Anno octavo

Georgii III. Regis.

An Act for amending, widening, and keeping in Repair, ſeveral Roads leading to and through the Town of *Goudhurſt* in the County of *Kent*.



WHEREAS the Road leading from the Turnpike Road at or near the Dwelling-houſe of Henry Reynolds, Carpenter, in the Pariſh of Goudhurſt, in the County of Kent, to a certain Place called The Plain, at the Bottom of the Town of Goudhurſt, and from thence to the Turnpike Road near a certain Houſe called The Pillory, in Goudhurſt aforeſaid; and alſo from the Turnpike Road at the Houſe of Henry Bunnett, known by the Sign of The Chequer, in the ſaid Pariſh of Goudhurſt, through the Town of Goudhurſt aforeſaid, to the Bottom of a certain Common called Kiln Down, in the ſaid Pariſh of Goudhurſt, adjoining to the Turnpike there, containing in the Whole about Eight Miles, are in a ruinous Condition, narrow in many Places, and incommodious to Paſſengers, and cannot be effectually repaired, widened, and kept in Repair, without the Aid of Parliament: May it therefore pleaſe Your Ma- Preamble.

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jesty, 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; the Honourable John Frederick Sackville, the Honourable Charles Marsham, the Honourable Robert Fairfax, Sir Brooke Bridges, Sir Philip Boteler, Sir Edward Dering, Sir John Filmer, Sir Roger Twisden, Sir Whistler Webster, Baronets; Sir Thomas Rider Knight, the Mayor and Jurats of the King's Town and Parish of Maidstone for the time being, Francis Austen, John Austen, Samuel Boys senior, Charles Booth, John Cook senior, Alexander Courthope, Henry Courthope Campion, John Children, John Cole, Ambrose Coveney, John Darell, Benjamin Hatley Foote, Walter Gybbon, William Gibbs, John Gilbert, Stephen Hooker, John Hassell, Thomas Hussey, William Hunt senior, William Hunt junior, Peter Hendly, Alexander Hendly, John Hammond, John Hanson, John Legas, William Lott junior, Horatio Mann, Charles Moore, James Marriott, Thomas Martin, John Milles, Thomas Milles, Thomas Morland, William Morris, Edward Louisa Mann, Robert Moneypenny, John Monckton, Joseph Malyn, William Manwarings, John Norris, John Ollive, John Osborne of Marden, John Pratt, Thomas Paris, Mathew Pope, John Pope, John Russell, Thomas Redford, Richard Ratcliffe, Neira Russell senior, Neira Russell junior, Edward Stephenson of Bedgbury, John Stephenson, Edward Stephenson, Thomas Stephens, Scott, John Sawyer, Thomas Simmons, William Tempest, Robert Tate, Thomas Turner, William Usborne, Edward Usborne, John Usborne, George Weller, John Weston, Thomas Weston, Joseph Willard, James Whatman, Thomas Williams, Humphry Wickham, John Taylor Doctor in Divinity, the Reverend Thomas Nairn Dean of Battle, the Reverend Joseph Disney, William Hassell, Robert Polhill, William Courthope, Andrews, Thomas Hooper, Richard Bathurst, Thomas Baker, Francis Hender Foote, and John Whitaker, Clerks, and their Successors to be appointed in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution.

Trustees Names.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment,

or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of Two hundred Pounds, or possessed of, or intitled unto, a Personal Estate to the Amount or Value of One thousand Pounds: And if any Person hereby deemed incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Humphry Wickham, known by the Sign of The Star and Crown, in Goudhurst aforesaid, on Wednesday the Thirtieth Day of March, One thousand seven hundred and sixty eight, and shall proceed to the Execution of this Act; and shall then, and at all subsequent Meetings, adjourn themselves from time to time, to such Times and Places in or near the said Roads, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn; then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

Trustees to defray their own Expences.

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

Proviso.

Provided also, That in case any of the said Trustees shall think it necessary that a Meeting of the Trustees should be held at any Time between the said Times of Adjournment, it shall and may be lawful for the said

A Meeting may be held on an Emergency.

Truſtees, or any Five or more of them, by Writing under their Hands, to appoint a Meeting of the ſaid Truſtees, Notice of the Time and Place of ſuch Meeting being affixed on all the Turnpikes which ſhall be erected by virtue of this Act, at leaſt Ten Days before every ſuch Meeting; and the Proceedings of the Truſtees, at all ſuch Meetings, ſhall be as valid and effectual to all Intents and Purpoſes, as if the ſaid Truſtees had, at their laſt Meeting, adjourned to the ſaid Time and Place.

No Truſtee to accept of a Place of Profit ariſing from the Tolls.

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

Truſtees in Commiſſion of the Peace may act as Juſtices.

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

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

And be it further enacted, That as often as any of the ſaid Truſtees ſhall die or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, under their Hands and Seals, to appoint another Truſtee in the Room of ſuch Truſtee ſo dying or refuſing to act; and Notice of the Time and Place of Meeting for the Election of ſuch Truſtee ſhall be given by the Clerk to the Truſtees, by affixing the ſame in Writing on all the Turnpikes which ſhall be erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election; and the Perſon ſo appointed ſhall and may act in the Execution of this Act, as fully as any Truſtee hereby appointed is impowered to do.

Notice of Election to be given.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe One or more Gate or Gates, Turnpike or Turnpikes, to be erected in, upon, or acroſs, ſuch Part and Parts of the ſaid Roads, as the ſaid Truſtees ſhall think proper; and ſhall and may erect or provide a Toll-houſe to each of the ſaid Gates or Turnpikes, with ſuitable Buildings thereto; and ſhall and may incloſe any adjoining Part of the ſaid Roads or Highway, to be uſed as a Garden, for the Accommodation of the Collectors of the Tolls or Duties; and ſhall and may cauſe to be demanded and taken at each of the ſaid Gates or Turnpikes the following Tolls or Duties before any Cattle or Carriage

and take Tolls thereat.

ſhall

shall be permitted to pass through the same; that is to say,

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

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, laden or unladen, and not drawing, Two Pence.

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

And for every Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage laden with Timber, Wood, Guns, or any other Iron, or with Hop-poles, between the First Day of October and the First Day of April, in every Year, the Sum of Four Pence; over and above the Tolls or Duties before granted.

Which said respective Sum or Sums of Money, shall be demanded and taken in the Name of, or as a Toll, and shall be paid to such Person or Persons, as the said Trustees, or any Seven or more of them, shall appoint to collect the same: And the Money so to be raised is hereby vested in the said Trustees, and shall be applied in such Manner as is herein after mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 5 Days.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Bar or Bars, Fence or Fences, Gate or Gates, Turnpike or Turnpikes, on the Side

Trustees may erect Side-gates,

Side or Sides of the said Roads, or upon, in, or across, any Lane or Way leading into the same, and to erect or provide a Toll-house to each of the said Bars, Fences, Gates, or Turnpikes, with suitable Buildings thereto; and shall and may inclose any adjoining Part of the said Road or Highway, to be used as a Garden, for the Accommodation of the Collectors of the said Tolls or Duties; and there to cause to be taken and levied such Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, so as the same do not extend to a Double Charge upon any Person or Persons passing the same Day through any other of the Gates or Turnpikes to be erected by virtue of this Act.

and take Toll thereat;

so as the same do not extend to a Double Charge.

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

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

Application of Monies.

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

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

And be it further enacted, That it shall and may be lawful for the said 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 that Purpose, to lessen or reduce all or any of the

the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced or varied as aforesaid, to be collected and taken in such Parts and Proportions, at the respective Turnpikes, Bars, and Gates, as they the said Trustees, or any Seven or more of them, shall think fit; and such reduced or varied 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 Tolls are directed to be levied, collected, and applied; but no such Reduction shall be made at any Time after the said First Meeting, unless the Person or Persons who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced shall be consenting thereto; and that no such subsequent Meeting shall be held for the Purposes aforesaid, unless Fourteen Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act. and raise them again.

And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Cattle or Beast through any Gate or Turnpike erected by virtue of this Act, the same Person, upon producing a Note or Ticket, denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Cattle or Beast Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; which said Note or Ticket the Collector of the Tolls is hereby required to give gratis upon the Payment of such Toll. Tolls to be paid but Once a Day.

And be it further enacted, That the said Trustees, or any Seven or more of them, upon One Month's Notice to be given in Writing under the Hand of the Clerk to the said Trustees, to be affixed on all Turnpikes to be erected by virtue of this Act, may, at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Lease to any Person or Persons, for any Term not exceeding Three Years, for such Sum or Sums of Money as the said Trustees, Trustees may lease, &c. the Tolls.

or any Seven or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls hereby granted are to be applied, and to no other Use or Purpose whatsoever.

Trustees may compound with Travellers.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and impowered to compound or agree, by the Year or otherwise, with any Person or Persons using to travel through the said Turnpikes, or any of them, to be erected by virtue of this Act, with any Beast of Draught or Burden, for any Sum or Sums of Money as they shall think fit, for and in lieu of Payment of any of the said Tolls or Duties; such Composition-money to be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

Exemptions from Toll.

And be it further enacted, That no Person shall be charged with any of the Tolls or Duties aforesaid, for any Cattle drawing any Carriage laden with Materials for repairing any Road or Highway in any Parish or Place through which the said Roads lead, or with any Hay or Corn in Time of Harvest, carrying to the Barns of the Proprietors, or with any Corn in the Straw, Hay, or Straw, to be laid up or housed in any Barns or Outhouses, or upon the Lands and Premisses of and belonging to any of the Inhabitants of the respective Parishes in which the said Roads do lie (except such Corn, Hay, or Straw, be sold, or for Sale) or drawing any Ploughs, Harrows, or other Implements of Husbandry; or drawing any Carriage laden with Dung, Mould, Marl, Compost, or other Materials to be used in amending or manuring of Land (Chalk and Lime excepted;) nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Person or Persons residing in the said Parishes in which the said Roads lie, who shall pass through any of the said Turnpikes to and from Church, Chapel, or other their proper Parochial or usual Places of religious Worship, on Sundays, or attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; nor for any Person or Persons riding any Horse, Mare, Gelding, or other Beast, to and from any Lands in their own Occupation only; nor for any Horses, Mares, Geldings, or other Cattle or Beasts, going to or returning from Water or Pasture, belonging to any of the

Inhabitants of the Parishes in which the said Roads lie; nor for any Post-horse carrying the Mail or Packquet; nor for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons, attending them, or laden with their Arms or Baggage; nor for Horses travelling with Vagrants sent by Passes; nor for Felons committed or sent to Gaol.

No Toll on Election Days.

Provided always, That during the Continuance of this Act all Passengers on Horseback, or in Carriages, shall pass and repass Toll-free on the Day or Days on which there shall be an Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Kent or Sussex, or on the Day before, or on the Day after, such Election; any thing herein contained to the contrary notwithstanding.

Penalty on making illegal Claims.

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

Penalty on permitting, &c. private Passage;

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

or on giving or receiving Tickets, &c.

Tolls may be assigned for Money borrowed.

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

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mortgage or assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, as a Security or Securities for the several Sums of Money which shall be so borrowed, and the Interest thereof; which Sums of Money so borrowed (the Charges of procuring and passing of this Act being thereout first paid) shall be laid out and applied in such Manner as the said Tolls are hereby directed to be laid out and applied.

Assignments may be transferred.

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

Notice to be given of borrowing Money.

Provided always, That no Money shall be borrowed upon the Credit of the said Tolls by the said Trustees, after their First Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be by Order of the said Trustees, or any Five or more of them, fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the Borrowing of such Money.

Trustees may appoint Officers;

and remove them, and appoint others.

And be it further enacted, That the said Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers and other Persons, or any or either of them, from time to time, to remove, and to appoint others in case of Death or such Removal; and may, out of the Monies which shall arise by the Tolls aforesaid, make such Allowances to such Officers and other Persons for their Services as to the said Trustees, or any Seven or more of them, shall seem reasonable: And all and every such Officers and other Persons shall, from time to time (when thereunto required by the said Trustees, or any Five or more of them), make and render to the said Trustees, or any Five or more of them, a true, fair, and perfect Account, in Writing, under their respective Hands, upon Oath to be taken before Two or more of the said Trustees (which Oath Two Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively shall to that Time have received, paid, and disbursed, by reason of their respective Offices: And in case any Money so received shall

Trustees to allow Officers Salaries.

Officers to account upon Oath.

shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case any such Officers or other Persons shall not make and render, or shall refuse to verify upon Oath such Account, or to make such Payment as aforesaid; then any One or more Justice or Justices of the Peace for the County where such Officer or other Person shall reside shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer:) And if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the Common Gaol of the County or Place where such Officer or Person shall reside; there to remain without Bail or Mainprize until he or they shall make and render a full, true, and perfect, Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender,

until Payment or Composition made.

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

Treasurer, &c. to give Security.

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

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

And be it further enacted, That the Surveyor or Surveyors appointed by the said Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may and is and are hereby authorized and impowered, at proper and seasonable Times, with Carts and other Carriages, to enter into,

Surveyors may dig Gravel, &c.

and pick up, gather, and carry away, any Stones lying dispersed upon any Lands or Grounds being or lying near or adjacent to the said Roads, without paying any Thing for the same (such Lands or Grounds not being then sown with any Sort of Corn, and such Stones not being before then picked and laid up by the Owner or Occupier for his own private Use) for the repairing and amending the said Roads, without Licence, Controul, or Interruption of or by the Owner or Owners, Occupier or Occupiers of such Lands or Grounds, and without incurring or being liable to any Trespass or Action for or by reason thereof, and to enter into any Gravel Pit lying near the said Roads, and there to dig, cast, and scry Gravel, to be carried on and used for repairing and keeping in Repair the Roads aforesaid; and that it shall and may be lawful for the said Surveyor or Surveyors, or any Person or Persons appointed by such Surveyor or Surveyors, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from any River or Brook, Waste or Common, in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, to be used in repairing the said Roads, without paying any Thing for the same, they the said Surveyors, or other Persons filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence, to prevent any Misfortune or Accident happening in or from the Pits or Holes from whence such Materials shall be taken, or causing the same to be done; and if a Quantity of Materials, proper and sufficient for that Purpose, cannot be found in or upon such Rivers or Brooks, Wastes or Commons, then, and in such Case, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of and from any River or Brook, or the Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands or Grounds not being a Yard, Garden, Park, Paddock, Nursery, planted Walk or Walks, or Avenue to a House, or Orchard) they the said Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds, such Damages for getting the said Materials, and for carrying

without paying for the same; levelling the Pits.

Materials may be taken from private Grounds.

making Satisfaction to the Owners.

carrying the same over their Grounds, as the said Trustees, or any Seven or more of them, shall think reasonable: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages; any Two or more Justices of the Peace of the County of Kent shall and may, on Fourteen Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode with some One of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties. Justices to determine Differences.

And be it further enacted, That the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered to make, or cause to be made, Causeways, in or along the Sides of any Part or Parts of the said Roads; and shall and may build, or cause to be built, any Bridge or Bridges, upon, in, or across, the said Roads, or any Part thereof; and to cut, or cause to be cut, any Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired (not being the Scite of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to a House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable; but no Satisfaction shall be made for doing or performing Surveyors may make Causeways, &c. and erect Bridges; and make a temporary Road; making Satisfaction to the Owners.

performing any of the Works aforesaid, upon or through any Wood, Waste Ground, or Common.

Surveyors may remove Annoyances in the Road, &c.

and cut down Trees;

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said Roads; and to cut down, lop, top, or shrove any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto,

the Owners neglecting to remove the same after Notice;

the Owners or Occupiers neglecting to cut down, lop, top, and shrove such Trees or Bushes, or to remove such Annoyances, for the Space of Fourteen Days after Notice in Writing given for that Purpose under the Hand

Charges to be reimbursed to the Surveyors,

or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down, lop, top, or shrove such Trees or Bushes, or to remove such Annoyances as aforesaid;

to be levied by Distress and Sale.

and in case such Owners or Occupiers shall not upon Demand pay and reimburse to the Surveyor or Surveyors, such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, from time to time to levy the Charges thereof upon such Owners or Occupiers, by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if,

Penalty on a Second Offence.

after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath before One or more Justices of the Peace for the said County or Place, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

Owners neglecting to scour their Watercourses, after Notice,

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

Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same: And if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode; the said Money, and every Part thereof, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

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

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

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

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

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate,

Persons neglecting to treat for the Sale of Lands;

giate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments, shall lie (which Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer;) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have so inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and

Jury to assess the Damages.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; And for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands, Grounds, or Hereditaments, shall lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or who shall

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

Jurors may be challenged.

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

refuse to be sworn on the said Jury, or, being so sworn, refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence; and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Fine not to exceed 10 *l.*

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for repairing the said Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said

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

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

and esteemed a Publick Highway.

Old Road may be sold.

Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments, shall lie, shall be good and effectual in the Law to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees, or any Five or more of them, to exchange all or any of such Lands or Grounds, for any Land or Ground which the said Trustees shall think necessary to become possessed of for the widening, turning, or altering, the said Roads.

Buildings not to be injured, &c.

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

Expences of the Jury how to be borne.

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

of

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

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

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

Inhabitants to do Statute-work.

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

And,

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

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

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

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

and on Persons not performing Statute-work.

Occupiers,

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

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

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

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

Penalty on drawing Timber otherwise than upon Wheel-carriages.

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Mile-stones to be set up on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places: And if any Person shall wilfully or designedly break, pull down, dig up, injure, or destroy, any or either of the Stones that shall be so set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause the same to be done; every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones.

Penalties and Forfeitures to be recovered and applied.

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

One or more credible Witness or Witnesses, upon Oath, (which Oath the said Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer or Treasurers, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Roads and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction, for any Time not exceeding Two Months.

Persons aggrieved may appeal to the Quarter Sessions.

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

Notice of Appeal to be given.

And

Proceedings not to be removed by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Condiction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto;

Distress not unlawful for want of Form;

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

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 any Action upon the Case.

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

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 on Behalf of the Party distraining before such Action brought.

Proceedings to be entered in a Book.

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

Writings to be without Stamps.

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

Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order made to be repealed, &c.

And be it further enacted, That no Order made by the said Trustees, 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 the Number of Trustees then present shall be equal to the Number of Trustees who made such Order, and shall be consenting thereto.

Commencement and Continuance of this Act.

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

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in Pursuance, and by the Authority, of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions, or if, upon any Demurrer

General Issue.

Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for Recovery thereof as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Treble Costs.

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

Publick Act.

FINIS.