



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. cx.

An Act for making and maintaining a Turnpike Road from *Cripps Corner* in the Parish of *Ewhurst* in the County of *Sussex* to *Gills Green* in the Parish of *Hawkhurst* in the County of *Kent*.
[21st June 1841.]

WHEREAS it would be of great public Utility if Powers were given for making and maintaining a Turnpike Road commencing at or near *Cripps Corner* in the Parish of *Ewhurst* in the County of *Sussex*, by a Junction with the present Turnpike Road leading from thence through *Seddlescomb* to *Saint Leonard's* and *Saint Mary Magdalen* in the said County of *Sussex*, and terminating at or near *Gill's Green* in the Parish of *Hawkhurst* in the County of *Kent*: And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for more effectually repairing and widening the Road* 6 G. 4. c. 43. *from Flimwell Vent in the County of Sussex, through Highgate in the County of Kent, and the Parishes of Sandhurst, Newenden, and Northiam, to Taylor's Corner in the Parish of Rye in the County of Sussex, and from Highgate aforesaid to Cooper's Corner in the County of Sussex; and also a Piece of Road communicating with the said Road, called Whitebread Lane in the said County*: And whereas the Road intended to be made and maintained by this Act will pass along a

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Piece

Piece of Road leading from *Highgate* in the Parish of *Hawkhurst* in the County of *Kent*, to and over *Coxshot Bridge*, to the Bottom of the *Moor Hill* in the same Parish, being a small Part of the Turnpike Road mentioned in the said recited Act as leading from *Highgate* aforesaid to *Cooper's Corner* in the Parish of *Salehurst* in the said County of *Sussex*; and it is therefore expedient that the aforesaid Piece of Turnpike Road should be repaired by the Trustees acting in the Execution of this Act, and that the Trustees for executing the said recited Act should be discharged from the Care and Management thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Act of the Sixth Year of the Reign of His said late Majesty King *George* the Fourth shall be and the same is hereby repealed, so far as the same applies to such Part of the Road therein mentioned as leads from *Highgate*, to and over *Coxshot Bridge*, to the Bottom of the *Moor Hill* in the said Parish of *Hawkhurst*.

Recited Act repealed, as to the Piece of Road from *Highgate* to *Cooper's Corner*.

As to Monies due to Trustees under recited Act in respect of the said Piece of Road.

II. And be it enacted, That every Person who may owe or be subject to the Payment of any Sum of Money to the Trustees acting in the Execution of the said recited Act, in respect of the same Piece of Road, or to any other Person, for the Benefit of the Trust thereby created, shall be liable to the Payment of such Sum of Money to the same Trustees; and all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person to or with the same Trustees, or any of them, according to the Provisions and Directions of the said recited Act, 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 Trust created by the recited Act; and all Contracts or Agreements duly made or entered into by the same Trustees to or with any Person shall remain in full Force and Effect, and be observed and kept by the said Trustees according to the Terms or Stipulations thereof respectively, notwithstanding such Repeal as aforesaid.

Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Kent* and *Sussex*, together with Sir *William Ashburnham* Baronet, *John Ashburnham* Clerk, *Thomas Ayerst* senior, *Thomas Ayerst* junior, *Francis Ayerst*, *George Alfrey*, *Robert Alfrey*, *Alfrey*, *John Adams*, *William Barnes*, *John Bishop* (*Great Saunders*), *John Bishop* junior, *Ebenezer Beeman*, *John Bishop* (*Bodiam*), *Alfred Burton*, *William Ford Burton*, *William Pain Beecham*, *Thomas Buller*, *James Bishop*, *Arthur Barton*, *John Bryant*, *Thomas Barrow*, *John Blackwell*, *David Butler*, *James Boys* Clerk, *Spencer Crisford*, *John Cruttenden*, *William Cruttenden*, *Thomas Causton* Doctor in Divinity, *John Collens*, *William Daniel Davies* Clerk, *Alexis James Doxat*, *George Duke*, *Thomas Daws*, *Thomas Chester Daws*, *John Mercer Durrant*, *Thomas Mercer Durrant*, *John Thomas Dennett*, Sir *Howard Elphinstone* Baronet, *George French*, *George French* junior, *John Gregson*, *Henry Grace*,
Thomas

Thomas Waldron Hornbuckle Clerk, Sir John Herschel Baronet, Joseph Hartnell, Edward Hartnell, Edward Craven Hawtrey Doctor in Divinity, James Hilder (Bodiam), John Hoffman, Charles Churchill Haselar, Benjamin Hewitt, William Hague, John Hague, George Hopkins, Joseph Henley, Alexander James Beresford Hope, David Jennings, Joseph Jennings, John Jennings, Henry Anthony Jefferies Clerk, Thomas Jenner, William Jull, John Jobson Doctor of Medicine, George Ingram, Henry Winkles Joy, Thomas Kenward, James King, George Augustus Lamb Doctor in Divinity, William Phillips Lamb, Thomas Davies Lamb, John Locke junior, John Marmaduke Langdale, David Manser, Robert Mercer, Joseph Mercer, Giles Miller, Thomas Neve, William Tanner Neve, Gillett Jonathan Ottaway, William Nash Ottaway, John Pratt Clerk, John Joseph Pratt, Henry Edward Pratt, Jesse Piper, Edward Poynder, Samuel Poynder, William Reed, John Rolfe, Francis Reeves, Thomas Walton Roberts, Thomas Cramer Roberts, John Roydes, Henry John Rush Clerk, Henry John Rush junior, James Stroud, John Springett, Thomas Brook Springett, William John Sharpe, Hercules Brabazon Sharpe, Tilden Smith (of Vine Hall), Tilden Smith (of Ewhurst), Stephen Smith, Richard Smith (of Seddlescomb), Robert Small, Sir Edmund Thomas Baronet, Clerk, James Troup, the Honourable Felix Tolle-mache, Robert Tooth, John Upperton, John Wilmshurst, John Wilmshurst junior, Thomas Newnham Ward, John Elliot Wilson, John Wilson, Charles Willis, Charles Willes junior, William Watson, Thomas Charles Watts, Edward Young, Francis Ayerst Young, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be Trustees for carrying this Act into execution.

IV. And be it enacted, That it shall be lawful for the Trustees acting in execution of this Act, at any Meeting under this Act, to elect any Number of Persons, duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to
appoint
additional
Trustees.

V. And be it enacted, That the Trustees acting in execution of this Act shall hold their First Meeting at the *Queen's Head Inn at Hawkhurst*, or at some other convenient Place in the Neighbourhood of the said Road, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Road, as they shall think proper.

First Meeting
of Trustees.

VI. And be it enacted, That the Trustees acting in execution of this Act may appoint Committees out of their own Number, to take the Care and Management of any particular Part of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the aforesaid Trustees at any General Meeting; and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Power to
appoint
Committees.

VII. And

Roads to which this Act is applicable.

VII. And be it enacted, That this Act shall be put into execution for the Purpose of making Turnpike, repairing, and maintaining a Line of Road commencing at the said Turnpike Road leading from *Cripps Corner* to *Seddlescomb*, at or near the Boundary of the Parishes of *Ewhurst* and *Seddlescomb*, passing into or through the said Parish of *Ewhurst*, and the Parishes of *Bodiam* and *Salehurst* in the said County of *Sussex*, and *Sandhurst* and *Hawkhurst* in the said County of *Kent*, to *Highgate*, and from thence to a Place near *Gill's Green* in the said Parish of *Hawkhurst*,

Maps or Plans deposited at the Offices of the Clerks of the Peace for Sussex and Kent to remain there, and be open to Inspection.

VIII. And whereas a Map or Plan describing the said intended Road, and the Lands through which the same is intended to be made, together with a Book of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the respective Clerks of the Peace for the Counties of *Sussex* and *Kent*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the said Counties for the Time being, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to the Clerk furnishing the same the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and Books of Reference, or any of them, or any Copy thereof respectively, or of any Part thereof respectively, certified by the Clerk of the Peace for the Time being furnishing the same, or his Deputy, to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Power to make Road according to the Plan.

IX. And be it enacted, That it shall be lawful for the Trustees acting for the Time being in the Execution of this Act to set out, make, and complete the said Road from *Cripps Corner* to a Place near *Gill's Green*, where the said Road terminates in and joins the Parish Road, in the Line and through the Lands delineated in the Maps or Plans and described in the Books of Reference herein mentioned, of such Width as they may think proper, not exceeding Sixty Feet, together with such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they shall think requisite, and for the Purposes aforesaid to take possession of the Lands and Premises described in the said Maps or Plans and Books of Reference, making Satisfaction for the same to the Owners thereof, and other Persons interested therein, for the Damage which such Owners and other Persons may respectively sustain thereby; and it shall be lawful for the same Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act, at such Times and in such Manner as the said last-mentioned Trustees or their Surveyors shall think necessary or expedient.

Trustees empowered to deviate from

X. And be it enacted, That it shall be lawful for the Trustees for the Time being acting in the Execution of this Act, in making the said Road, to deviate from the Line delineated upon the said Maps

or Plans: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the said Line, or into the Lands of any Person not described in the said Maps or Plans or in the said Books of Reference, or beyond the Limit of such Deviation as denoted or marked in the said Maps or Plans, without the Consent in Writing of the Owner or Proprietor of the Lands in or through which any such Deviation shall be proposed to be made, and of the other Persons interested therein.

Plan to an Extent not exceeding 100 Yards.

XI. And be it enacted, That it shall be lawful for the said Trustees acting for the Time being in the Execution of this Act to make the said Road, with the Deviations and other Works aforesaid, in the Line, under, over, or through the Lands delineated upon the said Maps or Plans, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule thereto, or in the said Maps or Plans, or in the said Books of Reference, in case it should appear to any Two or more Justices of the Peace for the County in which such Lands shall be situate, in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said respective Clerks of the Peace for the Time being.

Lands marked on the Plan may be used notwithstanding Errors in the Book of Reference or Schedule.

XII. And be it enacted, That in case any Lands shall be hereafter purchased by the Trustees acting for the Time being in the Execution of this Act, for the Purpose of making or improving the said Road, the Freehold and Inheritance in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest therein, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the same Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the same Trustees; and the same Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XIII. Provided always, and be it enacted, That if at any Time any Land purchased by the Trustees acting under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished; and the Freehold and Inheritance in the said Lands in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall

Right of Way to cease when Lands are not wanted.

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be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have the Power of cutting and digging.

XIV. Provided also, and be it enacted, That the Trustees for the Time being acting in the Execution of this Act shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act as the same Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in the said Lands.

Trustees restrained from pulling down Houses or other Buildings, &c. not in Schedule.

XV. Provided always, and be it enacted, That the Powers and Authorities given by this Act shall not authorize the Trustees for the Time being acting in execution of this Act to pull down, or use or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, 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, (except such as are mentioned in the Schedule to this Act annexed,) without the Consent in Writing of the Owner or Proprietor thereof, and all other Persons interested therein.

Limiting the Time for purchasing Property.

XVI. Provided also, and be it enacted, That in case the said Trustees for the Time being acting in execution of this Act shall not, within the Space of Three Years after the passing of this Act, pay for the Lands which they are by this Act authorized to take, then and from thenceforth the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Deviation not to be made in certain Lands.

XVII. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Trustees acting for the Time being in the Execution of this Act to deviate from the Main Line laid down in the said Maps or Plans, so far as the same passes upon, in, over, through, or adjoining to the Lands of Sir *John Herschel* Baronet, *James Stroud*, *Joseph Hartnell*, *Rebecca Jennings*, and *Lettice Durrant*, or either of them, in the said Parish of *Hawkhurst*, without the Consent in Writing of the said Sir *John Herschel*, *James Stroud*, *Joseph Hartnell*, *Rebecca Jennings*, and *Lettice Durrant* respectively first had and obtained.

Power to take Tolls.

XVIII. And be it enacted, That it shall be lawful for the said Trustees for the Time being acting in the Execution of this Act to demand and take, at the several Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Roads, the following Tolls; (that is to say,)

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricule, Gig, or other such like Carriage, the Sum of Four-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Cart, Van, Caravan, or other such like Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Two-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches, and not less than Four Inches and a Half, the Sum of Three-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of Four-pence:

For every Horse, Mule, or 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:

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

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

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence, and so in proportion for any less Number than a Score:

For every Score of Calves, Swine, Sheep, or Lambs, except Calves, Lambs, and Pigs not having been weaned, and passing with their Dams, the Sum of Five-pence, and so in proportion for any less Number than a Score:

And for every Coach, Waggon, Vehicle, or other Carriage of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or any such like Means, or by Machinery or otherwise than by Animal Power, the Sum of One Shilling:

And for every Dog, Goat, or other such like Animal, drawing any Cart, Truck, or other Carriage, there shall be paid the Sum of One Penny:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever, or Dog, drawing as aforesaid, shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

XIX. And be it enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part. Fractional Part of a Halfpenny in Tolls.

XX. And be it enacted, That no more than Three Tolls shall be taken for passing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates to be erected on the said Road. Number of Tolls to be taken.

XXI. And be it enacted, That all Horses and Cattle, (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned, and any Carriage propelled or drawn by Steam, or any other Power than Animal Power,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on the said Road or on the Sides thereof, shall, Persons having paid Toll to return Toll-free.

shall, upon a Ticket denoting such Payment being produced, be permitted, in returning once through the same Toll Gate or Toll Bar, and in going and returning once through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day; provided nevertheless, that no Horse, Beast, or Cattle drawing any Waggon, Cart, or other such Carriage for which Toll shall have been paid at any of the said Toll Gates or Toll Bars shall be permitted, whilst drawing another or different Waggon, Cart, or other such Carriage, to pass through the same Toll Gate or Toll Bar on the same Day without again paying Toll.

Post Chaises to pay every Time of passing with fresh Hiring.

XXII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

XXIII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable, in respect of any Stage Coach or other such Carriage as aforesaid, at any Toll Gate or Bar the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Additional Tolls for certain Parts of the Year.

XXIV. Provided always, and be it enacted, That all Horses or other Beasts of Draught drawing any Carriage whatsoever (except Coaches, Chariots, Berlins, Landaus, Hearses, Chaises, Chaise Marines, Calashes, Chairs, Caravans, Vans, or Carts licensed to carry Persons or Passengers, and except other Carts drawn by One Horse only,) passing through any Bar or Gate, between the Thirtieth Day of *September* and the First Day of *April* in every Year, shall be subject and liable to the Payment of Double the Toll herein-before imposed on the Horses or other Beasts drawing such like Carriage.

Trustees may reduce the Tolls for Lime or Chalk for Manure.

XXV. And be it enacted, That it shall be lawful for the Trustees for the Time being acting in the Execution of this Act, at any Meeting to be specially called for the Purpose, to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced as the same Trustees shall at any such Meeting determine.

XXVI. And

XXVI. And be it further enacted, That all the Monies which shall be received by the said Trustees by virtue of this Act shall be applied, in the first place, in discharging the Expences of obtaining and passing this Act; secondly, in defraying the Expences of making, maintaining, improving, and keeping in repair the said Road hereby authorized to be made, maintained, improved, and kept in repair, and of erecting and from Time to Time maintaining Turnpikes, Toll Gates, Side Gates, and Toll Houses, with suitable Out-buildings, upon, across, and by the Side of the said Road, and of carrying the Purposes of this Act into execution; thirdly, in paying and discharging the Interest which shall from Time to Time become due in respect of every Sum of Money now or hereafter to be borrowed or taken up at Interest on the Security of the Tolls hereby granted; and lastly, in paying the Principal Sums due on the Credit of the Tolls by this Act granted.

Application
of Monies.

XXVII. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Trustee and
Clerk com-
petent Wit-
nesses.

XXVIII. And whereas, when the said Road hereby authorized to be made is completed, some Parts of the Highways adjoining thereto or communicating therewith, and of the Footpaths leading into or out of the same, may become useless, and other Parts of the said Highways and Footpaths may, for the Convenience of the Public, require to be diverted into the said Turnpike Road or otherwise; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held under this Act after the making of the same Road, with the Consent and under the Order in Writing of any Two Justices of the Peace for the County of *Kent* or *Sussex*, as the Case may require, (according to the Situation of the said Highways and Footpaths,) to discontinue, stop up, divert, or alter such Highways and Footpaths, or any Part thereof, as they shall deem expedient: Provided always, that the Consent in Writing of the Owner or Party interested in the Lands over which any such Diversion shall be made shall be first had and obtained.

Power to stop
up useless
Highways,
&c.

XXIX. Provided always, and be it enacted, That before any Highway or Footpath shall be discontinued, stopped up, diverted, or altered, or any such Order of Two Justices shall be made, the Trustees acting in the Execution of this Act shall cause to be affixed, at each End of such Highway or Footpath, a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered (as the Case may be); and the said last-mentioned Trustees shall also cause the same Notice to be given by Advertisement in some Newspaper of the County of *Kent* or *Sussex*, as the Case may require, (according to the Situation of the said Highway or Footpath,) for Four successive Weeks, and also on the

Proceedings
previously to
stopping up
or diverting
Highways.

Church Door of the Parish in which such Highway or Footpath shall be situate, on the *Four Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so given, and after such Order as herein-before mentioned shall have been made, such Highway or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered, (as the Case may be,) subject however to such Appeal as is herein-after mentioned.

Appeal to
Quarter Ses-
sions.

XXX. Provided also, and be it enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Highway or Footpath should be discontinued, stopped up, diverted, or altered, as the Case may be, within Four Months after the making of the said Order, to make his Complaint thereof by Appeal to the Justices of the Peace at the Quarter Sessions for the said County of *Kent* or *Sussex*, as the Case may require, according to the Situation of such Highway or Footpath, upon giving to the Clerk of the said last-mentioned Trustees Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of
Appeal, Jury
at Sessions to
determine
whether the
Highway
shall be stop-
ped up, &c.

XXXI. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether such Highway or Footpath shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such Highway or Footpath is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Trustees for carrying this Act into execution; but if the said Jury shall return a Verdict that such Highway or Footpath is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such Highway or Footpath shall not be discontinued, stopped up, diverted, or altered; or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the last-mentioned Trustees.

Satisfaction
to be made
for Lands
through

XXXII. And be it enacted, That it shall be lawful for the said Trustees for the Time being acting in execution of this Act to make Satisfaction or Compensation to the Owners of the Land or Ground through which any such Diversion of the said Highways or Foot-
paths

paths respectively shall pass, such Satisfaction to be made by the same Trustees in the Manner directed by the Laws now in force for regulating Turnpike Roads in *England*; and all Monies expended in diverting or stopping up the said Highways and Footpaths shall be paid out of the Monies received by virtue of this Act.

which Diversions are made.

XXXIII. And be it enacted, That all and every the Powers and Provisions contained in an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, and in an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*, which are now in force, and which relate to the Mode of assessing Compensation for Lands required for widening, diverting, altering, or improving Roads, and taken of Parties neglecting or refusing to treat or agree for the Purchase and Sale thereof, and the Application of the Compensation Money for such Lands, shall be applicable to the Trustees acting in the Execution of this Act, and to the Lands required by them for the Purposes thereof, in all respects whatsoever, as fully and effectually as if such Powers and Provisions were herein repeated and re-enacted.

Provisions of 3 G. 4. c. 126. and 7 & 8 G. 4. c. 24. to be applicable to this Act.

XXXIV. And be it enacted, That all necessary and proper Bridges, Culverts, Drains, and Waterways shall be erected and made over the River *Rother* and the *Hammer Ditch*, and in the Embankment which will be made across the *Bodiam Level*, as will be fully sufficient for such free Passage of the Water flowing down the same Level in the Time of Floods as now exists, so that no Damage may arise to any of the Lands or Tenements in or adjoining the said Level or near the said River by reason of the making of such Embankment; and that Twenty-eight clear Days at the least before such Embankment shall be begun to be made, proper Plans, Drawings, Sections, Elevations, and Specifications of the Bridges, Culverts, Drains, and Waterways proposed to be erected and made for the Purposes last aforesaid shall be deposited by the Trustees acting for the Time being in the Execution of this Act, or their Surveyor, with the Parish Clerk of the Parish of *Salehurst* aforesaid, for the Inspection of the Owners of the Lands and Tenements within and adjoining the said Level or near the said River; and Notice in Writing of such Deposit shall at the same Time be posted by such Trustees or their Surveyor on the Doors of the Parish Church of *Salehurst* aforesaid; and if any such Owner shall think that the proposed Bridges, Culverts, Drains, and Waterways, or any of them, will not be fully sufficient for the free Passage of Water flowing down the said Level in the Time of Floods as now exists, whereby Damage may happen to his Lands or Tenements, and shall, at any Time before the Expiration of the said Twenty-eight clear Days, give Notice in Writing of such his Objection to the Trustees acting for the Time being in the Execution of this Act, or to their Clerk or Surveyor, then the Questions in dispute shall be referred for Settlement to Two Surveyors, one to be named by such Owner in such Notice, and the other to be named by such Trustees for the Time being,

As to Construction of Bridges over the Bodiam Level.

being, within Twenty-eight Days after the Delivery of such Notice ; or in case such Two Surveyors cannot agree within Twenty-eight Days next after the Questions in dispute shall have been so referred to them as aforesaid, then the same shall be settled by an Umpire to be named by such Surveyors, by Writing under their Hands, before proceeding to inquire into the Questions in dispute so referred to them as aforesaid ; and the Determination in Writing made by such Two Surveyors or their Umpire (as the Case may be) shall be final and binding on the Parties to the said Reference, and all other Persons interested therein ; and such of the aforesaid Bridges, Culverts, Drains, and Waterways as last aforesaid as shall not have been objected to as aforesaid may, after the Expiration of the said Twenty-eight Days, and such thereof as in case of any such Objection shall be finally settled as aforesaid may, after the same shall have been so settled, be erected and made in manner aforesaid, according either to the original or altered Plans, Drawing, Sections, Elevations, and Specifications thereof, as the Case may require.

Power to agree for taking and repairing the Piece of Road leading from Tubbs Lake to Cranbrook Town.

53G.3.c.188.

XXXV. And whereas it would be of public Benefit and Advantage if Powers were given to the Trustees acting in the Execution of this Act to take under their Charge and Management a certain Piece of Turnpike Road leading from *Tubbs Lake* to *Cranbrook Town* in the County of *Kent* ; be it therefore enacted, That it shall be lawful for the Trustees acting in the Execution of this Act, and they are hereby empowered (with the Consent of the Persons entitled to Five Sixths of the Money then remaining due upon the Credit of the Tolls authorized to be taken on the said Turnpike Road leading from *Tubbs Lake* to the Town of *Cranbrook* aforesaid) to negotiate and agree with the Trustees for the Time being acting in the Execution of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of King George the Second, and Two Acts of His present Majesty, for amending the Road from Maidstone in the County of Kent to Tubbs Lake in the Parish of Cranbrook in the said County*, for the Transfer and Assignment to the Trustees acting in the Execution of this Act of the said Piece of Road leading from *Tubbs Lake* to the Town of *Cranbrook* aforesaid, together with the Toll Houses and Toll Gates erected thereon and the Grounds attached thereto ; and that all Contracts and Agreements which may be so entered into for that Purpose under the Powers of this Act, between the Trustees of the said respective Roads, shall be valid, binding, and conclusive, any Law or Statute to the contrary thereof in anywise notwithstanding.

Piece of Road to be subject to Provisions of this Act when transferred to the Trustees acting in execution hereof.

XXXVI. And be it enacted, That when the said last-mentioned Piece of Road shall have been duly transferred to the Trustees acting in execution of this Act, the same shall be subject to the Powers and Provisions of this Act, and shall for ever after be repaired and maintained by the Trustees acting in the Execution of this Act, in as full and ample a Manner as if the same had been included herein as a distinct Line of Road leading from *Tubbs Lake* to *Cranbrook* aforesaid ; and the said Trustees acting in the Execution of the said last-recited Act shall thenceforth be absolutely freed and discharged from
the

the Repairs of such Piece of the Road, and from all Liability and Responsibility in respect thereto: Provided always, that no more than One Toll shall be taken for passing once only in the same Day (to be computed as aforesaid), with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected on the said Piece of Road leading from *Tubbs Lake* to *Cranbrook* aforesaid: Provided also, that a separate Account shall be kept of the Income and Expenditure of the said distinct Line of Road, and that no Part of the Tolls to be taken thereon shall be applied in aid of the Funds of the said Road leading from *Cripps Corner* to *Gill's Green*.

XXXVII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

The Roads not to be exempted from any general Act.

XXXVIII. And be it enacted, That this Act shall commence on the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Term of Act.

XXXIX. And be it enacted, That in construing this Act Words importing the Singular Number shall be understood to include the Plural Number, and Words importing the Plural Number shall be understood to include the Singular Number; and the Word "Person" shall be understood to include Corporation; and Words importing the Masculine Gender shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

Construction of certain Terms in this Act.

XL. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

Public Act.

The SCHEDULE to which this Act refers.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Cottage and Garden	John Roydes	Arthur Barton and Thomas Barton.	Thomas Mathas.
Cottages and Gardens	Ditto	Ditto	Francis Elphick and John Harmer.
Barn and Yard	John Cruttenden and William Cruttenden.	John Cruttenden	John Cruttenden.
Cottages and Gardens	John Gregson	- - -	William Blackford and William Fuller.
Orchard	Ditto	- - -	John Gregson.
Ozier Bed	Sir John Herschel, Baronet	Jesse Piper	Jesse Piper.
Ash Plantation	John Gregson	- - -	John Gregson.
Shrubbery	James Stroud	- - -	James Stroud.
Plantation	Sir John Herschell, Baronet	- - -	Sir John Herschell.
Fir Plantation	Ditto	- - -	Ditto.
Two Gardens	Honourable Sarah Collingwood.	- - -	Henry Woodgate. Richard Elphick.
Garden	Thomas Barrow	- - -	Thomas Barrow.
Garden, Yards, and Sheds	Thomas Crisford	Robert Crisford	Robert Crisford.
Plantation	Joseph Hartnell	- - -	Joseph Hartnell.
Plantation	Ditto	- - -	Ditto.
Garden	Charles Willis the elder	John Woolven	John Woolven.
Garden	Rebecca Jennings and David Jennings.	- - -	Thomas Padgham.
Orchard	Ditto	- - -	Ditto.
Three Gardens	Ditto	- - -	Samuel Russell. Samuel Couchman. James Johnson.
Six Yards or Gardens	Ditto	- - -	William Cheesman. William Port. John Piper. Thomas Martin. William Lepard alias Morris. Thomas Roser.
Garden	William Saxby the elder	- - -	William Saxby the elder.
Garden	John Ditch	- - -	Thomas Hughes.
Garden	John Bryant	- - -	John Bryant.
Garden	Ditto	- - -	Moses Vousden and Mrs. Gold.
Garden	Rebecca Jennings and David Jennings.	- - -	Thomas Cruttenden.
Garden	Ditto	- - -	Thomas Pusey. Richard Bray.
Garden	Ditto	- - -	George Stedman.
Cottages and Gardens	Elizabeth Parsons	- - -	Elizabeth Parsons. Richard Wodde. William Saxby.
House, Yard, and Buildings	David Jennings	- - -	David Jennings.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House in Three Tenements, Three Gardens, also a House in One Dwelling, Carpenter's Shop and Yard.	David Davis - -	- - -	David Davis. George Barham. Mary Millham. Thomas Farley.
Oasthouse, Forge, Yard, and Garden.	Ditto - -	- - -	John Bryant and James Snisher.
House in Four Tenements, Gardens, and Yards.	Robert Harvey - -	- - -	John Barham. Mary Piper. William Collins. Ann Russell.
Two Gardens - - -	John Lavender - -	Edward Newbold	Edward Newbold.
Garden - - -	Samuel Mills - -	- - -	Ezekiel Marchant.
Garden - - -	John Bryant - -	- - -	John Bryant.
Garden - - -	Ditto - -	- - -	Joseph Chapman.
Two Cottages and Gardens	Lettice Durrant - - John Mercer Durrant. Henry Christmas and Thomas Christmas.	Lettice Durrant -	Richard Ellis. George Barrow.
Orchard - - -	Thomas M. Durrant -	Samuel Durrant -	Samuel Durrant.
Garden - - -	Thomas M. Durrant -	Samuel Durrant -	Samuel Durrant.

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