Anno nono

Georgii III. Regis.

An Act for repairing and widening the Roads from the Turnpike Road at *Golford Green*, in the Pariſh of *Cranbrooke*, to the Turnpike Road in the Pariſh of *Sandhurſt*, and from the Green near *Benenden Church*, to *The Bull Inn* at *Rolvenden Croſs*, in the County of *Kent*.

WHEREAS the Road leading from the Turnpike Road, at a certain Place called Golford Green, in the Pariſh of Cranbrooke, in the County of Kent, to and over a certain Green near the Pariſh Church of Benenden, in the ſaid County, and from thence to the preſent Turnpike Road near the Dwelling-houſe of Richard Humphry, in the Pariſh of Sandhurſt, in the ſaid County; and alſo the Road leading from the aforeſaid Green, near Benenden Church, to The Bull Inn at Rolvenden Croſs, in the ſaid County of Kent, are very ruinous and bad, and in many Places too narrow, and cannot be ſufficiently amended, widened, and kept in Repair, by the ordinary Courſe of 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; the Honourable Charles Marſham, the Honourable Robert Fairfax, Sir Robert Auſten, Sir Philip Boteler, Sir Edward Dering, Sir John Filmer, Sir Edward Hales, Sir Roger Twiſden, Sir Horatio Mann, Sir Brook Bridges, Preamble. Truſtees Names.

Sir Whiſtler Webſter, **Baronets**; **Sir** Thomas Rider, Sir Charles Whitworth, **Knights**; John Auſten, Francis Auſten, Francis Motley Auſten, John Baker, Samuel Boys **ſenior**, Samuel Boys **junior**, Edward Bathurſt, Samuel Biſhop, Richard Bathurſt, Thomas Blackmore, James Blackmore, James Becket, Richard Beale, Charles Booth, William Braban, John Bartlett, Francis Brooke, John Cooke **ſenior**, John Cooke **junior**, Edward Curteis **of** Tenterden, William Curteis **of** Tenterden, Samuel Curteis, Edward Curteis **Doctor of Phyſick**; Jeremiah Curteis **of** Rye, Richard Curteis, Jeremiah Curteis **of** Tenterden, John Cole, Alexander Courthope, William Cuckow, Thomas Cuckow, Henry Carleton, Robert Chambers, Thomas Chamberlayn **the younger**, William Davis, Daniel Davis, William Danſays, Samuel Durrant, John Elmeſtone, Edward Finch, William Finch, Roſe Fuller, Stephen Fuller, John Fuller **of** Heathfield, Charles Frewen **of** London, Edward Frewen, Beverſham Filmer, Francis Filmer, Benjamin Hatley Foote, William Fiſher, Walter Gybbon, Searles Giles, Gregory, William Gordan, James Gybbon, John Goble, Nicholas Haddock, William Henley, Thomas Hunt, Samuel Hunt, Richard Harcourt, William Howard, William Hicks, Thomas Huſſy, John Holman **ſenior**, John Holman **junior**, Thomas Hope, Richard Hope, John Hogben, John Haſſell, James Haffenden, Richard Haffenden, Richard Humphry, John Jenks, John Johnſon, Thomas Knight, Thomas Knight **junior**, Thomas Lamb, James Lamb, John Lamb, Edward Louiſa Mann, Horatio Mann, George Medley, Robert Monypenny, James Monypenny, Benjamin Munn, William Mercer, John Dunmoll Mercer, Thomas Morland, William Morland, James Marriott, Samuel Munn, Thomas Morphett, Samuel Miller, John Norris, Charles Nairn, George Onſlow, Thomas Owens, John Pooke, William Pattenſon **ſenior**, William Pattenſon **junior**, Joſias Pattenſon, William Proſſer, Thomas Plummer, Thomas Procter, Richard Pollard, George Peckham, Henry Peckham, Robert Pratt, Thomas Pope, Mathew Pope, Joſeph Puxty, Thomas Redford **ſenior**, Thomas Redford **junior**, Samuel Roberts, Robert Relf, John Sackville, Chiſwell Slade, William Stone, Robert Stace, Robert Stace **the younger**, Jeremiah Smith, Edward Swaine, Richard Stileman, Thomas Simmonds, John Snepp, John Scott, Francis Treſs, Thomas Treſs, Stephen Treſs, Roger Twiſden, William Turley, Thankful Thorpe, Stephen Taylor, Robert Turner, William Tempeſt, George Tempeſt, William Uſborne, Edward Uſborne, Thomas Wing, William Ward, Henry Walker, William Watſon, Needler

Needler Chamberlain Watſon, John Weſton, Thomas Weſton, Stephen Wilmſhurſt, John Ward, Edward Wilmott, Richard Willis, John Willis, Walter Waters, Joſeph Willard, Richard Weller, Captain John Weller, Captain Nicholas Weller, Edward Young, Eſquires and Gentlemen; Thomas Curteis, John Taylor, Doctors in Divinity; Thomas Nairn Dean of Battle, John Chawner, Thomas Chamberlayn, Joſeph Dunn, Henry Hodſon, Thomas Hooper, William Lord, Richard Moreton, Thomas Morphett, Joſ. Diſney, John Haſſell, Robert Polhill, Clerks; and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for putting this Act in Execution.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act, unleſs he ſhall, during all the Time he ſhall ſo act, be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of Forty Pounds above Repriſes, or ſhall be Heir Apparent of a Perſon having an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds, or be poſſeſſed of a Perſonal Eſtate to the Amount of Eight hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act contrary to the Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons that ſhall 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, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager in Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is 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 had 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, or any Five or more of them, ſhall firſt meet together at the Bull Inn at Benendem, upon the laſt Monday in January, One thouſand ſeven hundred and ſixty nine, and proceed to the Execution of this Act; and ſhall then, and from time to time afterwards, adjourn themſelves to meet at ſuch Place, in or near the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and conve-

nient, for putting this Act into Execution; and if it shall happen, that at the Time of any Meeting, which shall be so from time to time appointed to be holden by the said Trustees as aforesaid, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day; or in case the Trustees, at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk to the said Trustees, shall, from time to time, in either of such Cases, by Notice in Writing under his Hand, to be affixed at all the Turnpikes which shall be erected by virtue of this Act across the said Roads, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Three Weeks on which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and if a Meeting of the said Trustees shall be thought necessary to be held, for the better Execution of this Act, before the Time appointed in virtue of any Adjournment shall come, then, and in every such Case, the said Trustees, or any Five or more of them, or the Clerk, at their Request, shall and may give Fifteen Days Notice at least in Writing, to be affixed on all the Turnpikes erected across the said Roads, of the Time and Place of the holding such Meeting; and in every such Notice shall be specified the particular Business intended to be done and transacted thereat, and which Business, the said Trustees, or any Five or more of them, may do and transact, and the Business so done and concluded shall have the same Effect as it could have had in case it had been done at a Meeting of Trustees herein otherwise authorized or directed to be held; but any Business done at such Meeting, other than what shall be so specified, shall be, to all Intents and Purposes, void and of none Effect.

In Default of a sufficient Number to act,

may adjourn to another Meeting.

Trustees to defray their own Expences.

A Meeting may be held on an Emergency.

Trustees not to act but at a publick Meeting, &c.

And be it enacted by the Authority aforesaid, That all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise, except as is herein before excepted; and that no such Order or Determination shall be made without the Consent of the major Part of the said Trustees present at such Meeting, such Majority not being less than the Number of Trustees by this Act authorized to make such Order or Determination; nor shall any Order or Determination made by Five or more Trustees, being under the Num-

No Order to be made unless a Majority shall concur therein.

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ber of Nine, be revoked, repealed, or set aside, at any subsequent Meeting, unless Nine or more Trustees, neither of them being personally interested in the Matter in Question, shall be present at the making such subsequent Order; nor shall any Order, made by Nine or more Trustees, be revoked, repealed, or set aside, at any subsequent Meeting, unless Fifteen or more Trustees, neither of them personally interested as aforesaid, shall be present at the making such further subsequent Order; nor shall any Trustee be capable of acting in the Execution of any of the Powers of this Act, during the Time he shall hold any Place of Profit under this Act, but all such Trustees, as are Justices of the Peace for the said County of Kent, may act as such in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they are personally interested.

No Order to be revoked, unless 9 Trustees be present.

Trustee not to accept a Place of Profit.

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

And be it further enacted by the Authority aforesaid, That when, and so often as, any Trustee shall die or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect and appoint one other Person, qualified as aforesaid, living in the said County of Kent, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but a Notice of the Time and Place of Meeting for every such Election shall be given in Writing under the Hands of the Clerk to the said Trustees, and be fixed at one on all the Turnpikes across the said Roads, at least Ten Days before such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen, were vested with.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may cause to be erected any Turnpike or Turnpikes in, upon, or across any Part or Parts of the said Roads hereby intended to be made or repaired, and also upon the Sides of the said Roads, and at the End of, or across, or within One Furlong from the End of any Lane or Way leading into or out of the same; and may also cause to be erected as provided a Tollhouse, with suitable Out-buildings, at or near each Turnpike, and from time to time remove such Turnpike or Turnpikes and Tollhouses, or to alter the same, or any Part or Parts thereof respectively, as they the said Trustees, or any Five or more of them, shall think necessary, so as the Number of Turnpikes to be erected

Trustees may erect Turnpikes and Tollhouses,

across

croſs the ſaid Road leading from Golford Green aforeſaid, and the Turnpike Road near the ſaid Dwelling-houſe of the ſaid Richard Humphry, do not exceed Three; and ſo as croſs that Part of the ſaid Road leading from the aforeſaid Green near Benenden Church aforeſaid, and the Bull Inn at Rolvenden Croſs aforeſaid, which lies between the Bull Inn at Benenden aforeſaid, and the Bull Inn at Rolvenden aforeſaid, there be not erected more than One ſuch Turnpike; and the Tolls following ſhall be demanded and taken at every Turnpike, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from to time appoint for that Purpoſe, before any Cattle or Carriage whatſoever ſhall be permitted to paſs through the ſame; that is to ſay,

and take Tolls thereat.

The Tolls.

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

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

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

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

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

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

Provided always, nevertheleſs, That in demanding and paying the Tolls upon Oxen, drawing one Pair or Yoke of Oxen, ſhall be reckoned and paid for only as One Horſe drawing; all which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of, or as a Toll: 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,

For Recovery of Tolls.

or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls by himself, or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse or Horses, or other Cattle, together with their Bridles, Gears, Harnels, or Accoutrements, or their Loading, or any Goods or Carriage, upon which such Toll is hereby imposed, or any of the Goods or Chattles of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattles, or Things so seized and distrained, returning the Overplus (if any be) on Demand to the Owner thereof, after such Tolls, and the reasonable Charges, occasioned by such Seizure, Distress and Sale, shall be deducted; and all the Tolls collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied, in the First Place, to pay and discharge all the Expences and Costs in and about procuring and passing this Act, and the Remainder in erecting and providing Turnpikes and Toll-houses, and in amending the said Roads, and other necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, and it is hereby enacted and declared, That if there shall be Three Turnpikes erected upon or across the said Road, leading from the said Turnpike Road at Golford Green, to the said Turnpike Road, near the Dwelling-house of the said Richard Humphry, in Sandhurst aforesaid, all Persons who shall pass through the Turnpike at or nearest to either of the Ends of the said Road, and shall pay the Tolls at such Turnpike, shall, upon producing a Note or Ticket of such Payment, be permitted to pass Toll-free, with the same Cattle or Carriage, through the Second or Middlemost of such Three Turnpikes; and likewise all Persons who shall pass through the Second or Middlemost of such Three Turnpikes, and have paid the Tolls there, shall, upon producing a Note or Ticket of such Payment, be permitted to pass Toll-free, with the same Cattle or Carriage, through the Turnpike at or nearest to either One of the Ends of the said Road.

Exception to paying at every Gate between *Golford Green* and *Sandhurst*.

Provided also, That all Persons having paid Toll for passing through any Turnpike so to be erected on

Persons paying at a Side-gate, to pass the next Cross Gate Toll-free, and *vice versa*;

the Side of any Part of the said Roads, and producing a Note or Ticket of such Payment, shall pass through the next of the said Turnpikes erected upon or cross the said Roads Toll-free; and so likewise all Persons having passed through either of the said Turnpikes so to be erected upon or cross the said Roads, and having paid the Tolls at such Turnpike, shall, upon producing a Note or Ticket of such Payment, pass Toll-free through the next Turnpike so to be erected on the Sides of the said Roads.

except as to *Rolvenden* Gate

Provided always, That this Provision shall not extend to the Turnpike Gate between Rolvenden and Benenden, in case any shall be there erected.

Double Toll between First *October* and First of *May*,

Provided likewise, and be it further enacted by the Authority aforesaid, That all Carriages, except those laden with Corn or other Grain, and except Coaches, Chariots, Berlins, Landaus, Chaises, Chaise Marines, Calashes, Chairs, or Hearses, passing through any Turnpike or Turnpikes to be erected by virtue of this Act, between the First Day of October, and the First Day of May, in every Year during the Continuance of this Act, shall pay double Toll; any thing in this Act contained to the contrary thereof notwithstanding.

Exemptions from Toll.

And be it further enacted by the Authority aforesaid, That no Toll shall be taken by virtue of this Act for any Horse, Cattle, or Beast, drawing or not drawing, or for any Carriage employed only in conveying or carrying any Materials for repairing the said Roads, or for mending any of the Highways in the Parishes in which the said Roads by this Act directed to be repaired do lie; nor for any Cattle, Beast, or Carriage, passing through any of the Turnpikes erected by virtue of this Act at any Time between the First Day of May and the Twenty ninth Day of September, in every Year, for or with Dung, Mould, Soilage, Muck, Greet, Litter, Marle, Compost, or other Materials, (Chalk and Lime excepted) for manuring of Lands or Gardens belonging to and used by the respective Inhabitants of the several Parishes or Places in which the said Roads hereby intended to be repaired do lie, or employed in carrying, going or returning for or with Hay, Corn in the Straw, Hops going to the Oast to be dried, or returning from thence (not for Sale) but intended to be laid up in any Houses, Out-houses, Barns, or Yards of or belonging to the respective Owners thereof, being Inhabitants of the several Parishes or Places in which the said Roads hereby intended to be repaired do lie;

so

so as such Cattle, Beasts, or Carriages, so laden with or employed in carrying Dung, Mould, Soilage, Muck, Greet, Litter, Marle, Compost, or other Materials for manuring of Lands or Gardens (except Chalk and Lime) or with Hay, Corn in the Straw, and Hops, do not pass through more than One of the said Turnpikes across the said Roads, Toll-free; nor shall any Toll be demanded or taken by virtue of this Act for the Passage or Conveyance of any Ploughs, Harrows, Rolls, or any other Implements of Husbandry belonging to any Person or Persons residing or using Farms in the said Parishes in which the said Roads hereby directed to be repaired do lie; provided the same be not haled or carried otherwise than on Wheel Carriages, or through more than One Turnpike erected across the said Roads; nor shall any Toll be demanded of, or taken from, any Person or Persons residing in any of the Parishes in which the said Roads hereby directed to be repaired do lie, who shall pass with any Cattle or Carriages going to or from their own respective Church or Chapel, or other Place of religious Worship, on Sundays, or who shall attend the Funeral of any Person or Persons to be buried in any of the said Parishes; nor for any Horses, Mares, Geldings, or Cows, going to or returning from Pasture, or to be milked, or going to or returning from the Watering Place or Places near the said Roads; nor for any Oxen, Sheep, or other Cattle, going to or returning from One Part of a Farm to another Part of the same Farm in the Occupation of the same Person; nor for the Horse of the Driver of any such Cattle, provided the said Persons Cattle, Beasts, or Carriages aforesaid, do not respectively pass Toll-free through more than One of the said Turnpikes across the said Roads; nor shall any Toll be demanded or taken for any Post Horse or Post Horses carrying or conveying any Mail or Packet, or for any Horse or Horses, Carriage or Carriages, which shall have been at London, or elsewhere, laden with Fish only from the Sea Coast, upon their Return unladen towards the Sea Coast (such Horse or Horses, Carriage or Carriages, when laden having before paid the Tolls granted by this Act;) nor for any Horse or Horses upon which the Riders or Drivers of such Horses or Carriages shall ride upon their Return unladen as aforesaid; nor for the Horses of any Soldiers passing who are upon their March, or for the Carts, Carriages, or Waggons, attending them laden with their Arms or Baggage; nor for any Horses, Carts, or Waggons, travelling with

Vagrants

Flagrants sent by legal Passes; nor for Coaches, Berlins, Landaus, Chariots, Chaises, Chaise Marines, Calashes, or Chairs, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Kent on the Day or Days of such Election.

Penalty on making illegal Claims.

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

Tolls to be paid for passing more than Twice in One Day.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons who shall have paid the Tolls for passing through any of the Turnpikes erected by virtue of this Act, with any Horse or Cattle not drawing, and shall produce a Note or Ticket denoting such Payment (which said Note or Ticket the Collector and Collectors of the Tolls is and are hereby required to give upon receiving the Toll) shall be liable to pay any further Toll for passing or repassing at any Time or Times during the same Day, or before Twelve of the Clock at Night, with the same Horse or Cattle not drawing, through the Turnpike where such Toll was paid as aforesaid; nor shall any Person or Persons who shall have paid the Tolls for the Passage of any Carriage through either of the Turnpikes, and shall produce a Note or Ticket denoting the Payment thereof (which the Collector and Collectors is and are hereby directed to deliver on receiving the Toll) be liable to the Payment of any further Toll for returning within the Time aforesaid with the same Carriage through the Turnpike where such Toll was paid; but if any Person or Persons shall pass the same Day through the same Turnpike or Turnpikes with any Carriage a Third Time, then such Person or Persons shall be liable and compellable to pay the said Toll hereby imposed on such respective Carriage and Cattle drawing the same, and shall receive another Note or Ticket, which the Collector and Collectors is and are hereby required to deliver as aforesaid, which shall intitle him or them to return through the same Gate, with the same Carriage, within the Time aforesaid, Toll-free, and so to-

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ties quoties, for every Third Time the said Carriage shall pass the same Day through the same Turnpike.

Trustees may compound with Inhabitants.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to compound or agree with any of the Inhabitants of any Parish, wherein the Roads hereby directed to be repaired do lie, by the Year, for passing through any Bar, Gate, or Turnpike, to be erected by virtue of this Act, provided such Person or Persons shall not carry Goods for Hire, and shall always pay down One Year's Composition-money in advance.

Turnpike and Toll-houses vested in the Trustees.

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

No Turnpike to be removed unless Fifteen Trustees consent thereto.

Provided always, and be it further enacted by the Authority aforesaid, That no Bar, Gate, or Turnpike, erected or set up by virtue of this Act, shall be taken down or removed to any other Place, except by Order of the said Trustees, or any Fifteen or more of them, and whereof Fourteen Days Notice shall be given in Writing by the Clerk to the Trustees under his Hand, to be affixed on all the Turnpikes to be erected across the said Roads; any thing in this Act contained to the contrary notwithstanding.

Trustees may vary the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at a General Meeting to be held for that Purpose, whereof Notice shall be given in Manner aforesaid at least Fourteen Days before such Meeting, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen and reduce, and again to raise and advance, the Tolls or Duties hereby granted and made payable, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit, so as the respective Tolls so varied never exceed the Tolls granted by this

Act, nor be ever leſſened until the Money to be borrowed on the Credit thereof, together with the Intereſt, be repaid, unleſs all Perſons to whom ſuch Money and Intereſt is due conſent thereto; and ſuch Tolls or Duties ſo varied, or any of them, ſhall be collected, recovered, laid out, and applied in the ſame Manner as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied.

Tolls may be aſſigned for Money borrowed.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at their Firſt or any ſubſequent Meeting to be held in purſuance of this Act, upon the Credit of the Tolls ariſing by virtue of this Act, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they, or any Seven or more of them, ſhall think fit; and may, and are hereby impowered to aſſign over or mortgage the ſaid Tolls, or any Part or Parts thereof, by Writing under their Hands and Seals (the Tolls and Charges of ſuch Aſſignment or Mortgage to be borne and paid out of the ſaid Tolls) as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance the ſame; which ſaid Money ſo borrowed ſhall (after paying the Expences of obtaining this preſent Act) be applied and diſpoſed of as the ſaid Tolls are to be applied and diſpoſed of by virtue hereof, and to no other Uſe or Purpoſe whatſoever; and Copies of all ſuch Mortgages or Aſſignments ſhall be entered at length in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; but no Money ſhall be borrowed on the Credit of the ſaid Tolls after their Firſt Meeting, unleſs Notice for that Purpoſe be fixed in Writing, under the Hand of the Clerk to ſuch Truſtees, upon all the Turnpike Gates erected by virtue of this Act, at leaſt Fourteen Days before borrowing ſuch Money.

Notice to be given of borrowing Money.

Truſtees not ſubjected to Payment.

Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge or ſubject the ſaid Truſtees, or Perſons appointed to receive the ſaid Monies, or any Part thereof, ſo to be borrowed as aforeſaid, to any Payment of the ſame, by reaſon of their or any of their ſigning and ſealing any ſuch Aſſignment or other Securities, to be made in purſuance of this Act, or any or either of them.

Aſſignments may be tranſferred.

And it is alſo further enacted by the Authority aforeſaid, That all and every the Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or his, her, or their Executors or Adminiſtrators, may, from time to time, by proper Words of

Aſſign-

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

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause

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

cause to be haled or drawn, in or along the Roads by this Act intended to be repaired, or any Part thereof, any Tree or Trees, Piece or Pieces of Timber, otherwise than and except upon Wheel Carriages, or shall suffer any Tree or Piece of Timber to drag or trail on the said Roads, or any Part thereof, to the Prejudice thereof, every such Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

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 Bar, Gate, or Turnpike, by virtue of this Act to be erected or set up, without paying the Toll or Tolls by virtue of 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, her, or their Office or Offices of Collector or Collectors; or if any Person or Persons whatsoever, owning or occupying any Messuage or Land near to any Turnpike, which shall be erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Land, Gate, Passage, or private Way, with any Carriage, Horse, Mare, Ass, Mule, or any Sort of Cattle, on which any Toll or Duty is hereby laid; or if any Person or Persons shall, with any Carriage whatsoever, or with any Horse, Mare, or other Cattle, pass through any such Land, Gate, Passage, or private Way, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse, Mare, or other Cattle, from any Carriage, with an Intent to avoid paying any of the said Tolls or Duties, or shall leave, or cause to be left, upon or near the said Roads, any Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Chair, Waggon, Wain, or other Carriage, Horse, or any other Cattle, with such Intent as aforesaid, every Person so offending, in any of the Cases aforesaid, shall forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied towards repairing the said Roads.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, having paid any of the Tolls by this Act granted, and having such Mark or Ticket, Notes or Tickets, as aforesaid, shall give or dispose of the same to any Person or Persons, in or-

der

der to avoid the Payment of any of the said Tolls, every such Person so offending, or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving and making use of the same, shall respectively forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety thereof shall be applied towards repairing the said Roads.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads; and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and, from time to time, to remove any, or either of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die, and, out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing, of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Fourteen Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers refusing to account,

Writings, in his Custody or Power relating to the Execution of this Act; or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any Two or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing shall be and reside; such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting to be brought before him or them; and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act might have done; And if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice or Justices is and are hereby impowered and required to administer, without any Fee or Reward) it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons; such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons, respectively; and if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining

Complaint may be made to Justices,

Justices may hear and determine the Matter.

Balance may be levied by Distress and Sale.

For want of Distress, the Offender to be committed,

straining for the same; then such Justice or Justices shall commit every such Offender to the Common Goal for the County or Place where such Offender shall reside or be apprehended, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said 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 shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them. until Payment or Composition be made.

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

Provided always, and be it enacted, That no Victualler, or Retailer of Beer, Ale, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act. No Victualler, &c. to hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors for the said Roads, or such Person as he or they, or the said Trustees, or any Five or more of them, shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Roads, out of or from any River or Brook, Waste or Common Grounds, in any Parish or Place wherein or near which the said Roads or any Part thereof do lie, or in any neighbouring Parish or Place, without paying any Thing for the same; such Surveyors or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle: And if there is not a sufficient Quantity of such Materials in such Rivers, Brooks, Common or Waste Grounds; it shall and may be lawful for the said Surveyor or Surveyors, or other Persons as aforesaid (such Surveyor or Surveyors first having an Order of the said Trustees, or any Five or more of them, for that Purpose) to dig, gather, and take away, such Materials in the Grounds of any Person or Persons whomsoever (not being a Garden, Orchard, Yard, Park, or Paddock, Surveyors may dig Gravel, &c. in Waste Grounds, without paying for the same; levelling the Pits. Materials may be taken from private Grounds;

Paddock, Nursery, or planted Walk or Walks, or Avenue to a House, paying or tendering Payment for such Materials, and for the Damage done to such private Grounds over which any Materials shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same between the Parties concerned and the said Trustees, the Justices of the Peace at the next General Quarter Sessions to be holden for the said County of Kent, shall and may examine Witnesses upon Oath relating thereto, and shall adjudge and finally determine the same, and order the Damages to be paid by the Treasurer for the time being of the said Roads out of the Money arising by the said Tolls, from which Determination there shall be no Appeal.

making Satisfaction to the Owners.

Justices to determine Differences.

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, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part of the said Roads, and to build, or cause to be built, any Bridges in and upon or cross the said Roads, or any Part thereof, and cut, or cause to be cut, any Watercourses, in, through, or cross, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed; and to erect Bridges over such Drains or Watercourses, if necessary; and also to make a Road or Way through the Grounds adjoining or lying near to any hollow Way, or any narrow or ruinous Part of the said Roads, (such Ground respectively not being the Ground whereon any House stands, nor any Yard, Garden, Orchard, Park, Paddock, planted Walk, Nursery, or Avenue to a House) to be made use of as a publick Highway, whilst the old Road is repairing and widening, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds respectively, for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Surveyors may make a temporary Road;

making Satisfaction to the Owners.

Surveyors may remove Annoyances, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and prevent all Annoyances, and to plash and cut Hedges adjoining to or on any Part of the said Roads, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the

Owners

Owners or Occupiers neglecting to plash and cut such Hedges, or to cut down such Trees and Bushes, or to remove such Annoyances as aforesaid, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to plash and cut such Hedges, or to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County, wherein such Hedges, Trees, and Bushes stood, which shall be so plashed, cut down, and lopt, or from whence such Annoyances shall be moved, from time to time, to levy the Charge thereof upon such Owners and Occupiers by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person, so offending, and being thereof convicted upon Oath before Two or more Justices of the Peace for the County aforesaid, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, over and above the reimbursing to such Surveyor or Surveyors the Costs and Charges of doing the same, as aforesaid.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor;

to be levied by Distress and Sale.

Penalty on a Second Offence.

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

Owners neglecting to cleanse their Watercourses, after Notice,

Surveyors may cleanse them,

and levy the Charges by Distress and Sale.

Surveyors, upon Demand thereof upon him, her, or them respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, it shall and may be lawful for such Surveyor and Surveyors, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof, as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace for the said County of Kent, by a Warrant or Warrants under the Hand and Seal of such Justice, to levy the same by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof upon Demand, after all Charges paid.

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

And be it further enacted, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times, think proper to widen the said Roads, or to divert, turn, shorten, vary, or alter, the Course or Path of any Part or Parts of the said Roads, for the better Accommodation of Passengers, that then the said Trustees, or any Five or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, 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, diverting, turning, shortening, varying, or altering, any Part of such Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Five or more of them, and also the Costs and Charges attending such Agreement and Purchase: And it shall be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Trustees in Trust, Executors, Administrators, Guardians, Committees of Ideots, Lunatics, and Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, Ideots, Lunatics, 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,

making Satisfaction to the Owners,

Bodies Politic, &c. may contract for the Sale of such Lands.

ments, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interests 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 Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act: And if any such Owners, Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to the said Roads, or into or through which the said Roads are to be turned or altered, as aforesaid, shall by the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the said County of Kent, which Oath any Five or more of the said Trustees, are hereby impowered and required to administer, what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Roads into or through the same; and in order thereto the said Trustees, or any 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

Owners, &c. neglecting to treat,

Jury to settle the Damages and Recompence.

Witnesses may be summoned, and examined upon Oath.

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

Verdict of the Jury to be final.

Trustees may issue a Warrant to the Sheriff, &c. to impannel a Jury.

shall appear upon such Summons, the said Trustees, or any Five 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 be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenge against any of the said Jurymen when they come to be sworn: And the said Trustees, or any 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 that shall be summoned and returned to serve on such Jury, and shall not appear, or that shall refuse to be sworn of the said Jury, or being so sworn, refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons, who being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence; and, from time to time, to levy such Fine and Fines, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, so assessed by such Jury for the Damage and Recompence as aforesaid, shall be and is hereby charged and chargeable upon the Monies which shall be raised, recovered, or borrowed, by virtue of this Act, and shall be paid thereout accordingly, to the Person or Persons, respectively, intitled thereto, or to their Agent or Agents; and upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to widen, divert, or turn such Road through such Lands or Hereditaments, and to do all and every Act, Matter and Thing, with relation to such Lands or Hereditaments, as the

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

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

said Trustees, or any Five or more of them, shall think fit; and all Lands, Grounds, or Hereditaments, which shall be laid into, or made a Part of, the said Roads by virtue of this Act, shall, to all Intents and Purposes whatsoever, become, and be deemed and taken to be a publick and common Highway, and shall be repaired and kept in Repair, in such Manner as the other Parts of the Roads included in this Act are to be repaired; and from thenceforth all Parties and Persons shall be divested of all Right or Title to such Lands and Hereditaments; and, after any such new Road shall be compleated, the old or former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall and may be stopped up by the said Trustees, or any Five or more of them.

and esteemed a publick Highway.

Old Road may be sold.

Buildings not to be injured, &c.

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

Certain Lanes to be stopped up, &c.

And, in order to prevent the Tolls being in great Measure evaded, be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to cause to be stopped up or fenced off, the following Lanes, lying in the Parish of Benenden aforesaid, or any or either of them (that is to say) The Lane or Way leading from the Blacksmith's Forge, in the Occupation of John Oxley, to Iden Green; also the Lane or Way leading from and out of the said intended Turnpike Road, near a certain Gate, which leads from Iden Green, into a Farm called the Frame Farm, in the Occupation of John Jenks, to the Dwelling-house of Brannes Catt, on Iden Green; also a certain other Lane or Way, called Cock-lane, lying below Iden Green, and leading from and out of the said Road to a certain Bridge, called Sarnden Bridge, in Benenden aforesaid; also the Lane or Way (opposite to the said Lane or Way, called Cock-lane) leading from and out of the said Road, by the Dwelling-house of William Butler, into the Road or Way leading from Iden Green to Standen Street, in Benenden aforesaid; and also the Lane or Way leading from and out of the said Road, between the said Bull Inn at Benenden aforesaid, and the Bull Inn at Rolvenden

venden aforesaid, at or near the Dwelling-house of Richard Cruthall, in Benenden aforesaid, to Iden Green aforesaid, so as to prevent the Passage of Horses, Cattle, or Carriages, through the said Lanes or Ways; and, after such Fence or Fences respectively made, it shall not be lawful for any Person or Persons to make use of such Lanes or Ways, with Horses, Cattle, or Carriages; nor shall the Inhabitants of the said Parish of Benenden be liable or compellable to repair or amend the said Lanes, or any, or either of them; Provided always nevertheless, That the Owners, Tenants, and Occupiers of the Messuages and Lands, situate and being in the said Lanes respectively, and his, her, and their Servants, Workmen, Cattle, Carts, and Carriages, shall and may pass and repass to and from their said Messuages and Lands, through such of the said Lanes, in which their Messuages and Lands shall respectively lie and be situate, until the said Trustees shall provide other good and sufficient Roads to and from such Messuages and Lands, equally as convenient.

Proper Ways to be made for Landholders.

And be it further enacted by the Authority aforesaid, That, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the several Parishes, Townships, or Places, through which the said Roads do lead, or the Inhabitants thereof, touching the Statute Work the Inhabitants of each Parish, Township, or Place, ought to do on the said Roads, by this Act directed to be repaired, it shall and may be lawful for any Two or more of the Justices of the Peace within their respective Jurisdictions, upon Application made to them by the said Trustees, or any Five or more of them, to summon the Surveyor or Surveyors of or for any Parish, Township, or Place, wherein the said Roads do lie; and in case no Surveyor shall be appointed for any such Parish, Township, or Place, then to summon the Churchwardens, or Overseers of the Poor of such Parish, Township, or Place, to bring in Writing before such Justices upon Oath, within Fifteen Days after such Summons, the Names of the several Persons, who, within each Parish, Township, or Place, respectively, are obliged by Law to do their Statute Work for that Year with Teams and Draughts, or otherwise; and also the Number of Days Work, which, with such Teams, or Draughts, or otherwise, each Person ought to do on the said Roads, out of which List the said Justices shall and may allot, appoint, and order such and so

Statute Work how to be performed.

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

Penalty on Neglect.

Persons found idle, to be turned off.

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

And be it further enacted by the Authority aforesaid, That where any particular Part of the said Roads, or any Bridge, Drain, or Sewer, being therein or thereupon, which hath been accustomed, or ought to be repaired and maintained by any particular Person or Persons, Bodies Politick or Corporate, by reason of the Tenure

Persons liable to repair Bridges, &c. to continue so.

Tenure of any Lands, Tenements, or Hereditaments, or by the said County of Kent, or any Township therein, the same shall be maintained and kept in Repair by such Person or Persons, Bodies Politic or Corporate, County or Township, in such Manner as the same were, or ought to have been respectively done, before the passing of this Act; and it shall be lawful for the Justices of the Peace for the Division or Place wherein such particular Part of the Roads, Bridge, Drain, or Sewer, shall lie, and they are hereby required, at their Petty or Special Sessions, upon Application to them made by the said Trustees, or any Five or more of them, to adjudge and determine when and how the same shall be maintained and repaired.

Trustees may compound with Parishes, &c.

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

Composition-money, how to be recovered.

And be it further enacted by the Authority aforesaid, That in case any Composition-money, agreed to be paid in lieu of any Statute-work or Days-work of the Inhabitants of any Parish or Place wherein the Roads to be amended by virtue of this Act do lie, or in lieu of Repairs to be done to Bridges, Drains, Sewers, or other Parts of the said Roads, by Persons chargeable therewith as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable, according to such Agreement or Composition, to the Person or Persons whom the said Trustees, or any Five or more of them, shall authorize to receive the same, that then it shall and may be lawful for any One of the Justices aforesaid, by Warrant under his Hand and Seal, to impower the Person or Persons so authorized by the said Trustees to receive such Composition-money

(Oath being first made that the same has been demanded and remains unpaid, which Oath the said Justice is hereby authorized and required to administer) to levy such Composition-money by Distress and Sale of the Goods of the Surveyor or Surveyors of the Highways, or of the Person or Persons so having respectively compounded either for such Statute or Days Work, or for such Repairs to be done to such Bridges, Drains, Sewers, or other Parts of the said Roads, by Persons chargeable therewith as aforesaid, returning the Overplus, if any, after the Charges of such Distress and Sale thereout first deducted.

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

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

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required and impowered to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides thereof, at the Distance of One Mile each from the other, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees shall seem meet; and if any Person shall wilfully and maliciously break or pull up any of the Stones or Posts, or any Part thereof, which shall be erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be inscribed thereon, and shall be convicted thereof, by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more of the said Justices of the Peace for the said County of Kent (which said Oath the said Justice or Justices is and are hereby required and impowered to administer) every such Person so offending, and being thereof convicted as aforesaid, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so broken or pulled up, obliterated,

Penalty on defacing Mile-stones, &c.

obliterated, or defaced, to be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered; One Moiety of such Forfeitures to be paid to, and for the Use of, the Informer, and the Residue thereof to be applied in repairing the Stones or Posts so broken or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus thereof, the same shall be laid out in repairing the said Roads; but in case no sufficient Distress can be found whereby to levy the same, then it shall and may be lawful for any One or more of such Justice or Justices, by Warrant under his and their Hand and Seal, or Hands and Seals, to commit the Person or Persons so offending to the House of Correction within the said County of Kent, to be there kept to hard Labour for any Time not less than the Space of One Month, nor exceeding Three Months, or until he, she, or they, shall have fully paid the Money which he, she, or they, shall forfeit, or be liable to pay, on such Conviction as aforesaid.

Penalties and Forfeitures how to be recovered applied.

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

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions to be held for the said County of Kent; and within Three Calendar

Notice of Appeal to be given.

par Months after the Cause of such Complaint shall have arisen, such Appellant first giving Six Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace of the County aforesaid, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Session; and the said Justices at such Session, upon due Proof of such Notice being given, and such Recognizance entered into, shall hear and determine the Causes and Matters of Complaint in a summary Way; and, if they see Cause, may, by Order of such Session, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate or set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable; and to make such Orders and Judgements in regard to the Premisses as they shall think right and proper; and the Determination of such Session shall be binding and conclusive upon all Persons.

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Proceedings to be had or done by the said Trustees, or by any Justice or Justices of the Peace, touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form, or be removeable by Certiorari, or any other Process, into any of his Majesty's Courts of Record at Westminster.

Proceedings to be entered in Books.

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

And

And be it further enacted by the Authority aforesaid, That no Mortgage, Writing, or Proceeding whatsoever, under the Hand and Seal of, or only signed by, any of the Trustees, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching the Execution of any Power or Authority hereby granted, shall be liable or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case. Distress not unlawful for want of Form, nor the Parties distraining deemed Trespassers *ab initio*.

Provided always, That no Plaintiff or Plaintiffs shall recover, in any Action for such Irregularity, if sufficient Tender of Amends have been made to him, her, or them, by or on the Behalf of the Defendant or Defendants before such Action brought. Plaintiff not to recover, if Tender of Amends has been made.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of passing thereof for and during the Term of Twenty one Years, and to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of Kent, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Suit shall not be commenced within the Time before limited for bringing the same, as aforesaid, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; Limitation of Actions. General Issue.

fendants; and upon a Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Actions, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Treble Costs. Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

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

FINIS.