Anno nono

Georgii III. Regis.

An Act to amend an Act of the Fifth Year of His preſent Majeſty's Reign, for repairing and widening the Road from *Tonbridge* to *Maidſtone*, and from *Wats Croſs* to *Cowden*, in the County of *Kent*, ſo far as the ſame relates to the Repair of the Road from *Wats Croſs* to *Cowden*; and for repairing the Roads leading from *Sevenoaks* Common to *Crockhurſt Hatch-Corner*, and from *Penſhurſt* Town to *Southborough* in the ſaid County.

Preamble, reciting Act 5 *Geo.* III.

WHEREAS in and by an Act of Parliament made and passed in the Fifth Year of the Reign of his present Majesty, intituled, An Act for repairing and widening the Road from *Tonbridge* to *Maidstone*, and from *Watt's Cross* to *Cowden*, in the County of *Kent*, several Tolls, Duties, and Powers, are granted for repairing the said Roads; which were to have Continuance from the Twentieth Day of May, in the Year of our Lord One thousand seven hundred and sixty five, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed to put the said in part recited Act in Execution, have in pursuance of the Powers to them thereby given, borrowed several Sums of Money upon the Credit of the Tolls collected at the Turnpikes thereby authorized to be erected, and which were afterwards put up in the several Parishes of Leigh and Penshurst, for the amending and repairing the said Road leading from Wat's Cross to Cowden aforesaid; which said Money so borrowed upon the Credit of the said Tolls, and also the Money collected by the Tolls and Duties thereby granted and made payable, have been duly laid out and applied according to the Directions thereof, and great Progress has been made in amending the Highways directed to be repaired by the beforementioned Act, so far as the same relates to the amending, widening, repairing, and keeping in Repair, the said Road leading from Wat's Cross to Cowden aforesaid, and there now remains due and owing on the Credit thereof, the Sum of Seven hundred and fifty Pounds, or thereabouts; which said Sum cannot be discharged, and the said Road leading from Wat's Cross to Cowden be repaired according to the Intent of the said Act, unless a Power is given to take other and further Tolls at the Turnpike-gates already erected, or which may be hereafter erected, on the said last mentioned Road: And whereas the Roads leading from the Turnpike Road on Sevenoakes Common, in the Parish of Sevenoakes, through the Parishes of Sevenoakes, Leigh, Chiddingstone, Penshurst, and Ashurst, to Crockhurst Hatch Corner, in the Parish of Speldhurst, and the Road from Penshurst Town

through the Parishes of Penshurst, Bidborough, and Tonbridge, to the Turnpike Road at or near Southborough, in the Parish of Tonbridge aforesaid, are very narrow, and incapable of being repaired by the ordinary Course and Method provided by Law for repairing the Highways: And whereas the Repair of the said Roads from the Turnpike Road on Seven-oakes Common, to Crockhurst Hatch Corner, and from Penshurst Town to Southborough aforesaid, would be of publick Utility: May it therefore please your most Excellent 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 from and after the passing of this present Act, the Trustees appointed, or to be appointed, to put in Execution the said Act of the Fifth Year of the Reign of his present Majesty, for repairing the Road leading from Wat's Cross to Cowden aforesaid; and also the Honourable Sir Sidney Stafford Smythe Knight, Sir Charles Farnaby Baronet, John Douglas, John Smith, Thomas Harvey the younger, Esquires; Sackville Spencer Bale, Edward Boyce, Davis of Hartfield Clerks; Charles Wakefield, William Streatfield, John Streatfield, Charles Fletcher, Thomas Mills, Oliver Stidolph, William Stidolph, William Camfield, Thomas Camfield, John Camfield, James Camfield, Henry Camfield, John Spencer of Maidstone, Christopher Pinchbeck, George Weller of Tonbridge Wells, Edmund Baker, William Brown, Henry Crundwell, Thomas Fry, William Saxby, John Luck, Edward Willett, Edward Budgen, George Weller the younger, John Weller, Gentlemen; shall be, and they are hereby appointed Trustees for surveying, ordering, widening, repairing, and keeping in Repair, the said Road from Wat's Cross to Cowden, and also the said Roads from the Turnpike Road on Seven-oakes Common to Crockhurst Hatch Corner, and from Penshurst Town to Southborough aforesaid; and that the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected, One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, at or upon any Part of the said last-mentioned Roads, or on the Sides or Ends thereof, or cross any Lane or Way leading

Trustees Names.

Trustees may erect Turnpikes and Toll-houses, &c.

leading into or out of the same, with suitable Buildings thereto; and shall and may enclose any adjoining Part of the said last-mentioned Roads or Highways, and also any adjoining Part of the said Road or Highway leading from Wat's Cross to Cowden aforesaid, to be used as a Garden for the Accommodation of the Collectors of the Tolls or Duties, and take such Tolls and Duties as are hereafter mentioned, before any Horse, Cattle, or Carriage, be permitted to pass through the same; and that all and every the Powers, Provisoes, Clauses, Limitations, Exceptions, Penalties, Forfeitures, and all other Matters and Things whatsoever contained in the said Act of the Fifth Year of His present Majesty's Reign, shall be, and they are hereby, declared to be extended to the said Roads, from the Turnpike Road on Sevenoakes Common to Crockhurst Hatch Corner, and from Penshurst Town to Southborough aforesaid; and shall be put in Execution for the surveying, ordering, repairing, and mending, widening, and improving the same, as fully and effectually as if the same were repeated and re-enacted in the Body of this Act, (except such of the Powers, Provisoes, Clauses, Limitations, Exceptions, Penalties, and Forfeitures, as shall be by this present Act altered or repealed.)

And whereas by the said former Act it is provided and enacted, That no Person shall be capable of acting as a Trustee in the Execution of that Act, unless he shall 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 clear yearly Value of Fifty Pounds, above Reprizes; or possessed of a Personal Estate of the Value of One thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And whereas such Part of the said Clause in the said Act, hath been found inconvenient on the said District of Road between Watt's Cross and Cowden; be it therefore enacted by the Authority aforesaid, That such Part of the said Clause respecting the Qualification of Trustees, shall, as to the said District of Road between Wat's Cross and Cowden, from and after the passing this Act, be, and the same is hereby declared to be, repealed.

Former Qualifications repealed.

And

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of the said former Act and this present Act, unless he shall, during all the said 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 clear yearly Value of Forty Pounds, above Reprizes; or possessed of a Personal Estate of the Value of Eight hundred Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds; under the like Penalty, and subject to the like Remedy for recovering thereof, and to be applied and go, as in the said former Act is mentioned and contained for acting without being qualified as therein is mentioned, and for recovering and applying the same; any thing herein or in the said former Act contained to the contrary notwithstanding. New Qualification of Trustees.

And, to the End that a sufficient Sum of Money may be raised for amending the said Roads leading from Wat's Cross to Cowden, by the said former Act, and the Roads by this present Act directed to be amended, and for keeping the same in Repair, and for discharging the Debt now due, or which hereafter shall be contracted on Account of such Repairs, and for defraying all other necessary Charges in putting the said former Act and this present Act in Execution, so far as the same relates to the Roads by this Act intended to be repaired; be it further enacted by the Authority aforesaid, That from and immediately after the passing this Act, it shall and may be lawful to and for the Trustees appointed or to be appointed to put the said former Act and this present Act in 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, instead of the Tolls and Duties laid and made payable by the first mentioned Act, before any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Caravan, Waggon, Wain, Cart, Dray, Carriage, Horse, Mare, Gelding, Mule, or Ass, Oxen, or Cattle, Sheep, Lambs, or Hogs, shall be permitted to pass through any Bar, Gate, or Turnpike, erected The Tolls following to be taken in lieu of those granted by the former Act.

erected or to be erected by virtue of the said former Act, or this present Act, on any Part of the said Road leading from Wat's Cross to Cowden; or on any Part of the said Roads from the Turnpike Road on Sevenoakes Common to Crockhurst Hatch Corner, and from Penshurst Town to Southborough aforesaid; that is to say,

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.

With the like Powers and Remedies for recovering and receiving, mortgaging or assigning the same, as are given in and by the said first mentioned Act for recovering and receiving, mortgaging or assigning, the Tolls thereby granted and made payable; and in taking of which Tolls or Duties One Pair or Yoke of Oxen shall be deemed and taken to be but as equivalent to One Horse.

Guns, &c. to pay double Tolls between the 10th of *Oct.* and the First of *April* yearly.

Provided always, and it is hereby enacted by the Authority aforesaid, That all and every Horses and Beasts of Draught drawing any Carriage and Carriages laden with any Tree or Trees, Cannon, Gun or Guns, or any Die, passing thro' any Bar or Bars, Gate or Gates, Turnpike or Turnpikes, erected, or to be erected, by virtue of the said former Act or this present Act as aforesaid, upon the said Road leading from Wats Cross to Cowden, or upon the said Roads leading from the Turnpike Road on Sevenoakes Common to Crockhurst Hatch Corner, and from Penshurst Town to Southborough aforesaid, between the Tenth Day of October, and the First Day of April in every Year from and after the passing this present Act, shall pay double Tolls or Duties at each Gate or Turnpike through which such Carriage

riage or Carriages so laden shall pass; any thing in the said former Act, or this present Act, contained to the contrary thereof notwithstanding.

Tolls to be paid at each Gate.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That all and every of the said Tolls and Duties being paid at One of the said Bars, Gates, or Turnpikes, so erected, or to be erected, by virtue of the said former Act or this present Act 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 erected or to be erected as aforesaid; but that the same Tolls and Duties shall be separately and distinctly taken and paid at all and every other the said Bars, Gates, and Turnpikes respectively, through which any such Coach, Carriage, or other Thing abovementioned, shall pass; any thing in the said former Act or this present Act contained to the contrary thereof notwithstanding.

What Number of Tolls may be taken.

Provided always, and it is hereby enacted by the Authority aforesaid, That no more than Four Tolls in the Whole shall be demanded or taken from any Person for Once passing and repassing the same Day with the same Horses, Cattle, Beasts, or Carriages, through all the said Toll-gates or Turnpikes erected, or to be erected, by virtue of the said former Act, or this present Act, on the said Road, between Wat's Cross and Cowden; and also on the said Road between the Turnpike Road on Sevenoakes Common and Crockhurst Hatch Corner; and between Penshurst Town and Southborough aforesaid; but that all and every Person and Persons having paid the said Four 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 repass the same Day with the same Horses, Cattle, Beasts, or Carriages, Toll-free, through all the Turnpikes, or Toll-gates, erected, or to be erected, on the said Roads by this Act intended to be repaired by virtue of the said former Act, or this present Act.

Tolls to be paid for repassing.

Provided also, and it is hereby enacted by the Authority aforesaid, That if any Person or Persons having paid the Tolls or Duties hereby directed to be paid at any of the Gates or Turnpikes erected,

or to be erected, by virtue of the said former Act, or this present Act, across or on the Sides of the said Road between Wats Cross and Cowden, or cross any Lane or Way leading into or out of the same, or across or on the Sides of the said Roads leading from the Turnpike Road on Sevenoakes Common to Crockhurst Hatch Corner, and from Penshurst Town to Southborough aforesaid, or cross any Lane or Way leading into or out of the same, through which such Person or Persons shall pass with any Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage, shall pass the same Day through the said Turnpike a Third Time with any Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage whatsoever; then such Person or Persons shall be liable and compellable again to pay the said Toll or Duty hereby imposed on such respective Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage, and to receive another Note or Ticket (which the Collector and Collectors is and are hereby required to deliver as aforesaid) which shall intitle him, her, or them, to return through the same Gate or Turnpike with the same Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage, upon the same Day Once more Toll-free, and so toties quoties for every Third Time the said Person or Persons shall pass the same Day through the same Gate or Turnpike, on any of the said Roads, with the said Horse, Mare, Gelding, Mule, Ass, Cattle, or Carriage as aforesaid.

The Method of taking Tolls.

Provided also nevertheless, and it is hereby enacted by the Authority aforesaid, That all and every Person and Persons having paid for passing through any Bar, Gate, or Turnpike, erected or to be erected by virtue of the said former Act, or this present Act, on the Sides of the said Road, between Wats Cross and Cowden, or cross any Lane or Way leading into or out of the same, or on the Sides of the said Roads leading from the Turnpike Road on Sevenoakes Common to Crockhurst Hatch Corner, and from Penshurst Town to Southborough aforesaid, or cross any Lane or Way leading into or out of the same as aforesaid, and producing a Note or Ticket of such Payment, shall pass through the next Gate or Turnpike erected, or to be erected, across the said Road from Wats Cross to Cowden, or across the said Roads from the Turnpike Road on Sevenoakes Common

mon to Crockhurſt Hatch Corner, and from Penſhurſt Town to Southborough aforeſaid, Toll free; any thing in the ſaid former Act or this preſent Act contained to the contrary thereof notwithſtanding.

Charges of paſſing this Act to be firſt paid.

Provided always, and be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall, out of the Firſt Monies ariſing by the ſaid Tolls or Duties, or out of ſuch Money as ſhall be borrowed on the Credit thereof, pay and diſcharge all the Coſts and Expences of procuring and paſſing this Act.

Truſtees may leſſen the Tolls,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, from time to time, aſſembled at a Meeting or Meetings to be held for that Purpoſe (with the Conſent of the Perſon or Perſons who ſhall then be entitled to Three Fifth Parts or more of the Money which ſhall have been advanced upon the Credit of the ſaid Tolls) to leſſen, vary, or alter, all or any, or any Part of any of, the ſaid Tolls hereby granted or made payable, and for ſuch Time or Times as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and afterwards, if there ſhall be Occaſion, to advance or raiſe the ſame again, ſo as the ſame do not exceed the Tolls by this preſent Act granted and made payable; and ſuch Tolls ſo leſſened or altered ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby granted and made payable are hereby directed to be collected, recovered, and applied; but no Meeting ſhall be held for any of the Purpoſes aforeſaid, unleſs Ten Days previous Notice at leaſt be given thereof in Writing, to be affixed upon all the Gates or Turnpikes which ſhall be then erected upon the ſaid Roads by this Act intended to be repaired.

and raiſe them again.

Tolls ſubject to the Payment of former Debts.

And be it further enacted and declared, That the Tolls or Duties hereby granted ſhall be ſubject and liable to the Payment of all Sums of Money to be borrowed by virtue of this Act, or which are now owing upon the Credit of the Tolls granted by the ſaid recited Act, and to be collected on the ſaid Road between Wats Croſs and Cowden, and of the Intereſt due and to grow due on the ſame reſpectively.

And

Former Exemptions.

And whereas by the said former Act it is provided and enacted, That no Tolls shall be demanded or taken for any Dung, Mould, or Compost of any Nature or Kind whatsoever, for the manuring of Lands or Grounds within the said respective Townships, Parishes, Hamlets, or Places, in the said Act as mentioned; nor for any Waggon, Cart, or Carriage, carrying any Grass, Hay, Saintfoin, Fodder, Straw, or Corn in the Straw, Hop-poles, or Wood for Fuel, Lop or Top Wood, to be laid up in the Houses, Outhouses, Yards, or other Places, belonging to or used by the respective Inhabitants, or other Person or Persons renting, holding, or occupying, any Lands Meadows, or Grounds, of or in the said several Townships, Parishes, Hamlets, or Places, in which the said Roads lie, for their own private Use and Consumption; nor for any Timber to be used in Building in such Townships, Parishes, Hamlets, or Places, in which the said Roads lie; nor for any Waggon, Tug, or other Carriage; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Thing whatsoever used or employed in Husbandry, and for manuring, tilling, and stocking of Land in the said several Townships, Parishes, Hamlets, or Places; any thing in the same Act to the contrary notwithstanding.

And whereas such Part of the said Clause in the said Act as exempts the Matters and Things herein before particularly mentioned from the Payment of Tolls, hath been found inconvenient on the said District of Road between Wats Cross and Cowden; be it therefore enacted by the Authority aforesaid, That so much and such Part of the said Clause as directs that no Tolls shall be demanded or taken for the several Matters and Things herein before particularly mentioned, or any of them, shall, as to the said District of Road from Wat's Cross to Cowden, from and after the passing of this Act, be, and the same is hereby declared to be, repealed.

Repeal of the Clause in the recited Act, exempting certain Articles from Payment of the Tolls.

Exemptions lessened.

Provided always, and it is hereby further enacted, That no Person or Persons shall be chargeable with any of the Tolls or Duties by the said former Act or this Act granted, for going or returning through One Gate or Turnpike only (and no more) erected, or to be erected, on the said Roads by this Act intended to be repaired,

paired, with Carts, Wains, Waggons, or other Carriages, for or with Dung, Mould, Marle, or Compost, or other Materials (Chalk and Lime, and Carts, Wains, Waggons, or other Carriages, travelling or working for Hire, 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, not for Sale, but intended to be laid up in any Houses, Out-houses, 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 by this Act intended to be repaired do lie, for their own private Use and Consumption; nor with or for any Ploughs, Harrows, or other Implements of Husbandry; any thing herein, or in the said former Act, contained to the contrary notwithstanding.

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

And be it enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees appointed by the said former Act, or this present Act, for putting the same in Execution, shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, at a Meeting to be holden for the said Roads by this Act intended to be repaired, by any Writing or Writings under their Hands, to elect One other Person living in the said County of Kent to be a Trustee for putting the said former Act, and this present Act, in Execution, in relation to the said Roads by this Act intended to be repaired, in the Room of such Trustees so dying or refusing to act; so as Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the Trustees for the said last mentioned Roads, by affixing the same in Writing upon all the Turnpike-gates upon the said last mentioned Roads, at least Ten Days before every such Meeting; and all Persons so to be chosen are hereby vested with the same Powers for putting the said former Act and this present Act in Execution in relation to the said Roads by this Act intentend to be repaired, as the Persons in whose Places they were respectively chosen were vested with by the said former Act; and that the Trustees nominated and appointed by the said former Act, and such Person or Persons who shall be appointed a Trustee or Trustees by and by virtue and in pursuance of the Power in this present Act, and no others, shall be Trustees for putting the said former Act in relation to the said

District of Road between Wats Cross and Cowden, and this present Act in Execution; any thing in the said former Act contained to the contrary thereof in any wise notwithstanding.

Trustees not liable personally to pay the Mortgage Money.

And be it further enacted by the Authority aforesaid, That nothing in the said former Act, or this present Act, shall extend, or be construed to extend, to charge, or subject the said Trustees, or Persons appointed to receive the Money or any Part thereof, to be borrowed on the Credit of the said Tolls, to any Payment of the same, by reason of their or any of their signing and sealing any Assignment, or other Securities, to be made in pursuance of the said former Act, or this present Act, or any or either of them.

Expences of the Juries how to be borne.

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of the said former Act, or this present 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 Lands, Grounds, or Hereditaments, or for any such Loss or Damage as therein is mentioned, than 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 such Lands, Grounds, or Hereditaments, or Loss or Damage, as therein is mentioned; 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 borrowed, or to be borrowed, on the Credit thereof: But if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than what 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

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ing 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.

Inhabitants to do Statute-work.

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 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 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.

Bridges, &c. to be repaired.

And, for preventing Differences which may arise between the said Trustees and the Persons chargeable towards repairing, supporting, and amending the said Roads, or any Part or Parts thereof, or any Bridges or Arches upon or across the same, 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 of Kent, and they are hereby required and impowered, upon Application made to them by the said Trustees, or any Five or more them, to adjudge and determine how and in what Manner such Bridges, Drains, Sewers, or Parts of the said Roads, shall from

from time to time be repaired, by the Person or Persons in any Manner chargeable therewith as aforesaid,

Meetings on Emergency.

Provided always, and it is hereby enacted, That if, upon any Emergency, a Meeting of the said Trustees shall be necessary to be held before the Time appointed, in virtue of any Adjournment or Appointment to be made as aforesaid, shall come; then and such Case the said Trustees, or any Five or more of them, or their 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 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 any 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 so specified in every such Notice thereof as aforesaid, shall be to all Intents and Purposes void and of no Effect; and that the like Notice of any future Meeting, to be fixed on all the Gates or Turnpikes erected, or to be erected, on the said Roads by this Act intended to be repaired and kept in Repair, shall be deemed legal and sufficient Notice of such Meeting; any thing in the said former Act contained to the contrary notwithstanding.

Trustees not to act but at a publick Meeting.

Provided always, That none of the said Trustees shall 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 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 Directions of, this Act, or the said former Act, or in pursuance of a Resolution of the Trustees present at some former Meeting or Meetings, whereby any Person or Persons is or are authorized to carry such Resolution into Execution; except in appointing a Collector of the said Tolls, in case any Collector thereof shall die, resign, or be incapable of acting, as in the said former Act is mentioned.

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

And be it further enacted by the Authority aforesaid, That every Inhabitant of the several Parishes or Places through which the said Road from Wats Cross to Cowden by the said former Act, and the Roads by this present Act intended to be repaired, do lie, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of

Fifty

Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards repairing the Highways of the several Parishes and Places in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Proceedings deemed valid in regard to the Notices of former Meetings.

And be it further enacted by the Authority aforesaid, That no Order, Act, or Proceeding, of the said Trustees done or made at any Meeting or Meetings already holden for putting the said former Act in Execution in relation to the said District of Road between Watts Cross and Cowden shall be, or be deemed to be, illegal or void, for want of giving legal Notice of any such Meetings; any thing in the said former Act contained to the contrary notwithstanding.

Distress not unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of the said former Act, or this present Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding 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 may recover full Satisfaction for the Special Damage, in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

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

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

Proceedings not to be quashed for want of Form.

And be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against the said former Act, in relation to the said District of Road between Watts Cross and Cowden, or this Act, or any other Matter or Thing to be done or transacted in or relating to the Execution of the said former Act in relation to the said District of Road, or this present Act, shall be vacated or quashed for want of Form.

Time and Place of first Meeting of the Trustees.

And be it further enacted by the Authority aforesaid, That the Trustees appointed by the said former Act, and this present Act, shall meet for the First Time to proceed

ceed upon the Execution of this Act, at the House known by the Name of The Leicester Arms in Penshurst Town aforesaid, within One Month after the passing of this Act, and adjourn themselves; and shall afterwards meet there, or at any other Place, in such Manner as directed by the said Act of the Fifth Year of the Reign of His present Majesty.

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 Months after the Fact committed, and not afterwards, and shall be brought, laid, and tried, in the said County of Kent, and not elsewhere; and the Defendant or Defendants in such Action shall and may plead the General Issue. General Issue, and give this Act or the said former 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, or the said former Act; and if it shall appear to be so done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be laid or brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their, Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defend-
Treble Costs. ant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for his or their Costs in other Cases by Law.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, 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.