ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lxv.

An Act for more effectually managing and repairing the Road leading from *Flimwell Vent* in the County of *Sussex* to the Town and Port of *Hastings* in the said County. [28th *July* 1849.]

WHEREAS an Act was passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the* 1 & 2 G. 4. c. 41. *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 the Term granted by the said Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and forty-nine: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with divers Sums of Money expended in respect of the said Road, and such Money cannot be paid off, or the Interest thereof discharged, unless further Powers are granted, and the Term of the said Act further continued, and the Tolls thereby authorized to be taken be altered: And whereas it is just and expedient that due Provision should be made for the Payment

of the Debts due by the said Trustees: And whereas certain Mortgagees of the said Road have for some Years past been in possession of the Toll Gates and Receipt of the Tolls upon the said Road, with the Exception of that Part called the *Robertsbridge Clappers*, and it is expedient that Provision should be made for the letting of the Tolls arising on the said Road, and for the better Management and Regulation of the Affairs of the Trust and Maintenance of the Road: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but the Purposes aforesaid cannot be effected without the Authority of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 upon the Fourth *Friday* next after the passing of this Act the said recited Act of the Second Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Act repealed, and this Act to be put in force.

Arrears of Tolls and Monies due under recited Act vested in Trustees under this Act.

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Act hereby repealed shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same and act in respect thereof as effectually as if the same had been vested in them under the said Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

Mortgagees in possession to account.

III. And be it enacted, That within Twenty-one Days after the passing of this Act the Mortgagees in possession of the Toll Gates, Bars, Chains, Toll Houses, and Buildings upon the said Road shall render an exact Account in Writing to Mister *William Weller*, the Clerk to the said Trustees, at his House at *Battle* in the said County of *Sussex*, or to such other Person as the said Trustees in Meeting direct, of all Monies received by such Mortgagees or other Person for their Benefit or by their Authority at such Toll Gates, Bars, Chains, and Toll Houses, or otherwise, and what they shall have expended in keeping or repairing the same, and the Manner in which they shall have disposed of the Residue of such Monies, and shall produce all Vouchers and Receipts relating to such Accounts; and the said Mortgagees shall pay over the Monies which shall appear to be due from them to the Treasurer of the said Trustees, or to the Person whom the Trustees shall at their First Meeting direct, within Two Months after the passing of this Act.

Appointment of Trustees.

IV. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Sussex*, together with the Honourable *Percy Ashburnham*, *Alfred Burton*, *George William Pierrepoint Bentinck*, *Robert Borrodaile*, *John Cruttenden*, *Herbert Mascall Curteis*, *William Crake*, *Hugh Croft*, the Reverend

Burrell Hayley, *James Hilder*, *Thomas Hickes*, *John Kenward*, *John Kinloch*, *James Lansdell*, the Reverend *John Littler*, *Charles Laurence*, *James Laurence*, *William Phillips Lambe*, *Robert Mercer*, the Reverend *John Read Munn*, Lieutenant Colonel *Nicoll*, *William Noakes* of *Battle*, *William Noakes* the younger, of *Ticehurst*, the Reverend *John Pratt* the younger, *Frederick Pratt*, the Reverend *Henry John Rush*, *Tilden Smith* of *Mountfield*, *Francis Smith*, *Richard Smith* of *Sedlescombe*, *John Smith* of *Saint Ann's*, *Lewes*, *John Goldsworthy Shorter*, the Reverend *Mark Henry Vernon*, the Reverend *Richard Wetherell*, *James Watts*, and the Reverend *Jacob George Wrench* Doctor of Civil Law, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. And be it enacted, That it shall be lawful for the Trustees, 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.

First Meeting of Trustees.

VI. And be it enacted, That the Trustees shall hold their First Meeting on the Fourth *Friday* next after the passing of this Act, or as soon after as conveniently may be, at the *George* Inn in the Town of *Battle*, 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.

Power to appoint Committees.

VII. And be it enacted, That the Trustees 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 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.

Road to which this Act is applicable.

VIII. And be it enacted, That the Powers of the Trustees shall extend to the Turnpike Road herein-after described, (that is to say,) 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*, *Mountfield*, *Battle*, *Hollington*, *Saint Mary of the Castle*, and *Ore*, in the said County of *Sussex*, and *All Saints* and *Saint Clement's* in the Town and Port of *Hastings* in the said County.

Present Tolls continued for 14 Days.

IX. And be it enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates, Toll Bars, or Chains to be

be continued or erected on or on the Side of the said Road, to the Collectors then being at such Gates, until the Expiration of Fourteen Days from the Commencement of this Act, and the Tolls so collected shall be applied as herein-after mentioned.

Power to take Tolls.

X. And be it enacted, That upon and after the Expiration of the said Fourteen Days it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates, Toll Bars, or Chains which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums 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, 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:

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, or going empty for such Articles, the Sum of One Penny:

And

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 Five Shillings:

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

Which said Tolls shall be paid before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted or authorized to pass through any Toll Gate, Bar, or Chain which shall be by virtue of this Act upon or across the said Road or on the Side thereof.

Fractional Part of a Halfpenny.

XI. And be it enacted, That in all Cases in which 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.

Only Six full Tolls to be payable on Road.

XII. And be it enacted, That no more than Six full Tolls, that is to say, Two between *Flimwell Vent* and *Robertsbridge Clappers*, Two between *Robertsbridge Clappers* and the Town of *Battle*, and Two between the Town of *Battle* and *Hastings*, shall be taken for passing and repassing 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, Toll Bars, or Chains erected or to be erected or continued on the said Road or such respective Parts thereof, exclusive of the Part of the Road called *Robertsbridge Clappers*, and no more than One full Toll for the like Passage through the Toll Gate, Toll Bar, or Chain erected or to be erected or continued on the said *Robertsbridge Clappers*: Provided always, that when the Principal Money borrowed on the said *Robertsbridge Clappers* shall have been paid off Six full Tolls only shall be payable upon the said Road,

Persons having paid Toll to repass Toll-free.

XIII. 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,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Bar, or Chain on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted to repass ever so often Toll-free the same Day through the same Toll Gate, Toll Bar, or Chain, and through such other Gate, Bar, or Chain, (if any,) as the Ticket for such Payment shall free.

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

XIV. 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.

XV. Provided always, and be it enacted, That all Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, or other Stage Carriage

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, Bar, or Chain, shall, upon a Ticket denoting such Payment being produced, be permitted to repass once Toll-free on the same Day through the same Toll Gate, Bar, or Chain, and to pass and repass once Toll-free through any other Gate, Bar, or Chain which such Ticket shall free, in the Case of Horses or Cattle drawing any other Carriage, and no further additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate, Bar, or Chain the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers: Provided always, that no additional Toll shall be charged on repassing by reason or in consequence of the Carriage drawn by the same Horses having been changed.

Respecting Toll Gates.

XVI. And be it enacted, That the several Toll Gates, Bars, and Chains, and Toll Houses, now standing or being on the said Road or on the Sides thereof, shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be set up in or across the said Road or on the Side thereof any Toll Gate, Bar, or Chain, and to remove the present or any future Toll Gate, Bar, or Chain, as they shall think proper: Provided always, that no additional Toll Gate, Bar, or Chain shall be erected upon that Part of the Road called the *Robertsbridge Clappers*.

Mortgagees to deliver up Possession of Gates.

XVII. And be it enacted, That on the Expiration of Fourteen Days from the Commencement of this Act the Mortgagee or Mortgagees in possession of any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road or on the Sides thereof shall deliver up the same to the Trustees, and the Trustees, their Collectors and Servants, shall enter into possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, and shall thenceforth receive the Tolls which can be collected thereat; and if any Collector, Receiver, or other Person shall refuse or neglect to deliver up Possession as aforesaid of any of the said Toll Gates, Bars, Chains, Toll Houses, or Buildings, then such Collector, Receiver, or other Person may be removed therefrom in manner provided by any Law or Statute in force relating to Turnpike Roads in *England*.

Mortgagees to take possession for Payment of Interest only.

XVIII. And be it enacted, That whenever and so long as the Interest due to the Thirty-first Day of *December* then last past shall be duly paid upon the Mortgage Debt within One Month thereafter, no Holder of a Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of all or any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road; and when any Mortgagee entering into possession shall have fully paid all Interest due to the Thirty-first Day of *December* in the preceding Year upon the Mortgages then subsisting, together with the Costs to which he may be entitled, he shall within Twenty-one Days thereafter render an Account to the Clerk to the Trustees, with proper Vouchers, and pay over any Balance to the Treasurer, and deliver

deliver up Possession of the said Toll Gates, Bars, Chains, Toll Houses, or Buildings to the Trustees, or to some Person appointed by them, anything in this Act, or in any Law or Statute in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Trustees may let Tolls when Mortgagees in possession, and Rent to be paid to Mortgagees.

XIX. Provided always, and be it enacted, That whenever any Mortgagee of the Tolls of the said Turnpike Road shall in pursuance of an Ejectment take possession of the Toll Gates on the said Turnpike Road, the said Trustees shall and they are hereby authorized and empowered to let to farm the Tolls arising at such Gates in such and the same Manner as they are by Law authorized in Cases where the Toll Gates are in possession of the said Trustees, and in such Case the Rent under the said Letting shall be paid to the Mortgagee so in possession of the Toll Gates, and such Security for Payment thereof to the said Mortgagee shall be taken as the said Trustees may direct: Provided also, that on the Thirty-first Day of *December*, or within Fourteen Days thereafter, in every Year, so long as such Mortgagee is in receipt of such Tolls or the Rents thereof, such Mortgagee shall render an Account in Writing of all Receipts and Payments on account thereof to the Clerk to the said Trustees, or whom they shall direct, and produce to such Clerk or other Person all Vouchers and Receipts relating to the same, and shall pay to the Treasurer of the Trustees, or as they shall direct, the Balance of the Tolls, or Rents in lieu thereof, collected by or for him, after paying and applying so much thereof as may be necessary for Payment of Interest then due to all the Mortgagees *pari passu*, and for the paying to the Treasurer of the said Trustees such Sinking Fund as is hereby directed to be provided.

For Discharge of the floating Debt.

XX. And whereas a considerable Sum of Money has for many Years past been due and owing by the Trustees for Land taken for the Improvement of the said Road, for fencing, stoning, and otherwise improving and repairing the said Road, and likewise for Salaries, professional Services, printing, advertising, and for legal Expenses in relation to a Suit at Law with the Mortgagees in possession, and otherwise, and divers Expenses incident to the Execution of the Trust: And whereas by reason of certain of the Mortgagees being in possession of the Toll Gates, and in receipt of the Tolls collected upon the said Road, the Trustees have been unable to discharge such Debts, and it is expedient to make Provision for satisfying the Persons entitled to such Debts: Be it enacted, That upon receiving, within Twelve Months from the passing of this Act, from any Person whose Name is mentioned in the Schedule to this Act annexed, or from his Executors, Administrators, or Assigns, an Application in Writing desiring that a Mortgage of the Tolls by this Act granted may be executed, for the Purpose of discharging the Sum due and owing to him or them, it shall be lawful for the Trustees and they are hereby required, at any of their Meetings, at the Expense of the Party requiring the same, to demise and mortgage the Tolls by this Act granted or authorized to be collected upon the said Road or any Part or Parts thereof (except the Tolls collected on *Robertsbridge Clappers*), and the Turnpikes and Toll Houses for collecting the

the same, as a Security to such Person for the Sum or Sums mentioned in such Mortgage, with Interest thereon at the Rate of One Pound Ten Shillings *per Centum per Annum* upon the respective Sums included in the First, Second, and Third Classes of the said Schedule, and without Interest in respect of the Sums included in the Fourth Class of the said Schedule, and the said Trustees or any Three or more of them shall accordingly make and execute a Mortgage of the said Tolls, Turnpikes, and Toll Houses to any such Person, his or her Executors, Administrators, and Assigns, and the Sum of Money for which such Mortgage shall be given shall be considered as so much Money advanced to and for the Use of the said Trustees; and such Mortgage, or any Assignment or Transfer thereof, may be made in the Words, or as near thereto as may be convenient, and in such Manner, as is directed by any Law or Statute relating to Turnpike Roads in *England*, and shall be subject to such Provisions and Regulations as any other Demise or Mortgage, or any Assignment or Transfer of any Demise or Mortgage of Tolls on Turnpikes on the said Road, is or shall be subject: Provided always, that on the Execution of every such Mortgage the Person to whom the same shall be made shall give a Discharge to the said Trustees for the Debt for or in respect of which such Mortgage shall have been granted: Provided also, that no Simple Contract or Judgment Creditor whose Debt shall have been owing previous to the passing of this Act shall be entitled to take possession of any of the Toll Gates or Toll Houses upon the said Road, nor to enter into receipt of the Tolls collected thereat, so long as he remains a Simple Contract or Judgment Creditor, and nothing in this Act or in the Schedule to this Act shall give the Persons whose Names are mentioned in the said Schedule any other Remedy for recovering the Debt specified against his Name as the Amount claimed by him than he possessed at the Time of the passing of this Act: Provided also, that with respect to the Debts included in the First Class the Parties or any of them entitled thereto may, if they think fit, within Three Months from the passing of this Act, signify to the Trustees their Intention of accepting the Sum of Ten Shillings in the Pound as a Composition for and in discharge of such Debts; and every Person making such Offer shall receive Payment of such Sum from the Balance which may come to the Hands of the Trustees at the Commencement of this Act: Provided also, that Notice of this Provision shall be given to the Parties mentioned in the said Schedule within One Month after the Commencement of this Act.

Application of Money collected on Robertsbridge Clappers.

XXI. And whereas certain Sums of Money are still due and owing upon Mortgage by the Trustees acting by virtue of the recited Act hereby repealed, for building certain Arches and executing certain Works over the Low Grounds on the Part of the Road called *Robertsbridge Clappers*, and a Toll Gate has been erected upon such Part of the said Road, and the Tolls collected thereat are charged with the Payment of the Interest and Repayment of the Principal of the said Mortgage Debts, and with those only; and with respect to the Application of such Tolls, be it enacted, That all Monies already received and undisposed of, or which shall be

received by the Trustees by virtue of this Act, upon the said Part of the said Road called the *Robertsbridge Clappers*, shall be applied as follows; (that is to say,)

Firstly, in paying the Interest, after the Rate of Four Pounds *per Centum per Annum*, now due or which hereafter shall become due on any Sums of Money borrowed previous to the passing of this Act on the Part of the said Road called *Robertsbridge Clappers*;

Secondly, in providing the Sinking Fund of One Pound *per Centum per Annum* on the Amount from Time to Time of such Debt;

Thirdly, in defraying the Expenses of erecting and keeping in repair the Toll Gate, Bars, Weighing Engine, Toll House, and Buildings erected on the said Part of the Road, and of maintaining, improving, and keeping in repair the said Part of the Road, and the Bridges and Arches connected therewith;

And, lastly, the Residue of all such Monies shall be applied in aid of such Sinking Fund.

Division of Monies received on the other Parts of the Road.

XXII. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act upon the said Road, except the Part of the Road called the *Robertsbridge Clappers*, shall, after paying and discharging, in the first place, the Interest and Principal then payable of the Sums raised for defraying the Expenses of obtaining and passing this Act or incident thereto, as herein-after mentioned, and of erecting and repairing Toll Gates and Toll Houses, Posts and Fences, and the Expenses of Books, Advertisements, Salaries of Officers, and other Expenses incidental to the Execution of this Act, be divided as follows; that is to say, One Third Part of the Monies so divisible shall form a Repairing Fund, and the Remainder of such Monies so divisible shall form a Creditors Fund: Provided always, that if any Mortgagee shall enter into the Receipt of all or any of the Tolls arising upon the said Road, such Mortgagee shall, in the first place, (and from Time to Time, before applying any Part thereof in satisfaction of any Monies due for Interest upon his Mortgage or any other Mortgage,) thereout pay to the said Trustees the Interest and Principal payable upon any Sum raised for defraying the Expenses of obtaining and passing of this Act, and also the other Expenses herein-before made payable in the first place, and also One Third of the Receipts of such Mortgagee (subject to such Deductions as aforesaid), from Time to Time during the Period for which he shall be in receipt of the Tolls, such One Third to be carried by the Trustees to the Credit of the said Repairing Fund, and applied in manner herein-after directed.

Application of Repairing Fund.

XXIII. And be it enacted, That such Repairing Fund shall be applied in maintaining and keeping in repair the said Road, except the Part of the Road called the *Robertsbridge Clappers*: Provided always, that at the End of the first Three Years next after the passing of this Act, and of every subsequent Three Years, the said Trustees shall cause the Accounts of the said Repairing Fund to be made up; and if upon the making up of such Accounts there shall

be a Balance in hand to the Credit of the said Repairing Fund, the said Trustees shall transfer such Balance to the Creditors Fund.

Application of Creditors Fund.

XXIV. And be it enacted, That such Creditors Fund shall be applied as follows; (that is to say,)

Firstly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed or continued on Mortgage on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed, such Interest to be computed and paid at the Rate of Five Pounds *per Centum per Annum* up to the Day of the passing of this Act, and after the passing of this Act at the Rate of Three Pounds *per Centum per Annum*;

Secondly, in paying and discharging the Interest at the Rate of One Pound Ten Shillings *per Centum per Annum* from Time to Time owing upon the Mortgages to be executed after the passing of this Act in respect of any of the Debts comprised in the First, Second, and Third Classes of the Schedule hereto;

Thirdly, in paying One Pound *per Centum per Annum* on the Amount of the Mortgage Debt existing at the passing of this Act, and of the Mortgage Debt created under and by virtue of this Act, the same to be paid annually to each Creditor in part of such Principal Money owing to him;

Fourthly, in discharging the Debts due and owing by the Trustees acting under and by virtue of the recited Act hereby repealed, and for which Mortgages shall not be granted, as herein-before mentioned, such Payments to be made *pari passu* to the several Creditors in proportion to the Amount of their Debts;

And, fifthly, the Residue of all such Monies shall be applied in forming a Sinking Fund, for further paying off and discharging any Principal Sums of Money which may be owing on the Credit of the Tolls of the said Road.

For paying off Sums of Principal Monies tendered to be received as Composition for Securities.

XXV. And be it enacted, That whenever the respective Sinking Funds shall amount to Two Pounds *per Centum* on the Debt for the Time being of the same Trust it shall be lawful for the Trustees acting under and by virtue of this Act, and they are hereby required, to pay out of such Sinking Fund respectively such Sum and Sums of Money as shall or may be agreed to be accepted by any Person or Persons, being a Creditor or Creditors on the said respective Tolls, as a Composition or Compositions on and in satisfaction of his, her, or their Security or Securities, according to the Stipulation after mentioned; that is to say, the said Trustees shall, Twenty-one Days at least before the annual General Meeting in each Year, cause public Notice to be given by Advertisement, to be inserted in some Newspaper which shall be published in the County of *Sussex*, that a Composition or Compositions will be paid, to the respective Amounts aforesaid, to such Creditor or Creditors on the said respective Tolls as shall be willing to accept the smallest Composition for his, her, or their Security or Securities, and requiring such Creditors to transmit Proposals in Writing, sealed up, to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor or Creditors will accept and take for each and every such Security of

of which he, she, or they may be possessed, (which said Proposals shall, as soon after the Hour of One of the Clock in the Afternoon of the Day of the said Meeting as convenient, be publicly opened by the Clerk to the Trustees at the said Meeting,) and the Creditor or Creditors whose Proposal or Proposals shall specify the Rate *per Centum* which shall in the Judgment of the said Trustees render it most advantageous to the Interest of the said Trust that the Security in respect of which such Proposal shall be made shall be paid off (due Regard being had to the Amount of Interest payable on the Security or Securities in respect of which such Proposal or Proposals shall respectively be made), and which he, she, or they will accept and take for all or any of the said Securities, or for any Portion of any such Security, shall have the Preference and be paid such Sum or Sums of Money as he, she, or they may be willing to accept for the same, (if the Amount due upon such Security shall not exceed the Amount of the respective Sinking Fund to be disposed of, or such Portion of the same as that Sum shall extend to satisfy, if the Amount due thereon shall exceed the Amount of such disposable Sinking Fund,) by the Treasurer to the said Trustees, at the Expiration of One Calendar Month next after such Meeting, with all Interest then due upon such Security; and if Two or more of the said Creditors shall deliver in Proposals for accepting a Composition for any such Security or Securities, or for any Portion of any such Security, at a Rate *per Centum* which shall in the Judgment of the said Trustees be equally advantageous to the Interests of the said Trust, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the Clerk to the said Trustees, to which of the said Creditors Preference shall be given in Payment of such Composition or Compositions, and the Creditor or Creditors having the casting Lot shall be paid his, her, or their Composition or Compositions, or such Part of the same as the respective Sums to be disposed of shall extend to satisfy, at the Time and in the Manner herein-before mentioned; but if there shall not be any Proposals delivered in at the said annual General Meetings, or any of them, by any of the Creditors, for accepting any such Composition or Compositions as aforesaid to the Amount to be disposed of, or any Part of that Sum respectively, at a less Rate than the full Amount of the Principal Monies due to him, her, or them on the said Tolls, then and in such Case, but not otherwise, the said Sinking Fund respectively shall be applied in Payment *pari passu* to all the Creditors of an equal Amount of the Principal Money owing them respectively at the Expiration of One Month from such Meeting.

Expenses of Act.

XXVI. And be it enacted, That all the Costs, Charges, and Expenses of applying for, obtaining, and passing of this Act, and preparatory thereto, having been first taxed, shall be paid by the said Trustees, and the Trustees shall apply any Money which may be in their Hands, or the Hands of the Treasurer, at the passing of this Act, or be received from the Mortgagees in possession, after discharging the Composition herein-before mentioned, upon the First Class in the said Schedule, towards the Discharge of such Debts; and for the further Payment of such Costs, Charges, and Expenses, it shall be lawful for the Trustees and they are hereby required, forthwith

forthwith after such Costs, Charges, and Expenses shall have been taxed, to raise and borrow, from any Person willing to lend the same, by way of Mortgage on the Toll Gates and Toll Houses upon the said Road, and of the Tolls arising thereat, (exclusive of the *Robertsbridge Clappers* Part of the Road,) to bear Interest at the Rate of Five Pounds *per Centum per Annum*, any Sum not exceeding the Amount of such Expenses, or such Part thereof as shall not be paid out of the Monies aforesaid; and in order to provide for the Repayment of the Money so borrowed the Sum of One hundred Pounds *per Annum*, together with the Interest at the Rate aforesaid upon such Principal Sum, or upon such Portion thereof as shall from Time to Time remain unpaid, shall have Priority of all other Charges and Appropriations whatsoever of the Monies vested in the Trustees or arising by virtue of this Act.

No more Money to be raised by Mortgage.

XXVII. And be it enacted, That, except as by this Act expressly authorized, the Trustees shall not raise any further Sum of Money by way of Mortgage, anything in any Act relating to Turnpike Roads in *England* to the contrary notwithstanding.

No Tolls to be taken or Money laid out in Towns for repairing Roads.

XXVIII. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein, except as herein-after mentioned: Provided always, that the Trustees may continue to collect Tolls at any Toll Gate, Bar, or Chain already erected within such Limits, so long as the Mortgage and other Debts existing previous to the passing of this Act shall remain undischarged; provided also, that where the Limits of the *Hastings* Improvement Act shall divide the said Road longitudinally the Trustees shall maintain and keep in repair the whole Width of such Part of the said Road as is so divided.

Trustee or Clerk not deemed incompetent Witnesses.

XXIX. 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.

Nothing to exempt Road from Provisions of any future general Act.

XXX. And be it enacted, That nothing herein contained shall be deemed to exempt the Road 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.

Commencement and Continuance of Act.

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

Interpretation of Terms.

XXXII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them,

them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments:

The Word "Trustees" shall mean the Trustees acting under or by virtue of this Act.

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

The SCHEDULE referred to in this Act.

Name of Creditor.	Amount claimed.	Name of Creditor.	Amount claimed.
FIRST CLASS.	£ s. d.		£ s. d.
Ayerst, Thomas	46 19 0	Brought forward	406 9 5
Austin, William	0 4 0	Tester, James	9 5 0
Baldock, George	4 14 9	Ticehurst, Francis William	38 17 10
Barton, Henry	3 17 0	Voisy, George	8 4 4
Bovis, John	0 17 2	Walker, James	1 3 6
Brook, William	1 8 7	Wood, Edward	0 16 2
Baxter, William Edwin	36 15 2	£	464 16 3
Coleman, Joseph and William	12 8 5	SECOND CLASS.	
Daws, George	5 0 0	Battle Union (Board of Guardians of)	476 4 1
Easton, Joseph	6 1 1	Brown, William	93 16 0
Elliot, Joseph	4 14 1	Britt, Edgar	268 10 4
Ellman, Frederic	1 12 10	Foster, William	148 12 2
Garner, George	1 7 1	Watts, Robert	216 16 2
Groves, Thomas	0 18 0	Weller, William	100 0 0
Goodwin, Charles A.	0 4 0	£	1,303 18 9
Hartnup, Thomas	52 5 3	THIRD CLASS.	
Hayward, John	0 11 5	Ellman, Frederic	319 12 0
Hutchinson, Messrs.	2 11 3	Ellman and Whitmarsh	901 1 3
Jeffery, Thomas	1 13 3	Freeland, William Bennett, and Wife	87 16 10
Jones and Son	0 2 2	Tester, William	970 0 0
Langham, Messrs.	24 4 8	£	2,278 10 1
Lansdell, James	57 2 5	FOURTH CLASS.	
Laurence, James	8 3 6	Ashburnham, Earl of	433 10 0
Lusted, Thomas	8 4 9	Eversfield, Charles, Esq.	30 14 3
Lee & Co.	41 5 8	Nicoll, Samuel John, Esq.	81 6 5
Martin, Henry	1 4 0	Phillips, Rev. Francis R.	72 10 0
Mantell, Thomas	6 14 6	Snepp, John	27 16 3
Pickerden, Thomas	3 6 10	Smith, Tilden	72 15 0
Piper, John	7 5 7	Watts, Robert	473 6 0
Reed, N.	0 8 3	Wetherell, Rev. Richard	69 15 7
Russell, Samuel	10 12 4	Webster, Sir Godfrey, Bart.	173 8 0
Smith, Christopher	32 10 0	Watts, James	25 0 0
Selden, Richard	1 14 2		
Slatter, George	1 12 10		
Streeter, Charles	6 12 2		
Smith, John	0 9 9		
Smith, J. E.	2 3 10		
Standen, Henry	0 15 8		
Simes, John	6 8 0		
Standen, John	1 6 0		
Carried forward	406 9 5	£	1,460 1 6

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