments may be tranſferred.

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

Truſtees not chargeable with Money borrowed.

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 Aſſignments, or other Securities to be made in purſuance of this Act, or any or either of them.

Truſtees may leaſe, &c. the Tolls.

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

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

And be it further enacted, That if any Perſon or Perſons, during the Continuance of this Act, ſhall hale or draw, or cauſe to be haled or drawn, in or along the Roads by this Act intended to be repaired, or any Part thereof, any Tree or Trees, Piece or Pieces of Timber (otherwiſe than or except upon Wheel Carriages) every ſuch Perſon, for every ſuch Offence, ſhall forfeit and pay the Sum of Ten Shillings.

Penalty on permitting, &c. private Paſſage;

And be it further enacted, That if any Perſon or Perſons whomſoever, owning or occupying any Meſſuage or Land near to any Turnpike which ſhall be erected in purſuance of this Act, ſhall permit or ſuffer any Perſon or Perſons to paſs through any Land, Gate, Paſſage, or private Way, with any Carriage, Horſe, Mare, Aſs, Mule, or any Sort of Cattle, on which any Toll or Duty is hereby laid; or if any Perſon or Perſons ſhall, with any Carriage whatſoever, or with any Horſe, Mare, or other Cattle, paſs through any ſuch Land, Gate, Paſſage, or private Way, under Pretence of Right, or otherwiſe, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe, Mare, or other Cattle, from any Carriage, with an Intent to avoid paying any of the ſaid Tolls or Duties;

or taking off Horſes, &c.

ties; or ſhall leave, or cauſe to be left, upon or near the ſaid Roads, any Coach, Berlin, Landau, Chariot, Chaiſe, Chaiſe-Marine, Calaſh, Chair, Waggon, Tugg, Wain, or other Carriage, Horſe, or any other Cattle, with ſuch Intent as aforeſaid; every Perſon ſo offending, in any of the Caſes aforeſaid, ſhall forfeit and pay the Sum of Twenty Shillings; One Moiety whereof ſhall be paid to the Informer, and the other Moiety thereof ſhall be applied towards the repairing the ſaid Roads.

Penalty on giving Tickets;

And be it further enacted, That if any Perſon or Perſons having paid any of the Tolls and Duties by this Act granted, and having ſuch Note or Ticket, Notes or Tickets as aforeſaid, ſhall give or diſpoſe of the ſame to any Perſon or Perſons, in order to avoid the Payment of the ſaid Tolls and Duties; every ſuch Perſon ſo offending, or 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 the repairing the ſaid Roads.

to avoid Payment of the Tolls.

Truſtees to appoint Officers.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, may chuſe a Clerk, Treaſurer or Treaſurers, Collector or Collectors, of the Tolls or Duties aforeſaid, and alſo a Surveyor or Surveyors, to view the Condition of the ſaid Roads, and to ſee that the ſame be repaired, and all ſuch other Officers as they ſhall think neceſſary to employ in the Execution of this Act; and, from time to time, to remove ſuch Clerk, Treaſurer, Collectors, Surveyors, and other Officers, as they ſhall ſee Occaſion, and appoint new Ones, in caſe of Death or ſuch Removal; and the ſaid Tolls and Duties ſhall be paid after the Rates aforeſaid, to ſuch Perſons as ſhall, from time to time, be ſo appointed to receive the ſame: And the Perſons ſo appointed to receive the ſaid Tolls and Duties, and alſo ſuch Surveyors, and all Perſons any ways employed by or under them, or any of them, ſhall, upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oath any Two of ſuch Truſtees are hereby impowered to adminiſter) on the Firſt Tueſday in every Month, or oftener, if the ſaid Truſtees, or any Five or more of them, ſhall ſo require, give in a true, exact, and perfect Account in Writing, under their reſpective Hands, to the ſaid Truſtees, or any Five or more 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

Officers to account.

main in the Hands of ſuch reſpective Perſons, or any of them, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall impower to receive the ſame, and ſhall be laid out according to the true Meaning of this Act; and the ſaid Truſtees, or any Nine or more of them, ſhall and may, out of the ſaid Tolls and Duties, make ſuch Allowance to the ſaid Clerk, Collectors, Surveyors, and other Officers, for their Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſon or Perſons as ſhall be aſſiſting in and about procuring the ſaid Roads to be amended, as to the ſaid Truſtees, or any Nine 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 Account, and make ſuch Payment as aforeſaid; that then it ſhall and may be lawful for the Mayor of the Town and Hundred of Tenterden, in the County of Kent aforeſaid, or any One or more Juſtice or Juſtices of the Peace for the ſaid Town and Hundred, and alſo for any One or more Juſtice or Juſtices of the Peace for the County of Kent aforeſaid, within their reſpective Juriſdictions, in which any Part of the ſaid Roads do lie, to make Enquiry 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 Mayor, 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 Mayor, or Juſtice or Juſtices, ſhall commit the Party to the Common Gaol of the ſaid Town and Hundred, or of the ſaid County of Kent, 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 Nine or more of them, and have paid ſuch Compoſition to the ſaid Treaſurer or Treaſurers; which Compoſition the ſaid Truſtees, or any Nine or more of them, at any Meeting aſſembled, are hereby impowered to make.

Officers refuſing to account,

Juſtices to inquire into the Default,

and commit the Offender, until Payment or Compoſition made.

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

Treaſurer, &c. to give Security.

And

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch other Perſons as he or they ſhall appoint, to cut, dig, open, draw, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the ſaid Roads, out of and from any Waſte Grounds, Commons, Quarries, Rivers, or Brooks, in any Pariſh, Town, or Place, in which any Part of the ſaid Roads do lie, or in any neighbouring Pariſh, Town, or Place, without paying any thing for the ſame; ſuch Surveyor or Surveyors, or other Perſons, filling up the Pits and levelling the Ground from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame be not dangerous to Paſſengers or Cattle; and alſo by Order of the ſaid Truſtees, or any Five or more of them, to cut, dig, open, draw, gather, take, and carry away, any ſuch Materials as aforeſaid, in, upon, or out of, from, and over, the Lands of any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, or other Perſon or Perſons (not being a Garden, Orchard, Yard, Park, Paddock, Nurſery, or planted Walk or Walks, or Avenue to a Houſe) paying or tendering Payment of ſuch Rates for ſuch Materials, and for the Damage done to the Owners or Occupiers of ſuch Lands and Grounds where and from whence the ſame ſhall be cut, digged, opened, drawn, gathered, taken, and carried away, or over which the ſame or any other Materials gotten in any Waſte Ground, Common, Quarry, River, or Brook, or private Grounds, ſhall be conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning the ſame, between ſuch Owners or Occupiers and the ſaid Truſtees, or Juſtices of the Peace, at the next General Quarter Seſſions to be holden for the ſaid County of Kent, ſhall and may examine Witneſſes upon Oath relating thereto, and ſhall adjudge and finally determine the ſame, and order the Damage to be paid by the Treaſurer for the time being of the ſaid Roads, out of the Money ariſing by the ſaid Tolls; from which Determination there ſhall be no Appeal.

Materials may be taken from private Grounds;

without paying for the ſame;

levelling the Pits, &c.

making Satisfaction to the Owners.

Juſtices to determine Differences.

And be it further enacted, That no Foot Cauſeway or Cauſeways uſed by Foot Paſſengers on any Part of the ſaid Roads ſhall be taken away or removed in altering or widening any Part of the ſaid Roads, without making and laying other good, ſufficient and convenient Foot Cauſeway or Cauſeways in lieu thereof.

Foot Ways not to be taken away, unleſs others made.

And

Surveyors may make Cauſeways, &c.

And be it further enacted, That the ſaid Surveyor or Surveyors, or Perſon or Perſons by them or either of them appointed, may, and is and are hereby authorized and impowered to, make, or cauſe to be made, any Cauſeway or Cauſeways in or along the Side or Sides of any Part of the ſaid Roads; and ſhall and may build, or cauſe to be built, any Bridge or Bridges, in or upon, or acroſs, the ſaid Roads, or any Part thereof; and cut, or cauſe to be cut, any Watercourſes in, through, or croſs, any Lands or Grounds, to prevent the ſaid Roads, or any Part or Parts thereof, from being overflowed; and erect Bridges over ſuch Drains or Watercourſes (if neceſſary) making ſuch reaſonable Satisfaction to the Owner or Owners, Occupier or Occupiers, of ſuch Lands or Grounds for the Damages they ſhall thereby ſuſtain, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable.

and erect Bridges, &c. making Satisfaction to the Owners.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from time to time to remove all Annoyances on any Part of the ſaid Roads; and to cut down Trees, Wood, and Buſhes, growing in the ſaid Roads, or in the Hedges, Banks, and Shaws adjacent thereto; the Owners or Occupiers neglecting to cut down ſuch Trees, Wood, 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 ſuch Owners or Occupiers neglecting to cut down ſuch Trees, Woods, 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 the ſaid Mayor, or Juſtice or Juſtices, or of One or more Juſtice or Juſtices of the Peace for the ſaid County of Kent, within their reſpective Juriſdictions, 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 again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof con-

Penalty on Owners neglecting to remove Annoyances, &c.

victed upon Oath before Two or more of the ſaid Juſtices of the Peace within their reſpective Juriſdictions, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five 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.

Owners neglecting to ſcour their Watercourſes, after Notice,

And be it further enacted, That if any Perſon or Perſons who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into, or out of, any Part or Parts of the ſaid Roads, ſhall not, in a proper Manner, cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode by the ſaid Surveyor or Surveyors; then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes, to be ſcoured and cleanſed, and to 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 or 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 the ſaid Mayor and Juſtice, or any Juſtice of the Peace for the ſaid County of Kent within their reſpective Juriſdictions, by 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.

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, from time 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 to the said Roads for the Purchase of any such Grounds, Lands, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss 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 seized or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, for turning, altering, or widening 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, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots, Lunaticks, and Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, Idiots, Lunaticks, 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 Nine 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

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

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.

Perſons neglecting to treat for the Sale of Lands;

And be it further enacted, That if ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, or other Perſon or Perſons intereſted in any ſuch Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments, ſo to be taken in, and added to, the ſaid Roads, or into or through which ſuch Roads are 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 Nine 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 of Kent, or of the ſaid Town and Hundred of Tenterden, within their reſpective Juriſdictions (which Oath any Two or more of the ſaid Truſtees are hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to, ſuch Owners, Proprietors, Occupiers, or other Perſon or Perſons intereſted for or upon account of the taking ſuch Lands, Grounds, or Hereditaments, into the ſaid Roads, or of turning ſuch Roads into or through the ſame; and in order thereto, the ſaid Truſtees, or any Nine or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered and required 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 better Information in the Premiſſes, as they the ſaid Truſtees, or any Nine or more of

Jury to aſſeſs the Damages.

Witneſſes may be ſummoned, and examined upon Oath.

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 Nine or more of them, ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, Occupiers, of, or other Perſons intereſted in, the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Feme Coverts, 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 Nine or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County of Kent, or Mayor of the Town and Hundred of Tenterden, 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 Nine or more of them, at ſuch Time and Place as in the ſaid Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, and the ſaid Mayor, 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, or the ſaid Mayor, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend

Verdict of the Jury to be final.

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

tend that Service, to make up with the ſaid Perſons ſummoned and appearing the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenge againſt any of the ſaid Jurymen when they come to be ſworn: And the ſaid Truſtees, or any Nine 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 or Deputies, Bailiffs or Agents, or the ſaid Mayor, or his Officers 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 time, to levy ſuch Fine or 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.

Jurors may be challenged.

Truſtees may impoſe a Fine on the Sheriff, making Default on the Premiſſes.

Fine not to exceed 10 *l.*

And be it further enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence for the Right, Intereſt, or Property, of any Perſon or Perſons in any ſuch Lands 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 or returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage, as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes 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 upon the Credit thereof: But if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Monies than 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, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, in, or Loſs or Damage as aforeſaid; that then the Coſts and Expences of ſummoning and

Expences of the Jury how to be borne.

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

Monies allowed for Lands, how to be charged and tendered.

And be it further enacted, That all and every Sum and Sums of Money so assessed by such Jury, for the Damage and Recompence as aforesaid, shall be and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or by their Treasurer, to the Person or Persons respectively intitled thereto, or to their Agent or Agents; and that upon Payment, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads; and shall to all Intents and Purposes whatsoever become, and be deemed and taken to be, a Publick and Common Highway, and be from thenceforth Part of the said Roads for ever after; and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Roads so widened, altered, or turned, were and ought to have been kept in Repair: And after such new Roads shall be compleated, the Lands and Grounds comprised in, or constituting, the old or former Roads, shall be vested in, and shall and may be sold by, the said Trustees, or any Nine 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 the said Roads; and the Sale and Conveyance and Conveyances to be made of such Lands or Grounds being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace for the said County of Kent for the time being, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

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

and esteemed a Publick Highway.

Old Road may be sold.

Buildings not to be injured, &c.

Provided always, 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, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Owners thereof shall consent thereto.

Inhabitants to do Statute-work.

And be it further enacted, That the Inhabitants of the ſeveral Pariſhes or 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 ſame Work, which ſhall be done and performed in ſuch Parts of the ſaid Roads by this Act directed to be repaired, and lying within the ſaid Pariſhes and Places in which ſuch Inhabitants reſpectively ſhall live, 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.

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

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

Juſtices to determine the Statute-work to be done on the Road.

And be it further enacted, That it ſhall and may be lawful for the Mayor and Jurats of the Town and Hundred of Tenterden aforeſaid, or any Two or more of them, for the time being, in reſpect to ſuch Statute-work as the Inhabitants of the ſaid Town and Hundred ought to do on the ſaid Roads, and for any Two or more of the Juſtices of the Peace for the ſaid County of Kent, in reſpect to ſuch Statute-work as the Inhabitants of any other of the ſeveral Pariſhes in which the ſaid Roads do lie ought to do; and as well the ſaid Juſtices of the Peace as the aforeſaid Mayor and Jurats of Tenterden aforeſaid, within their reſpective Juriſdictions, are hereby required and impowered, upon Application made to them the ſaid Mayor and Jurats, and Juſtices of the Peace reſpectively, by the ſaid Truſtees, or any Five or more of them, or by any of the ſaid Surveyors of the ſaid Highways, or by any of the Perſons ſo chargeable yearly, to adjudge and determine what Part or Proportion of the Statute-work ſhall every Year be done in the Roads aforeſaid, as well by the Inhabitants of the ſaid Town and Hundred of Tenterden, as by the Inhabitants of all or any of the other Pariſhes or Places in

in which the said Roads hereby directed to be amended do lie.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the several Parishes, Townships, and Places, through which the said Roads do lead, or the Inhabitants thereof, touching the Statute-work the Inhabitants of each Parish, Township, or Place, ought to do on the said Roads by this Act directed to be repaired; be it further enacted, That it shall and may be lawful as well for the said Justices of the Peace, as the aforesaid Mayor and Jurats of the said Town and Hundred, within their respective Jurisdictions, and they are hereby required and impowered, upon Application made to them the said Mayor and Jurats and Justices of the Peace respectively, by the said Trustees, or any Five or more of them, to summon the Surveyor or Surveyors of or for any Parish, Township, or Place, wherein the said Roads do lie; and in case no Surveyor shall be appointed for such Parish, Township, or Place, then to summon the Churchwardens or Overseers of the Poor of the said Parish, Township, or Place, to bring, in Writing, before such Mayor and Jurats, and Justices of the Peace respectively, upon Oath, within Ten Days after such Summons, a true and perfect List of the Names of the several Persons who, within each Parish, Township, or Place respectively, are obliged by Law to do their Statute-work for that Year, with Teams and Draughts, or otherwise, and also the Number of Days Work with which such Teams or Draughts, or otherwise each Person ought to do on the said Roads; out of which List the said Mayor and Jurats, and Justices of the Peace respectively, shall and may allot, appoint, and order, such and so many Persons to do their Statute-work on the said Roads within their respective Parishes, Townships, or Places, as the said Mayor and Jurats, and Justices of the Peace respectively, shall think fit: Which Statute-work shall be done by such of the Persons as shall be appointed to do the same, on such several Days, and at such several Times, and in such Part of the said Roads within their respective Parishes, Townships, or Places, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint: And if any Person shall neglect or refuse to do such Statute-work so allotted, appointed, and ordered, to be done; every such Person, for every Day he, she, or they, shall make Default, shall forfeit and pay the Sum of

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

Penalty on Persons not performing Statute-work.

Ten

Ten Shillings for every Draught; and every Houſeholder and Perſon liable to do Statute-work, making Default, ſhall forfeit and pay the Sum of One Shilling and Six Pence for every Day's Default, inſtead of ſuch Penalty or Penalties as he, ſhe, or they, is and are now reſpectively by Law ſubject to for neglecting to do their Statute-work: And if any Perſon or Perſons who ſhall come to work as a Labourer or Labourers, or ſhall be ſent with any Team or Draught, to work on the ſaid Roads, ſhall be found idle or negligent by the Surveyor or Surveyors of the ſaid Roads hereby directed to be repaired; ſuch Surveyor or Surveyors is and are hereby impowered to remove and turn off ſuch Perſon or Perſons, who ſhall in that Caſe be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he, ſhe, or they, had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on ſuch Roads; all which ſaid Forfeitures ſhall be recovered, levied, and diſpoſed of, in ſuch Manner as is herein after-mentioned and declared: And in caſe the ſaid Surveyors of the Highways for any of the Pariſhes, Townſhips, or Places, or the ſaid Churchwardens or Overſeers of the Poor, or any of them, ſhall refuſe or neglect to give in a Liſt of the Names as aforeſaid, to ſuch Mayor and Jurats, and Juſtices; then each and every of ſuch Surveyors, Churchwardens, and Overſeers, ſo refuſing or neglecting, ſhall for every ſuch Neglect or Refuſal, being thereof lawfully convicted, upon Oath, before One or more of the ſaid Mayor and Jurats, and Juſtices, forfeit and pay the Sum of Five Pounds.

Perſons found idle, to be turned off.

Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, from time to time, during the Continuance of this Act, to compound and agree with the Surveyor or Surveyors of any of the Pariſhes or Places in which the ſaid Roads do lie, and with any of the Poſſeſſors or Occupiers of Lands, Tenements, and Hereditaments, or other Perſons who are or ſhall be liable or chargeable towards the repairing of any Part of the ſaid Roads, either by Statute-work, Cuſtom, or Tenure, as aforeſaid, for a certain Sum of Money, by the Year, or otherwiſe, as the ſaid Truſtees, or any Nine or more of them, ſhall think reaſonable, in lieu of ſuch Statute or other Work to be done by the Inhabitants of ſuch Pariſhes or Places, or by ſuch Poſſeſſor or Poſſeſſors, Occupier or Occupiers of ſuch Lands, Tenements, and Hereditaments, or other

Truſtees may compound for Statute-work.

Persons chargeable by Custom or Tenure, as aforesaid.

Composition-money how to be recovered.

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

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

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

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required and impowered to, cause the said Roads

to

to be meaſured, and Stones or Poſts to be ſet up in or near the Sides thereof, each Stone or Poſt at the Diſtance of One Mile from the other, denoting the Diſtance of every ſuch Stone or Poſt from London, or any other Place, as to the ſaid Truſtees ſhall ſeem meet: And if any Perſon ſhall wilfully and maliciouſly Penalty on defacing Mile-ſtones, &c. break or pull up any of the Stones or Poſts, or any Part thereof, which ſhall be erected and ſet up, or ſhall obliterate or deface any of the Words, Letters, Figures, or Marks, which ſhall be inſcribed thereon, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more of the ſaid Juſtices of the Peace within their reſpective Juriſdictions (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 up, obliterated or defaced, to be levied and recovered in ſuch Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered; One Fourth Part of ſuch Forfeitures to be paid to and for the Uſe of the Informer, and the Reſidue thereof to be applied in repairing the Stones or Poſts ſo broken or defaced, or in ſupplying new ones in their Stead; and if there ſhall be any Overplus thereof, the ſame ſhall be laid out in repairing the ſaid Roads; but in caſe no ſufficient Diſtreſs can be found, whereby to levy the ſame, then it ſhall and may be lawful for any One or more of ſuch Juſtice or Juſtices, within their reſpective Juriſdictions, by Warrant under his and their Hand and Seal, or Hands and Seals, to commit the Perſon or Perſons offending to any Houſe of Correction, within their reſpective Juriſdictions, within the ſaid County of Kent, to be there kept to hard Labour, for any Time not leſs than the Space of One Month, nor exceeding Three Months, or until he, ſhe, or they, ſhall have fully paid the Money which he, ſhe, or they, ſhall forfeit or be liable to pay on ſuch Conviction as aforeſaid.

And be it further enacted, That all the Penalties and Forfeitures by this Act impoſed or incurred (touching which no other Proviſion is herein made) ſhall be levied by Diſtreſs and Sale of the Offender or Offenders Goods or Chattles, by Warrant or Warrants under the Hands and Seals of Two or more of the ſaid Juſtices of the Peace within their reſpective Juriſdictions; Penalties and Forfeitures how to be recovered.

which Warrant or Warrants the ſaid Juſtices 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 of the Peace are hereby required and impowered to adminiſter, without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall go, be applied, and laid out, if not otherwiſe applied and diſpoſed of by this Act, for and towards amending the ſaid Roads.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any thing done in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it ſhall and may be lawful for him or her to appeal to the Juſtices of the Peace at their next General Quarter Seſſions to be held for the ſaid County of Kent, or to the ſaid Mayor and Juſtices within their reſpective Juriſdictions, 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 let 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 Premiſſes as they ſhall think right and proper.

Notice of Appeal to be given.

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

Proceedings not to be quaſhed for want of Form,

Provided always, and be it further enacted, 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 removed by Certiorari, or any other Proceſs, into any of His Majeſty's Courts of Record at Weſtminſter, until ſuch Proceedings ſhall have firſt been removed to, and Judgement and Determination given and made thereupon by ſuch Quarter Seſſions of the Peace; and that no Writ of Certiorari ſhall be iſſuable to remove the Record of any ſuch Conviction from the ſaid General Quarter Seſſions, or to remove any other Proceedings of the

nor removed by *Certiorari*.

ſaid

ſaid Quarter Seſſions, touching ſuch Conviction, into any of His Majeſty's Courts of Record at Weſtminſter, until Security be given to the Proſecutor in the Sum of Thirty Pounds, to proſecute and pay the Charges to be aſcertained by the Court to which ſuch Proceedings ſhall be removed, in caſe ſuch Conviction ſhall be confirmed.

Commencement and Continuance of this Act.

And it is hereby further enacted, That this Act, and all the Tolls and Duties hereby granted and made payable, and all the Powers hereby given, ſhall take place, and ſhall have Commencement and 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; but if at any Time before the Expiration of the ſaid Term, all the ſaid Roads directed by this Act to be repaired, ſhall be ſufficiently repaired, and ſo adjudged by the Juſtices of the Peace for the ſaid County of Kent, at their General Quarter Seſſions of the Peace for the ſaid County, that then and from and after ſuch Adjudication made, and Repayment of all Money due and owing on account of this preſent Act, the aforeſaid Tolls and Duties and Powers hereby granted and given, ſhall from thenceforth ceaſe and determine; any thing herein contained to the contrary thereof notwithſtanding.

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

No act valid, except at a publick Meeting.

And be it further enacted, 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 or either of the ſaid Truſtees act, or be impowered to act, in the Execution of the Power hereby given to them, in any Caſe where Five or more of the ſaid Truſtees are by this Act required to join in the doing thereof, unleſs it be at a Meeting to be by them held in purſuance of, and according to, the Direction of this Act, or in purſuance of a Reſolution of the Truſtees preſent at ſome former Meeting or Meetings, whereby any Perſon or Perſons is or are authorized to carry ſuch Reſolution into Execution.

No Order to be repealed unleſs 9 Truſtees be preſent, &c.

Provided always, and be it further enacted, That no Order made by virtue and in purſuance of this Act by Five or more Truſtees (being under the Number of Nine) ſhall 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 ſhall any Order made by Nine or more Truſtees

ſtees be revoked, repealed, or ſet aſide, by any ſubſequent Order of the Truſtees, unleſs Eleven or more Truſtees ſhall be preſent at the making ſuch ſubſequent Order; nor ſhall any Order made by Eleven or more Truſtees be revoked, repealed, or ſet aſide, by any ſubſequent Order of the ſaid Truſtees, unleſs Fifteen or more Truſtees ſhall be preſent at the making ſuch ſubſequent Order.

Proceedings to be entered in Books.

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

Writings to be without Stamps.

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

Diſtreſs not to be deemed unlawful for want of Form,

And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or want of Form in the Summons,

nor the Parties diſtraining deemed Treſpaſſers *ab initio*.

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.

Tender of Amends to be made.

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity, if ſufficient Tender of Amends hath been made to him, her, or them, by or on Behalf of the Defendant or Defendants before ſuch Action brought.

Limitation of Actions.

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

General Iſſue.

Treble Coſts.

Publick Act.

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

FINIS.