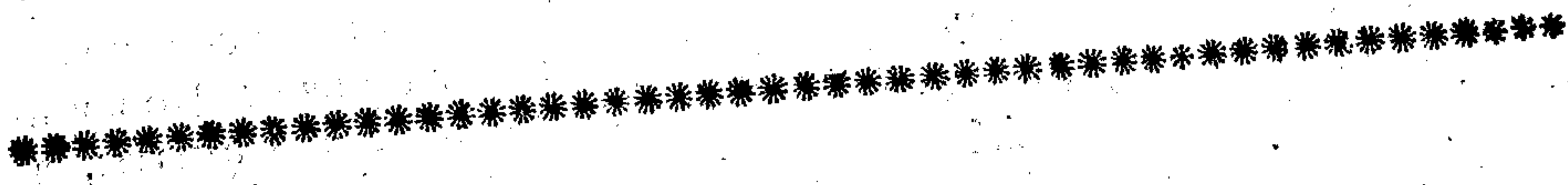




ANNO PRIMO & SECUNDO

# GEORGII IV. REGIS.



## Cap. xli.

An Act for more effectually repairing and improving the Road leading from *Flimwell Vent*, in the Parish of *Ticehurst*, in the County of *Sussex*, to the Town and Port of *Hastings*, in the said County.  
[19th April 1821.]

**W**HEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing and widening the Road leading from Flimwell Vent, in the Parish of Ticehurst, in the County of Sussex, to the Town and Port of Hastings, in the said County:* And whereas an Act was passed in the Nineteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing the Term and enlarging the Powers of an Act made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, for repairing and widening the Road leading from Flimwell Vent, in the Parish of Ticehurst, in the County of Sussex, to the Town and Port of Hastings, in the said County:* And whereas an Act was passed in the Forty-first Year of the Reign of His said late Majesty King George the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers of Two Acts passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and in the Nineteenth Year of the Reign of His present Majesty, for repairing and widening the Road leading from Flimwell Vent,*  
[Local.]

26G.2.c.54.

19G.3.c.98.

41G.3.c.89.

in the Parish of Ticehurst, in the County of Sussex, to the Town and Port of Hastings, in the said County: And whereas in and by the said Act of the Forty-first Year of the Reign of His said late Majesty King George the Third, after reciting that Part of the said Road called *Robertsbridge Clappers*, was, from its low Situation, subject and liable to deep and dangerous Floods, for which Reason it was absolutely necessary that the said Road should be turned or diverted from its Course for a small Distance of Forty Rods or thereabouts, and that strong and substantial Arches of Brick or Stone should be erected and built thereon, which could not be done, and the same kept in proper Repair without very great Expence, for which Reason it would be necessary that a new Turnpike Gate should be erected, and Tolls taken thereat, it was enacted, that it should be lawful for the said Trustees, or any Nine or more of them, to erect such Gate or Turnpike, together with such Arches as aforesaid, on or across the said Road so diverted or turned as aforesaid, with a proper Toll House to the said Gate, and to demand and take thereat the Tolls or Duties therein mentioned, and which Tolls and Duties should be applied in making and completing the same only, and to and for no other Use, Intent, or Purpose whatsoever; and the said Trustees, or any Nine or more of them, were thereby empowered to mortgage the Tolls to be collected at the said *Clappers* Gate as a Security for any Sum or Sums of Money to be borrowed by them, to secure the Re-payment thereof and Interest, as therein mentioned, and which Money so to be borrowed should be applied and disposed of for the Purpose of making the said intended new Road, erecting Arches, Turnpike Gate and Toll House, and completing the same, and to no other Use or Purpose whatsoever: And whereas the Trustees appointed in and by virtue of the said recited Acts have repaired and improved the said Road from *Filimwell*, to *Hastings*; and have also diverted and repaired the said Road called *Robertsbridge Clappers*, and erected Arches, and a Gate or Turnpike thereon; and have for that Purpose, in pursuance of the Powers to them thereby given, borrowed considerable Sums of Money on the Credit of the several and respective Tolls thereby granted, which Sums of Money remain undischarged, and cannot be paid off, nor can the said Road be effectually amended, improved, and maintained in Repair, unless further and more extensive Provision be granted for the amending, improving, and maintaining the same, and for imposing Tolls or Duties for that Purpose, and for altering, increasing, and regulating the same: And whereas the Powers, Provisions, and Authorities given by the before-mentioned Acts are in many respects very insufficient and inconvenient, and it is expedient that the same should be altered, amended, and regulated, and the Whole of them reduced into one Act of Parliament, and that the Residue of the before-mentioned Acts be wholly repealed; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of September One thousand eight hundred and twenty-one, the said recited Acts of the Twenty-sixth Year of the Reign of His said Majesty King George the Second; and the Nineteenth and Forty-first Years of the Reign of His said late Majesty King George the Third; shall be and the same are hereby declared to be repealed, and null and void, to

Former Acts  
repealed.

all Intents and Purposes whatsoever; and instead thereof this Act shall from thenceforth commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, altering, straightening, improving, and keeping in Repair the Road from *Flimwell Vent*, in the Parish of *Ticehurst*, in the County of *Sussex*, to the Town and Port of *Hastings*, in the said County, which said Road passes out of, from, through, or into the several Parishes of *Ticehurst*, *Etchingham*, *Salehurst*, *Mounfield*, *Whittington*, *Battle*, *Hollington*, *Saint Mary of the Castle*, and *Ore*, in the said County of *Sussex*, and *All Saints* and *Saint Clements* in the Town and Port of *Hastings*, in the said County; and that the Tolls and Duties by this Act granted and imposed, for keeping and maintaining the Road hereby directed to be kept and maintained, shall for and during the Term of this Act be charged with and made subject to the Payment of all Monies heretofore borrowed for the making and maintaining such Road, and now due and owing upon the Credit or on Account of the said recited Acts, or secured upon or made payable out of such Tolls and Duties respectively, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected respectively; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts, which in anywise concern any of the Trusts under this Act, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities duly entered into by any Person or Persons to or with the Trustees for executing the said recited Acts or any of them, for or concerning any Matters or Things to which any of the Trusts under this Act are made to extend, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account and for the Benefit of the Trusts under this Act; and all Contracts or Agreements duly made or entered into by the Trustees for executing the said Acts, or any of them respectively, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

New Term  
and Tolls  
liable to for-  
mer Debts.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County of *Sussex*, together with the Right Honourable *Bertram Ashburnham* commonly called *Viscount Saint Asaph*, *Sir William Ashburnham* Baronet, the Honourable *Percy Ashburnham*, the Honourable *Charles Ashburnham*, *William Ashburnham*, the Reverend *John Ashburnham*, *Edward Ades*, *Sir James Bland Burges* Baronet, *Joseph Bunbury*, *Charles Montolieu Burges*, the Reverend *Thomas Birch* Doctor of Civil Law, *John Bishop*, *Francis Philip Bedingfeld*, *Wastel Brisco*, *William Bishop*, the Reverend *Henry Bishop*, the Reverend *Thomas Baker*, *George Courthope* the elder, *George Courthope* the younger, *Edward Jeremiah Curteis*, *Herbert Barrett Curteis*, the Reverend *Whitfeld Curteis*, the Reverend *Godfrey Gilbert Cooper*, *John Cruttenden*, *Samuel Durrant*, *William Duke* of *Bexhill*, *William Duke* of *Hastings*, the Reverend *William Delvoes*, *Richard Davenport*, *James Eversfield*, *John Fuller*, the Reverend *Thomas Fuller*, the Reverend *Edward Frewen*, the Reverend *Thomas Ferris*, *William Gill*,  
Thomas

Trustees.

*Thomas Goring, the Reverend William Gordon, the Reverend John Burrell Hayley, the Reverend Drake Hollingbery, Thomas Hilder, the Reverend Charles Hardinge, James Hilder, William Gilmore Harvey, the Reverend Richard Jordan, the Reverend Stephen Jenkin, John Langford, Charles Laurence, Edward Milward, John Micklethwait, Sotherton Branthwayte Micklethwait, John Cressett Pelham, the Reverend John Pratt, Thomas Peters, Thomas Perigoe, the Reverend Richard Rideout, Tilden Smith, John Smith, John Snepp, William Lucas Shadwell, John Goldsworthy Shorter, the Reverend William Trivett, William Thorpe, the Reverend Hugh Totty, Sir Godfrey Webster Baronet, the Reverend Webster Whistler, and the Reverend Richard Wetherell,* shall be, and they and their Successors, to be elected in Manner as herein-after mentioned, are hereby nominated and appointed Trustees for more effectually amending, widening, and from Time to Time improving and keeping in Repair the said Road, and for putting in Execution the several Powers and Authorities by this Act given and granted.

Power to  
appoint  
additional  
Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at their First Meeting, to be held as herein-after directed, or at any subsequent Meeting to be held for that Purpose (of which subsequent Meeting, and of the Purpose whereof, Ten Days Notice shall be given as herein-after directed), to elect and appoint any Number of Persons, not exceeding Ten in the Whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Trustees so to be elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed by this Act.

For electing  
new Trustees.

IV. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be appointed by virtue hereof, shall die, cease to have any Place of Residence in the County of *Sussex* or *Kent*, except His Majesty's Justices of the Peace for the said County of *Sussex*, or by Bankruptcy, Insolvency, or otherwise, become disqualified to act, or refuse or neglect to act, it shall be lawful for the remaining or surviving Trustees, or any Five or more of them, at any Meeting, of which and of the Purpose whereof Ten Days Notice shall be given as is herein-after directed, to elect and appoint one or more Person or Persons residing in the said Counties of *Sussex* or *Kent*, to be a Trustee or Trustees in the Room of the Trustee or Trustees so dying, ceasing to have Place of Residence in the said Counties of *Sussex* or *Kent*, becoming disqualified, or refusing or neglecting to act as aforesaid; and every Person so to be elected and appointed shall be invested with the same Powers and Authorities for executing this Act as if he had been hereby named and appointed a Trustee in and by this Act.

Qualification  
of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation following), unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear yearly Value of One hundred Pounds to his own Use, above Reprises; or shall be Heir Apparent of a Person so possessed, or receiving the

the Rents and Profits of a like Estate, of the clear yearly Value of Two hundred Pounds above Reprises; or be possessed of a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Four thousand Pounds; nor before he shall have taken and subscribed, in a Book to be kept for that Purpose, the Oath or Affirmation herein-after mentioned, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

‘ I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm], That I am truly and *bonâ fide* in my own Right, [*or*, in the Right of my Wife], in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear yearly Value of One hundred Pounds to my own Use, above Reprises; [*and in case of an Heir Apparent*], I *A. B.* do swear, That I am Heir Apparent of *C. D.* who, to the best of my Knowledge and Belief, is truly and *bonâ fide* in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear yearly Value of Two hundred Pounds to his own Use, above Reprises; [*or*, am possessed of a Real Estate alone, or a Real and Personal Estate together, to the Amount or Value of Four thousand Pounds]; and that I will truly, faithfully, and impartially execute the Powers and Trusts reposed in me by an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act.*]

Oath.

‘ So help me GOD.’

VI. Provided always, and be it further enacted, That no Person appointed or to be appointed a Trustee for putting this Act into Execution shall be capable of acting as such during the Time he shall hold any Place or Employment of Profit under this Act, or under the Trustees acting in Execution thereof; and that no Person shall be capable of being appointed a Trustee under this Act, or of acting as such, during the Time he shall keep a Victualling House, or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail; or who shall be interested or concerned in any Contract under this Act; or who shall be a Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Person or Persons not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath, or being a *Quaker*, not having made and subscribed the Affirmation herein-before mentioned, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit, by Action of Debt, or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than one Impar lance, shall be allowed; and it shall be incumbent on the Person so sued or prosecuted to prove that he is qualified, and not disqualified by any of the Causes aforesaid, or otherwise to pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; provided nevertheless, that all Acts and Proceedings touching the Execution of this Act, which shall be done or performed by any such Person previous to his being convicted of the Offence before mentioned,

Trustees interested, or holding Places of Profit, or keeping Victualling Houses, &amp;c. not to act.

[*Local.*]

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shall

Trustees may  
act as Jus-  
tices.

shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls by this Act granted, or receiving Interest thereout for the same, shall on that account be deemed disqualified to act as a Trustee in the Execution of this Act: Provided also, that any Trustee appointed or to be appointed by or under this Act, who is or shall be a Justice of the Peace, may act as such in the Execution of this Act, (except only in Cases where he shall be personally interested, otherwise than as a Mortgagee of Tolls granted by this Act).

General  
Meeting.

VII. And be it further enacted, That the said Trustees shall meet at the *George Inn* in *Battle* in the County of *Sussex* aforesaid, if then open, and if not, then at some other convenient House or Place in *Battle* aforesaid, on the *Twenty-ninth Day of September* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Three in the Afternoon, and shall then proceed to carry this Act into Execution; and the said Trustees shall then and from Time to Time afterwards adjourn themselves, and meet at the same Place, or at such other Place in some one of the Parishes in which some Part of the said Turnpike Road lies, and at such Times as the said Trustees shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Two Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing, to be affixed on all the Toll Gates then standing in, upon, or across the said Turnpike Road, appoint the said Trustees to meet at some one of the Places aforesaid, on some convenient Day, at least Seven Days after the Publication of such Notice in Manner aforesaid: Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting, before the Hour of Ten in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Three in the Afternoon.

General  
Meetings on  
Emergencies.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by any Two or more of the Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Meeting not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of any Adjournment; and the said Trustees, or the Majority of them, at all Meetings to be held in pursuance of this Act, are hereby empowered to make all necessary Orders, Agreements, and Determinations in the Execution of this Act; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting unless special Notice shall

shall be given at least Seven Days before, in the Manner herein-before directed; nor shall any Order, Agreement, or Determination made by Five or more Trustees be revoked or altered at any such subsequent Meeting, unless Seven Trustees at the least shall be present at such Meeting; nor shall any Order, Agreement, or Determination made by Seven or more Trustees, be revoked or altered at any such subsequent Meeting, unless Nine Trustees at the least shall be present at such Meeting; nor shall any Order, Agreement, or Determination made by Nine or more Trustees, be revoked or altered at any such subsequent Meeting, unless Eleven Trustees at the least shall be present at such Meeting; and the said Trustees at all their Meetings shall defray their own Expences; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

Trustees to pay their own Expences.  
Chairman to be appointed and to have a casting Vote.

IX. And be it further enacted, That all Acts, Proceedings, Matters, and Things in or relative to the Execution of this Act, may be done and executed by the major Part of the Trustees appointed or to be appointed by or under this Act, who shall be present at any Meeting to be held under or by virtue of this Act, the whole Number of Trustees present not being less than Five, except only in Cases herein particularly directed to be done and executed by any greater or less Number of them.

Orders and Proceedings may be made by Five Trustees.

X. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby required, at their First Meeting to be held under this Act, and afterwards as Occasion may require, from Time to Time, by Writing under their Hands, to appoint a Clerk and a Treasurer, and such Surveyors, Collectors of the said Tolls, and other Officers, as they the said Trustees shall think necessary; and from Time to Time to remove such Clerk, Treasurer, Surveyors, Collectors, and other Officers, or any of them; and on the Removal, Death, or Resignation of such Clerk, Treasurer, or any of such Surveyors, Collectors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, to allow and pay to the Clerk, Treasurer, and the several other Surveyors and Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Services, as the said Trustees shall from Time to Time deem reasonable and direct; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they or any Seven or more of them shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their or any of their Hands, and also deliver up all Tools and Implements belonging to the said Trustees in their or any of their Hands, to the said Trustees, or to such Person or

For appointing Clerks, Treasurers, and other Officers.

Persons

Proceedings  
against Offi-  
cers neglect-  
ing to ac-  
count.

Persons as they or any Five or more of them shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, as aforesaid, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Five or more of the said Trustees, and such Justices are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received, or any such Tools or Implements as aforesaid, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Non-payment or Non-delivery thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money, or the Value of such Tools or Implements, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, or Value of such Tools or Implements, and the Charges of distraining and selling the same; or if such Officer or Officers or other Person or Persons shall not appear before the said Justices, unless for some sufficient Excuse alleged at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, and the Tools and Implements as aforesaid, in his, her, or their Custody or Power, relating to the Execution of this Act, or to the said Turnpike Road, then and in either of the Cases aforesaid such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as the said Trustees, or any Five or more of them, shall appoint, (which Composition the said Trustees, or any Five or more of them, are hereby



hereby empowered to make), or until he shall have delivered up such Books, Papers, and Writings, Tools, and Implements as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months: Provided also, that such Commitment shall not operate or be construed to operate as a Discharge for any Monies which may be due to the Trustees from such Person so committed.

Not to operate as a Discharge for Monies.

XI. And be it further enacted, That all Orders and Proceedings of the said Trustees, together with the Names of the Trustees present at every Meeting, shall be entered in a Book or Books to be kept by the Clerk or Treasurer to the said Trustees for that Purpose, and which said Entry or Entries shall be respectively signed by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer; and that such Book or Books shall be open at all seasonable Times to the Inspection of any of the Creditors of the said Road, or Trustees appointed or to be appointed by or under this Act, without Fee or Reward; and such Orders and Proceedings so entered and signed as aforesaid shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation herein-before directed to be taken by the said Trustees shall be entered, and also the Book or Books directed to be kept for registering the Mortgages and Assignments herein-after mentioned, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions touching any thing done or to be done by virtue or in pursuance of this Act.

Orders and Proceedings to be entered in a Book.

XII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, except the Treasurer, nominated and appointed under or by virtue of the said Acts hereby repealed, or any of them, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Old Officers may continue until others are appointed.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, and Receiver or Receivers, and also from such other Officers to be appointed for the Purposes of this Act, as they shall think fit, for the faithful Execution of their respective Offices; and no such Treasurer, Receiver, or other Officer shall be permitted to enter upon his Office until he shall have given such Security.

Treasurers, &c. to give Security.

XIV. And be it further enacted, That upon the Death, Incapacity, Absconding, Misbehaving, or Absence of any Collector or Receiver of Tolls, it shall and may be lawful for any Five or more of the Trustees,

Trustees may appoint temporary Collectors.

[Local.]

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(though

(though not assembled at any Meeting of the said Trustees to be held in pursuance of this Act) by Writing under their Hands, to suspend such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue in the Stead of such Collector or Receiver so dying or being suspended; and the Person so appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all respects, as the Person who shall so die or be suspended would have had or been subject to, until the said Trustees, or any Three or more of them, shall, at a Meeting to be holden by virtue of this Act, either remove the said Suspension of or discharge such Collector or Receiver so absconding, misbehaving, or becoming incapable, or absenting himself or herself as aforesaid, and appoint a Collector of the said Tolls; and if any Collector or Receiver of the said Tolls, who shall be suspended or discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person or Persons, having the Possession of any Toll House or Building to be erected or continued by virtue of this Act, shall neglect or refuse to deliver up such Possession for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said County of *Sussex*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable, or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees (or any Three or more of them), or any Person appointed by them, in Possession thereof.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Trustees and Creditors.

XV. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Turnpike Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls by this Act, or any of the said Acts hereby repealed, granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned: Provided always, that in such Book or Books the Account of the Tolls to be collected at the *Robertsbridge Clappers Gate*, and of any other Monies to be

be received on account of such Part of the said Road, and of the Money now due, or which may hereafter be borrowed on the Credit thereof, and which shall be paid and applied to the Purposes of that Part of the Road only, and of the Monies disbursed for or on account of that Part of the said Road which shall be charged and chargeable on that Part only, shall be kept separate and distinct from the Account of the Tolls to be received on the Residue of the said Road comprised in this Act, and of the Money now due, or which may hereafter be borrowed on the Credit thereof, and of Disbursements for or on account of the same.

XVI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts and this Act, or any of them; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts and this Act, or any of them; or if any Person being the Partner of any such Clerk shall act as Treasurer; or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts and this Act, or any of them; every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

XVII. And be it further enacted, That no Sum or Sums of Money (other than and except the Interest which may from Time to Time become due on any principal Sum or Sums of Money already or hereafter to be secured on the Credit of the said Tolls respectively, and the Wages of the Labourers from Time to Time employed on the said Road) shall be paid, disbursed, or expended by the Treasurer for the Time being of the said Trustees for or on account of the said Road, without an Order or Authority in Writing for that Purpose under the Hands of the said Trustees, or any Two or more of them, first had and obtained for that Purpose; but that all Sum or Sums of Money which shall be so paid, disbursed, or expended by any such Treasurer, without such Order or Authority as aforesaid, shall be disallowed in his Account.

No Monies to be paid by the Treasurer without an Order of Two Trustees.

XVIII. And be it further enacted, That the Accounts of the Treasurer, Surveyor, and all other Officers, having the Disposal of any Money belonging to the Trust, shall be annually made up to the Twenty-ninth Day of *September*, and shall be exhibited to a General Meeting of the Trustees, to be held at some convenient Time within Three Calendar Months immediately subsequent thereto.

Accounts of the Treasurer or other Officers to be made up annually.

XIX. And be it further enacted, That the Trustees appointed or to be appointed by or under this Act may sue and be sued in the Name or Names of any one or more of them, or in the Name of their Clerk for the Time being,

Trustees may sue and be sued in the Name of their Clerk.

being, for, or in respect of all Matters and Things done or proposed to be done under the Authority of this Act, or in anywise respecting the same; and that no Action which shall be brought or commenced by the Direction of or against the said Trustees, or any of them, by virtue of or on account of this Act, in the Name of any of the said Trustees, or their Clerk, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Trustee or Clerk, or by the Act of such Trustee or Clerk, without the Consent of the said Trustees, or any Five of them, at the least, at a public Meeting to be held for that Purpose; but any one of the said Trustees, or the Clerk to the said Trustees for the Time being, shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that such Trustee or Trustees, and every such Clerk in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he or they shall be put unto or become chargeable with by reason of his or their being made Plaintiff or Defendant, Plaintiffs or Defendants therein as aforesaid.

Power to  
continue and  
erect Toll  
Gates, Toll  
Houses, &c.

• XX. And be it further enacted, That for the Purpose of collecting and receiving the Tolls hereby granted, the Trustees appointed or to be appointed in or by virtue of this Act, shall and may and they are hereby authorized and empowered to continue all or any of the Toll Gates and Toll Houses erected by virtue of the said recited Acts, or any or either of them, and shall and may erect or cause to be erected such and so many other Toll Gates, and also Weighing Engines, in, upon, or across such Parts of the said Turnpike Road, and also such and so many Toll Gates on the Sides of the said Turnpike Road, and upon or across any Lane or Highway that does or shall lead into or out of the same, as they the Trustees shall think proper and expedient; and also shall and may erect and provide a Toll House with suitable Buildings, a Garden, and other Conveniences, not exceeding Twenty Perches of Land, at or near each of the said Toll Gates: Provided always, that no additional Turnpike or Toll Gate shall be erected on that Part of the said Road called the *Robertsbridge Clappers*: Provided also, that no Coach, Waggon, Cart, or other Carriage, nor any Horse or other Beast passing on the same Day through all or any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act, shall be charged or chargeable with or liable to pay the Tolls hereby granted, at any greater Number of Gates than Seven (including that at *Robertsbridge Clappers*) upon the whole Length of the said Road.

Toll Gates,  
&c. vested in  
Trustees.

XXI. And be it further enacted, That the Right and Property of and in all and every the Toll Gates, Toll Houses, Weighing Engines and Buildings, erected by virtue of the said recited Acts hereby repealed, or any of them, or to be continued or erected by virtue of this Act, and of and in all the Materials for building the same; and also of any Weighing Engine which shall or may at any Time hereafter be erected upon the said Road by virtue of this or any general Act; and also of and in all Rails, Posts, and Fences which shall be provided or used for the Purposes of this Act; and also of and in all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or

had for making or repairing the said Turnpike Road, shall be and the same are hereby vested in the said Trustees, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, for the Benefit of the said Turnpike Road; and to bring or cause to be brought any Action or Actions, and to prefer and prosecute or order and direct the preferring and prosecuting of any Information or Informations, Bill or Bills of Indictment, against any Person or Persons who shall steal, take, carry away, or injure the same, or shall interrupt the said Trustees or any of their Officers in the Possession thereof, in all which said Proceedings it shall be sufficient to state generally such Toll Gates, Toll Houses, Weighing Engines, Buildings, Rails, Posts, Fences, Materials, Tools, Implements, and other Matters and Things aforesaid, to be the Property of the said Trustees generally, or the Clerk for the Time being to the said Trustees.

XXII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at any Meeting to be holden for that Purpose pursuant to the Directions of this Act, from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates and Weighing Engines erected by the Authority of the said several Acts hereby repealed, or any of them, or which shall be continued or erected by virtue of this Act, in, upon, or across the said Turnpike Road, or on the Side or Sides of any Part thereof, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Turnpike Road, or otherwise to be wholly removed and taken away, as the said Trustees or any Five or more of them shall from Time to Time order and direct: Provided always, that none of the said Toll Gates or Weighing Engines shall be removed or taken away as aforesaid, unless Notice in Writing of the Intention to remove the same shall have been affixed upon all the Toll Gates then standing upon the said Road, Ten Days at least previous to such Order being made.

Power to remove Toll Gates.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed, or any of them, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or by private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and to convey, assign, and surrender the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, according to the Nature and Tenure of the Estate by which the same may be holden; and the Person or Persons who shall purchase the same, his, her, or their Heirs, Executors, Administrators, or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, according to the Nature or Tenure thereof, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be answerable for the Application or Non-application of his, her, or their Purchase Money: Provided always,

Power to sell the present or any future Toll Houses.

[Local.]

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that

that such Preference of purchasing shall be given to the Person or Persons from whom any Land on which any Toll Houses may have been erected was purchased, or to the Person or Persons having the adjoining Land, as is herein-after directed to be given where any Piece or Pieces of Ground not wanted for the Purposes of this Act is or are authorized to be sold and disposed of; and in case of any Dispute or Difference concerning the same, such Dispute or Difference shall be settled and determined as herein-after mentioned.

Power to  
take Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be by them appointed under or by virtue of this Act Collector or Collectors as aforesaid, and they are hereby authorized and required to demand and take (subject to the Restrictions herein-before mentioned) at each and every of the respective Toll Gates and Side Gates which shall be continued or erected by virtue of this Act in, upon, or across the said Turnpike Road, or any Lane or Highway leading into the same, before any Cattle or Carriage shall be permitted to pass through the same, the several Tolls and Duties following; that is to say,

Tolls.

For every Horse or other Beast of Draught, drawing any Coach, Berlin, Landau, Chariot, Calash, Hearse, Caravan, Chaise, or other Pleasure Carriage, the Sum of Four-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage (except as herein-after mentioned), having the Soles or Bottoms of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, the Sum of Two-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, having the Soles or Bottoms of the Fellies of the Wheels of a less Breadth or Gauge than Six Inches, and drawn by more than Two Horses or other Beasts of Draught, the Sum of Four-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such last like mentioned Carriage, and drawn by One or Two Horses, or other Beasts of Draught only, the Sum of Three-pence:

For every Horse, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Mule or Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of Sixpence *per* Score, and so in proportion for any less Number:

For every Drove of Hogs, Sheep, or Lambs, the Sum of Three-pence *per* Score, and so in proportion for any less Number:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, at any Time between the First Day of *November* and the Twenty-fourth Day of *March* (both inclusive), laden with Wood or Hop Poles, sold or for Sale, or with Chalk, Limestone, Timber, Stone, Bricks, Tiles, Sea Coal, or Iron, double the respective Tolls herein-before directed to be demanded or taken for Horses or other Beasts drawing such like Carriages; provided that such double Tolls shall not be taken on account of any small Quantities of the Articles aforesaid, not exceeding Three hundred Pounds Weight:

\*For every Horse or other Beast drawing any Carriage laden with Fish only, the Sum of One Penny, and the same Toll on returning with such Carriage empty on another Day: And,

For every Horse or other Beast, drawing any Carriage having the Soles or Bottoms of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, between the Twenty-fifth Day of *March* and the Thirty-first Day of *October* (both inclusive), in every Year, laden with Wood or Hop Poles, sold or for Sale, Chalk, Lime, Limestone, or Rags, the Sum of One Penny:

Provided always, that in all Cases wherein Oxen or Neat Cattle shall be used, Two Oxen or Neat Cattle shall be considered as One Horse, and Toll shall be demanded and taken at the said Gates for the same accordingly: Provided also, that Payment of the foregoing Tolls at any main Gate erected on the said Road shall exempt the Person from paying the same at the Side Gate; and Payment of the Tolls at the Side Gate shall exempt the Person from paying Toll at the main Gate, provided such main and Side Gates stand at the same Place, but not otherwise.

Two Oxen deemed as one Horse.

Payment at the main Gate to exempt Side Gate, and vice versa.

XXV. Provided also, and be it further enacted, That no Toll shall be charged on any greater Number of Horses than Six, drawing any Waggon, Wain, Cart, or other Carriage, having the Soles or Bottoms of the Fellies of the Wheels of the Breadth or Gauge of Nine Inches or upwards.

Toll not to be paid for more Horses than Six.

XXVI. And be it further enacted, That all and every the Tolls by this Act authorized to be taken, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made by the Person or Persons so authorized to receive the same, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse or other Cattle, together with their Bridles, Saddles, Harness, or Accoutrements, or any Carriage, together with its Lading, upon which any Toll is by this Act imposed, (but no such Bridle, Saddle, Harness, or Accoutrements shall be so seized without detaining and seizing the Horse or other Beast bearing the same), or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress and keeping the same, shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods and Chattels so distrained, and out of the Money which shall arise by such Sale pay such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand, to the Owner or Owners thereof.

Tolls vested in Trustees, and may be levied by Distress.

XXVII. And be it further enacted, That if any Dispute shall happen concerning the said Tolls, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to retain

For settling Disputes concerning Tolls.

retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and Charges of such Distress shall be ascertained by some Justice of the Peace for the County of *Sussex*, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as he the said Justice shall think proper, all which Costs and Charges shall and may be forthwith levied and recovered, in case of Non-payment thereof, on the Goods and Chattels of the Person or Persons from whom the same shall be due, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Tolls to be paid but Once in the same Day for Horses.

XXVIII. And be it further enacted, That no Person who shall have paid Toll for passing through any of the Toll Gates upon the said Turnpike Road, and producing a Note or Ticket denoting the Payment of such Toll, shall be subject or liable to the Payment of any further Toll for passing ever so often through the same Toll Gate on the same Day, before Twelve of the Clock at Night, with the same Horse, Mule, or Ass, or any Cattle laden or unladen, but not drawing, but shall pass and repass Toll-free; and no Person who shall have paid Toll for passing through any of the said Toll Gates with any Horse or Horses, or other Beasts drawing any Carriage whatsoever, and shall produce a Note or Ticket as aforesaid, shall be liable to pay Toll again upon returning or passing a Second Time through the same Gate, in respect of the same Horse or Horses, or other Beasts drawing the same, or any other Carriage on the same Day, and before Twelve of the Clock at Night; but no Person shall be permitted to pass a Third Time in any one Day, to be computed as aforesaid, with any Carriage whatsoever, and the Horses or other Beasts drawing the same, through any Toll Gate, until he shall pay such and the same Toll as may be demanded and taken from him under and by virtue of this Act upon his first passing; and so *toties quoties* for every Third Time that any Person shall so pass in one and the same Day with the same Carriage and Horses or other Beasts drawing the same, the said Tolls shall be demanded of and paid by such Person in such and the like Manner as if it had been the First Time that he had passed through such Toll Gate.

Tickets to be given gratis.

XXIX. And be it further enacted, That upon Payment of the Tolls by this Act granted and continued, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name or Names of the Gate or several Gates freed by such Payment.

Horses going to fetch a Carriage, and paying the Toll as if drawing, not to pay in

XXX. And be it further enacted, That no Person who shall have paid Toll for passing through any Toll Gate or Toll Gates upon the said Turnpike Road, with any Horse or Horses or other Beasts going to fetch a Carriage, as if such Horse or Horses or other Beasts were drawing such Carriage, shall be subject or liable to the Payment of any Toll for returning through such Toll Gate or Toll Gates on the same Day, before Twelve of the



the Clock at Night, with the same Horse or Horses or other Beasts drawing any Carriage whatsoever, for or in respect of such Horse or Horses or other Beasts. returning with a Carriage.

XXXI. And be it further enacted, That all and every Toll Collector or Toll Collectors appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected under or by virtue of the said several Acts hereby repealed, or to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming upon Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty, each of the Letters of such Name or Names to be at least One Inch in Length and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse or neglect to give a Note or Ticket denoting such Payment, and having named and specified thereon the several Gates freed by such Payment, to the Person paying such Toll; or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian Name and Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall make use of any scurrilous or abusive Language to any Person or Persons travelling upon the said Road, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds. Penalty on Toll Collectors not putting up their Names, or misbehaving.

XXXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to reduce or lower all or any Part or Parts of the several Tolls hereby granted, and directed to be taken at the several Toll Gates to be erected or continued by virtue of this Act, or at the Toll Gate to be erected or continued on that Part of the said Road called *Robertsbridge Clappers*, alone and separate from the other of the said Toll Gates, and raise the same again, not exceeding the Tolls hereby granted; provided nevertheless, that no Reduction shall be made unless the Person or Persons who shall be entitled to Two Third Parts of the Money which shall then be owing on the Credit of the Tolls so proposed to be reduced or lowered, shall consent thereto in Writing; and that such Reduction shall not be made unless Notice in Writing of the Meeting to be holden for that Purpose be given, by affixing the same on all the Toll Gates which shall then be standing on the said Turnpike Road, and also by inserting the same in some Newspaper published and circulated in the said County of *Sussex*, Ten Days at least previous to such Meeting. Power to reduce the Tolls at the Toll Gates.

Exempting  
Royal Family from  
Toll.

XXXIII. And be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family, or returning after having so attended.

Exemptions.

XXXIV. And be it further enacted, That no Tolls shall be demanded or taken for or in respect of any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads or public Bridges in the Parishes in which any Part of the said Road is situate; or Hay, Grass, Straw, or Corn in the Straw, or Wood for Fuel, not sold or disposed of, or passing for that Purpose, but passing to be placed or laid up in the Buildings or on the Premises of the Owners thereof; or for or in respect of any Carriage, Horse, Cattle, or Beast, employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been employed only in carrying or conveying any Hop Poles not sold or for Sale, or for any Ploughs, Harrows, or Implements of Husbandry, or for any Mould, Dung, Compost, or other Manure, upon which no specific Toll is by this Act laid or imposed, to be employed only in Husbandry for manuring or improving Lands (and not for Purposes of Trade), or for any other Thing employed in the managing of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried, or from any Person going to or returning from his or her Parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Hearse or Carriage conveying the Corpse, or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road doth lie; or for any Horse, Beast, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or returning back from conveying the same; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of, for, or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions; or for any Horse, Cattle, Waggon, or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast, or Carriage carrying or conveying

conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Sussex*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by the Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and in all Cases the Proof of Exemption shall lie on the Person claiming the same; which Penalty shall and may be levied and recovered in such and the same Manner as Penalties are herein-after directed to be levied and recovered.

XXXV. Provided always, and be it further enacted, That none of the Exemptions herein-before granted for or in respect of any Horse, Cattle, or Beast drawing or employed in any Waggon, Cart, or other such Carriage, carrying or conveying any Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or any public Roads or public Bridges, or for any Wood or Hop Poles, Mould, Dung, Compost, or other Manure to be employed in Husbandry, shall be allowed, unless the Sole or Bottom of the Fellies of the Wheels of such Waggon, Cart, or other such Carriage, shall be of the Breadth or Gauge of Six Inches at least.

Exemptions from Tolls not to be allowed, unless conveyed on BroadWheels.

XXXVI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen in any such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways and Turnpike Roads, or in this Act contained to the contrary thereof notwithstanding.

Waggons, &c. conveying Military Stores, not subject to Penalties for Overweight.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any of the Inhabitants of the several Parishes in which any Part of the said Turnpike Road lies, for the passing of all or any Description of their Horses, Cattle, or other Carriages through all or any of the Toll Gates to be erected or continued by virtue of this Act; which Composition shall be paid One Year in advance, and in default thereof the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied; but no such Composition or Agreement shall be made by less than Five Trustees, nor otherwise than at a public Meeting.

Power to compound for Tolls.

XXXVIII. And

Toll Gate  
Keepers not  
incompetent  
Witnesses.

XXXVIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise relative to the said Tolls, all and every Person and Persons collecting and managing the same under the Authority of the said Trustees, or of any Lessee or Lessees of the said Tolls, shall not be deemed incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect or manage the same as aforesaid, or by reason of his, her, or their acting under the Authority of the said Trustees.

Penalty on  
evading  
Tolls.

XXXIX. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, go off or pass into the said Turnpike Road through or over any Land or Ground near or adjoining thereto, (not being a public Highway, and such Person not being the Owner or Occupier, or Servant, or one of the Family of the Owner or Occupier of such Land or Ground), with an Intent to evade the Payment of any of the Tolls by this Act granted; or if any Owner or Occupier of any such Land or Ground shall knowingly or willingly permit or suffer any Person (except as aforesaid), with any Horse, Cattle, Beast, or Carriage whatsoever, to go or pass through or over such Land or Ground, with Intent to evade any of the said Tolls; or if any Person shall give or receive from any Person, other than the Collectors of the said Tolls, or forge, counterfeit, or alter any Note or Ticket to be given in pursuance of this Act, with Intent to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall fraudulently or forcibly pass through any such Toll Gate with any Horse, Cattle, Beast, or Carriage, or shall leave upon any of the said Roads any Horse, Cattle, Beast, or Carriage whatsoever, by reason whereof the Payment of any Toll or Duties by this Act imposed shall be evaded or lessened, or shall unload or cause to be unloaded any Goods, Wares, or Merchandize, or shall take off or cause to be taken off any Horse, or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Turnpike Road, or upon any other Turnpike Road, being a Continuation of the said Turnpike Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Toll Gate, or shall wilfully, and not by reason of any unavoidable Accident, unload or deposit any Part of any Chalk, or any other Matter of the like Nature, from any Carriage in which the same shall have been carried through any Gate or Turnpike to be erected or continued by virtue of this Act, upon the Side of or within Ten Yards Distance from the said Turnpike Road, except at or near such Kiln or other Place where the same shall be unloaded or deposited for the Purpose of being burnt into Lime, or otherwise used or employed, whereby the Payment of all or any of the said Tolls shall or may be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to  
lease Tolls.

XL. And be it further enacted, That the said Trustees shall be and are hereby empowered, after giving Twenty-one Days Notice thereof in any one of the public Newspapers of the said County of Sussex, and also in Writing, to be affixed on the Toll Gate or respective Toll Gates the Tolls whereof shall be intended to be leased, from Time to Time to lease and demise

demise the Tolls granted by this Act, or any Part or Parts of such Tolls, by public Auction or otherwise, for any Term not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, and to put up and offer the said Tolls to be let at such Sum or Sums of Money, and under such Conditions, Covenants, Reservations, and Agreements, as they the said Trustees shall think fit, taking such Security for the Payment of such Rents, and Performance of the Covenants to be comprised in such Lease or Leases, as the said Trustees shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls so leased are by this Act directed to be applied; and if the said Trustees at any Meeting for letting the said Tolls shall be of Opinion that a Combination exists amongst the Bidders to undervalue the same, they may proceed in such Lettings in such Manner as they shall think most likely to create a real and *bonâ fide* and advantageous Competition for the same; and at all such Lettings the Trustees shall have or be entitled to Two or more Biddings for the said Tolls, or for each Lot, in case the same shall be put up in separate Lots, either of themselves, or by their Clerk or Treasurer, or other Person by them authorized; and that a Minute Glass shall be used at such Lettings, as directed by an Act passed in the Thirteenth Year of the Reign of His late Majesty for regulating Turnpike Roads, which Minute Glass shall be turned Once only between each Bidding, instead of Three Times as directed by the said Act, any Law or Statute to the contrary in anywise notwithstanding.

XLI. And be it further enacted, That in case all or any of the said Tolls granted by this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear by the Space of Ten Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement for demising or leasing thereof, or in case such Lease or Agreement shall in any other Manner become void, or in case any Toll House or Toll Houses shall be in the Possession of any Collector or Collectors who shall be removed or discharged from his, her, or their Office of Collector, or in case of the Death of any Collector, who was at the Time of his or her Death in Possession of any Toll House or Toll Houses, then and in any of those Cases it shall be lawful for any Justice of the Peace for the County of *Sussex*, upon Application made to him by the said Trustees, or by their Clerk or Treasurer, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or such Collector or Collectors, or other Person or Persons having Possession of the said Toll House or Houses from the Possession thereof, and from the Collection of Tolls; and thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Lease or Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be from that Time utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment up

Enabling Trustees to take Possession of Toll Houses, &c. when let to farm or held by Collection for the Trustees.

to that Time of the Rent or Rents thereby reserved, or the Covenants or Agreements on the Lessee's Part which shall have been broken or not performed); as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again, to any other Person or Persons; or cause them to be collected, as if no former Demise, Contract, or Agreement had been made relative thereto.

Penalty on Lessees compounding for Overweight of Carriages.

XLII. And be it further enacted, That if the Lessee or Farmer for the Time being of any of the Tolls hereby granted, or any Person acting under him, or any Person having the Care of any Weighing Machine which shall be erected or continued on or adjoining to the said Turnpike Road, shall without the Concurrence of the Trustees acting in the Execution of this Act, compound for or agree to permit, or shall suffer any Waggon or other Carriage with Overweight, subject to any Increase of Tolls, or to any Forfeiture or Penalty by reason of the Weight thereof, to pass or repass through any of the Toll Gates to be erected or continued by virtue hereof, without demanding, taking, and keeping the full Increase of Toll, Fine, or Penalty by Law due in respect of or inflicted upon such Waggon or other Carriage with Overweight, such Lessee or Farmer, or other Person, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; whereof one Moiety shall go to the Informer, and the other Moiety shall be applied in such Manner as other Penalties are herein-after directed to be applied.

Power to borrow Money on Mortgage of the Tolls.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, at any Meeting or Meetings whereof, and of the Purpose whereof, Ten Days Notice shall be given in Writing, to be affixed on all the Toll Gates standing on the said Road, and in One of the public Newspapers printed or circulated in the said County of *Sussex*, to borrow and take up at Interest, upon the Credit and Security of the respective Tolls hereby granted and authorized to be received on the said Road, any Sum or Sums of Money which may be requisite for the repairing, altering, and improving such Road, in addition to the Money already due and secured by Mortgage on the Tolls thereof respectively; and for securing the Payment of the same Sum or Sums, with Interest, by any Writing or Instrument under their Hands and Seals, to assign over the said Tolls respectively, and also the said Toll Gates and Toll Houses, with the Appurtenances thereto belonging, to the Lender or respective Lenders of such Sum or Sums of Money, or his, her, or their Nominee or respective Nominees; which Sum or Sums of Money so to be borrowed shall be applied for the repairing and completing of the Road, upon the Credit whereof the same shall be raised and borrowed, and not otherwise; and which further Mortgage or Mortgages, Assignment or Assignments (the Charges whereof shall be paid by the said Trustees) are to be subject to the prior Payment of the Money already due and secured by Mortgage of the respective Tolls of the said Road; and Copies of such further Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees, or by any Creditor or Creditors of the said Road, without Fee or Reward; and all Persons to whom any such further Mortgage or  
Mortgages,

Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by proper Words of Assignment to be indorsed on his or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgage, and the Principal Money and Interest thereby secured on any Part thereof, to any Person or Persons whomsoever; and such Mortgage or Mortgages may be made in the Form following, or in any other Words to the like Effect; that is to say,

‘ **BY** virtue of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], we \_\_\_\_\_ of the Trustees for putting the said Act in Execution, in consideration of the Sum of \_\_\_\_\_ in Hand, advanced and paid by *A. B.* of \_\_\_\_\_ to the Treasurer of the said Roads, do hereby grant, bargain, sell, and assign unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls to arise upon the said Road, and of the Turnpikes and Toll Houses already or hereafter to be erected for collecting the same, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum now or hereafter to become due and owing on the Credit thereof, to be had and holden from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of \_\_\_\_\_ with Interest after the Rate of \_\_\_\_\_ *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our respective Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

Form of an Assignment of the Tolls.

And the Assignment or Transfer of such Mortgage or Mortgages may be made in the following Words, or Words to the like Effect; (that is to say),

‘ **I** THE within named *A. B.* [*or, I C. D. Assignee, Executor, or Administrator of the within named A. B. as the Case may happen*] do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, with all Interest now due and hereafter to grow due upon the same, unto *E. F.* of his Executors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_ Witness to the signing thereof.’

Form of Transfer.

Which Transfer or Assignment shall be produced and notified to the said Clerk within Three Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Dates, Names of the Parties, and Sums of Money therein transferred, for which Entry the said Clerk shall be paid the Sum of Ten Shillings and no more; and such Transfer shall then entitle such Assignee, his or her Executors, Administrators, and Assigns, to the Benefit of the Mortgage Security, and Payment of the Principal and Interest thereby secured; and such Assignee may in like Manner assign and transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective

Transfer to be entered by the Clerk.

No Priority  
of Mort-  
gages.

pective Executors or Administrators) to make void, release, or discharge the original Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgages, Assignments, or Transfers shall be made as aforesaid, to secure any additional Sum or Sums of Money which shall be hereafter borrowed, shall be, in proportion to the principal Sum or Sums of Money thereby respectively secured; Creditors on the said respective Tolls and other the Premises aforesaid, in equal and proportionable Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or the Dates of any such Mortgages, Assignments, or Transfers, but all such Mortgages, Assignments, and Transfers shall be subject to the prior Payment of the Money already due and secured by Mortgage of the respective Tolls of the said Road.

Allowing an  
Action of  
Ejectment to  
be supported  
by one  
Mortgagee.

XLIV. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls shall seek to obtain the Possession of the said Toll Gates, Toll Houses, and Buildings, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit and in Liquidation of the Interest, (but not Principal), due to all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises; *pari passu*; and in proportion to the Amount of Interest which may be due to them as such Mortgagees.

Sinking  
Fund.

XLV. And be it further enacted, That from and after the Twenty-ninth Day of September One thousand eight hundred and twenty-one, such annual Sum as the said Trustees shall think proper (such Sum not being less than Fifty Pounds), shall from thenceforth be charged on, and, during the Continuance of this Act, be appropriated and paid out of the Tolls and Duties to arise at the several Gates on the said Road, in order to form a Sinking Fund for the gradual Payment of all the Principal Sum or Sums already or hereafter to be borrowed as aforesaid; and that as often as the said Trustees shall think proper, the said Sinking Fund shall be applied in the First Place in the Payment of an equal Amount of the said Principal Money which at the Commencement of this Act shall be due or owing on the Credit or Security of the said Tolls hereby charged with the Payment of such annual Sum, rateably, or by Lot, among the Creditors, as the said Trustees shall think proper; and in the Second Place, from and after Payment of all Principal Monies due and owing to such last-mentioned Creditors, then in the Payment of an equal Amount of the said Principal Money, which from and after the Commencement of this Act shall be borrowed upon the Security of the said Tolls in Manner aforesaid; and that such annual Sum as the said Trustees shall think proper (the same not being less than Ten Pounds) shall in like Manner be charged on the Tolls and Duties to arise at the *Robert'sbridge Clappers Gate*, in order to form a Sinking Fund for the gradual Reduction of the Principal Money already or hereafter to be borrowed on the Security of the said *Robert'sbridge Clappers Tolls*, the same to be applied in the same Manner for the Reduction of the Debt on that Part of the said Road, and



by the same Regulations, as are herein-before laid down with respect to the Sinking Fund applicable to the other Part of the said Road.

XLVI. And be it further enacted, That as well all the Monies which before the passing of this Act shall have been raised or produced by virtue of the said Acts hereby repealed, and which shall be remaining undisposed of, as also all other Monies which shall arise or be produced by virtue of this Act (except the Monies which have arisen or shall arise at the *Robertsbridge Clappers*, Part of the said Road, the Application whereof is herein-after directed), shall be applied in the Order and Manner following; that is to say, in the First Place, in Payment of all the Expences which shall have been incurred in applying for and obtaining and passing this Act; and in the Second Place, in paying all Arrears of Interest on any Sums of Money which have been already borrowed, and shall become due and owing on the Credit of the said Acts hereby repealed (except the Interest on the Principal Money secured by Mortgage of the Tolls of the *Robertsbridge Clappers Gate*), and also the Interest which shall from Time to Time become due in respect of every Sum of Money already due, or which shall hereafter be borrowed or taken up at Interest on Security of the Tolls hereby granted (except those to arise at the *Robertsbridge Clappers Gate*); in the Third Place, in paying the said annual Sum for providing such Sinking Fund as is herein-before directed; in the Fourth Place, in paying the Sum of Thirty Pounds *per Annum* in aid of the Funds of the *Robertsbridge Clappers*, Part of the said Road, and as a Compensation for the Repair of that Road which was formerly repaired out of the general Funds of the said Turnpike Road; and in the last Place, in defraying the Expences of making, erecting; and keeping in Repair the Toll Gates, Toll Bars, Weighing Engines, Toll Houses, and other Buildings, and of widening, repairing, improving, and preserving the said Road by this Act directed to be made or kept in Repair as aforesaid, and of erecting and making necessary and convenient Bridges, Arches, and other Works upon and near the same.

Application  
of Monies.

XLVII. And be it further enacted, That as well all the Monies which before the passing of this Act shall have been raised or produced by virtue of the said Acts hereby repealed, and which shall be remaining undisposed of, as also all other Monies which shall arise or be produced by virtue of this Act on that Part of the said Road called the *Robertsbridge Clappers*, shall be applied to and for the several Purposes following; (that is to say), in the First Place, in paying all Arrears of Interest on any Sums of Money which have been already borrowed, and shall be due and owing on the Credit of the said Acts hereby repealed, on account of the Part of the said Road called *Robertsbridge Clappers*, and also the Interest which shall from Time to Time become due in respect of every Sum of Money already due, or which shall hereafter be borrowed or taken up at Interest on Security of the Tolls of the *Robertsbridge Clappers Gate*; in the Second Place, in paying the said annual Sum for providing such Sinking Fund as is herein-before directed; and in the last Place, in defraying the Expences of making, erecting, and keeping in Repair the Toll Gate, Toll Bars, Weighing Engine, Toll House, and other Buildings erected and built or to be erected and built thereon, and of widening, repairing, and preserving the said Part of the said Road, and of erecting and making necessary and convenient Bridges, Arches, and other Works upon and near the same.

Application  
of Monies  
on Roberts-  
bridge Clap-  
pers Road.

[Local.]

Power to  
widen and  
improve the  
Road.

**XLVIII.** And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully empowered from Time to Time at their Discretion, to make, widen, straighten, and improve the said Turnpike Road by this Act directed to be maintained and kept in Repair, and likewise to alter and divert the Course of any Part of the said Road which they may see convenient, provided that such diverting or Alteration be made with the Consent in Writing of the Owner or Proprietor, Owners or Proprietors, or reputed Owner or Proprietor, Owners or Proprietors of the Lands or Grounds through which such new Course is proposed to be made, or of his, her, and their Trustee or Trustees, Guardian or Guardians, and likewise with the Consent and Approbation of Two or more of His Majesty's Justices of the Peace in and for the said County of *Sussex*; and in case it shall appear to the said Trustees that they may advantageously make such new Course, by availing themselves of any Part of the Course of any other Turnpike Road, it shall and may be lawful for the said Trustees to contract with the Trustees of such other Turnpike Road for Permission to make use of the same, and to enter into such Engagements for the keeping and maintaining the same in Repair, in whole or in part, as may be agreed upon by and between the Trustees of the said several Trusts.

In altering  
the Course of  
the present  
Road, Trus-  
tees not to  
deviate more  
than 100  
Yards from  
the present  
Line.

**XLIX.** And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Trustees re-  
strained from  
pulling down  
Dwelling  
Houses, &c.

**L.** Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Hop Ground, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Trustees may  
purchase  
Lands for the  
Purposes of  
this Act.

**LI.** And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time assembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of and Persons interested in any such private Lands or Grounds for the Purchase or Exchange thereof, or for the Loss or Damage which such Owners and Persons interested, or any of them, shall or may in anywise sustain by making, widening, diverting, turning, or altering the Course of any Part or Parts of the said Turnpike Road by this Act directed to be made or amended; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, Cestuique Trusts; and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or

Bodies Po-  
litic, &c.  
empowered  
to sell.

Grounds,

Grounds, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them all or any such Lands or Grounds as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in Law to all Intents and Purposes, any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be used or taken for the Purpose of making, widening, or improving the said Roads, or any Part or Parts of such Roads, shall, by the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be hindered from treating, then and in every such Case the said Trustees shall cause it to be inquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County of *Sussex* (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer); what Damage shall be sustained by and what Recompense and Satisfaction shall be made to such Owners, Proprietors, or Occupiers, or other Person or Persons interested, for, upon, or on account of the using and taking such Lands or Grounds for the Purposes of this Act; and in order thereto the said Trustees are hereby empowered and required, from Time to Time as Occasion shall 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 and proper to be examined as a Witness or Witnesses touching and concerning the Premises (which Oaths any Two or more of the said Trustees are hereby empowered to administer), and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as the Jury's better Information in the Premises; as the said Trustees shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompense, the said Trustees shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury, which said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons

Where Persons interested neglect or refuse to treat.

Damages and Recompense to be ascertained by a Jury.

Witnesses to be examined upon Oath.

Verdict of Jury to be final.

Persons whomsoever claiming in Possession, in Fee or in Tail, General or Special, Reversion or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever, and all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons in anywise interested in such Lands or Grounds, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, or upon depositing the same in the Bank of *England* in the Manner directed by this Act (as the Case may require), thereby be thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, into, or out of the same; and for the summoning and returning such Jury or Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Sussex*, thereby commanding and requiring the said Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or shall not give their Verdict, or in any other Manner shall wilfully neglect 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 Premises shall refuse or neglect to appear, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, or appearing shall refuse to be sworn and give Evidence, and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, so that such Fines shall not exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid, for any one Offence.

LI. And be it further enacted, That in case any Jury shall give and deliver a Verdict or Assessment for more Money as a Recompense for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning or returning of the Jury, as a Recompense

or

For impan-  
nelling a  
Jury.

Jurors may  
be chal-  
lenged.

How Ex-  
pences of  
Jury, &c. are  
to be paid.

or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money arising or to arise by virtue of this Act, which said Costs and Expences shall and may be ascertained and settled by some one Justice of the Peace for the said County; and in case of Non-payment of the same, after the same shall have been so ascertained and settled, then the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Treasurer; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning such Jury, as a Recompense or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the Whole of such Fees and Expences shall be paid by the said Trustees.

LIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid by the said Trustees to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof in manner aforesaid, or (in case of Refusal to accept the same, or the Parties not being to be met with) upon depositing the same in the Bank of *England*, under the Direction of the Court of Chancery in manner by this Act directed, and after Ten Days Notice given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, and shall to all Intents and Purposes become and be deemed a common Highway, and shall from thenceforth for ever be deemed a Part of the Road by this Act directed to be amended and kept in Repair, and from thenceforth all Parties

Money agreed upon or assessed for Lands, how to be charged and tendered.

[Local.]

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and

and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

Trustees to sell Ground, &c. not wanted for the Purposes of this Act.

LIV. And whereas the Trustees for executing this Act may be seised of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act, be it therefore further enacted, That it shall be lawful for the said Trustees from Time to Time to sell and dispose of such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract (as they shall find most advantageous and convenient), to such Person or Persons as shall be willing to contract for and purchase the same.

Owner of the adjoining Lands to have the first Offer.

LV. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, and which is not by this Act directed to be otherwise disposed of, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County of *Sussex* (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application of Compensation, if amounting to 200l.

LVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability, or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the

the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or such Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Consolidated or Reduced Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

LVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing this Act, or any Three or more of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application of Compensation Money, where less than 200l. and exceeding 20l.

LVIII. Pro-

Application  
of Compensation  
Money  
where not  
more than  
20l.

LXVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before-mentioned shall not exceed Twenty Pounds, then and in such Case the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians; Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of dis-  
puted Titles,  
&c.

LIX. And be it further enacted, That in case any Person to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distributions thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of England, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in  
Possession to  
be deemed  
presumptive-  
ly entitled,  
&c.

LX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or  
Persons.



Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the High Court of Chancery; and the Dividends or Interests of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession; and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order reasonable Expences to be paid by Trustees.

LXII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors employed by the said Trustees, and such Person or Persons as he or they shall appoint, to search for, dig, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, proper for making, amending, diverting, altering, straightening, improving, or repairing any of the said Turnpike Road, or for other the Purposes of this Act, out of any Waste or Common Grounds, or out of any common River or Brook (not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty), in any Parish in which any Part of the said Road lies, or any adjoining Parish, or any Beach, Sand, or Pebbles from or near the Sea Shore, except between certain Places called the *East Well* and the *Priory Water*, within the Town and Port of *Hastings*, without paying any Thing for such Materials, Beach, Sand, or Pebbles, and without being deemed a Trespasser or Trespassers; the said Surveyor or Surveyors, or other Person or Persons, filling up, fencing, and levelling all such Pits and Holes as shall be made or occasioned by digging for or taking any such Materials, and making such Allowance or Satisfaction to the Person through whose Lands or private Ways such Materials shall be brought or carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be conveniently gotten in such Waste or Common Ground, Rivers, or Brooks as aforesaid, it shall be lawful for such Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of any Two or more Justices of the Peace for the County in which the Lands shall be situated, to search for, dig, take, and carry away any such Materials out of the Lands of any Person or Persons (not being a Garden, Hop Ground, Orchard, Yard, Paddock, Park, planted Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Plantation or Nursery for Trees), in any Parish in which

Power to get Materials.

[Local.]

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any

any Part of the said Road lies, making or tendering such Satisfaction for such Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Hop Ground, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Plantation or Nursery for Trees), or on, through, or over any Open Land or Common, any Stone or other Materials for making or repairing the said Turnpike Road, or for building or repairing any present or future Toll House or Toll Houses, or Bridges, on or by the Side thereof, from any River, Stream, or Canal in any Parish in which any Part of the said Turnpike Road lies, or in any adjoining Parish, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums as the said Trustees or any Five or more of them shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owner and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County of *Sussex*, after Ten Days Notice in Writing given by either Party to the other, shall hear, settle, and finally determine the Matter of such Payments and Damages, and award such Costs to be paid by either Party, as they shall think proper.

Notice to be given before Materials taken.

LXIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any such Materials for any of the Purposes of this Act, out of or from any inclosed Land or Ground, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken; or left for such Owner or Occupier at his usual Place of Abode, to appear before Two or more Justices of the Peace acting for the County, Town, or Place where such Lands shall lie, to shew Cause why such Materials shall not be had or taken from such Lands or Grounds; and in case such Owner or Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for such Justices, by their Order, to authorize such Surveyor, or other Person or Persons, to dig, get, gather, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, such Justices may make such Order therein as they shall think proper, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Penalty on taking any Materials got by the Surveyor.

LXIV. And be it further enacted, That if any Person whomsoever shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or shall get or take away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making or repairing the said Turnpike Roads, before the said Surveyor or Workmen shall have discontinued working therein, for the

the Space of Thirty Days (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

LXV. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Turnpike Road, by Timber, Stone, Chalk, Carriages, Saw-pits, or other Pits, Hogsties, Ashes, Dung, Earth Banks, Water, Filth, or any other Matter or Thing whatsoever, being made, laid, sunk, or thrown upon any Part of the said Turnpike Road, or upon any open Common or Waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Turnpike Road, in case the Owner thereof shall neglect to remove the same immediately after Notice in Writing, signed by the Clerk or Surveyor to the said Trustees, given to such Owner for that Purpose, or in case the Owner is not known, then after a like Notice, affixed for Three Days on the nearest Turnpike Gate; and to turn any Watercourses, Gutters, Sinks, or Drains running into the same, to the Prejudice thereof, and to open, scour, cleanse, deepen, and enlarge any Gutters, Ditches, Sinks, or Watercourses, adjoining or near to the said Turnpike Road, or any Part thereof; and if after the Removal of any such Nuisance or Annoyance as aforesaid, or Notice as aforesaid not to commit the same, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For removing  
and prevent-  
ing Nui-  
sances and  
Annoyances.

LXVI. And be it further enacted, That the Owners and Occupiers of the Lands next adjoining to the said Turnpike Road shall, and they are hereby required from Time to Time to cut, prune, and plash their Hedges, situate within the Distance of Thirty Feet from the Centre of the Turnpike Road, and to reduce the same to the Height of Three Feet; and also cut down, or prune and lop, at proper Seasons in the Year, any Trees, Branches of Shrubs or Bushes, growing in or near such Hedges or other Fences, (except Trees, Branches of Shrubs, or Hedges planted as an Ornament or Shelter to any House, Garden, or Orchard, or any planted Walk or Avenue to any House, in such Manner that the said Turnpike Road shall not be prejudiced thereby; and if any such Owner or Occupier shall neglect or refuse so to do, after Ten Days Notice in Writing given by the said Trustees or their Clerk for that Purpose, it shall and may be lawful for the said Trustees or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time, to cut, prune, and plash such Hedges, and reduce them to such Height as aforesaid, and to cut down or prune and lop or top such Trees in Manner aforesaid; and the Charges and Expences of doing the same, to be settled by the said Trustees, shall be paid by such Owners or Occupiers, and shall be recovered and applied in such Manner as Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied.

Hedges and  
Trees to be  
cut.

LXVII. And be it further enacted, That it shall and may be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Footways, Footpaths, or Causeways in or along the Sides of the said Turnpike Road, in such

Power to  
make  
Causeways,  
Bridges,  
Drains, &c.

Manner

Manner as they shall think proper; and to cut or make Drains or Watercourses in and upon the said Turnpike Road, and also through any Grounds lying contiguous or near thereto, and to erect, rebuild, and keep in Repair the Bridges, Culverts, and Arches thereupon; and also to make Ditches and Trenches in such Places, and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary; and to make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Turnpike Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary.

Road to be measured, and Mile Stones put up.

Penalty on pulling up or damaging the same, and on Persons injuring the Road, or committing Nuisances thereon.

LXVIII. And be it further enacted, That the said Trustees shall cause the said Turnpike Road to be measured, and Mile Stones or Posts to be placed in or near the Sides thereof; and shall also cause Direction Posts to be erected upon such Parts of the said Turnpike Road, where the same are crossed or joined by other Roads, denoting the Number of Miles and Distances of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed or to be erected or fixed in or near the Side or Sides of the said Turnpike Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to be and remain loose on the said Turnpike Road, or any Part thereof; or if any Person shall ride upon any Footway or Causeway formed upon or on the Side of or adjoining the said Turnpike Road; or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway or Causeway; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Turnpike Road, any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Turnpike Road to the Prejudice thereof; or if any Person shall unload or lay down, or cause to be unloaded or laid down from any Carriage, upon any Open or Common Land, lying within Twenty Yards of any of the Turnpike Gates or Bars erected or continued by virtue of this Act, or upon the Sides of the said Road within One hundred Feet of the Centre thereof, any Dung, Ashes, Compost, Manure, or other Thing for the Purpose of Manure; or if any Person driving any Pigs or Swine upon the said Turnpike Road, shall suffer them to root up or damage the same, or the Fences on either Side thereof; or if any Person shall in or upon any Part or Parts of the said Road, or by the Side or Sides thereof, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Waggon, Cart, or other such like Carriage, shall ride on the Shafts or other Parts of such Waggon, Cart, or Carriage, or any of the Horses drawing the same, upon any Part of the said Turnpike Road; or if any Person driving any Coach, Chaise, or other such like Carriage upon the said Turnpike Road, shall drive the same without holding the Reins; or if any Person driving any Carriage whatsoever and meeting any other Carriage, shall not keep his Carriage on the Left or Near Side of the said Turnpike Road, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Turnpike Road; or if any Person shall drive any Horse or Horses upon the said Turnpike Road,

without being properly secured; or if any Person shall make or assist in making any Fire or Fires, or set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Road, or within Eighty Feet of the Centre thereof, or play at Foot-ball, or any other Game or Games whatsoever, on any Part of the said Turnpike Road, to the Annoyance of any Passenger or Passengers travelling thereon; or if any Person shall leave any Carriage (except in Cases of Accident, and then such Carriage shall be placed as near the Side of the said Turnpike Road as may be), upon or on the Side of the said Turnpike Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person, after having blocked any Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Turnpike Road the Stone or other Thing used in such Blocking; or if any Person shall plough, dig, or break up any of the Soil within Thirty Feet from the Centre of the said Turnpike Road, or shall scrape off any Soil or other Thing from the said Turnpike Road, or the Sides thereof; or shall take up and carry away any Scrapings thereof without Leave of the said Trustees or their Surveyor; or if the Owner or Occupier of any Open Lands adjoining to the said Turnpike Road, or any Part thereof, or any other Person or Persons, shall plough up such Lands to the Extremity thereof, adjoining to the said Turnpike Road, in a transverse Direction with the said Turnpike Road, without leaving a sufficient Headland to turn his, her, or their Plough or Ploughs, and the Horses or other Beasts drawing the same thereon, without coming upon the said Turnpike Road, or any Part thereof, for that Purpose, and which Headland shall afterwards be ploughed only in a Direction parallel with the said Turnpike Road, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in Manner herein-after mentioned.

LXIX. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing outward towards the said Road, contrary to the Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing from the Clerk or Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate shall when open project over any Part of the said Road, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default, shall, upon Complaint made to any Justice of the Peace acting for the County of *Sussex*, upon Conviction upon the Oath of one credible Witness, pay to such Clerk or Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration, and hanging such Gate in a proper Manner; and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall be levied, recovered, paid, and applied in Manner herein-after mentioned.

Gates not to open into the Road.

Persons liable  
to repair  
Roads to  
continue so.

**LXX.** And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, or Committees of any Lands, Tenements, Rents, or Annuities, or any Sum or Sums of Money which have been given or are liable to the maintaining or amending of any Part or Parts of the said Turnpike Road, or any Bridge or Bridges, or other necessary Things thereon, or on any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof, in such Manner and to the same Extent, and not in any other Manner nor to any greater Extent, than as they were liable and chargeable before the passing of this Act.

Statute  
Labour.

**LXXI.** And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be or are by this Act made chargeable towards repairing and amending the said Turnpike Road, or any Part thereof, shall still remain and be liable thereto, in like Manner as they were before the passing of this Act, or as they are by this Act made chargeable and liable, or as any Inhabitants or other Persons are liable thereto by Law in respect of the Roads in their Parishes; and that it shall and may be lawful for any Two or more Justices of the Peace for the said County of *Sussex* (and they are hereby empowered and required), upon Application made to them for that Purpose by the said Trustees, or their Clerk or Clerks, Surveyor or Surveyors, by their Orders, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Turnpike Road by the Inhabitants of the respective Parishes or Places liable thereto, or in which the said Turnpike Road, or any Part thereof, doth lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place, to bring in Writing before such Justice, at some Place to be expressed in such Summons, within Ten Days after the Service of such Summons, a List or Lists of the Names of the several Persons who within such Parishes or Places respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot and appoint, and order such and so many of the Persons, who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Turnpike Road, as such Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Turnpike Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any such Money, in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish or Place, to be by him or them paid to the said Trustees, or their Treasurer

Treasurer or Treasurers, or Surveyor or Surveyors, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, or any Part thereof, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case any such Person shall be subject and liable to the respective Forfeiture and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Turnpike Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Turnpike Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or neglect to give in such Lists, or to collect or pay over such Composition, or any Part thereof, in Manner as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such last-mentioned Surveyor, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all and every of the Parishes, Townships, or Places, duly authorized for that Purpose at a public Vestry, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officers of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers, Surveyor or Surveyors of the said Trustees, in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

Trustees may compound for Statute Work.

LXXIII. And be it further enacted, That the Proportion of the Money received, or which ought to be received by the Surveyor or Surveyors of the Highways of every such Parish or Place as aforesaid, in lieu of or as a Composition for such Statute Work as aforesaid, and adjudged and determined by such Justices as aforesaid, to be by such Surveyor or Surveyors

For Recovery of Composition for Statute Work.

veyors, paid to the said Trustees or their Surveyor or Surveyors, shall be so paid to them or him at such Time or Times as such Two Justices as aforesaid shall direct or appoint; and in default of Payment thereof the same, together with all reasonable Costs and Charges of the Recovery thereof, shall and may from Time to Time be levied on the Application of the said Trustees or their Surveyor or Surveyors, by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways of such Parish or Place, by Warrant under the Hand and Seal or Hands and Seals of Two or more Justices of the Peace for the County or Place where the Defaulter or Defaulters shall live or reside.

Penalty on Persons obstructing any one in the Execution of this Act.

LXXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or procure to be assaulted, interrupted, or hindered, any Trustee, Collector of the Tolls, or Gate-keeper, or any other Person or Persons employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For securing transient Offenders.

LXXV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Persons appointed or employed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed.

Penalty on Witnesses not attending when summoned.

LXXVI. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath and give Evidence before such Justice of the Peace, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

For impounding Cattle or Swine straying on the Roads, &c.

LXXVII. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other live Stock or Cattle, shall at any Time be found wandering, straying, or lying about the said Road (except in such Parts of the said Road where the same is not fenced, or open on either Side to any Common or Waste Ground), it shall be lawful for the Surveyor of the said Road, or any Workman employed thereon by the said Trustees, to seize every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, and to impound the same in the common Pound (if any) of the Parish or Place in which the same shall be found wandering, straying, or lying about the said Road (except as aforesaid), or in such other Place as the Trustees or any Three or more of them shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every and each Cow, Horse, Ass, Swine,



Swine, or other live Stock or Cattle so impounded, pay any Sum not exceeding Five Shillings for every Time such Owner or Owners shall have any Cow, Horse, Ass, Swine, or other live Stock so impounded; and the said Sum shall be paid to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences, shall not be paid within Three Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace for the County of *Sussex*, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other live Stock or Cattle to be sold; and the Money arising from such Sale, after deducting the said Penalty and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

LXXVIII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Pig, or other live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall release or attempt to release any Horse, Cow, Ass, Pig, or other live Stock or Cattle, which shall be impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the said Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened; or shall rescue or release, or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Pig, or other live Stock or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One of His Majesty's Justices of the Peace for the said County of *Sussex*, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to some Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months.

Punishment  
of Persons  
guilty of  
Pound-  
breach.

LXXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines, inflicted or authorized to be imposed by virtue of this Act (if the Manner of levying or recovering thereof be not herein otherwise directed), shall upon Proof of the Offences respectively before any one Justice of the Peace for the County of *Sussex*, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby required and empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when so paid and recovered (if not otherwise directed to be paid and applied by this Act), shall be from Time to Time paid, one Half Part to the Informer, and the other Half Part to the Treasurer or Clerk to the said

Recovery  
and Appli-  
cation of  
Penalties.

[Local.]

15 L—M

Trustees,

Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to some Common Gaol or House of Correction of such County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXXX. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the like Effect (as the Case may happen); (that is to say),  
*Be it remembered, That on the* [Day of] [Month] [Year] of the Reign of His present Majesty, and in the Year of our Lord [Year] of [A. B.] is convicted before me [Name of Justice] One of His Majesty's Justices of the Peace for the said County, for [here specify the Offence, when and where committed], contrary to the Form of an Act passed in the Second Year of the Reign of His Majesty King George the Fourth, intituled *An Act, &c.* [here set forth the Title of this Act]; and I do hereby declare and adjudge that the said A. B. hath for the said Offence forfeited the Sum of [Sum] or shall be committed to [Place] for the Space of [Time]. Given under my Hand and Seal the Day and Year first above written.

Form of Conviction.

Appeal.

LXXXI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, either by the said Trustees, or by any Two or more of His Majesty's Justices of the Peace, such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County of *Sussex*, within Four Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given to the Clerk or Treasurer to the said Trustees, Ten Days Notice at the least in Writing of his, her, or their Intention of bringing such Appeal, and of the Matter

Matter thereof, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the Justices at such Quarter Sessions upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to some Common Gaol or House of Correction of or for the County in which such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

LXXXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of 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 committed 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 (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Proceedings  
not to be  
quashed for  
Want of  
Form.

LXXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance and by the Authority of this Act until Twenty-one Days Notice thereof in Writing shall have been given to the Clerk to the said Trustees, nor after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed, or Ground of Action or Suit shall have arisen; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may at his or their Election plead specially, or the General Issue, Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given

Limitation of  
Actions.

General Issue.

given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or more than Three Calendar Months after the Fact committed, or Ground of Action or Suit had arisen, or shall be brought elsewhere than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Cases by Law.

Treble Costs.

Saving the Rights of the Commissioners of Sewers.

LXXXIV. Provided always, and be it further enacted, That nothing herein contained shall prejudice or injure the Rights and Powers of any Commissioners of Sewers within the said County of *Sussex*.

Public Act.

LXXXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

The Commencement and Duration of this Act.

LXXXVI. And be it further enacted, That this Act shall commence upon the said Twenty-ninth Day of *September* One thousand eight hundred and twenty-one, and shall continue in force for and during the Remainder of the Term granted and continued by the said recited Acts; and from and after the Expiration of that Term, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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