Anno ſeptimo

Georgii III. Regis.

An Act for repairing and widening the Road from the Brick Kilns on *Eaſt Malling Heath*, to the Turnpike Road on *Pembury Green*, and from *Brand Bridges* to the *Four Wents*, near *Matfield Green*, in the County of *Kent*.



WHEREAS the Road leading from the Brick Kilns, on Eaſt Malling Heath, in the County of Kent, to Wateringbury Croſs, in the Pariſh of Wateringbury, in the ſaid County, and from thence to a Place called Brand Bridges, in the Pariſh of Eaſt Peckham, in the ſaid County; and from Brand Bridges to the Turnpike Road on Pembury Green, in the ſaid County, through the Pariſhes of Wateringbury, Nettleſted, Eaſt Peckham, Yalding, Tudely, Capel, Brenchley, and Pembury; and alſo the Road from Brand Bridges to the Blackſmith's Forge, at a Place called The Four Wents, near Matfield Green, in the Pariſh of Brenchley, in the ſaid County, are very Preamble.

very ruinous, and in ſeveral Places very narrow, and deep and ſounderous, and liable to great Obſtructions, in Time of Floods, for want of Bridges and ſafe Fords, which renders them very incommodious, and unſafe and dangerous to Carriages and Paſſengers paſſing thereon: And whereas; the ſaid Roads cannot be effectually repaired, widened, and altered, and kept in Repair, by the ordinary Methods preſcribed by Law; May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable George Sackville, commonly called Lord George Sackville; John Auſten Eſquire, John Amhurſt, Thomas Andrewes, Nicholas Alchin, John Allen, Sir Philip Boteler, Sir Richard Bettenſon, Sir Brook Bridges, Baronets; Thomas Beſt, Francis Brooke, Joſeph Brooke, Leonard Bartholomew, Charles Booth, Eſquires; John Brome, John Barton of the Court Lodge in Hadlow, Thomas Barton of the Parſonage in Hadlow; the Reverend Joſeph Butler, the Reverend Charles Bowles, Robert Biggenden, Sir Samuel Corniſh Baronet, Alexander Courthope, George Courthope, John Children, Eſquires; John Cole, the Reverend William Courthope, Henry Cheeſman, Sir John Dixon Dyke Baronet, William Daliſon, William Daniel, the Reverend Thomas Daliſon, the Reverend William Delves, William Evelyn Eſquire, the Honourable Robert Fairfax Eſquire, Sir John Filmer, Sir Charles Farnaby, Baronets; Roſe Fuller, Stephen Fuller, Beverſham Filmer, Francis Filmer, Eſquires; Richard Fairman, William Fleet, Edward Fowle, Thomas Fowle, Francis Geary Eſquire, William Geary, Francis Geary the younger, Sir John Honywood Baronet, John Honywood, Nicholas Haddock, Charles Haddock, Benjamin Hubble, Eſquires; Iden Henham, William Hoſmer, the Reverend Daniel Hill, William James Eſquire, the Reverend Thomas Marſhall Jordon, Sir George Kelley, William Kingſley Eſquire, Thomas Lambard Eſquire, the Reverend Edmund Latter, the Honourable Charles Maſham, Naſh Maſon, Richard Maſter, Eſquires; Charles Milner M. D. the Reverend Menzies, John Martyr, Thomas Martin, Richard Miller, Thomas Miller, John Miller, Sir Mark Parſons Baronet, John Pratt, William Parry, Thomas Smith Panuwell, Eſquires; Sir Thomas Rider, William Ruſſell, Sir Thomas Style, Sir Thomas Stapleton, Baronets; Charles Style, Thomas Streatfield, William

Truſtees for the watering every Diſtrict.

liám Selby, William Selby junior, Charles Stewart, Eſquires; the Reverend Robert Style, John Smith, Sir William Twyſden, Sir Roger Twiſden, Baronets; William Twyſden, Roger Twiſden, Thomas Twyſden, William Twiſden, John Papillon Twiſden, George Thornton, Eſquires; Thomas Turner, the Reverend Johnſon Towers, Charles Whitworth Eſquire, Thomas Whitfield, John Whitaker of Barming; Richard Ward, William Watſon, the Reverend John Ward, the Reverend John Whitaker, and their Succeſſors, to be elected in manner herein after-mentioned, ſhall be and are hereby appointed Truſtees for ſurveying, ordering, altering, widening, repairing, and keeping in Repair, the ſaid Road leading from the Brick Kilns on Eaſt Malling Heath, to Wateringbury Croſs, and from thence to Brand Bridges aforeſaid; and from Brand Bridges, to the Turnpike Road on Pembury Green aforeſaid, through the Pariſhes of Wateringbury, Nettleſted, Eaſt Peckham, Yalding, Tudely, Capel, Brenchley, and Pembury; and for putting in Execution all the Powers of this Act, in relation to the ſaid Road, which ſhall be and is herein after called The Wateringbury Diſtrict of the Roads hereby intended to be repaired and widened: And that the Right Honourable George Sackville, commonly called Lord George Sackville; John Auſten Eſquire, Thomas Aſh, Sir Philip Boteler, Sir Richard Bettenſon, Sir Brooke Bridges, Baronets; Thomas Beſt, Francis Brooke, Joſeph Brooke, Charles Booth, Eſquires; Lawrence Boorman, Edward Budgen, Samuel Baker, the Reverend Thomas Baker, Alexander Courthope, George Courthope, Henry Campion, John Children, Eſquires; John Cole, John Corke the elder, John Corke the younger, Ambroſe Coveney, the Reverend William Courthope, Henry Cheeſman, Sir John Dixon Dyke Baronet, William Daliſon, William Daniel, John Darrell, Eſquires; the Reverend William Delves, Thomas Diamond, William Evelyn Eſquire, the Honourable Robert Fairfax Eſquire, Sir John Filmer, Sir Charles Farnaby, Baronets; Roſe Fuller, Stephen Fuller, Beverſham Filmer, Eſquires; Adam Foſter, Lawrence Foſter, John Fuggle, Richard Gibbons, Sir John Honywood Baronet, John Honywood, Nicholas Haddock, Stephen Hooker, John Hooker, William James Eſquire, Sir George Kelley Knight, William Kingſley Eſquire, Thomas Lambard Eſquire, the Reverend Edmund Latter, the Honourable Charles Maſham, Thomas Morland, Richard Maſter, Eſquires; Thomas Marchant, Bold Marchant, John Monckton, Stephen Monckton, Edward Monckton,

Truſtees for the *Brenchley* Diſtrict.

Monckton, John Mittell, Solomon Norris, Edward Oſborne, John Oſborne, Sir Mark Parſons Baronet, John Pratt, William Parry, Thomas Smith Panuwell, Eſquires; Sir Thomas Style, Sir Thomas Stapleton, Baronets; Charles Style, Thomas Streatfield, Eſquires; Sir William Twyſden, Sir Roger Twiſden, Baronets; William Twyſden, Roger Twiſden, Thomas Taylor, Taylor of Fant, John Tamſett, and Charles Whitworth Eſquire, and their Succeſſors, to be elected in manner herein after-mentioned, ſhall be and are hereby appointed Truſtees for ſurveying, ordering, altering, widening, repairing, and keeping in Repair, the ſaid Road leading from Brand Bridges aforeſaid to the Blackſmith's Forge, at the Four Wents, near Matfield Green aforeſaid; and for putting in Execution all the Powers of this Act, in relation to the ſaid laſt-mentioned Road, which ſhall be and is herein after called The Brenchley Diſtrict of the Roads hereby intended to be repaired and widened.

Qualification of Truſtees.

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

Penalty on acting if not qualified.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees for the ſaid Wateringbury Diſtrict, or any Five or more of them, ſhall meet together at the Houſe of John Harriſon, known by the Sign of the

the King's Head, in the Pariſh of Wateringbury aforeſaid, on the Wedneſday Three Weeks next after the paſſing of this Act; and that the ſaid Truſtees for the ſaid Brenchley Diſtrict, or any Five or more of them, ſhall meet together at the Houſe aforeſaid on the ſame Day, and ſhall ſeverally proceed to the Execution hereof; and ſhall then, and from time to time afterwards, adjourn themſelves to meet at ſuch Place or Places within or near the ſaid reſpective Diſtricts, as the ſaid reſpective Truſtees, or any Five or more of them, preſent at ſuch Meetings, ſhall think moſt convenient for putting this Act into Execution: And if at any Meeting or Meetings appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, or in caſe the Truſtees, at any Time ſo aſſembled, ſhall omit or neglect to adjourn themſelves; then the Clerk or Clerks to the ſaid Truſtees ſhall, from time to time, as often as ſuch Caſe ſhall ſo happen, djourn the ſaid Meeting to ſuch Time and Place in or near the ſaid reſpective Diſtricts, as he ſhall think fit, not exceeding, as to Time, the Diſtance of Twenty one Days from the Time of the laſt Default; and that the ſaid Truſtees, at all their Meetings, ſhall defray their own Charges and Expences; and that all Orders and Determinations of the Truſtees in the Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and that no Order or Determination ſhall be made, unleſs the major Part of the Truſtees preſent at a Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order or Determination; nor ſhall any Truſtee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act; but all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

In Default of a ſufficient Number of Truſtees to act, Clerk to give Notice of another Meeting.

Truſtees to defray their own Expences.

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

Truſtees not to hold any Place of Profit, but may act as Juſtices.

Proviſo.

Provided always, That Two Truſtees preſent at any Meeting ſhall be deemed ſufficient for the Purpoſe of Adjournment.

A Meeting to be called on Emergency.

Provided alſo, and it is hereby enacted by the Authority aforeſaid, That if, upon any Emergency, a Meeting of the ſaid reſpective Truſtees ſhall be thought neceſſary to be holden before the Time appointed by virtue of any Adjournment or Appointment, to be made in purſuance of

of this Act, ſhall come; then, and in ſuch Caſe, and ſo often as the Caſe ſhall ſo happen, the ſaid reſpective Truſtees, or any Five or more of them, or the ſaid Clerk at their Requeſt, ſhall and may appoint and give Ten Days Notice in Writing, to be affixed at or on all the Turnpike-gates erected within the Diſtricts for which any ſuch Meeting ſhall be appointed to be holden, of the Time and Place of holding any ſuch Meeting; and in which Notice ſhall be ſpecified the particular Buſineſs intended to be done and tranſacted at any ſuch Meeting; and which Buſineſs the ſaid Truſtees, or the major Part of them preſent at ſuch Meeting, ſuch major Part not being leſs than Five, may do and tranſact if they think fit; but any Buſineſs done or tranſacted at any ſuch Meeting, other than what ſhall be ſo ſpecified in every ſuch Notice thereof as aforeſaid, ſhall be null and void to all Intents and Purpoſes.

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

And be it further enacted by the Authority aforeſaid, That upon the Death or Refuſal to act of any Truſtee or Truſtees hereby appointed, or hereafter to be choſen, for the ſaid Diſtricts reſpectively, it ſhall and may be lawful for the ſurviving or remaining Truſtees for ſuch Diſtricts reſpectively, or any Seven or more of them, from time to time, and at all Times hereafter, during the Continuance of this Act, to elect and appoint One or more fit Perſon or Perſons, qualified as aforeſaid, living in the County of Kent, to be a Truſtee or Truſtees in the room of ſuch Truſtee or Truſtees ſo dying or refuſing to act; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be fixed on all the Turnpike-gates within ſuch reſpective Diſtrict, at leaſt Ten Days before the Meeting for ſuch Election; and all Perſons who ſhall be ſo elected are herely veſted with the ſame Powers for putting this Act in Execution, as the Perſons in whoſe Places they were reſpectively choſen were veſted with.

Notice of Election ſhall be given.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall and may erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or acroſs, any Part or Parts of the ſaid Roads within their reſpective Diſtricts, and alſo One or more Toll-houſe or Toll-houſes, with ſuitable Out-buildings and Conveniencies thereto; and alſo ſhall and may take in and incloſe

cloſe from the ſaid reſpective Roads, or any Part or Parts thereof, for Garden Spots, to, and ſuitable and convenient for, each reſpective Toll-houſe, and from time to time pull down and remove the ſame, as they the ſaid reſpective Truſtees, or any Five or more of them, ſhall think fit; and ſhall and may demand and take at each of the ſaid Gates or Turnpikes, the following Tolls and Duties, before any Horſe, Cattle, Beaſt, or Carriage, ſhall be permitted to paſs through the ſame (that is to ſay) and take Tolls thereat.

The Tolls.

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

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

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

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

Which ſaid reſpective Sum and Sums of Money ſhall be demanded and taken in the Name of or as a Toll; and the Money ſo to be raiſed and collected, ſhall be, and is hereby veſted in the ſaid reſpective Truſtees; and the ſame, and every Part thereof, ſhall be paid, applied, diſpoſed of, and aſſigned, to and for the ſeveral and reſpective Uſes, Intents, and Purpoſes, and in ſuch Manner as herein after mentioned; and it ſhall and may be lawful to and for the ſaid reſpective Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the ſame upon any Perſon or Perſons, who ſhall (after Demand thereof made) neglect or refuſe to pay ſuch Toll as aforeſaid, by Diſtreſs of any Horſe or Horſes, or other Cattle or Goods, or of any Carriage upon which ſuch Tolls are by this Act impoſed, or by Diſtreſs of any other Goods or Chattles of ſuch Perſon or Perſons who ought to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of taking and making ſuch Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days after ſuch Taking and Diſtreſs made, the Perſon or Perſons ſo diſtraining,

Tolls veſted in Truſtees.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

distraining, shall and may sell the Horse, Cattle, Carriage, or Goods and Chattles so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges of distraining and selling the same, shall be deducted and paid.

A Yoke of Oxen to be deemed equal to One Horse.

Provided always, and it is hereby enacted by the Authority aforesaid, That no more Tolls shall be demanded or taken for a Pair or Yoke of Oxen, drawing in Pairs in any Carriage, than can or may be demanded or taken for One Horse; and that in taking the Tolls by this Act made payable, One Pair or Yoke of Oxen drawing in Pairs shall be deemed and taken to be but as an Equivalent to One Horse; any thing herein contained to the contrary notwithstanding.

Trustees may erect Side-gates;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Trustees, or any Five or more of them, within their respective Districts, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, Fence or Fences, and Toll-house or Toll-houses, on the Side or Sides of the said several Roads, and upon, in, or across, any Lanes or Bye-ways that do or

and take Tolls thereat.

shall lead into or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by this Act granted and made payable at any Turnpike or Turnpikes to be erected by virtue thereof within such District.

The Tolls payable for passing and re-passing at the Side-gate,

Provided always, and it is hereby further enacted by the Authority aforesaid, That all and every Person and Persons having paid Toll as aforesaid for passing through any Bar, Gate, or Turnpike, to be erected by virtue of this Act on the Sides of the said Roads in either of the said Districts, or cross any Lane or Way leading into or out of the same, and producing a Note or Ticket denoting such Payment, shall and may on the same Day, or before Twelve of the Clock at Night, Once pass and re-pass with the same Cattle or Carriage, for which such Toll was paid as aforesaid, Toll-free, through the Gate or Turnpike to be erected by virtue of this Act across either of the said Roads hereby intended to be repaired, which shall be the nearest to such Side-bar or Gate at which such Toll was paid; and that all and every Person and Persons having paid Toll as aforesaid for passing through any Gate or Turnpike to be erected by virtue of this Act upon or across either of the said Districts of Road, and producing a Note or Ticket denoting such Payment, shall and may on the

ſame Day, or before Twelve of the Clock at Night, Once paſs and repaſs with the ſame Cattle or Carriage, for which ſuch Toll was paid, Toll-free, through any Side-bar or Gate to be erected by virtue of this Act on the Side of the ſaid Roads, or either of them, or croſs any Lane or Way leading into or out of the ſame, which ſhall be nearer to ſuch Gate or Turnpike, at which ſuch Toll was paid, than to any other Gate or Turnpike to be erected acroſs the ſaid Roads; any thing herein contained to the contrary thereof notwithſtanding.

Provided alſo, and be it further enacted, That no Perſon or Perſons having paid the Tolls or Duties, by this Act made payable, at any Gate or Turnpike to be erected by virtue thereof, through which ſuch Perſon or Perſons ſhall have paſſed with, and paid Toll for, any Horſe, Cattle, or Carriage whatſoever, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of the Toll at ſuch Gate or Turnpike, (which Note or Ticket the Collector or Collectors of the ſaid Toll is and are hereby required, upon Demand, to give gratis) ſhall be liable to pay any Toll for Once returning or re-paſſing through the ſame Gate the ſame Day, or before Twelve of the Clock at Night, with the ſame Horſe, Cattle, or Carriage; and that no Perſon or Perſons ſhall be liable to pay more than Three Whole Tolls for Once paſſing and re-paſſing in any One Day, (to be computed as aforeſaid) with the ſame Cattle and Carriage through all or any of the Gates or Turnpikes to be erected on the ſaid Wateringbury Diſtrict of Road, or acroſs or on the Sides thereof; or more than One Whole Toll for Once paſſing and repaſſing in any One Day, (to be computed as aforeſaid) with the ſame Cattle and Carriages through all or any of the Gates or Turnpikes to be erected on the ſaid Brenchley Diſtrict of Road, or acroſs, or on the Sides thereof; but that all and every Perſon and Perſons having paid the ſaid Three Whole Tolls, and the ſaid One Whole Toll reſpectively, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof reſpectively, ſhall Once paſs and re-paſs the ſame Day, Toll-free, with the ſame Horſes, Cattle, and Carriages, through all the Gates or Turnpikes to be erected by virtue of this Act upon or acroſs the ſaid reſpective Diſtrict of Road, or on the Sides thereof, on or for which ſuch Tolls were reſpectively paid as aforeſaid.

and at the Turnpikes, through either of the Two Diſtricts.

Provided

Tolls to be paid every Third Time of passing.

Provided also, and it is hereby further enacted and declared, That if any Person or Persons shall pass, or go a Third Time on the same Day, to be computed as aforesaid, with any Horse, Cattle, or Carriage, through all or any of the Gates or Turnpikes to be erected by virtue of this Act; then every such Person or Persons shall be liable and compellable again to pay the Tolls and Duties hereby imposed on such Horse, Cattle, or Carriage, in such and the same Manner as he, she, or they, are and would have been liable to pay the same, in case he, she, or they, had not before on the same Day paid any Tolls, or passed through any of the said Gates or Turnpikes; and so toties quoties for every Third Time every such Person or Persons shall pass the same Day through the said Gates or Turnpikes, or any of them, with any such Horse, Cattle, or Carriage; any thing herein contained to the contrary thereof notwithstanding.

Carriages laden with Timber &c. to pay Double Tolls.

Provided also, and it is hereby further declared and enacted by the Authority aforesaid, That all and every Carriage and Carriages, laden with Timber, Wood, Gun or Guns, or with any other Iron or Gloom, exceeding Five hundred Weight, or Hop-poles, passing through any Gate or Turnpike, Gates or Turnpikes, to to be erected by virtue of this Act, between the Tenth Day of October and the Fifth Day of April in every Year, shall pay Double Tolls or Duties at each Gate or Turnpike, through which such Carriage or Carriages whatsoever so laden shall pass; any thing in this Act contained to the contrary thereof notwithstanding.

Turnpikes and Toll-houses vested in Trustees.

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

And

And be it further enacted by the Authority aforeſaid, That the Tolls or Duties to be collected, upon or on account of the ſaid Wateringbury Diſtrict, and the Money which ſhall be borrowed on the Credit thereof, and alſo the Tolls or Duties to be collected, upon or on account of the ſaid Brenchley Diſtrict, and the Money which ſhall be borrowed on the Credit thereof, ſhall be deemed ſeparate and diſtinct Funds; each of which, after Payment of One Moiety of the Charges of procuring and paſſing this Act, ſhall be applied in erecting and maintaining the Turnpikes and Toll-houſes, and of repairing and widening the Roads of that Diſtrict only on which ſuch Tolls or Duties ſhall reſpectively be collected, or ſuch Money ſhall be borrowed, and on thoſe Roads only, and not otherwiſe, ſave and except as herein after is mentioned; and that the ſaid reſpective Truſtees, or any Five or more of them, ſhall, out of the firſt Monies ariſing by the ſaid Tolls or Duties of the ſaid Two Diſtricts reſpectively, or out of ſuch Money as ſhall be borrowed on the Credit thereof reſpectively, pay and diſcharge all the Coſts and Expences of procuring and paſſing this Act, in and by equal Shares and Proportions, allotting One Moiety of ſuch Coſts and Expences to each Diſtrict; and ſhall apply the Remainder of the Monies ſo raiſed, in erecting Gates or Turnpikes, and Toll-houſes, and repairing, widening, altering, turning, and amending the ſaid reſpective Roads, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame, and to no other Uſe or Purpoſe whatſoever, ſave and except as herein after is mentioned. Application of the Money.

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

Provided alſo, and it is hereby further enacted and declared, That in caſe any Side-bar, Gate or Turnpike, Side-bars, Gates or Turnpikes, ſhall be erected by virtue of this Act, upon or acroſs both, or either of the Roads or Lanes leading from Brand Bridges, or from a Place called Beltring Green, to Yalding Town; then the Tolls and Duties ariſing, or to be collected at ſuch Side-bars, Gates, or Turnpikes, ſhall (after the Coſts and Charges of erecting and ſetting up ſuch Side-bars, Gates, or Turnpikes, and Toll-houſes, and neceſſary Out-buildings and Conveniencies for the ſame, and of Tolls of certain Roads to be apportioned.

collecting and receiving the Tolls and Duties at such Side-bars, Gates, or Turnpikes, shall be thereout deducted and paid) be applied for and towards the repairing and widening the Roads of both the said Districts, in and by equal Shares and Proportions, allotting One Moiety thereof to each District; any thing herein contained to the contrary thereof notwithstanding.

and Repairs thereof to be defrayed, by both Divisions equally;

Provided also, and it is hereby further enacted by the Authority aforesaid, That the Costs, Charges, and Expences, of repairing, widening, altering, turning, and keeping in Repair, the Road leading from the Wharf at Brand Bridges aforesaid, to that End of the aforesaid Green called Beltring Green, which is next the Dwelling-house of Walter Henry Cheeseman, and which Road is, and is to be deemed and taken to be, Part of the said Wateringbury District, and to be under the Direction and Management of the Trustees and Surveyor acting for the said Wateringbury District, shall be paid, defrayed, and discharged, out of the Monies arising by the Tolls and Duties of the said Two Districts respectively, or out of such Money as shall be borrowed on the Credit thereof respectively, in and by equal Shares and Proportions, One Moiety or Half Part of such Costs, Charges, and Expences being allotted to, and paid by, each District; and that for the ascertaining such Costs, Charges, and Expences, the Surveyor, or other Person chiefly intrusted with the Repair and Management of the Roads of the said Wateringbury District, shall, from time to time, keep regular and distinct Accounts of such Costs, Charges, and Expences, and if required, verify the same on Oath before the said Trustees of the said District, or any Two of them, who are hereby authorized and impowered to administer such Oath, and to sign and allow the said Accounts; and that after such Accounts shall be so signed and allowed, and if required, verified upon Oath as aforesaid, the said Trustees acting for the said Brenchley District, or their Treasurer or Clerk, shall, from time to time, upon Demand, and producing such Account, pay to the Treasurer or Clerk of the said Wateringbury District, One Moiety or Half Part of the Costs, Charges, and Expences, mentioned and contained in such Account or Accounts; any thing herein contained to the contrary notwithstanding.

But no Gate to be erected between *Brand Bridges* and *Beltring Green*,

Provided also, That no Gate or Turnpike shall be erected across any Part of the said Road leading from the Wharf at Brand Bridges aforesaid, to Beltring Green aforesaid, and which is hereby intended and directed to be repaired

paired at the equal Coſts, Charges, and Expences, of both Diſtricts of the ſaid Roads as aforeſaid, unleſs and until Default ſhall be made in Payment of the Moiety of the Coſts, Charges, and Expences, allotted and appointed to be paid, by and out of the Monies ariſing or to be borrowed by, or on the Credit of the Tolls of the ſaid Brenchley Diſtrict, for and towards the repairing, widening, altering, turning, and keeping in Repair, the ſame Road: But in caſe Default ſhall at any Time be made in Payment of ſuch Moiety by the Space of Fifteen Days next after ſuch Account ſhall be produced, and Demand ſhall be thereof made by the Treaſurer or Clerk of the ſaid Warteringbury Diſtrict, to and on the Treaſurer or Clerk of the ſaid Brenchley Diſtrict; then, and in ſuch Caſe, and ſo often as the Caſe ſhall ſo happen, it ſhall and may be lawful to and for the ſaid Truſtees of the ſaid Wateringbury Diſtrict, or any Five or more of them, to erect, or cauſe to be erected, a Gate or Turnpike acroſs the ſaid Road leading from the Wharf at Brand Bridges aforeſaid to Beltring Green aforeſaid, and alſo a Toll-houſe with ſuitable Out-buildings; and alſo to take in and incloſe from the ſaid Road a ſuitable and convenient Garden-ſpot; and to take, collect, and receive, Tolls and Duties at ſuch Gate or Turnpike, to be applied for and towards the repairing, widening, and amending, the Roads of the ſaid Wateringbury Diſtrict, in ſuch and the ſame Manner as could or might have been done in caſe this Proviſo had not been inſerted in this Act; and to keep and continue ſuch Gate or Turnpike until the ſaid Moiety of the ſaid Coſts, Charges, and Expences, and all the Coſts, Charges, and Expences, of erecting and building ſuch Gate or Turnpike and Toll-houſe, and incloſing ſuch Garden, and of the Materials for the ſame, ſhall be fully paid and ſatisfied by the Treaſurer or Clerk of the ſaid Brenchley Diſtrict, to the Clerk or Treaſurer of the ſaid Wateringbury Diſtrict; any thing herein contained to the contrary notwithſtanding.

unleſs for Default of Truſtees of *Brenchley* Diviſion.

Provided alſo, That no Gate or Turnpike ſhall be erected upon any Part of the Road leading from the Brick-kilns on East Malling Heath to Wateringbury Croſs; any thing herein contained to the contrary notwithſtanding.

No Gate to be erected between *East Malling Heath* and *Wateringbury Croſs*.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid reſpective Truſtees, or any Seven or more of them, at their Firſt Meeting, and, from time to time, aſſembled at any ſubſequent Meeting or Meetings, to be held for the

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

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

and raise them again.

Trustees may compound with Inhabitants.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, may, and they are hereby impowered, from time to time (if they shall think proper) to compound or agree, for any Term not exceeding Three Years, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the said Roads hereby directed to be repaired do lead, for the Passage of their, or any of their, Cattle or Carriages, not travelling for Hire, through all or any of the Gates or Turnpikes to be erected by virtue of this Act on either of the said Districts, for any Sum or Sums of Money for or in lieu of the Payment of Tolls; which Composition-money shall be paid in Advance, or otherwise, from time to time, after such Agreement shall be made, as the said respective Trustees making such Agreement shall think fit, and shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are herein directed to be applied.

And

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Seven or more of them, may, and are hereby impowered, upon Ten Days Notice, in Writing, being affixed on the ſeveral Turnpike-gates erected on the reſpective Diſtricts for that Purpoſe, to leaſe or farm by the Year the Tolls or Duties ariſing in the ſaid reſpective Diſtricts by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons, for any Term of Years not exceeding Three Years, for the beſt Rent that can be got for the ſame, payable to ſuch Perſon or Perſons, and under ſuch Covenants, as they the ſaid reſpective Truſtees, or any Seven or more of them, ſhall direct or appoint: Provided that ſuch Lettings or Agreements be made in Writing, and ſigned by the Perſon or Perſons taking or farming the ſaid Tolls, and by the Truſtees that let the ſame; and that the Money that ſhall be agreed to be paid for the ſaid Tolls be made payable by quarterly Payments: And that the Perſon or Perſons, to whom the ſame ſhall be ſo let, ſhall always pay down and continue One Quarter's Rent in Advance; and the Monies ariſing thereby ſhall be applied in ſuch Manner as the Tolls, ſo leaſed or farmed, are directed to be applied. Truſtees may leaſe, &c. the Tolls.

Provided always, and be it enacted by the Authority aforeſaid, That no Toll ſhall be demanded or taken in either of the ſaid Diſtricts, for any Carriage, or any Horſe, Cattle, or Beaſt, laden only with, or going unladen for, or returning unladen, having been laden only on the ſame Day with Gravel, Stones, or other Materials for repairing the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which ſuch Roads do lie, or for any Carriage, or any Horſe, Cattle, or Beaſt, drawing the ſame, for going or returning through One Gate or Turnpike only (and no more) to be erected on either of the ſaid Diſtricts of Road, by virtue of this Act, for or with Dung, Mould, Marle, or Compoſt, or other Materials (Chalk and Lime excepted) for manuring of Lands, or for or with undried Hops, Hay, Straw, or Corn in the Straw only, not for Sale, but paſſing to be laid up or placed in the Out-houſes, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Huſbandry; or for any Perſon or Perſons reſiding in any Townſhip or Pariſh in which the ſaid Road lies, going to or from their proper Parochial Church, Chapel, or other Place of religious Worſhip, on Sundays; or for any Poſt-horſe carrying the Mail or Packet; or for any Cattle going to or from Exemptions from Tolls.

Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Kent, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein after directed to be applied.

Penalty of making illegal Claims.

Penalty on Persons evading the Tolls,

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes by virtue of this Act to be erected, continued, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same; or shall knowingly or designedly assault, interrupt, or obstruct, any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or any otherwise, in the Execution of his or their Office or Offices of Collector or Collectors; or shall forge, counterfeit, or alter, or shall deliver to, or receive of, any other Person or Persons, any Ticket or Tickets, with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Beast, from any Carriage; or shall unload any Cattle or Carriage; or having passed through any of the said Turnpikes, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded, the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage, through or over any Land, Ground, or Place, lying by the Side of, or near to, either of the said Roads, the same not being a publick Highway;

or giving or receiving Tickets, &c.

or taking off Horses, &c.

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

or if any Perſon or Perſons owning or occupying any Land, Ground, or other Place, not being a publick Highway, ſhall knowingly and willingly permit or ſuffer any other Perſon or Perſons to go or paſs with any Horſe, Beaſt, or Carriage, through or over ſuch Land, Ground, or Place, in order or with Intent that the Payment of the ſaid Tolls, or either of them, or any Part thereof, ſhould be avoided; ſuch Perſon or Perſons, and every of them, ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings, over and beſides ſuch Damages and Puniſhments as they and every of them reſpectively ſhall be liable to by Law; and it ſhall and may be lawful for the ſaid Collectors, and for every of them, and all other Perſons by them required to aſſiſt in that Reſpect, to ſeize and take any Horſe or Horſes, Beaſt or Beaſts, or Goods, belonging to, or in the Poſſeſſion or under the Care of, any Perſon or Perſons ſo offending in the Premiſſes, and the ſame to take before any Juſtice of the Peace of the County or Place where ſuch Offence or Offences ſhall be committed, and before him to make Complaint of ſuch Offence or Offences; and ſuch Juſtice may and is hereby required to examine the Nature of the Offence or Offences ſo complained of, and by the Confeſſion of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witneſs or Witneſſes, if the ſaid Juſtice ſhall ſee Cauſe, to convict the Party or Parties complained of, if he, ſhe, or they, ſhall or ſhall not appear before him, in the reſpective Penalties aforeſaid; and for Non-payment thereof, and of the Tolls that ſhall be due, though the ſame ſhall not be demanded, by Warrant under his Hand and Seal, to cauſe the ſaid Horſe or Horſes, Beaſt or Beaſts, or Goods, to be ſold for Payment of the ſaid Tolls and Penalties, and the Charges of taking and keeping the ſame, and of ſuch Sale or Sales; and after Payment thereof, to render the Overplus of the Money ariſing by ſuch Sale or Sales (if any there ſhall be and be demanded) to the Owner or Owners of the ſaid Horſe or Horſes, Beaſt or Beaſts, or Goods, or to the Perſon or Perſons under whoſe Care or in whoſe Poſſeſſion they reſpectively was or were when ſo ſeized or taken as aforeſaid; and if no ſuch Seizure as aforeſaid, can or ſhall be made, then the aforeſaid Penalties, Forfeitures, and Tolls, ſhall be recovered and levied by ſuch Means, and in ſuch Manner, as are herein after-mentioned and provided, for the recovering and levying of the Penalties and Forfeitures impoſed by this Act.

And

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Trustees, or any Seven or more of them, from time to time, upon the Credit of the said Tolls or Duties arising within their respective Districts, in such Manner as they the said respective Trustees, or any Seven or more of them, shall think proper, to borrow and take up at Interest such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and also they the said respective Trustees, or any Seven or more of them, may, and are hereby authorized and impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said respective Tolls or Duties, or any Part or Parts thereof (the Costs and Charges of such original Mortgages or Assignments to be paid out of such Tolls respectively) for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money that shall be so borrowed, to such Person or Persons, his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Payment thereof, with Interest for the same; and which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act in Manner aforesaid being first paid) shall be laid out and applied to and for the repairing and widening the said respective Roads on the Credit of the Tolls and Duties whereof the said Sums shall be so borrowed respectively, in such Manner as the Tolls or Duties are hereby directed to be laid out and applied, save and except as herein before is mentioned, and to and for no other Use, Intent, or Purpose whatsoever; and that no Part of the Tolls or Duties to be collected on either of the said Roads, or of the Money to be borrowed on the Credit thereof, shall be applied towards the Repairs of either of the said other Roads, save and except as herein before is mentioned, or towards Payment of any Money to be borrowed on the Credit of the Tolls or Duties arising or to be collected on either of the said other Roads: And that no Preference shall be given to any Person or Persons advancing or lending any Sum or Sums of Money in respect of the Priority of advancing or lending such Sum or Sums of Money; but that all Lenders and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, shall be, and are hereby declared to be, for their several and respective Principal Sums, Creditors on the said Tolls in equal Degree one with another, as to the Time or Times of

All Creditors deemed equal in Degree.

advancing or lending ſuch Principal Sum or Sums, and ſhall be, and be deemed and taken to be, Tenants in Common of the ſaid Tolls, as to their ſeveral and reſpective Shares and Intereſts therein by Means or Virtue of ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, and ſo far forth as ſuch their ſeveral and reſpective Shares and Intereſts will extend, but no further or otherwiſe; and that the Dates and Contents of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Treaſurer or Clerk of each Diſtrict of the ſaid reſpective Roads: And all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, or who ſhall be intitled to the Money thereby ſecured, is and are hereby impowered, from time to time, by Aſſignment under his, her, or their Hand or Hands, to be indorſed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Preſence of Two or more credible Witneſſes, to aſſign or transfer ſuch Security or Securities, and his, her, or their Right to the Principal and Intereſt Money thereby ſecured, to any Perſon or Perſons whomſoever; all which Aſſignments or Transfers reſpectively ſhall be produced and notified to the Clerk or Treaſurer of the reſpective Diviſion or Diſtrict of the ſaid Roads, the Tolls or Duties whereof, or ſome Part thereof, were or are mentioned to be thereby aſſigned; who ſhall cauſe an Entry to be made thereof, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgage or Mortgages of the ſaid reſpective Diviſions or Diſtricts; for which ſuch Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Six Pence, and no more; and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected without Fee or Reward: And after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their Executors or Adminiſtrators, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee or Aſſignees may, in like Manner, aſſign or transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon or Perſons who ſhall have made any ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge, the ſame, or any Monies due thereon.

Aſſignments to be entered in a Book.

Aſſignments may be transferred.

Entries to be made of all Aſſignments.

Clerk's Fee.

Notice to be given of borrowing of Money.

Provided always, and be it further enacted, That no Money ſhall be borrowed on the Credit of the ſaid Tolls, of either of the ſaid Diviſions, by the ſaid Truſtees, after their Firſt Meeting for each Diviſion reſpectively, unleſs Notice in Writing under the Hand of the Clerk appointed and acting for the Diſtrict in and for which ſuch Money is intended to be borrowed, ſhall be fixed at or upon all the Turnpike-gates then erected within ſuch Diſtrict, at leaſt Ten Days before the borrowing of ſuch Money.

Truſtees may appoint Officers;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees for the ſaid reſpective Diſtricts, or any Seven or more of them, may, and are hereby impowered, from time to time, to elect and appoint fit and proper Perſons to be Collectors and Receivers of the Tolls by this Act made payable, and proper Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, of the ſaid Roads, and ſuch other Officer or Officers as the ſaid reſpective Truſtees, or any Seven or more of them, ſhall think neceſſary to employ in the Execution of this Act; and to take ſuch Securities for the due Execution of their ſeveral and reſpective Offices as the ſaid reſpective Truſtees, or any Seven or more of them, ſhall think fit, in the Name or Names of any One or more of the ſaid reſpective Truſtees:

and remove them, and appoint others.

And ſuch Collectors or Receivers, Clerks, Treaſurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or diſplace, and to elect and appoint others in the Rooms and Places of ſuch of them as ſhall be ſo removed, or ſhall die; Notice of the Time and Place of Meeting for electing ſuch others being fixed at or on the Turnpikes erected within the Diviſion for which ſuch others are to be elected, at leaſt Ten Days before ſuch Election: And may, and are hereby authorized and impowered, out of the Monies which ſhall ariſe by the Tolls aforeſaid, to allow and pay to the ſeveral Collectors or Receivers, Clerks, Treaſurers, Surveyors, and other Officers, who ſhall be appointed as aforeſaid, and to ſuch other Perſon or Perſons as ſhall be aſſiſting to them, any, or either of them, in their reſpective Offices or Places, or in or about the repairing or widening the ſaid reſpective Roads, or any Part thereof, ſuch Salaries, Rewards, and Allowances, for their Attendance, Care, and Service, in thoſe Reſpects, as to the ſaid reſpective Truſtees, or any Seven or more of them, ſhall ſeem reaſonable.

Truſtees to allow Officers Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforeſaid, That all and every the Collectors or Receivers of the ſaid Tolls, and other Officers, who ſhall be appointed

as

as aforeſaid, and all and every other Perſon and Perſons who ſhall have or receive any of the Monies which ſhall be raiſed, collected, or received, by virtue of this Act, ſhall, from time to time, as often as he or they ſhall be thereunto required by the ſaid reſpective Truſtees, or any Five or more of them, produce, render, and give, to ſuch Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, for that Purpoſe, appoint, true and perfect Accounts in Writing, of all the Monies which ſhall have been by them reſpectively had, collected, or received; and how, to whom, and for what, ſuch Monies, and every Part thereof, ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments; and they ſhall, and are hereby reſpectively required, to pay all ſuch Monies as, upon the Balance of ſuch Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, and for ſuch Uſes and Purpoſes, as they, or any Five or more of them, ſhall direct or appoint: And that all and every the ſaid Officers and Perſons ſo accounting, or to account, as aforeſaid, ſhall, if required, upon their ſeveral Oaths (which ſaid Oaths the ſaid reſpective Truſtees, or any Two or more of them, are hereby authorized and impowered to adminiſter to ſuch Officers and Perſons) verify the ſaid Accounts, and the particular Items and Articles thereof, and the ſeveral Receipts and Payments therein contained: And if any of the ſaid Officers or Perſons, being required ſo to do, ſhall refuſe or neglect to render and give ſuch Account or Accounts as aforeſaid, or to produce and deliver up the Receipts and Vouchers relating to the ſame, or to verify the Articles thereof, upon his or their Oath or Oaths, or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in his or their reſpective Hands, in Manner aforeſaid, or ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint (within Ten Days after being thereunto required by the ſaid Truſtees, or any Five or more of them) all the Books, Papers, and Writings, in his or their reſpective Cuſtody or Power relating to the Execution of this Act; then, in each, any, or either, of the ſaid Caſes, it ſhall and may be lawful to or for any Two or more Juſtices of the Peace for the County or Place where ſuch Offender ſhall be or reſide, and ſuch Juſtices, upon Complaint thereof

Officers refuſing to account,

Juſtices to inquire into the Default,

thereof being made to them, are hereby authorized and required to ſummon the Officer or Officers, Perſon or Perſons, to appear before them at a Time and Place in ſuch Summons to be mentioned; and upon his or their Appearance, or not appearing, the Service of the Summons being proved, to make Enquiry concerning ſuch Refuſal or Neglect, either by the Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby required and impowered to adminiſter without Fee or Reward): And if ſuch Officer or Perſon ſhall be convicted of any or either of the Offences aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender to the Common Gaol for ſuch County or Place, there to remain, without Bail or Mainprize, until he or they ſhall make and give a true and perfect Account and Payment as aforeſaid, or until he or they ſhall have compounded with the ſaid reſpective Truſtees, or any Five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make) or until he or they ſhall have delivered up ſuch Books, Papers, and Writings, as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them.

and commit the Offender,

until Payment or Compoſition made.

Truſtees may appoint Collectors, though not aſſembled at a publick Meeting.

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

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

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

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Surveyor or Surveyors appointed by virtue of this Act, or any Perſon or Perſons who ſhall by the ſaid Truſtees, or any Five or more of them, or by the ſaid Surveyor or Surveyors,

veyors, be employed for that Purpoſe, from time to time, to cut, dig, gather, take, load, and carry away, any Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials, proper for repairing the ſaid reſpective Roads, in, upon, or out of, or from, any Waſte or Common Grounds, River, or Brook, in any Pariſh, Town, or Place, in which any Part of the ſaid reſpective Roads do lie, or in any neighbouring Town, Pariſh, or Place, without paying any Thing for the ſame; ſuch Surveyors, or other Perſons, filling up the Pits and levelling the Ground from which ſuch Materials ſhall be taken, or cauſing the ſame to be done, or otherwiſe ſufficiently fenced in and ſecured; and alſo by Order of the ſaid reſpective Truſtees, or any Five or more of them, to dig, gather, take, and carry away, any ſuch Materials as aforeſaid, in, upon, or out of, from and over, the Lands of any Perſon or Perſons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Grounds planted and ſet apart as a Nurſery for Trees) paying or tendering Payment of ſuch Rates for ſuch Materials, and for the Damage done to the Owners or Occupiers of ſuch Lands and Grounds where and from whence the ſame ſhall be digged, drawn, gathered, taken, and carried away, or over which the ſame, or any other Materials gotten in any Waſte Ground, Common, River, or Brook, or private Grounds, ſhall be conveyed, as the ſaid reſpective Truſtees, or any Five or more of them, ſhall adjudge reaſonable.

without paying for the ſame; levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

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

Surveyors may remove Annoyances, &c.

and cut down Trees, &c.

the Owners neglecting to remove the ſame after Notice;

and carry away the ſame, in caſe the Owners or Occupiers of the Premiſſes ſhall neglect to lop or top, cut down, and remove, ſuch Trees, Shrubs, or Buſhes, or to open, ſcour, cleanſe, widen, or deepen, ſuch Watercourſes, or Ditches, or remove ſuch other Annoyances, in ſuch Manner as the ſaid reſpective Surveyor or Surveyors ſhall require, for the Space of Ten Days next after Notice, in Writing, given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors; the Charges whereof (to be ſettled by the ſaid reſpective Truſtees, or any Five or more of them) ſhall be reimburſed to ſuch Surveyor or Surveyors, by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures are hereinafter directed to be recovered and applied; and if after Removal of any of the ſaid Annoyances, any Perſon ſhall offend again in the like Kind, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

the Charges to be reimburſed the Surveyor.

Penalty of a Second Offence.

Surveyors may make Cauſeways, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid reſpective Truſtees, or any Five or more of them) to make Cauſeways; and alſo to make and cut, or cauſe to be made and cut, any Watercourſes, Ditches, or Drains, in and upon the ſaid Roads; and alſo in, through, or croſs, any Lands or Grounds to prevent the ſaid Roads, or any Part or Parts thereof, from being overflowed; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the ſaid Roads, or croſs any ſuch Ditch or Drain where neceſſary; and alſo to widen any narrow Parts of the ſaid Roads, by opening, cleanſing, and laying into the ſame, any Grounds of any Perſon or Perſons lying contiguous thereto, ſo as to make ſuch Parts of the ſaid Roads not exceeding Forty Feet in Width; and alſo to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part, of the ſaid Roads, (ſuch Grounds reſpectively not being the Ground whereon any Houſe ſtands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees) to be made uſe of as a Public Highway whilſt the old Road is repairing or widening; making ſuch Recompence to the Owners and Occupiers of the Private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as

and erect Bridges;

and widen the narrow Parts of the Road,

and make a temporary Road;

making Satisfaction to the Owners.

ſhall

ſhall be judged reaſonable by the ſaid reſpective Truſtees, or any Five or more of them; but no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Wood, Common, or Waſte Ground.

Truſtees may contract with Perſons for the Purchaſe of Lands, &c.

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

Bodies Politick, &c. impowered to treat.

as aforeſaid, for the ſaid old Road or Path ſo to be diverted or altered as aforeſaid, or for any Part or Parts thereof; and all Contracts, Exchanges, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever, to the contrary notwithſtanding: And all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed in Mortmain, or in Right of the Church, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be, and are hereby indemnified for what they ſhall do by virtue of this Act.

Perſons neglecting to treat for the Sale of Lands;

And, if any ſuch Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Perſons ſeiſed or intitled in Mortmain, or in Right of the Church, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments, through which any Part of ſuch Roads is intended to be diverted, turned, or altered, ſhall for the Space of Thirty Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or by reaſon of Abſence, ſhall be prevented from treating; then and in every ſuch Caſe the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Damages and Recompence to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the County of Kent; and in order thereto, the ſaid reſpective Truſtees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall require, to ſummon and call before ſuch Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined concerning the Premiſſes (which Oath any Two or more of the Truſtees are hereby impowered to adminiſter) and ſuch Truſtees, or any Seven or more of them, ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own, as for the ſaid Jury's Information in the Premiſſes; and after the ſaid Jury ſhall have inquired and aſſeſſed ſuch Damage and Recompence, they the

Jury to aſſeſs the Damages.

Witneſſes may be ſummoned, and examined upon Oath.

ſaid

ſaid reſpective Truſtees, or any Seven or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming, or to claim, in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate and Collegiate, Corporations Aggregate or Sole, Perſons ſeiſed or intitled in Mortmain, or in Right of the Church, as well as all other Perſon or Perſons whomſoever: And, for ſummoning and returning ſuch Juries, the ſaid reſpective Truſtees, or any Seven or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County of Kent, commanding him to impanel, ſummon, and return an indifferent Jury of Twenty four Perſons qualified to ſerve on Juries, to appear before the ſaid reſpective Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impanelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid reſpective Truſtees, or any Seven or more of them, ſhall, and they are hereby impowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men, either of the Standers by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn: And the ſaid reſpective Truſtees, or any Seven or more of them, acting in the Premiſſes, ſhall have Power, from from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned

Verdict of the Jury to be final.

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

Jurors may be challenged.

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

turned on ſuch Jury, and ſhall not appear, or that ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be examined, or to give Evidence; and which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, ſo that no ſuch Fine ſhall be more than Ten Pounds, nor leſs than Forty Shillings, on any One Perſon for One Offence.

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

And be it further enacted by the Authority aforeſaid, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls ariſing within or on account of the Diſtrict wherein ſuch Road is intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit thereof, to the Parties or Perſons reſpectively intitled to ſuch Monies, or to their Agents; and that upon Payment thereof, or Tender thereof, to ſuch Perſons, or their Agents, and in caſe of want of Opportunity to tender, or of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Clerk or Treaſurer to the ſaid reſpective Truſtees for the Uſe of ſuch Parties or Perſons, it ſhall be lawful for the ſaid reſpective Truſtees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and add to the ſaid Roads, ſuch Grounds, Lands, or Hereditaments, or to divert or turn ſuch Road through ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Lands, Tenements, or Hereditaments, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Parts of the ſaid Roads as ſhall be diverted or turned through any private Grounds, and ſuch Lands, Grounds, or Hereditaments, as ſhall be taken into and added to the ſaid Roads, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments, which ſhall be made a Part or Parts of the ſaid ſeveral Roads by virtue of this Act, ſhall be, for ever thereafter, to all Intents and Purpoſes, a Common Highway, and ſhall be repaired, and kept in Repair, in ſuch Manner as the Roads hereby appointed to be repaired within ſuch reſpective Diſtricts are,

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

and kept in Repair.

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

Old Roads may be ſold.

Buildings, &c. not to be injured.

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

Truſtees not to act where intereſted.

Provided alſo, and be it further enacted, That the repairing, widening, turning, and altering, the Roads of the ſaid Two ſeveral Diſtricts, ſhall be managed, directed, and ordered, and all Contracts and Agreements for the Purchaſe of any Lands, Grounds, or Hereditaments, lying contiguous to the ſame Roads, or for diverting or turning the ſame Roads, or for the Sale of the old Roads, ſhall be made at the Meetings of the reſpective Diſtricts in which ſuch Roads, Lands, Grounds, or Hereditaments, ſhall lie, and not elſewhere; and all Monies to be paid or received on that Account ſhall iſſue out of, or be brought into, the Fund of that particular Diſtrict in which ſuch Tranſactions ſhall happen, and not out of or into any other Fund.

The repairing, &c. the Roads in the Two Diſtricts, ſhall be managed, &c. in the Diſtricts where the ſaid Roads lie.

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, 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

Perſons, &c. chargeable to the Highways, to continue ſo.

of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the reſpective Roads hereby intended to be repaired, or any Bridge or Bridges therein, 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, and ſuch Bridges, in the ſame Manner as they, or any of them, have or hath 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, or Places, through which the Roads hereby intended to be repaired do lead, who, by the Laws and Statutes of this Realm, are or ſhall be obliged or liable to work in the Highways for the repairing thereof, commonly called Statute-work, ſhall ſtill be ſubject and liable to do the ſame Work; and ſhall and are hereby required to do and perform ſuch and ſo many Days Work in ſuch Parts of the ſaid reſpective Roads by this Act directed to be repaired, and lying within the ſaid Towns, Pariſhes, Hamlets, or Places, in which the Inhabitants reſpectively ſhall live, or ſhall occupy ſuch Lands, Tenements, or Hereditaments, and at ſuch Times, and in ſuch Manner, as the ſaid reſpective Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall direct or appoint; and that every Inhabitant of and Occupier of Lands, Tenements, or Hereditaments, in the ſaid Towns, Pariſhes, Hamlets, and Places reſpectively, who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, ſhall be deemed and taken to keep a Team for every ſuch yearly Value of Fifty Pounds, 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 or occupy Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, as Perſons keeping Teams are obliged by Law and ought to do.

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

And, to the End that the ſaid reſpective 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 reſpective Surveyor or Surveyors of the Highways for the reſpective Towns, Pariſhes, Hamlets,

and

and Places, in which any Part of the ſaid ſeveral Roads lie; or in caſe no ſuch Surveyor is or ſhall be appointed, the Churchwardens or Overſeers of the Poor of ſuch Townſhips, Pariſhes, and Places, ſhall, and are hereby required, at the Firſt Meeting of the ſaid Truſtees for the Diſtrict in which ſuch Towns, Pariſhes, Hamlets, and Places, are ſituate, after the Firſt Day of February, in every Year, 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) or oftener, and at ſuch other Time or Times as by the ſaid reſpective Truſtees, or any Five or more of them, or by the Turnpike Surveyor or Surveyors, ſhall be required, to deliver in to the ſaid reſpective Truſtees, upon Oath (which Oath the ſaid reſpective Truſtees, or any Two or more of them, are hereby impowered to adminiſter) 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, that 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.

Penalty on Surveyors, &c. neglecting to deliver in Liſts;

And if any Surveyor, Churchwarden, or Overſeer of the Poor, for any ſuch Town, Pariſh, Hamlet, or Place, ſhall neglect or refuſe ſo to do as he is hereby required and directed, every ſuch Surveyor, Churchwarden, or Overſeer, 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 or upon the ſaid Roads, at ſuch Times and Places, and in ſuch Manner, as they ſhall, by the ſaid reſpective Truſtees, or any Five or more of them, or by their Surveyor or Surveyors, be directed or appointed to do; ſuch Inhabitants or Occupiers, and every of them, ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums of Money herein after mentioned; that is to ſay, Every ſuch Inhabitant or 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 of

and on Perſons not performing Statute-work.

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 Six Pence: 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 turn off and diſcharge ſuch Perſon or Perſons; and he, ſhe, or they, or the reſpective Perſon or Perſons on whoſe Behalf he or they ſhall come to work on the ſaid Roads, ſhall, in ſuch Caſe, be ſubject and liable to the reſpective Forfeitures and Payments before mentioned, as if he, ſhe, or they, had neglected to come to do or perform the ſaid reſpective Days Work, or ſuch Team had not been ſent to work on the ſaid Roads.

Perſons found idle to be turned off.

And be it further enacted, That the ſaid reſpective Truſtees, or any Five 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 Road within ſuch Diſtrict reſpectively; 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 or lead, for the Repairs aforeſaid, and for the ſeveral Days Statute-work or other Work to be by them reſpectively done upon the ſaid reſpective Roads, at and for ſuch Rates or Sums of Money, by the Year or otherwiſe, as they the ſaid reſpective Truſtees, or any Five or more of them, and ſuch Perſon or Perſons, Bodies Politick or Corporate, Inhabitants or Occupiers, reſpectively, ſhall agree upon; which ſaid Money ſhall be inſtantly paid to the ſaid Truſtees, or any Five or more of them, or to their Appointment, to be laid out in the Repairs of the ſaid Roads.

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

Provided always, 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, ſhall think the ſaid Truſtees have directed or appointed too large a Proportion of the Statute-work in any Town, Pariſh, Hamlet, or Place,

Surveyors may appeal to the Quarter Seſſions to proportion the Statute-work.

to

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 preceding 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 reſpective Truſtees as aforeſaid.

Truſtees may contract for repairing the Roads,

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

and erecting Mile-ſtones.

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Five or more of them, may and 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 thereon, denoting the Number of Miles, and Diſtance of Places, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit: 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,

Penalty on defacing Mile-ſtones.

ed, or ſhall eraſe, obliterate, or deface, any of the Inſcriptions which ſhall be made thereon, or any Part thereof, or ſhall cauſe, procure, or encourage, any Perſon or Perſons to do the ſame; every ſuch Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds for each Stone or Poſt ſo wilfully or deſigned broken, obliterated, defaced, injured, or pulled down; One Moiety of which Forfeiture ſhall go to the Informer, and the other Moiety thereof ſhall be laid out and applied in repairing the Stones or Poſts ſo broken, pulled down, obliterated, defaced, or injured, or in ſupplying new ones in their Stead; and if there ſhall be any Overplus, the ſame ſhall be laid out in repairing the ſaid reſpective Roads.

Penalty on drawing Timber otherwiſe than upon Wheel-carriages.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, during the Continuance of this Act, ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone (Mill-ſtones excepted) otherwiſe than upon Wheel-carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon any Wheel-carriage, to drag or trail upon any Part of the ſaid Roads to the Prejudice thereof; every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on obſtructing Officers in their Duty.

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

of

of the Powers and Authorities hereby given, or any of them, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered.

And be it further enacted, That all Penalties and Forfeitures by this Act impoſed or made payable (the Manner of Recovery and levying whereof is not otherwiſe hereby particularly directed) ſhall upon Proof of the Offence or Offences reſpectively, before any One Juſtice of the Peace for the County or Place wherein the Offender ſhall be or reſide, either by the Confeſſion of the Party or Parties, or by the Oath or Oaths of One or more Witneſs or Witneſſes, be levied and recovered by Diſtreſs and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice (which Warrant or Warrants ſuch Juſtice is hereby authorized and required to grant for thoſe reſpective Purpoſes, and to adminiſter ſuch Oath and Oaths) and the Overplus remaining after ſuch Penalties and Forfeitures are recovered, and the Charges of ſuch Warrant, Diſtreſs, and Sale, are deducted and paid, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattles; which ſaid Penalties and Forfeitures ſo levied or paid, and every Part thereof (if not otherwiſe directed to be applied by this Act) ſhall, from time to time, be paid to the ſaid reſpective Truſtees, or any Five or more of them, or to their Treaſurer or Clerk, and ſhall be applied in and towards the repairing and widening the ſaid Roads, within their reſpective Diſtricts; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authorized and impowered by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Months for the Firſt Offence, or until ſuch Penalties and Forfeitures and all reaſonable Charges ſhall be fully paid and ſatisfied; and for the Second Offence, and any other Offence of the ſame Kind or Nature, for any Time not exceeding Six Months, or leſs than Three Months, or until ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be fully paid and ſatisfied.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided nevertheleſs, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved, by any Matter or Thing done by virtue or in purſuance of this Act (and for which no particular Method of Relief

hath been already preſcribed or appointed) ſuch Perſon or Perſons may within Four Months after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the County, Diviſion, or Place, wherein the Offence was committed (he, ſhe, or they, cauſing Eight intire Days Notice in Writing of ſuch Appeal, and of the Cauſe and Matter thereof, to be given to the Clerk or Treaſurer of the Diſtrict of the ſaid Roads of and concerning which ſuch Matter or Cauſe did ariſe, or to the Surveyor of the ſame Diſtrict, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace, for ſuch County, Diviſion, or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal at, and abide the Order and Judgement of, and pay ſuch Coſts as ſhall be awarded by ſuch Juſtices at ſuch Quarter Seſſions) which ſaid Juſtices at their ſaid Seſſions, or the major Part of them, upon due Proof of ſuch Notice being given, and of entering into ſuch Recognizances as aforeſaid, ſhall and are hereby directed to proceed to hear and determine the Cauſes and Matters of ſuch Appeals, and every of them, and ſhall give ſuch Relief and Coſts to the Parties appealing or appealed againſt, as they, or the major Part of them, in their Diſcretion ſhall judge proper and reaſonable; and their Judgements and Orders therein, ſhall be final and concluſive to all Parties concerned.

Notice of Appeal to be given.

Recognizance to be entered into.

Proceedings to be entered in Books.

And be it further enacted, That all Orders and Proceedings of the ſaid reſpective Truſtees, in the Execution of the Powers and Authorities hereby to them given, relating to the ſaid Diſtricts reſpectively, ſhall, from time to time, be entered in a Book or Books to be kept for thoſe Purpoſes; and ſuch Orders and Proceedings ſo entered, ſhall be ſigned by the Clerk or Clerks to the ſaid reſpective Truſtees; and ſuch Orders ſhall be taken and deemed to be original Orders; and which ſaid Book or Books, and alſo the Book or Books directed to be kept for the regiſtering of the ſaid Mortgages, Aſſignments, and Transfers, ſhall and may be produced and read in Evidence in all Courts whatſoever.

Books may be read in Evidence.

Writings to be without Stamps.

Provided always, and be it enacted, That no Mortgage, Aſſignment, Transfer, or other Security whatſoever, for borrowing of Money, or any Nomination, Appointment, Order, Conviction, Judgement, Warrant, or any Writing or Inſtrument relating to, or to be made or executed in purſuance of this Act, or in the Execution thereof, or of the Powers or Authorities hereby given,

given, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Proceedings not to be quaſhed for want of Form,

And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at Weſtminſter: 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 unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of a 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.

or removable by *Certiorari*.

Diſtreſs not unlawful for want of Form;

nor the Party diſtraining 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 the Behalf of the Party diſtraining, before ſuch Action brought.

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

And be it further enacted, That no Order made by the ſaid reſpective 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.

No Order made to be repealed, unleſs 7 Truſtees are preſent.

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 the Day of the paſſing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

Commencement and Continuance of the Tolls.

Provided always, and be it further enacted, That no Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid reſpective Truſtees, or after a ſufficient Satisfaction, or a Tender thereof,

Limitation of Actions.

of, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed: And every ſuch Action or Suit ſhall be laid, brought, and tried, in the County of Kent, and not elſewhere; and the Defendant and Defendants in every ſuch Action or Suit, may, at his or their Election, plead ſpecially, or 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 the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Twenty Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedies for recovering the ſame as any Defendant or Defendants hath or have for his, her, or their Coſts, in any other Caſes by Law.

General Iſſue.

Treble Coſts.

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

FINIS.