Anno nono

# Georgii III. Regis.

An Act for repairing and widening the Road leading from *Mereworth Croſs*, to the Road leading from *Seal* to *Wrotham Heath*; and alſo the ſaid Road from oppoſite the Houſe of *William Daliſon* Eſquire, to *Hadlow Sreet*, in the County of *Kent*.

WHEREAS the Road leading from a certain Place called Mereworth Croſs, in the Parish of Mereworth, in the County of Kent, through the ſeveral Pariſhes of Weſt Peckham, Shipbourne, Ightham, and Wrotham, to the Turnpike Road leading from the Pariſh of Seal, in the ſaid County, to Wrotham Heath, in the Pariſh of Wrotham aforeſaid; and alſo the Road leading from the Road above-mentioned, oppoſite to the Houſe of William Daliſon Eſquire, called or known by the Name of Hamptons, ſituate in the Pariſh of Weſt Peckham, in the ſaid County of Kent, to the Turnpike Road at the Weſt End of Hadlow Street, in the Pariſh of Hadlow, in the ſaid County; are become very ruinous, and, in many Places thereof, very narrow and incommodious: And whereas Preamble.

the ſaid Roads cannot be effectually repaired and widened by the ordinary Rules and Methods preſcribed by Law: May it pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable the Lord Viſcount Vane in the Kingdom of Ireland, the Right Honourable George Sackville Eſquire, commonly called Lord George Sackville; the Honourable John Frederick Sackville, the Honourable Charles Marſham, Sir Edward Dering, Sir Philip Boteler, Sir John Filmer, Sir Thomas Style, Sir Roger Twiſden, Sir Thomas Stapleton, Sir John Honeywood, Sir John Dixon Dyke, Sir Charles Farnaby, Sir Brooke Bridges, Baronets; Sir Jeffery Amherſt, Sir George Kelley, Knights; Charles Style, Roger Twiſden, Thomas Twyſden, William Twiſden, Peter Burrell, Thomas Beſt, John Papillon Twiſden, Leonard Bartholomew, William Evelyn, John Auſten, Francis Auſten, Francis Brooke, Henry Champnies, William James, Nicholas Haddock, Charles Haddock, Francis Geary, William Geary, William Daniel, Maſter Thomas Lambard, William Daliſon, Benjamin Hubble, William Selby, Charles Stewart, Thomas Streatfield, Charles Whitworth, William Parry, John Children, Thomas Harvey, Nicholas Weller, Thomas Smith Panuwell, George Children of Tonbridge Town, Jonathan Chilwell, George Weller, Alexander Courthorpe, Thomas Hooker, Francis Otway, Naſh Maſon, James Whatman, John Broome, Charles Polhill, Eſquires; the Reverend John Potter D. D. the Reverend William Winder of Seal, the Reverend Robert Style, the Reverend John Davis, the Reverend Thomas Daliſon, the Reverend Henry Harpur, the Reverend Daniel Hill, the Reverend Menzies, the Reverend John Whitaker, the Reverend Edmund Latter, the Reverend Johnſon Towers, Charles Milner M. D. Henry Woodgate, Thomas Miller, William Woodgate, Iden Henham, John Amhurſt, John Barton of the Court Lodge in Hadlow, Thomas Auſten, Thomas Swayne, Thomas Baldwin, Robert Baldwin, William Fleete, Gentlemen; the Reverend Henry Hemington, and Barnard Blake, ſhall, from and after the paſſing of this preſent Act, be Truſtees for putting the ſame in Execution; and that they, and the Survivors of them, and their Succeſſors, to be elected in Manner herein after mentioned, ſhall be, and they are hereby inveſted with the Powers and

Truſtees names.

and Authorities hereby given and enacted for that Purpose.

Provided always, and be it 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 Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear yearly Value of Fifty Pounds to his own Use above Reprizes, or shall be Heir Apparent of some Person or Persons having an Estate of the yearly Value of Two hundred Pounds, or be possessed and intitled to a Personal Estate to the Amount of One thousand five hundred Pounds: And if any Person or Persons, so made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons that will inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager in Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Qualification of Trustees.

Penalty on acting if not qualified.

And to the End that a sufficient Sum of Money may be raised for amending and repairing the said Roads, and for keeping the same in Repair, and for defraying other necessary Charges in putting this present Act in Execution; be it further enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for the Trustees appointed or to be appointed to put this present Act into Execution, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall under their Hands authorize and appoint, to demand and take the several Tolls and Duties herein after mentioned, before any Cattle or Carriage whatsoever shall be permitted to pass through any Bar, Gate, or Turnpike, to be erected on the said Roads by virtue of this Act; that is to say,

Trustees may demand the following Tolls.

The Tolls.

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

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

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

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

And in taking of which said Tolls and Duties, One Pair or Yoke of Oxen shall be deemed and taken to be but as equivalent to One Horse.

Carriages laden with Timber, &c. at what Time to pay Double Tolls.

Provided always, and it is hereby enacted by the Authority aforesaid, That all Cattle drawing any Carriage or Carriages laden with any Tree or Trees, or other Pieces of Timber, or any Ore, passing through any Gate or Gates, Turnpike or Turnpikes, erected by virtue of this Act, between the Tenth Day of October and the Fifth Day of April in every Year from and after the passing this Act, shall pay Double Tolls or Duties at each and every such Gate or Turnpike through which such Cattle and Carriage or Carriages whatsoever so laden shall pass; any thing in this Act contained to the contrary thereof notwithstanding.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or the Survivors of them, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall from time to time appoint, shall and may erect or cause to be erected a Bar or Bars, Gate or Gates, Turnpike or Turnpikes, across any Part or Parts of the said Roads (except between Ightham Common, in the Parish of Ightham aforesaid, and a certain House, commonly called the Right Honourable the Lord Vane's Prospect House, in the Parish of Wrotham aforesaid, across, or on the Sides, or at the End of which Part of the said Roads it is hereby further enacted and declared, that no Bar, Gate, or Turnpike shall be erected and set up) and shall and may erect a Toll-house or Toll-houses thereat, with suitable Buildings thereto, and shall and may inclose any adjoining Part of the said Roads or Highways 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,

demanded, received, and taken, at each and every such distinct Bar, Gate, or Turnpike, the several and respective Tolls and Duties herein before-mentioned, before any Cattle or Carriage whatsoever shall be permitted to pass through the same, or any or either of them. and take Tolls thereat.

Provided always, and it is hereby declared, That all and every of the said Tolls and Duties being paid at One of the said Bars, Gates, or Turnpikes, so to be erected as aforesaid, shall not be looked upon or deemed to be an Exemption from the Payment of the like Tolls and Duties at any other of the said Bars, Gates, or Turnpikes, so to be erected as aforesaid; but that the same Tolls and Duties shall be separately and distinctly taken and paid at each and every other of the said Bars, Gates, and Turnpikes respectively, through which any such Stock, Cattle, Coach, or Carriage, or other Thing above-mentioned, shall pass. Tolls to be paid at each Gate.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees hereby appointed, or hereafter to be appointed, by virtue of this Act, or any Five or more of them, to erect, or cause to be erected, One or more Bar or Bars, Gate or Gates, Fence or Fences, Turnpike or Turnpikes, Toll-house or Toll-houses, upon or across the said Roads, or on the Sides thereof, or at the Ends thereof, or cross any Lane or Way leading into or out of the same, or as near as conveniently may be to the Sides and Ends of such Lanes or Ways (except between Ightham Common and the Right Honourable the Lord Vane's Prospect House aforesaid) with suitable Buildings thereto; and shall and may inclose any adjoining Part of the said Roads or Highways 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 thereat such Tolls or Duties as by this Act are appointed to be demanded and taken. Trustees may erect Side-gates, and take Tolls thereat,

Provided always, That no more than Two Tolls in the Whole shall be demanded or taken from any Person or Persons for Once passing and re-passing the same Day with the same Horses, Cattle, Beasts, or Carriages, through all the Bars, Toll-gates, or Turnpikes, to be erected by virtue of this Act; but that all and every Person or Persons having paid the said Tolls in the Whole, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis) shall Once pass and re-pass for Once passing and re-passing the same Day through all the Gates,

pass the same Day through all such Bars, Toll-gates, or Turnpikes, Toll-free.

at any of the Gates, for any Horse or Cattle, &c.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons, having paid the Tolls or Duties hereby directed to be paid at any of the Gates or Turnpikes to be erected by virtue of this Act, through which such Person or Persons shall pass with any Horse, Mare, Gelding, Mule, or Ass, or any Cattle, not drawing, and producing a Note or Ticket, Notes or Tickets, that such Toll was paid (which Note or Ticket, Notes or Tickets, the Collector or Collectors is and are hereby required upon Demand to give) shall be liable to pay again for returning ever so often through the same Gate or Turnpike the same Day, or before Twelve of the Clock at Night, with the same Horse, Mare, Gelding, Mule, Ass, or other Cattle, not drawing; but if any Person or Persons shall pass the same Day through the same Turnpike a Third Time with any Cattle drawing in any Carriage whatsoever (with Wood for Firing, not being for Sale, excepted) then such Person or Persons shall be liable and compellable again to pay the said Toll or Duty hereby imposed on such respective Cattle, and to receive another Note or Ticket (which the Collector and Collectors is and are hereby required to deliver as aforesaid) which shall entitle him or them to return through the same Gate with the same Cattle and Carriages upon the same Day Once more Toll-free, and so toties quoties for every Third Time such Cattle and Carriages shall pass the same Day through the same Gate or Turnpike on the said Roads.

But Carriages to pay anew on passing every Third Time.

Exemptions from Toll.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons shall be charged or chargeable with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, and carrying any Materials for repairing the said Roads, or for amending any of the Highways in the Parishes in which the said Roads do lie; nor shall any Person or Persons be charged with any of the Tolls or Duties by this Act granted, for going or returning through One Gate or Turnpike only (and no more) to be erected on the said Roads, with Carts, Wains, Waggons, or other Carriages, for or with Dung, Mould, Marl, or Compost, or other Materials (Chalk and Lime excepted) for manuring of Lands or Gardens, or with undried Hops, or with Grass, Hay, Corn in the Straw, Hop-poles, Wood for Fuel, Lop or Top Wood, or Timber for Building,

ing, not for Sale, but intended to be laid up in any Houſes, Outhouſes, Barns, or Yards, of or belonging to the reſpective Inhabitants (on whoſe Lands reſpectively the ſame did grow or ariſe) of the ſame Pariſhes or Places in which the ſaid Roads do lie, for their own private Uſe and Conſumption; nor with or for any Ploughs, Harrows, or other Implements of Husbandry; nor ſhall any Toll be demanded of, or taken from, any Perſon or Perſons reſiding in the ſaid Pariſhes in which the ſaid Roads do lie, who ſhall paſs through the ſaid Turnpikes, or Croſs or Side Gates, to and 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 ſhall any Toll or Duty be demanded of, or taken from, any Perſon or Perſons riding any Horſe, Mare, Gelding, or other Beaſt, to and from any Lands in their own Occupation only, or for any Horſes, Mares, Geldings, or other Cattle, (going to or returning from Paſture or Watering Places) of any of the Inhabitants of the Pariſhes wherein the ſaid Roads lie; nor for any Poſt Horſe or Poſt Horſes carrying any Mail or Packet; nor ſhall any Toll or Duty be demanded for the Horſes of Soldiers paſſing who are upon their March, or for the Carts, Carriages, or Waggons, attending them, laden with their Arms or Baggage; nor for any Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes; nor ſhall any Toll be demanded by virtue of this Act for any Horſe or Horſes, Coaches, Berlins, Landaus, Chariots, Chaiſes, Chaiſe Marines, Calaſhes, Chairs, or Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire for the County of Kent on the Day or Days of ſuch Election, or on the Day before or on the Day after the ſame.

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 thereof ſhall be applied to the Uſe of the Informer, and the other Moiety thereof to be applied towards amending the ſaid Roads; any thing herein contained to the contrary thereof notwithſtanding. Penalty on making illegal Claims.

And be it further enacted by the Authority aforeſaid, That the ſeveral and reſpective Sums of Money ſo to be demanded, received, and taken, ſhall be demanded,

Tolls vested in Trustees;

received, and taken, in the Name of and as a Toll or Duty; and the Money so hereby to be raised and collected is hereby vested in the said Trustees, and the same, and every Part thereof, as also all Sum or Sums of Money to be borrowed on the Credit thereof, shall be applied in the First Place to pay and discharge all the Expences and Costs of procuring and passing this Act; and the Remainder thereof shall be applied in erecting Turnpikes and Toll-houses, Gates and Fences, and in repairing, widening, and amending, the said Roads, and keeping the same in Repair, and in defraying the necessary Costs, Charges, and Expences, attending the same, and to no other Use or Purpose whatsoever (except as herein after is mentioned): And it shall and may be lawful to and for the Person or Persons by the said Trustees, or any Five or more of them, authorized and appointed to demand and receive the said Tolls and Duties, to levy the same upon any Person or Persons who shall, after Demand thereof made, refuse or neglect to pay the same, by Distress of any Horse or Horses, or any other Goods and Chattles upon which such Tolls and Duties are by this Act imposed, or by Distress of any of the Goods and Chattles of such Person or Persons who ought to pay the same, and such Distress to detain until such Tolls and Duties, and the reasonable Charges of making and detaining such Distress, shall be paid; and after the Space of Four Days after such Distress made, to sell the same, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and Duties, and the reasonable Charges of making, keeping, and selling, such Distress, shall be deducted and paid.

to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every Bar and Bars, Gate and Gates, Fence and Fences, Turnpike and Turnpikes, Toll-house and Toll-houses, which shall be erected by virtue of this Act, and of the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or their Surveyor or Surveyors, for repairing the said Roads, and keeping them in Repair, shall be, and they are hereby vested in the Trustees appointed or to be appointed by or in pursuance of this Act; 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 Name of their Clerk or Treasurer for the time being, or to prefer and prosecute a Bill or Bills of Indictment against any Person or Persons who shall dig up, break up,

or

or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Fence, 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 Repair of the said Roads.

No Turnpike to be removed but by Order of the Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Bar, Gate, Turnpike, or Fence, to be erected or set up by virtue of this Act, shall, at any Time after the same shall be set up, be taken down or removed to any other Place, except by Order of the Trustees, or any Five 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 Turnpike-gates erected by virtue of this Act; any thing in this Act contained to the contrary notwithstanding.

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

Provided also, and it is hereby enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at a General Meeting to be held for that Purpose, whereof Notice shall be given, in manner aforesaid, at least Twenty Days before such Meeting, are hereby also 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 said Tolls or Duties, and 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 never be lessened until the Money borrowed, or to be borrowed, on the Credit thereof, together with the Interest, be repaid, unless the Majority of the Persons to whom any such Money and Interest shall be 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 levied, recovered, and applied.

Tolls may be assigned for Money borrowed.

And forasmuch as the Money to be collected by the Receipt of the Tolls and Duties by this Act imposed or granted will not be sufficient for the speedy amending the Roads hereby directed to be repaired, be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, without any Stamp thereon, to assign over or mortgage the said Tolls or Duties, or any Part thereof, collected

ed on the said Roads (the Costs and Charges of such Assignment and Mortgage to be borne and paid out of the said Tolls and Duties) for the Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by or out of the Monies arising or to be collected by the said Tolls or Duties, with such Interest for the same as the said Trustees, or any Five or more of them, shall think fit and agree to give; which said Money so to be borrowed shall (after paying the Expences of obtaining this present Act) be applied and disposed of as the said Tolls and Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever: And that all and every the original Mortgage or Mortgages, Assignment or Assignments, so to be made by the said Trustees, shall be entered at Length in a Book to be kept by the Clerk for that Purpose.

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

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

Assignments may be transferred.

And it is also hereby enacted by the Authority aforesaid, That all and every the Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or his, her, or their Executors or Administrators, may, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security, or by any other Writing or Writings, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer the same Security and Securities, and all Benefit and Advantage thereof, and of his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment shall be produced and notified to the Clerk appointed or to be appointed by the said Trustees, within Three Months next after the Date thereof; who shall cause an Entry or Memorial to be made of such Assignment, containing the Dates, Parties, and Sums of Money therein mentioned

Entries to be made of all Assignments.

tioned to be assigned, in the said Book to be kept for entering the said original Mortgage or Mortgages, Assignment and Assignments, made by the said Trustees, and for which Entry or Memorial the Clerk shall be paid Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign the same again, and so toties quoties, as Occasion may require; and it shall not be in the Power of any Person or Persons who shall make such Assignment to make void, release, or discharge, the same, or any Monies thereby due, or any Part thereof. Clerk's Fee.

Provided, 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 Money, or any Part thereof, so to be borrowed as aforesaid, to any Payment of the same, by reason of their, or any of their, signing and sealing any such Assignments or other Securities to be made in pursuance of this Act, or any or either of them. Trustees not subjected to Payment.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing or lending any Sum or Sums of Money upon the Credit of the Tolls, or any Part thereof, to be collected upon the said Roads, in respect of the Priority of advancing or lending such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall, in Proportion to the Sum or Sums of Money therein mentioned, be Creditors in equal Degree one with another. No Preference to be given to Securities.

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 (upon a Month's Notice to be given thereof in Writing under the Hand of the Clerk to the said Trustees, affixed on all the Turnpikes erected by virtue of this Act) from time to time to lease, demise, let, farm, or set out, by Writing under their Hands and Seals, for any Term not exceeding Three Years, the Tolls and Duties by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, for the best Price such Trustees can get, payable at such Times, and in such Manner, as they the said Trustees, or any Five or more of them, shall think fit; and to be paid to the said Trustees, or any Five or more of Trustees may lease, &c. the Tolls.

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.

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

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

Penalty on permitting, or going thro' private Passage, &c.

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

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may chuse a Clerk, Treasurer or Treasurers, Collector or Collectors, of the Tolls or Duties aforesaid, and also a Surveyor or Surveyors to view the Condition of the

Trustees may appoint Officers;

the said Roads, and to see that the same be repaired, and all such other Officers as they shall think necessary to employ in the Execution of this Act; and, from time time, to remove such Clerk, Treasurer, or Collectors, Surveyors, and others, and other Officers, as they shall see Occasion, and appoint new Ones, in case of Death, Resignation, or such Removal; and the said Tolls or Duties shall be paid after the Rates aforesaid to such Person or Persons as shall, from time to time, be so appointed to receive the same: And the Persons so appointed to receive the said Tolls and Duties, and also such Surveyors, and all Persons any ways employed by or under them, or any of them, shall (upon Oath, if thereunto required by the said Trustees, or any Five or more of them, and which Oath any Five of the said Trustees are hereby impowered to administer) as often as the said Trustees, or any Five or more of them, shall require, give in a true, exact, and perfect Account, in Writing, under their respective Hands, to the said Trustees, or any Five or more of them, of all Monies which such Persons shall to such Time respectively have received and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in the Hands of such respective Persons, or any of them, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall impower to receive the same, and shall be laid out according to the true Meaning of this Act: And the said Trustees, or any Five or more of them, shall and may out of the said Tolls and Duties make such Allowance to the said Clerk, Collectors, Surveyors, and other Officers, for their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about procuring the said Roads to be amended, as to the said Trustees, or any Five or more of them, shall seem reasonable: And in case such Collectors, Surveyors, and other Persons, or any of them, shall not give in such true, exact, and perfect, Account, and make such Payment as aforesaid; that then any One or more Justice or Justices of the Peace for the County of Kent for the Division in which the said Roads do lie, shall and may make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer

and remove time, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers refusing to account,

Justices may enquire into Default,

administer without Fee or Reward) and if such Persons shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol of the said County of Kent, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby impowered to take. and commit the Offender until he conform.

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

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 or Securities from their said Treasurer or Treasurers, for the due Execution of his and their said Office or Offices, as they the said Trustees, or any Five or more of them, shall think fit. Treasurer to give Security.

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 or Persons as he or they, or the said Trustees, or any Five or more of them, shall appoint, to dig, gather, screen, 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 Surveyors may dig Gravel, &c. in Waste Grounds, without paying for the same; levelling the Pits.

Materials may be taken from private Grounds;

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 Trustees, or any Five or more of them, for that Purpose, to dig, gather, screen, take, and carry away, such Materials in the Grounds of any Person or Persons whomsoever (not being a Garden, Yard, Park, Paddock, Nursery, or planted Walk or Walks, or Avenue to a House)

making Satisfaction to the Owners.

paying or tendering Payment for such Materials, and for the Damage done to such private Grounds, over which such 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

Justices to determine Differences.

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 Western Division of 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.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed, may and is and are hereby authorized and impowered to make or cause to be made any Causeway or Causeways, in or along the Side or Sides of any Part of the said Roads, and shall and may build or cause to be built any 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 erect Bridges over such Drains or Watercourses, if necessary; and also to widen or alter any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto (not being a House, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House) so as the same when widened do not exceed Sixty Feet; and also to make or cause to be made a

and make a temporary Road,

Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Roads (not being a House, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House) to be made

use

uſe of by 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 and Occupiers of ſuch Lands or Grounds for the Damages they ſhall thereby ſuſtain, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable; and to cut down or remove any Trees, Buſhes, or Underwoods, growing in or upon the ſaid Roads, where ſuch Roads are not Thirty Feet wide; and alſo to cauſe Ditches or Trenches to be made in ſuch Manner as ſuch Surveyor and Surveyors, by Order of the Truſtees, or any Five or more of them, ſhall adjudge neceſſary, for the better amending and keeping the ſaid Roads in good Repair; making ſuch reaſonable Satisfaction to the Owner or Occupier of ſuch Ground, which ſhall be ſo laid into the ſaid Roads, or on which any ſuch Bridge or Bridges, Arch or Arches, ſhall be made, for the Damages which ſuch Owner or Occupier ſhall or may thereby ſuſtain, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable.

making Satisfaction to the Owners, &c.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to remove all Annoyances on any Part of the ſaid Roads, and to lop and cut down Trees, Wood, and Buſhes, growing in the ſaid Roads, or in the Hedges, Banks, and Shaws adjoining thereto (the Owners and Occupiers neglecting to lop and cut down ſuch Trees, Wood, Shaws, and Buſhes, or to remove ſuch Annoyances as aforeſaid, for the Space of Ten Days after Notice given in Writing 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 the Owner or Occupier neglecting to lop or cut down ſuch Trees, Wood, Shaws, or Buſhes, or to remove ſuch Annoyances as aforeſaid; and in caſe ſuch Owners and 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 of Kent (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby impowered to grant and iſſue) from time to time to levy the Charge thereof on ſuch Owners and Occupiers by Diſtreſs and Sale of his, her,

Surveyors may remove Annoyances in the Roads, &c.

the Owners neglecting to remove the ſame after Notice;

Charges to be reimburſed the Surveyor;

to be levied by Diſtreſs and Sale.

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 offend again in like Manner, every such Person so offending, and being thereof convicted upon Oath before One or more Justice or Justices of the Peace for the said County of Kent, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, Twenty Shillings, over and above reimbursing to such Surveyor or Surveyors the Costs and Charges of doing the same, as aforesaid.

Penalty on a Second Offence.

Owners neglecting to cleanse their Watercourses, after Notice,

And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, which shall lead into or out of any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons, who of Right ought to have done the same, shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing to be left at his, her, or their respective Place or Places of Abode, it shall and may be lawful for such Surveyor or Surveyors, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace for the said County of Kent, by Warrant or Warrants under the Hand and Seal of such Justice, to levy the same by Distress and Sale of the Goods and Chattles of the said 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.

Penalty on obstructing Surveyors, &c. on their Duty.

And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyor or Surveyors, or any other Person or Persons, by them or either of them, or by the said Trustees, or any Five or more of them, employed

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n cutting, digging, taking, or carrying away any Heath, Furze, Sand, Gravel, Stones, or other Materials for altering, widening, or repairing the Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying off any Tree, Lop, Top, or Overhangings, or in digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse, or doing any other Act in or for the repairing, widening, or altering, the said Roads, or otherwise in or for the Execution of the Powers in this Act given, or any of them, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

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

And be it further enacted, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Passengers; that then the said Trustees, or any 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, lying contiguous or near the said Roads, for the Purchase of such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of 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 and Damage, such Sum and 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 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 for turning, widening, or altering the same, and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same by reason of Infancy or other Disability; be it further enacted by the Authority aforesaid, That it shall and may be lawful

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

to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots, Lunaticks, and Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, and Cestuique Trusts, Idiots, Lunaticks, and for all and every other 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 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 other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do in pursuance of this Act.

Where Persons refuse to treat, &c.

And be it further enacted, That if such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Roads are to be turned or altered as aforesaid, shall, by the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any 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 Two or more of the Trustees are hereby required and impowered to administer) what Damages will be sustained by, and what Recompence

Jury to settle the Damage and Recompence.

compence 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 Two or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the Trustees are hereby required and impowered to administer) and shall also order and cause the said Jury to view the said Place or 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 Recompence and Damage, 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 binding, final, 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, 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 henceforth 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 said County of Kent,

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

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

Kent, thereby commanding 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 the ſaid Warrant ſhall be appointed; and the ſaid Sheriff or his Deputy 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 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 ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to make up, with the ſaid Perſons ſummoned and appearing, 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 and Authority, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy, 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 appear and refuſe to be ſworn on ſuch Jury, or, being ſworn, refuſing to give or not giving their Verdicts, 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 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, That all and every Sum and Sums of Money, ſo aſſeſſed by the ſaid Jury for the Damage and Recompence aforeſaid, ſhall be and is hereby charged and chargeable upon the Monies which ſhall be raiſed, borrowed, or received, by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or any Five or more of them, or by their Treaſurer, to the Perſon or Perſons reſpectively intitled thereto, or to their Agent or Agents; and that upon

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

Payment thereof to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be laid into, and made Part of, the said Roads; and shall to all Intents and Purposes whatsoever become, and be deemed and taken to be, a Public and Common Highway, and 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 compleated, the Lands and Grounds comprised in or constituting the old or former Roads, shall be vested in, and shall and may be sold by, the said Trustees, or any 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 the Sale, or Conveyance or Conveyances to be made of such Lands and Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of Kent, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Lands, &c. purchased to be made Part of the Road, and esteemed a publick Highway.

Old Road may be sold.

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

Buildings, &c. not to be injured.

Provided also, 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 of the Water-pipes which lie upon or between Ightham Common aforesaid, and the Mansion-house of the said Lord Vane called Fair Lawn House.

Water-pipes not to be injured.

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

Expences of Juries how to be borne.

what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid, that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, 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 and Duties hereby granted, or out of any Money to be borrowed on the Credit thereof: But if any Jury or Juries, 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 Five or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

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

And be it further enacted, That the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, in the several Parishes or Places through which the Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable to perform the Work in the Highways for repairing thereof, commonly called Statute-work, shall be still 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 Parishes or Places in which such Inhabitants and Occupiers respectively shall live or occupy Lands, 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 Turnpike Surveyor or Surveyors by them

Inhabitants to do Statute-work.

authorized shall direct or appoint; and that every Inhabitant or Occupier of Lands of and in the said Parishes or 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, and shall do and perform such Work in and towards repairing the said Highways as Persons keeping Teams are obliged by Law and ought to do.

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

And, to the End the said Trustees may know the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, in the said several Parishes and Places in which the said Roads do lie, who are obliged to do Statute-work on their Highways, and what Sort of Duty they ought respectively to do, be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes and Places shall, and they are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the Treasurer or Clerk to the said Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in such Parishes and Places respectively, who are liable to do Statute-work for that Year in and upon the said Highways, and therein shall distinguish which of such Inhabitants or Occupiers keep Teams or Draughts, or occupy Plough Lands, and how many, and which of them are Labourers only, and also the Number of Days Work which such Teams or Draughts or otherwise each Person ought to do on the said Roads.

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

And be it further enacted, That if the Surveyor or Surveyors of the Highways of and in the several Parishes or Places in which the said Roads do lie, shall not deliver in to the Clerk or Treasurer of the said Trustees true Lists of the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in their several Parishes 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 or Occupiers of Lands, Tenements, or Hereditaments, of and in the several Parishes or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, shall neglect or refuse to do such Statute-work in or 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

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

and on Persons not performing Statute-work.

be directed or appointed to do the same, such Inhabitants or Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the Sum of Ten Shillings for each Day's Default for every Team or Draught of Three or more Horses, and the Sum of Four Shillings for each Day's Default for every Team or Draught of One or Two Horses; and every other Inhabitant, not keeping a Team or Draught, shall forfeit and pay the Sum of One Shilling and Six Pence for every Day's Default, instead of such Penalties and Forfeitures as he, she, and they, is and are respectively now by Law subject to for neglecting to do their Statute-work.

Surveyors to give Notice to the Inhabitants to do Statute-duty.

And, to the End that the Inhabitants and Occupiers of Lands in the said several Parishes, Boroughs, and Places, may know when and where to do their respective Statute-work or Duty on the said Roads by this Act intended to be repaired, widened, and kept in Repair, it is hereby enacted by the Authority aforesaid, That the Parish Surveyor or Surveyors of the Highways of and in the said several Parishes, Boroughs, and Places, and in case there shall be no Surveyor or Surveyors, then the Churchwardens and Overseers of the Poor of such Parish or Place (having an Order from the said Turnpike Surveyor or Surveyors, specifying the Time when and Place where the said Teams, Carts, and Labourers, or either and which of them shall meet at and work on the said Turnpike Roads, and what Work they shall do) shall, and they are hereby required, the First Sunday after they shall receive such Notice from the said Turnpike Surveyor or Surveyors, or either of them, to give or cause to be given publick Notice in the Church or Chapel belonging to such Parish or Place, immediately after Divine Service in the Forenoon, if any, and if none, then immediately after Divine Service in the Afternoon, of the Times when and Places where the said Teams, Carts, and Labourers, or either and which of them shall meet at and work on the said Turnpike Roads, and what Work they shall do; which Notice so given is hereby declared to be a good and sufficient Notice for the Purposes aforesaid.

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

And be it further enacted and declared by the Authority aforesaid, That all and every Person and Persons who, by reason of Custom or Tenure, are chargeable towards amending and repairing the said Roads, or any Part thereof, or any Bridges, Drains, or Sewers, in or upon the same, shall still remain chargeable, and shall

shall repair and amend such Bridges, Drains, Sewers, and Parts of the said Roads, in such Manner as he, she, or they, was or were obliged to do or ought to have done before the passing of this Act; any thing herein contained to the contrary thereof notwithstanding.

Justices may determine how Bridges, &c. are to be repaired.

And, for preventing Differences which may arise between the said Trustees and the Persons chargeable as aforesaid, how and in what Manner such Bridges, Drains, Sewers, or Parts of the said Roads, shall be repaired and maintained, be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more Justices for the said County, and they are hereby required and impowered, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine how and in what Manner such Bridges, Drains, Sewers, or Parts of the said Roads, shall from time to time be repaired by the Person or Persons in any Manner chargeable therewith as aforesaid.

Trustees may compound for Statute-work.

Provided always, and be it 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, during the Continuance of this Act, to compound and agree with the Surveyor or Surveyors of any of the Parishes or Places in which the said Roads do lie, and with any of the Possessors or Occupiers of any Lands, Tenements, or 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-work 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, or Hereditaments, and 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 of the said County of Kent, 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, rendering 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 enacted by the Authority aforesaid, That if any Surveyor or Surveyors of the Highways of and for such Parish or Place, for which any such Composition shall be made for any Statute and Days Work as aforesaid, shall pay the Composition-money, or in case the Composition-money shall be levied on him in the Manner herein before provided; all and every such Surveyor and Surveyors shall 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 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 or 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

Penalty on defacing Mile-stones, &c.

ble Witneſs or Witneſſes, before One or more of the ſaid Juſtices of the Peace of the ſaid County of Kent (which Oath the ſaid Juſtice and 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 down, obliterated, or defaced, to be levied and recovered in ſuch Manner as Penalties and Forfeitures are herein after directed to be levied and recovered; the Fourth Part of ſuch Forfeitures to be paid to and for the Uſe of the Informer, and the Reſidue thereof to be applied in repairing the Stones or Poſts ſo broken, pulled down, 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 or their Hand and Seal, or Hands and Seals, to commit the Perſon or Perſons offending to any Houſe of Correction within the County wherein ſuch Offender ſhall live, 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.

to levy the ſame by Diſtreſs and Sale.

For want of Diſtreſs, Perſon to be committed.

And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed or incurred (touching which no Proviſion is herein made) ſhall be levied by Diſtreſs and Sale of the Offender or Offenders Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace of the County wherein ſuch Offender or Offenders ſhall dwell, which Warrant or Warrants the ſaid Juſtice and Juſtices is and are hereby required and impowered to grant upon Information of One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice and 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 go, be applied, and laid out, if not otherwiſe applied and diſpoſed of by this Act, for and towards amending the ſaid Roads.

Penalties and Forfeitures how to be recovered and applied.

Provided

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed; it shall and may be lawful for him, her, or them, to appeal to the Justices of the Peace at their next General Quarter Sessions to be held for the Western Division of the said County of Kent, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and, if they see Cause, may, by an Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties aforesaid, or vacate and 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.

Notice of Appeal to be given.

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

Proceedings not to be quashed for want of Form,

Provided also, and be it 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 Offender or Offenders against this Act, shall be quashed or vacated for

nor removeable by *Certiorari*.

Want of Form, or be removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Time and Place of Trustees Meeting.

And it is hereby enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall first meet together at the House of Richard Rumsey, known by the Sign of the Six Bells, in the Parish of Mereworth, within One Month after the Passing of this Act, and shall proceed in the Execution thereof, and shall then adjourn to such Time and Place in or near the said Roads so to be repaired, as the said Trustees, or the major Part of them present at such First Meeting, shall think proper and convenient; and so shall meet and adjourn from time to time during the Continuance of this Act, as the Trustees present at every or any such Meeting or Meetings, or the major Part of them, shall think

In Default of a sufficient Number to act.

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 adjourn to any other Time and Place, then the Clerk of

the said Trustees, by Notice in Writing under his Hand, to be affixed at and on all the Turnpike-gates erected by virtue of this Act at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at some convenient House in or near the said Roads on that Days Three Weeks on which such last Meeting of the said Trustees was appointed to be held, and so toties quoties as the Case may happen to be and require.

Notice to be given of another Meeting.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment only; and if upon any Emergency a Meeting of the said Trustees shall be necessary to be held, before the Time appointed by virtue of any Adjournment or Appointment to be made as aforesaid shall come, then and in such Case the said Trustees, or any Five or more of them, or the said Clerk at their Request, shall or may give Fifteen Days Notice at least, in Writing, to be affixed on all the Turnpike Gates as aforesaid, of the Time and Place of the holding any such Meeting or Meetings; and in such Notice or Notices shall be specified the particular Business intended to be done and transacted thereat; and which Business the said Trustees, or the major Part of them present at such Meeting or Meetings, may do and transact, if they shall think proper; but any other Business done and transacted at such Meeting or Meetings, other than what shall be specified in every such Notice thereof, as aforesaid, shall be to all Intents and Purposes void and of no Effect.

A Meeting may be held on an Emergency.

And it is hereby declared, That the said Trustees at their first and all other subsequent Meetings, shall bear and defray their own Charges and Expences.

Trustees to defray their own Expences.

Provided always, and be it enacted by the Authority aforesaid, That no Act, Order, or Determination, shall be done or made at any Meeting or Meetings of the said Trustees, without the Consent of the major Part of the said Trustees present at such Meeting or Meetings respectively; nor shall any or either of the said Trustees act, or be impowered to act, in the Execution of the Powers hereby given to them, in any Case where Five or more of the said Trustees are by this Act required to join in the doing thereof, unless it be at a Meeting to be by them held in pursuance of, and according to the Direction of this Act, or in pursuance of a Resolution of the Trustees present at some former Meeting or Meetings, whereby any Person or Persons is or are authorized to carry any such Resolution into Execution, except in appointing a Collector of the said Tolls,

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

in case any Collector thereof shall die, resign, or be incapable of acting as before-mentioned.

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

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

Trustee not to accept a Place of Profit.

Provided always, and be it further enacted and declared, That if any Person or Persons appointed by this Act, or by virtue hereof, to be a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of any Toll or Duty by this Act laid or granted, such Person or Persons shall be incapable of acting as Trustee or Trustees from the Time of accepting and during the Enjoyment of such Place of Profit as aforesaid.

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

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

And

And it is hereby 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 Clerk; and such Orders and Proceedings so signed, shall be deemed and taken to be as Originals, and shall and may be produced and read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings, touching any thing done in Pursuance of and by the Authority of this Act; and which Book or Books, and also the Book directed to be kept for registering the original Mortgage of the Tolls, and of the Assignments thereof, shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Proceedings to be entered in a Book.

Books may be read in Evidence.

Provided always, and be it further enacted by the Authority aforesaid, That no 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 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 hath been made to him, her, or them, by or on 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.

Limitation of Actions, 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 or brought in the County wherein the Cause of Action shall arise, 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 thereupon had, and that the same was done in Pursuance and by the Authority of this Act: And if it shall appear to be so done, or that such Action or Suit shall be commenced after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than where the Cause of Action shall arise, then the Jury shall find for the Defendant or Defendants: And upon a Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his, her, or their Actions after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants have or hath in any other Cases by Law.

General Issue.

Treble Costs.

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

FINIS.