ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. x.

An Act for more effectually making, ſtraightening, repairing, and improving the Road from near the Town of *Lewes* to *Polegate*, in the Pariſh of *Hailſham*, and from thence to *Eaſtbourne*, and from *Polegate* to *Hailſham Common*, in the County of *Suſſex*. [23d *March* 1819.]

WHEREAS an Act was paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for repairing the Road from the South End of the South Street, in the Pariſh of* Southmalling, *near the Town of* Lewes, *to* Glyndbridge, *and from thence through* Firle Street, *under the Hill, to* Longbridge, *in the Pariſh of* Alfriſton, *in the County of* Suſſex: And whereas another Act was paſſed in the Twentieth Year of the Reign of His preſent Majeſty, intituled *An Act to continue the Term, and enlarge the Powers of an Act made in the Thirty-ſecond Year of the Reign of His late Majeſty King* George *the Second, for repairing the Road from the South End of the South Street, in the Pariſh of* Southmalling, *near the Town of* Lewes, *to* Glyndbridge, *and from thence through* Firle Street, *under the Hill, to* Longbridge, *in the Pariſh of* Alfriſton, *in the County of* Suſſex: And whereas another Act was paſſed in the Thirty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act to enlarge the Term, and alter and amend the Powers of Two ſeveral Acts paſſed in the Thirty-ſecond Year of the Reign of King* George *the Second, and the Twentieth Year of the Reign of His preſent Majeſty, for repairing the Road from the South End of the South Street, in* 32G.2.c.67. 20G.3.c.83. 32G.3.c.147.

the Parish of Southmalling, *near the Town of* Lewes, *to* Glyndbridge, *and from thence through* Firle Street, *under the Hill, to* Longbridge, *in the Parish of* Alfriston, *in the County of* Suffex, *except so far as the said Acts relate to that Part of the said Road which lies between a Place commonly called* Bopeep, *in the Parish of* Alciston, *and* Longbridge *aforesaid; and for amending and keeping in Repair several other Roads therein mentioned, in the said County of* Suffex: And whereas the Truftees appointed in or by virtue of the said several recited Acts proceeded to put the same in Execution, and borrowed divers Sums of Money, amounting in the whole to the Sum of Four thousand nine hundred and fifty Pounds, on the Credit of the Tolls granted by the said Acts, which said Sum still remains due and owing; but several Miles of the Roads comprized in the last of the said recited Acts have not been repaired, and are now in a very bad State; and the said Truftees have not any Funds wherewith to repair the same, or any Means of borrowing any further Sum of Money upon the Credit of the Tolls granted by the said Acts of Parliament: And whereas the Line of Road directed and intended to be made and kept in Repair in and by the said several Acts of Parliament is circuitous, and in many Respects inconvenient, and it will be more advantageous for the Public, and for the Inhabitants of the Country adjacent, that so much of the said Line of Road as is not comprehended in the Line of Road hereafter mentioned should be abandoned, and that a new Turnpike Road should be made from the South End of the South Street of the Parish of *Saint Thomas in the Cliff*, near the Town of *Lewes*, to *Polegate*, in the Parish of *Hailsham*, and from thence to *Eastbourne*, and from *Polegate* aforesaid to the Point of Junction with the *Langney* Turnpike Road on *Hailsham Common*: And whereas the said Truftees have consented to surrender and give up all their Interest and Concern in the Management of the said Roads, and have approved of an Application being made to Parliament for the Repeal of the said recited Acts, upon such Compensation being made and secured as has been agreed upon with the Creditor or Creditors on the said Trust: And whereas *Davies Gilbert* Esquire is, by virtue of various Assignments which have been made to him, now legally entitled to the whole of the said Sum of Four thousand nine hundred and fifty Pounds due as aforesaid on the Credit of the said Tolls, and has agreed to accept the Sum of Two thousand and twenty-two Pounds Eleven Shillings and Four-pence, as a Compensation for and Satisfaction of the same, together with such Interest, and to be paid in such Manner as is herein-after mentioned: And whereas it is expedient for the Causes aforesaid that the said several Acts should be repealed, and that a new Act should be passed for the making, amending, widening, diverting, altering, straightening, improving, and keeping in Repair the new Turnpike Road so proposed to be made as aforesaid, instead of the said present Roads, and of such other Roads adjacent or near thereto, as are or shall become useless to the Public by making the said intended new Turnpike Road: 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-fifth Day of *March* One thousand eight hundred and nineteen, the said Acts of the Thirty-second Year of the Reign of His late Majesty King *George* the Second, and of the Twentieth and Thirty-second Years of the Reign of His present Majesty, shall be and the same are hereby declared

Former Acts repealed.

to be repealed, and inſtead thereof this Act ſhall from thenceforth commence and take Effect, and be put into Execution for and during the Term herein-after mentioned, for the Purpoſe of more effectually making, amending, widening, diverting, altering, ſtraightening, improving, and keeping in Repair a Turnpike Road from the Southern End of the South Street of the Pariſh of *Saint Thomas in the Cliff*, near the Town of *Lewes*, to *Polegate*, in the Pariſh of *Hailſham*, and from thence to *Eaſtbourne*, and from *Polegate* aforeſaid to the Point of Junction with the *Langney* Turnpike Road on *Hailſham Common*, in the County of *Suſſex*.

Power to continue former Toll Houſes and receive Tolls.

II. Provided always, and be it further enacted, That until the new Line of Road propoſed to be made by virtue hereof ſhall be made fit for the Paſſage of Cattle and Carriages, and ſhall be certified ſo to be by Two Juſtices of the Peace for the ſaid County of *Suſſex*, and until Toll Gates ſhall be erected and ſet up at the ſeveral Places herein-after particularly deſcribed for that Purpoſe, it ſhall and may be lawful for the Truſtees appointed, or to be appointed in or by virtue of this Act, to continue and make uſe of the preſent Courſe of the ſaid Roads directed and intended by the ſaid ſeveral recited Acts, or any of them, to be made and kept in Repair, and of the ſeveral Toll Gates now ſtanding upon the ſaid Roads, and to demand, receive, and take ſuch Tolls and Duties at each and every of the ſaid Toll Gates, as by the ſaid Acts are authorized to be demanded, received, or taken at any of the Toll Gates erected in purſuance thereof.

Truſtees.

III. And be it further enacted, That the Right Honourable *George Henry Cavendiſh*, commonly called *Lord George Henry Cavendiſh*, *Henry Frederick Compton Cavendiſh*, *Charles Compton Cavendiſh*, the Reverend *James Capper*, *Henry Campion*, *John George Dalbiac*, *Samuel Woodgate Durrant*, *John Ellman*, *Edward Egles*, *John Fuller* of *Roſe Hill*, the Honourable *Thomas William Gage*, *John Gage*, *William Hall Gage*, *Davies Gilbert*, the Reverend *Henry Thomas Grace*, *Charles Hariſon*, *William Hariſon*, *John Hoper*, *George Hoper*, *William Franklin Hick*, the Honourable *Charles Cecil Cope Jenkinſon*, *John King*, *John Mynn*, *William Courthorpe Mabbott*, *Thomas Partington*, *James Powell*, *William Ridge*, the Reverend *Edward Robert Raynes*, *John Spratt Rainier*, Sir *John Shelley* Baronet, Sir *George Shiffner* Baronet, the Reverend *George Shiffner*, *Matthias Slye*, *Inigo Thomas*, *George Thomas Thomas*, the Right Honourable *John Trevor*, *Thomas Tourle*, *John Harry Willard*, *Nicholas Willard* of *Eaſtbourne*, *Thomas Woodward*, the Reverend *Harry Weſt*, *George Wilmot*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and are hereby appointed Truſtees for making, amending, widening, diverting, altering, ſtraightening, improving, and keeping in Repair the ſaid Turnpike Road by this Act intended to be made, amended, widened, diverted, altered, ſtraightened, improved, and kept in Repair, and for otherwiſe putting this Act in Execution.

Power to appoint additional Truſtees.

IV. 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 herein-after directed, or at any ſubſequent Meeting to be held for that Purpoſe (of which ſubſequent Meeting, and of the Purpoſe thereof, Twenty Days Notice ſhall be given as is herein-after directed), to elect and appoint any Number of Perſons, not exceeding Five in the whole, to be Truſtees for executing

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.

V. 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, or by Bankruptcy, Inſolvency, or otherwiſe, become diſqualified to act, or refuſe 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, Twenty Days Notice ſhall be given as is herein-after directed, to elect and appoint One or more Perſon or Perſons to be a Truſtee or Truſtees in the Room of the Truſtee or Truſtees ſo dying, becoming diſqualified, or refuſing to act as aforeſaid; and every Perſon ſo 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.

Qualifications of Truſtees.

VI. 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 a Real Eſtate in Lands, Tenements, or Hereditaments, in the County of *Suſſex*, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſo poſſeſſed or receiving the Rents and Profits of a like Real Eſtate of the clear yearly Value of Three hundred Pounds above Reprizes, nor before he ſhall have taken, and alſo ſubſcribed in a Book to be kept for that Purpoſe, the Oath or Affirmation herein-after mentioned before any Three or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

Oath.

'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 a Real Eſtate in Law or Equity, in Lands, Tenements, or Hereditaments, in the County of *Suſſex*, of the clear yearly Value of One hundred Pounds above Reprizes. (*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 or Receipt of the Rents and Profits of a Real Eſtate in Law or Equity, in Lands, Tenements, or Hereditaments, in the County of *Suſſex*, of the clear yearly Value of Three hundred Pounds above Reprizes; and that I will truly, faithfully, and impartially execute the Powers and Truſts repoſed in me, by an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled (*here ſet forth the Title of this Act*). So help me GOD.'

Truſtees intereſted or holding Places of Profit, or

VII. Provided always, and be it further enacted, That no Perſon appointed or to be appointed a Truſtee for putting this Act in 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

Execution thereof, and that no Perſon ſhall be capable of being appointed a Truſtee, or of acting as ſuch, during the Time he ſhall keep a Victualing 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, 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, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance 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, 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 hereby 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 in which he ſhall be perſonally intereſted, otherwiſe than as a Mortgagee of the Tolls granted by this Act.

keeping Victualling Houſes, &c. not to act.

Truſtees may act as Juſtices.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the County Hall in *Lewes* aforeſaid on the Second *Tueſday* next after the paſſing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, or as ſoon after as conveniently may be, 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 either in the ſaid Town of *Lewes*, or in the ſaid Pariſh of *Saint Thomas in the Cliff*, or in ſome one of the Pariſhes in which the ſaid Turnpike Road or any Part thereof 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 Three 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, and to be inſerted in one or more of the Newſpapers publiſhed within the ſaid County of *Suſſex*, appoint the ſaid Truſtees to meet at ſome one of the Places aforeſaid on ſome convenient Day, at leaſt Ten Days after

General Meetings.

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 (except the First Meeting to be held under this Act) before the Hour of Eleven in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Two in the Afternoon.

General Meetings on Emergencies.

IX. 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 Three or more of the said 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 Ten 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 Adjournments; 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 made, unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless Special Notice shall be given at least Ten Days before, in the Manner herein-before directed, nor unless a greater Number of the Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Agreement, or Determination; 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.

Orders and Proceedings may be made by Three Trustees.

X. 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 any Three or more of the Trustees appointed, or to be appointed by or under this Act, except only in Cases herein particularly directed to be done and executed by any greater or less Number of them.

For appointing Clerks, Treasurers, and other Officers.

XI. And be it further enacted, That the said Trustees may, and they are hereby empowered from Time to Time, by Writing under their respective Hands, to appoint one or more Collector or Collectors of the said Tolls, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Turnpike Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time to remove such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them; and on the Removal, Death, or Resignation of any such Collec-

tors, Clerks, Treaſurers, Surveyors, 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 ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other 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 deem reaſonable; 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 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 to the ſaid Truſtees, or to ſuch Perſon or Perſons as they 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 ſhall appoint, within Three Days after being thereunto required by the ſaid Truſtees, 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 Two 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 ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and they are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money 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, 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 in his, her,

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, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make), or until he ſhall have delivered up ſuch Books, Papers, and Writings 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.

Orders and Proceedings to be entered in a Book.

XII. And be it further enacted, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept by the Clerk to the ſaid Truſtees for that Purpoſe, and be ſigned by the Truſtees preſent at the Meeting or Meetings at which ſuch Orders or Proceedings ſhall be from Time to Time made or had, or the major Part of ſuch Truſtees, or by their Chairman, and that ſuch Book or Books ſhall be open at all ſeaſonable Times to the Inſpection of any of the Truſtees appointed or to be appointed by or under this Act, without Fee or Reward; and ſuch Orders and Proceedings, ſo entered and ſigned by ſuch Number of the ſaid Truſtees as are empowered by this Act to make ſuch Orders, or carry on ſuch Proceedings, or by the Chairman at any Meeting at which a ſufficient Number of the ſaid Truſtees attended to make ſuch Orders or carry on ſuch Proceedings, 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.

Old Officers may continue till others appointed.

XIII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers 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.

Treaſurers, &c. to give Security.

XIV. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to take ſufficient Security from the Treaſurer or Treaſurers,

furers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices, and no such Treasurer, Receiver, Collector, or other Officer, shall be permitted to enter upon his Office until he shall have given such Security.

Trustees may appoint temporary Collectors.

XV. 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 Two or more of the Trustees, though not assembled at any Meeting of the said Trustees, to be held in pursuance of this Act, by Writing under their Hands, to discharge 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 discharged; 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 discharged, 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, appoint a Collector of the said Tolls; and if any Collector or Receiver of the said Tolls, who shall be 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 Fourteen 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 or 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 Person appointed by any Two or more of them, in Possession thereof.

Books, &c. relative to former Acts to be delivered to Trustees.

XVI. And be it further enacted, That all Persons who are or have been employed, or who have received or shall receive any Tolls or other Money by virtue or on account of the said Acts hereby repealed, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or any Things relating to the said Roads, by the same Acts directed to be improved and repaired, shall account for and pay, and deliver over the same and every Part thereof to the Trustees hereby appointed, in like Manner, and under the like Penalties, as the several Collectors and other Persons receiving any Money by virtue of this Act, are herein-before required to pay or account for the same.

Accounts to be kept of Receipts and Disbursements.

XVII. 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

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, 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 hereby 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 the ſaid Truſtees or ſuch Creditors, or any of them, to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding the Sum of Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Clerk not to act as Treaſurer, and vice verſâ.

XVIII. And be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to appoint the Perſon who 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 this Act; 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 this Act, 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 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.

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

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 of their Clerk for the Time being, 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 or on account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death, Incapacity, or Removal, of any ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or Three of them at the leaſt, at a public Meeting to be held for that Purpoſe; but 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 every ſuch Clerk, in whoſe Name 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 ſhall be put unto, or become chargeable with, by reaſon of his being made Plaintiff or Defendant therein as aforeſaid.

Toll Gates to be erected.

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 required to erect, or cauſe to be erected, Toll Gates in, upon,

upon, or acroſs the ſaid Turnpike Road, at the ſeveral Places herein-after mentioned and deſcribed (that is to ſay), One Toll Gate at *Southram Corner*, in *Southmalling*; One other Toll Gate at the *Beddingham* Croſs-way, in *Beddingham*; One other Toll Gate at *Selmeſton* Fair Place, in *Selmeſton*; One other Toll Gate at the *Cuckmare* River; One other Toll Gate at *Polegate*, where that Part of the ſaid Turnpike Road which leads through the ſeveral Toll Gates aforeſaid, will join the other Part of the ſaid Turnpike Road which leads from *Hailſham* Common to *Eaſtbourne*; and One other Toll Gate at or near *Polegate* aforeſaid, acroſs that Part of the ſaid Turnpike Road which leads from *Hailſham* Common to *Eaſtbourne*; and alſo One Side Gate at *Weſtfirle*, at the Entrance of the Lane commonly called *Ripe Lane*, leading from the Croſs-way at *Stanford* Pound to *Ripe*; and alſo ſuch and ſo many other Toll Gates 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 in, upon, or acroſs any Lane or Highway that does or ſhall lead into or out of the ſame reſpectively, as they the ſaid Truſtees ſhall think proper and expedient (ſubject nevertheleſs to ſuch Reſtrictions and Directions as are herein-after mentioned or contained concerning the ſame); and alſo ſhall and may erect and provide a Toll Houſe, with ſuitable Buildings, a Garden and other Conveniences, not exceeding Ten Perches of Land, at or near each of the ſaid Toll Gates.

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, and Buildings, erected by virtue of the ſaid recited Acts hereby repealed, or any of them, or to be erected by virtue of this Act, and of and in all the Materials for building the ſame; 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 them 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, Buildings, Rails, Poſts, Fences, Materials, Tools, Implements, and other Matters and Things aforeſaid, to be the Property of the Clerk for the Time being to the ſaid Truſtees.

Power to remove Toll Gates, &c.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered, from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates erected by Authority of the ſaid ſeveral Acts hereby repealed, or any of them, or which ſhall be erected by virtue of this Act, in, upon, or acroſs, or on the Side of the ſaid Turnpike Road, at the ſeveral Places herein-before deſcribed and appointed for that Purpoſe, or any other Toll Gates which ſhall be erected by virtue of this Act, in,

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 as the ſaid Truſtees, or any Five or more of them ſhall, from Time to Time, order and direct; provided that none of the ſaid Toll Gates ſhall be removed 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 Turnpike Road, nor unleſs ſuch Notice ſhall have been advertiſed in ſome Newſpaper, publiſhed in the ſaid County of *Suſſex*, Twenty Days at the leaſt previous to ſuch Order being made.

Power to ſell the preſent or any future Toll Houſes, &c.

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 private Sale, at or for ſuch Price or Prices as they the ſaid Truſtees can obtain for the ſame; and to convey the ſaid Toll Houſes, Gardens, and Appurtenances, to the Perſon or Perſons who ſhall purchaſe the ſame, as an Eſtate or Eſtates of Inheritance in Fee Simple; and the Perſon or Perſons who ſhall purchaſe the ſame, his, her, or their Heirs or Aſſigns, ſhall, upon Payment of his, her, or their Purchaſe Money to the ſaid Truſtees, or to their Treaſurer or Treaſurers for the Time being, hold and enjoy the Premiſes by him, her, or them ſo purchaſed, diſcharged from all Truſts, and free from all Incumbrances whatſoever, and ſhall not be anſwerable for the Application of his, her, or their Purchaſe Money: Provided always, that ſuch Preference of purchaſing ſhall be given to the Perſon or Perſons from whom any Land on which any ſuch Toll Houſes may have been erected, was purchaſed or taken in Exchange, as is herein-after directed to be given where any Piece or Pieces of Ground, or old Roads not wanted for the Purpoſes of this Act, is authorized to be ſold and diſpoſed of.

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 appointed 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-after mentioned), at each and every of the reſpective Toll Gates and Side Gates, which ſhall be 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 Horſe, Beaſt, or other Cattle, or any Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall be permitted to paſs through the ſame, the ſeveral Tolls and Duties following; (that is to ſay),

For every Coach, Chariot, Landau, Chaiſe, Phaeton, Caravan, Hearſe, or other ſuch like Four-wheel Carriage, the Sum of One Shilling:

For every Horſe or other Beaſt drawing the ſame, the Sum of Three-pence:

For every Chaiſe, Curricle, Gig, Taxed Cart, or other ſuch like Two-wheel Carriage, the Sum of Sixpence:

For every Horſe or other Beaſt drawing the ſame, the Sum of Three-pence:

For every Waggon or other ſuch like Four-wheel Carriage, having the Soles or Bottoms of the Fellies of the Wheels thereof of the Breadth of Six Inches, the Sum of Eight-pence:

For every Cart or other ſuch like Two-wheel Carriage, having the Soles or Bottoms of the Fellies of the Wheels thereof of the Breadth of Six Inches, the Sum of Four-pence:

For every Bull, Ox, or Aſs, drawing any ſuch Waggon or other ſuch like Four-wheel Carriage, or any ſuch Cart or other ſuch like Two-wheel Carriage, the Sum of One Penny:

For every Horſe or other Beaſt (except Bulls, Oxen, and Aſſes) drawing the ſame, the Sum of Two-pence:

For every Waggon or other ſuch like Four-wheel Carriage, having the Soles or Bottoms of the Fellies of the Wheels thereof of leſs Breadth than Six Inches, the Sum of One Shilling:

For every Cart or other ſuch like Two-wheel Carriage, having the Soles or Bottoms of the Fellies of the Wheels thereof of leſs Breadth than Six Inches, the Sum of Sixpence:

For every Bull, Ox, or Aſs, drawing any ſuch laſt-mentioned Waggon, or other ſuch like Four-wheel Carriage, or any ſuch laſt-mentioned Cart, or other ſuch like Two-wheel Carriage, the Sum of One Penny Half-penny:

For every Horſe or other Beaſt (except Bulls, Oxen, and Aſſes) drawing the ſame, the Sum of Three-pence:

For every Horſe or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

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

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and in that Proportion for any leſs Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and in that Proportion for any leſs Number:

For every Horſe or other Beaſt drawing, between the Tenth Day of *October* and the Tenth Day of *April*, any Waggon, Cart, or other Carriage, laden with any Kind of Timber, Plank, Boards, Wood, Bricks, or Tiles, Flints, Iron, Gravel, Coals, Marle, Chalk, or Sand, double the Tolls herein-before enacted in reſpect of ſuch Horſe or other Beaſt; provided that ſuch double Toll ſhall not be taken on account merely of any ſmall Quantities, not exceeding Three Hundred Weight of any of the Articles aforeſaid in ſuch Carriage.

Tolls veſted in Truſtees.

XXV. 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.

and may be levied by Diſtreſs.

Additional Toll where Nails not counterſunk.

XXVI. Provided always, and be it further enacted, That from and after the Twenty-fifth Day of *March* One thouſand eight hundred and twenty-one, if any of the Nails of the Tire of any Wheel of any Waggon, Cart, or other ſuch like Carriage, ſhall not be counterſunk therein, ſo as not to riſe or project above the Surface of ſuch Tire, One-half more than the Tolls herein-before enacted ſhall be paid for every ſuch Waggon, Cart, or other ſuch like Carriage.

Reduced Tolls on Cylindrical Wheels.

XXVII. Provided alſo, and be it further enacted, That from and after the Twenty-fifth Day of *March* One thouſand eight hundred and twenty-one, the ſame Tolls as are herein-before enacted in reſpect of Waggons, Carts, and other ſuch like Carriages having the Soles or Bottoms of the Fellies of the Wheels thereof of leſs Breadth than Six Inches, and for Horſes and other Beaſts drawing the ſame, ſhall be paid for all Waggons, Carts, and other ſuch like Carriages, and for the Horſes and other Beaſts drawing the ſame, of whatſoever Breadth the Soles or Bottoms of the Fellies of the Wheels thereof may be, unleſs ſuch Soles or Bottoms of the Fellies of ſuch Wheels ſhall be Cylindrical, (that is to ſay), of the ſame Diameter on the Inſide next the Carriage as on the Outſide, ſo that when rolling on a flat Surface the whole Breadth thereof ſhall bear equally on ſuch flat Surface, and that the oppoſite Ends of the Axletrees of ſuch Carriage, ſo far as the ſame ſhall be inſerted in the Naves of the Wheels thereof, ſhall not form an Angle with each other, but ſhall be in the Continuance of one ſtraight Line, ſo that in each Pair of Wheels belonging to ſuch Carriage, the lower Parts which ſhall reſt on the Ground, ſhall be at the ſame Diſtance from each other as the upper Parts of ſuch Pair of Wheels, and that the Heads of the Nails ſhall be ſunk level with the Surface of the Tire of the Wheels.

Gauge to be kept.

XXVIII. And be it further enacted, That an Iron Gauge ſhall be kept at each of the Toll Gates to be erected upon the ſaid Road, to aſcertain the Shape of the ſaid Cylindrical Wheels.

No additional Toll for Overweight on Carriages with Cylindrical Wheels.

XXIX. Provided always, and be it further enacted, That no additional Toll ſhall be taken or payable for or in reſpect of any Overweight not exceeding One Ton, with which any Waggon, Cart, or other Carriage may be loaded, the Wheels of which ſhall be Cylindrical, and formed in the Manner herein-before deſcribed, and the Sole or Bottom of the Fellies of which Wheels ſhall be of the Breadth of Nine Inches.

XXX. And

Southram Gate to clear Beddingham Gate, and vice versâ.

XXX. And be it further enacted, That every Person paying the said Tolls at the Toll Gate to be erected at *Southram Corner* shall have, and the Collector or Receiver shall and he is hereby required to deliver to him *gratis*, a Note or Ticket denoting such Payment, and the Collector or Receiver of the Tolls at the Toll Gate to be erected at *Beddingham Cross-way* shall, on Production of such Note or Ticket, permit such Person on the same Day to pass through the Toll Gate there with the same Horse or Horses, Beast, or other Cattle, Coach, Chaise, Waggon, Cart, or other Carriage, Toll-free; and in like Manner every Person paying the said Tolls at the *Beddingham Cross-way* Gate shall have, and the Collector or Receiver shall and he is hereby required to deliver to him *gratis*, a similar Note or Ticket, and the Collector or Receiver of the Tolls at *Southram* Gate shall, on Production of such Ticket, permit such Person on the same Day in like Manner to pass through the Toll Gate there Toll-free.

Tolls to be paid but once on the same Day for passing and returning.

XXXI. 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, 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 Clock at Night with the same Cattle or Carriage, but shall return Toll-free; but no Person shall be permitted to pass a Third Time in any One Day, to be computed as aforesaid, with the same Cattle or Carriage, 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 Cattle or Carriage, 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: Provided always, that no Coach, Waggon, Cart, or other Carriage, nor any Horse or other Beast, passing on the same Day to or from the said Southern End of the South Street of the Parish of *Saint Thomas in the Cliff* to or from *Polegate*, and to or from thence either to or from *Hailsham Common* or *Eastbourne*, shall be charged or chargeable with or liable to pay the Tolls hereby granted at more than Four Toll Gates.

Limiting the Number of Tolls.

Penalty on Toll Collectors not putting up their Names, or misbehaving.

XXXII. And be it further enacted, That all and every Toll Collector 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 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 on 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 Two Inches 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;

Exemption; or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or 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 refuſe or neglect to give a Ticket (where by this Act required ſo to do) denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gate or Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous 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.

Power to reduce the Tolls at the Toll Gate between Eaſtbourne and Hailſham Common.

XXXIII. 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 Toll Gate to be erected at or near *Polegate* aforeſaid, acroſs that Part of the ſaid Turnpike Road which leads from *Hailſham Common* to *Eaſtbourne*, and to raiſe the ſame again, not exceeding the Tolls hereby granted: Provided nevertheleſs, that no ſuch Reduction ſhall be made unleſs the Perſon or Perſons who ſhall be entitled to Five-ſixth Parts of the Money which ſhall then be owing on the Credit of the Tolls hereby granted, 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*, Twenty-one Days at leaſt previous to ſuch Meeting, nor unleſs a Majority (conſiſting of at leaſt Five) of the Truſtees preſent at ſuch Meeting ſhall concur in ſuch Reduction.

Exempting Royal Family from Toll.

XXXIV. And be it enacted, That this Act ſhall not extend or be conſtrued to extend to charge with Toll any Horſes or Carriages belonging to His Majeſty or any of the Royal Family, or any Horſes or Carriages attending His Majeſty or any of the Royal Family.

Exemptions from Tolls.

XXXV. And be it further enacted, That no Tolls ſhall be demanded or taken by virtue of this Act for any Waggon, Cart, or other Carriage, nor for any Horſe or other Cattle drawing the ſame, which ſhall be employed only in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying and conveying on the ſame Day, any Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be uſed for making or repairing the ſaid Turnpike Road, or making, building, or repairing any Bridges, Drains, or Fences thereon; or any Hay not having been ſtacked, or any Corn in the Straw only, not ſold or diſpoſed of, but intended to be laid up in Houſes, Outhouſes, Barns, or Yards of the Owners thereof, in any of the Pariſhes in which any Part of the ſaid Turnpike Road lies; or any Ploughs, Harrows, or other Implements of Huſbandry to be uſed in any of the ſame Pariſhes, or to any Place for the Purpoſe of Repair, or from any Place after ſuch Repair; nor for any Waggon, Cart, or other Carriage, nor for any Horſe or other Cattle, which

which ſhall, between the Tenth Day of *March* and the Firſt Day of *November*, be employed only in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Materials for repairing any Highways in any of the Pariſhes in which any Part of the ſaid Turnpike Road lies: Provided always, that no Exemption from Payment of the ſaid Tolls ſhall be allowed for any Waggon, Cart, or other Carriage, nor for any Horſes or other Cattle drawing the ſame, which ſhall, from and after the Twenty-fifth Day of *March* One thouſand eight hundred and twenty-one, be employed for any of the Purpoſes aforeſaid, except in carrying Hay or Corn in the Straw, or Ploughs, Harrows, or other Implements of Huſbandry, in Manner as aforeſaid, unleſs the Wheels of ſuch Waggon, Cart, or other Carriage, ſhall be cylindrical, and formed in the Manner before deſcribed; and that no Toll ſhall be demanded or taken by virtue of this Act from any Rector, Vicar, or Curate, reſiding in any of the Pariſhes in which any Part of the ſaid Turnpike Road lies, going to or returning from his own Pariſh Church or Chapel, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons reſiding in any of the Pariſhes in which any Part of the ſaid Turnpike Road lies when paſſing through any Toll Gate to or from his, her, or their proper Parochial Church or Chapel, or other Place of Religious Worſhip tolerated by Law, on a *Sunday*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, or to attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes; nor for any Horſes, Mules, Aſſes, or Oxen kept within ſuch reſpective Pariſhes going to or returning from Work in cultivating Lands therein; nor for any Horſes or other Cattle going to or returning from Water or Paſture, or going to or returning from being ſhod; nor for any Horſes or other Cattle towing any Boat, Barge, or Veſſel, or any Raft up or down the River *Ouſe*, or going in order to tow or returning after having towed the ſame; nor for any Horſes or Carriages 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, fetching, or guarding the ſame, or in returning back from conveying the ſame; nor for Horſes of Officers or Soldiers on their March or on Duty; nor for Carriages or Horſes, or other Beaſts employed in carrying the Arms or Baggage of ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunter Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that all and every ſuch Perſons are in the Uniform 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 Exemption, and not otherwiſe; nor for any Waggon, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, or Barrack, or other Public or Commiſſariat Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſes or Carriages travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; nor for any Horſe or Carriage going to or returning from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the 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 shall claim and take the Benefit of any of the Exemptions aforesaid (not being entitled thereto), every Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of the Exemption shall lie on the Person claiming the same: Provided always, that no Toll shall be demanded or taken for any Horse or other Cattle, or for any Coach, Waggon, Cart, or other Carriage, which shall not go or pass more than One hundred Yards upon the said Turnpike Road.

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

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 any such Waggon, Wain, Cart, or other Carriage, or 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.

Power to compound for Tolls.

XXXVII. And be it further enacted, That it shall and may 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 Carriages through all or any of the Toll Gates to be erected by virtue of this Act; which Composition shall be paid yearly 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.

For settling Disputes concerning Tolls.

XXXVIII. And be it further enacted, That if any Dispute shall happen concerning any Toll due, 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 such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls, and the 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 Nonpayment 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.

Toll Gate Keepers not incompetent Witneſſes.

XXXIX. 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 be competent to give Evidence in any ſuch Diſpute, Suit, or Litigation, notwithſtanding his or their collecting or managing the ſame as aforeſaid.

Penalty on evading Tolls.

XL. And be it further enacted, That if any Perſon ſhall, with any Horſe, Cattle, Beaſt, or Carriage, go or paſs into the ſaid Turnpike Road, through or over any Land or Ground 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 to or receive from any Perſon, other than the Collectors of the ſaid Tolls, or forge, counterfeit, or alter, any Note or Ticket by this Act directed to be given, with Intent to evade the Payment of the ſaid Tolls or any Part thereof; or if any Perſon ſhall forcibly paſs through any ſuch Toll Gate with any Horſe, Cattle, Beaſt, or Carriage; or ſhall unload or cauſe to be unloaded, any Goods, Wares, or Merchandize, or 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, 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, 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.

XLI. And be it further enacted, That the ſaid Truſtees ſhall be, and are hereby empowered, after giving Twenty Days Notice thereof in 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 the Tolls granted by this Act, or any Part or Parts of ſuch Tolls, by public Auction, for any Term not exceeding Three Years at a 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 annual 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 among the Bidders

Bidders to undervalue the ſame, they may proceed in ſuch Letting 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, either by themſelves or their Clerk or Treaſurer, or other Perſon by them authorized, any Law or Statute to the contrary notwithſtanding.

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

XLII. 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 Seven 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 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 and may 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 Toll 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 or Agreements for Payment up to that Time of the Rent or Rents thereby reſerved, or other Covenants or Agreements on the Leſſees' 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 overweighted Carriages.

XLIII. 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 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 overweighted Waggon or other Carriage, ſubject to any Increaſe of Toll, 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 overweighted Waggon or other Carriage, ſuch Leſſee or Farmer, or other Perſon, ſhall, for every ſuch Offence, forfeit the Sum of 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.

XLIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, at the Firſt Meeting to be held for carrying this Act into Execution, or at any ſubſequent Meeting or Meetings whereof Twenty Days Notice ſhall be given in Writing, to be affixed on the reſpective Toll Gates ſtanding on the ſaid Turnpike Road, and in One of the public Newſpapers to be publiſhed in the ſaid County of *Suſſex*, to borrow and take up at Intereſt upon the Credit and Security of the Tolls hereby granted, any Sum or Sums of Money not exceeding in the Whole the Sum of Fourteen thouſand Pounds, and for ſecuring the Payment of the ſame, with Intereſt, to mortgage and aſſign the ſaid Tolls, 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 Money ſo to be borrowed ſhall be applied and diſpoſed of in ſuch Manner as is herein-after directed, and not otherwiſe; and which Mortgage or Mortgages, Aſſignment or Aſſignments (the Charges whereof are to be paid by the ſaid Truſtees), may be in the Form following, or in ſuch other Form as the ſaid Truſtees ſhall think proper; (that is to ſay),

Form of Aſſignment.

'BY virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*], we, whoſe Hands and Seals are hereunto ſubſcribed and ſet, being Five of the Truſtees for putting the ſaid Act into Execution, in conſideration of the Sum Sterling, advanced and paid by *A. B.* of to the Treaſurer of the ſaid Truſtees, do hereby grant and aſſign unto the ſaid *A. B.* and his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing and to ariſe on the ſaid Turnpike Road, and the Toll Gates and Toll Houſes erected or 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 Security thereof; to have, hold, receive, and take the ſaid Proportion of the ſaid Tolls, Toll Gates, Toll Houſes, and Premiſes, with the Appurtenances, unto the ſaid *A. B.* and his Executors, Adminiſtrators, and Aſſigns, for and during the Reſidue of the ſaid Term for which the ſaid Tolls are granted by the ſaid Act: Provided always, that if the ſaid Sum of ſhall be repaid to the ſaid *A. B.* or his Executors, Adminiſtrators, or Aſſigns, together with Intereſt for the ſame, after the Rate of *per Centum per Annum*, without any Deduction whatſoever, on or before the Day of now next enſuing, then this Aſſignment ſhall be void, or elſe ſhall remain in full Force. In witneſs whereof we have hereunto ſet our Hands and Seals, the Day of One thouſand eight hundred and .'

Mortgages to be entered in a Book or

And Copies of all ſuch 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

Books, and may be assigned.

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 Trust, without Fee or Reward; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit, in and to the said Mortgage, and the principal Money and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to, or by indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; (that is to say),

Form of Transfer.

'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 'transfer the within Mortgage Security, with all my Right and Title to 'the principal Money thereby secured, and to all Interest now due, and 'hereafter to accrue thereon, unto *E. F.* his or her Executors, Administrators, and Assigns. Dated this Day of

'Witness, *G. H.*'

Transfers to be entered by the Clerk.

Which Transfer shall be produced and notified to the said Clerk, within Thirty Days 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 Five 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 or 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 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, shall be in proportion to the principal Sum or Sums of Money thereby respectively secured, Creditors on the said Tolls, and other the Premises aforesaid, in equal and proportionate Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or the Dates of such Mortgages, Assignments, or Transfers.

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

XLV. 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, in order to pay himself, herself, or themselves, the principal Money and Interest, or any Part thereof, due to him, her, or them, 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 of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

XLVI. And

Sinking Fund.

XLVI. And be it further enacted, That when any Sum of Money ſhall be borrowed or taken up at Intereſt upon the Credit or Security of the ſaid Tolls hereby granted or continued, the Sum of One Pound *per Centum per Annum* on every ſuch Sum ſhall from thenceforth be charged on, and during the Continuance of this Act be appropriated and paid out of the ſaid Tolls, in order to form a Sinking Fund for the gradual Payment of all the principal Sum and Sums ſo to be borrowed; and that after the Payment of any ſuch principal Sum or Sums, the full Intereſt which would have been otherwiſe payable, for or in reſpect of the ſame, to the Creditor or reſpective Creditors, ſhall from thenceforth and during the Continuance of this Act be charged on and appropriated and paid out of the ſaid Tolls in aid of the ſaid Sinking Fund; and that as often as the ſaid Sinking Fund ſhall amount to the Sum of One hundred Pounds, that Sum ſhall be applied in Payment of an equal Amount of the ſaid principal Money then due or owing on the Credit or Security of the ſaid Tolls, rateably or by Lot, among the Creditors, as the ſaid Truſtees ſhall think proper.

For enforcing Payment of Subſcriptions.

XLVII. And be it further enacted, That if the ſeveral Perſons who have become Subſcribers towards the Expence of making and repairing the ſaid Turnpike Road hereby directed to be made and repaired, or any One or more of them, or any Perſon or Perſons who ſhall hereafter become or agree to become a Subſcriber or Subſcribers for that Purpoſe, ſhall, after Ten Days previous Notice in Writing, under the Hand of the Treaſurer or Clerk to the ſaid Truſtees, given to him, her, or them, or left at his, her, or their uſual Place or Places of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſo ſubſcribed or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, at ſuch Place or Places, and to ſuch Perſon or Perſons as the ſaid Truſtees ſhall, by any Writing under their Hands, authorize to receive the ſame, it ſhall be lawful for the ſaid Truſtees or any of them to bring or cauſe to be brought, in the Name of their Clerk, any Action or Actions of Debt, or on the Caſe, or Bill, Plaint, or Suit againſt the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, or his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and after Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, a Verdict ſhall be given for the Plaintiff in all ſuch Action and Actions, and Execution ſhall iſſue thereupon, as the Caſe may require.

Application of all Monies to be raiſed under this Act except Tolls.

XLVIII. And be it further enacted, That all the Monies which before the Twenty-fifth Day of *March* One thouſand eight hundred and nineteen, ſhall have been raiſed and produced by virtue of the ſaid Acts hereby repealed, and which ſhall then be remaining undiſpoſed of, and alſo all the Monies which ſhall be borrowed upon the Credit of the Tolls by this Act granted, and all other Monies which ſhall ariſe or be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following; (that is to ſay), in the Firſt Place, in Payment of all the

the Coſts, Charges, and Expences which ſhall have been incurred in applying for and obtaining and paſſing this Act; in the Second Place, in paying off and diſcharging the ſaid Sum of Two thouſand and twenty-two Pounds Eleven Shillings and Four-pence to the ſaid *Davies Gilbert*, in Satisfaction of the ſaid Debt of Four thouſand nine hundred and fifty Pounds due to him, together with Intereſt for the ſaid Sum of Two thouſand and twenty-two Pounds Eleven Shillings and Four-pence, after the Rate of Five Pounds *per Centum* from the Twelfth Day of *December* One thouſand eight hundred and eighteen, and alſo all Arrears of Intereſt which are now due on the ſaid Sum of Four thouſand nine hundred and fifty Pounds, and which accrued between the Twenty-fourth Day of *June* and the Twelfth Day of *December* One thouſand eight hundred and eighteen; in the Third Place, in defraying the Expences of purchaſing the Lands which may be neceſſary for the making, widening, and completing the ſaid Turnpike Road, and for the making and Erection of Toll Houſes and Gardens, and alſo the Expences of making and erecting the Fences hereby required to be made adjoining to the ſaid Turnpike Road; in the Fourth Place, in defraying the Expences of making, amending, widening, diverting, altering, ſtraightening, improving, and keeping in Repair the ſaid Turnpike Road by this Act directed to be made and kept in Repair as aforeſaid, and of erecting, making, and repairing proper Toll Gates, Toll Houſes, Bridges, Arches, and other Works upon or near to the ſame Turnpike Road; and in the Fifth Place, in reducing, paying off, and diſcharging the ſeveral principal Sums of Money which ſhall be borrowed and ſecured in purſuance or by virtue of this Act, which Reduction, Payment, and Diſcharge are to be made rateably, or by Lot, as the Truſtees ſhall think proper.

Application of the Tolls.

XLIX. And be it further enacted, That the Monies which ſhall ariſe or be produced by or from the Tolls by this Act granted or continued ſhall be applied to and for the ſeveral Purpoſes, and in the Order and Manner following, (that is to ſay), in the Firſt Place, there ſhall be paid thereout to the Surveyors of the Highways of the ſeveral Pariſhes of *Alciſton*, *Berwick*, and *Alfriſton*, during the Reſidue of the Term granted by the ſaid recited Acts hereby repealed, and according to the Intent and Meaning of ſuch Acts, the Three ſeveral yearly Sums of Five Pounds Five Shillings each towards the Repairs of the Road between *Bopeep* and *Longbridge*, in the ſaid County; and that, in the Second Place, the Intereſt which ſhall from Time to Time become due in reſpect of every Sum of Money which ſhall be borrowed or taken up at Intereſt on the Credit or Security of the ſaid Tolls ſhall be paid thereout, either to the Creditor or Creditors, or in aid of the Sinking Fund herein-before mentioned, as the Caſe may happen; and that, in the Third Place, the ſaid Amount of One Pound *per Centum per Annum*, to form a Sinking Fund for the Purpoſe aforeſaid, ſhall be paid thereout; and that the Reſidue of the Monies which ſhall ariſe or be produced by or from the ſaid Tolls ſhall be applied for the general Purpoſes of this Act.

Application of Tolls how to be ſecured.

L. And, in order to ſecure the due Application of the ſaid Tolls hereby granted or continued to the Purpoſes and in the Order and Manner aforeſaid, be it further enacted, That all and every the ſaid Tolls ſhall always be paid by the ſeveral Collectors thereof into the Hands of the Treaſurer for the Time being, to be appointed by the ſaid Truſtees, who ſhall keep a ſepa-

a ſeparate Account thereof, and ſhall pay and apply the ſame to the Purpoſes, and in the Order and Manner aforeſaid, and ſhall eſpecially keep a ſeparate Account of the ſaid Sinking Fund, and of the Application thereof.

Power to ſtop up certain parallel Roads.

LI. And whereas by the making of the new Line of Road herein-before deſcribed, ſeveral conſiderable Parts herein-after mentioned of the preſent Turnpike Road, and alſo ſeveral other Roads herein-after deſcribed, will become uſeleſs, and will, if not ſtopped up, be the Means of enabling Perſons to evade the Tolls hereby granted; be it further enacted, That immediately after the ſaid Turnpike Road ſhall be open for the paſſing of Horſes and other Cattle, Coaches, and other Carriages thereon, and ſhall be certified ſo to be by any Two Juſtices of the Peace for the ſaid County of *Suſſex*, the ſeveral Highways following ſhall be ſtopped up, and the ſame are hereby declared to be ſtopped up and diſcontinued; (that is to ſay), the preſent Turnpike or Highway over *Poorpitt*, from the Junction of the *Beddingham Lane*, near *Glynd* Turnpike Gate, to the Eaſtern End of the *Blind Lane;* the Highway from *Beddingham Preſton*, by the Windmill, to Lord Viſcount *Gage's* Lodges; the Highway leading from the Croſs-ways at the *Ley* in *Beddingham*, by the Croſs-ways above *Beddingham Preſton*, and by *New Elm*, to the Upper Part of *Firle Street;* the preſent Turnpike or Highway from the Upper End of *Firle Street* to *Bopeep*, in the Pariſh of *Alciſton;* the preſent Turnpike or Highway from *Thornwell*, in the Pariſh of *Wilmington*, to *Swines Hill*, in the Pariſh of *Hailſham;* and the Bridle-way from *Monkinpin*, in the ſaid Pariſh of *Wilmington*, by *Wootton*, to *Wannock Lane*, in the Pariſh of *Jevington;* and that the ſaid preſent Turnpike or Highway over *Poorpitt*, from the Junction of the *Beddingham Lane* near *Glynd* Turnpike Gate, to the Eaſtern End of the *Blind Lane;* and alſo ſo much of the ſaid Highway from *Beddingham Preſton*, by the Windmill, to Lord Viſcount *Gage's* Lodges, as lies in the ſaid Pariſh of *Beddingham;* and alſo ſo much of the ſaid Highway leading from the Croſs-ways at the *Ley*, by the Croſs-ways above *Beddingham Preſton*, and by *New Elm*, to the Upper Part of *Firle Street*, as lies in the ſaid Pariſh of *Beddingham*, ſhall be and are hereby declared to be from henceforth veſted in the Right Honourable *Thomas* Lord Viſcount *Hampden*, in Exchange for his Lands which are to be taken and uſed for the Purpoſes of this Act; and the Value thereof ſhall be ſettled or aſcertained in the ſame Manner as the Value of the Lands of the ſaid *Thomas* Lord Viſcount *Hampden*, ſo to be taken and uſed for the Purpoſes of this Act, is by virtue hereof to be ſettled or aſcertained; and any Difference in Value is to be paid by either Party to the other ſo as to make the Exchange equal, and if ſuch Difference ſhall be received by the ſaid Truſtees, it ſhall be applied by them to the general Purpoſes of this Act; and that the Reſidue of the ſaid Highway from *Beddingham Preſton*, by the Windmill, to Lord Viſcount *Gage's* Lodges, which lies in the ſaid Pariſh of *Weſtfirle;* and alſo the Reſidue of the ſaid Highway leading from the Croſs-ways at the *Ley*, by the Croſs-ways above *Beddingham Preſton*, and by *New Elm*, to the Upper Part of *Firle Street*, which lies in the ſaid Pariſh of *Weſtfirle;* and alſo the ſaid preſent Turnpike or Highway from the Upper End of *Firle Street* to *Bopeep*, in the Pariſh of *Alciſton*, ſhall be and are hereby declared to be veſted in the ſaid *Henry Hall* Lord Viſcount *Gage*, in Exchange for his Lands which are to be taken and uſed for the Purpoſes of this Act; and that ſo much of the ſaid preſent Turnpike or Highway from *Thornwell*

Thornwell to *Swines Hill*, as lies in the Parish of *Folkington*, and also so much of the said Bridle-way from *Monkinpin*, by *Wootton*, to *Wannock Lane*, as lies in the said Parish of *Folkington*, shall be and are hereby declared to be vested in *William Harison* Esquire, in Exchange for his Lands which are to be taken and used for the Purposes of this Act; and that so much of the said present Turnpike or Highway from *Thornwell* to *Swines Hill*, as lies in the several Parishes of *Wilmington* and *Jevington*, and also so much of the said Bridle-way as lies between the Western End of Lord *George Henry Cavendish's* Land in *Wilmington*, called *The Lords Lands*, and the Commencement of the Parish of *Folkington*, and so much more of the said Bridle-way as lies between the Eastern Extremity of *Chambers's* Land in *Wilmington* and *Wannock Lane*, shall be and are hereby declared to be vested in the said Lord *George Henry Cavendish*, in Exchange for his Lands which are to be taken and used for the Purposes of this Act; and that the Residue of the said Turnpike or Highway from *Thornwell* to *Swines Hill*, which lies in the Parish of *Hailsham*, and also so much of the said Bridle-way as lies between *Monkinpin* and the Western Extremity of Lord *George Henry Cavendish's* said Land in *Wilmington*, called *The Lords Lands*, and the Residue of the said Bridle-way, which lies between the Eastern Extremity of the Parish of *Folkington* and the Eastern Extremity of *Chambers's* Land in *Wilmington*, shall be sold and disposed of by the said Trustees to such Person or Persons as shall be willing to contract for the same, and the Produce thereof shall be applied to the Purposes of this Act; and after the said Highways and Bridle-way shall have been respectively stopped up and discontinued as aforesaid, it shall not be lawful for any Person or Persons whomsoever (except as herein-after mentioned) to use or claim the Use of the same Highways and Bridle-way, or any of them, as a Highway, Bridle-way, or Footway; and if any Person or Persons (except as herein-after mentioned) shall pass with any Coach, Waggon, or other Carriage, or with any Horse or other Cattle, or on Foot, along any of the said Highways, or along the said Bridle-way, after the same respectively shall have been so stopped up and discontinued as aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; but nothing herein contained shall extend to prevent the Owners or Occupiers for the Time being of any Lands, Grounds, or Hereditaments adjoining or lying contiguous to any of the said Highways or to the said Bridle-way so to be stopped up and discontinued as aforesaid, or their Servants, from passing or repassing with or without Coaches, Waggons, and other Carriages, Horses, and other Cattle, to or from such Lands, Grounds, or Hereditaments, for the Purposes of Husbandry, or Occupation of the same Lands, Grounds, or Hereditaments only.

Trustees may widen, divert, turn, or alter any Part of the Road.

LII. 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, amend, widen, divert, alter, straighten, and improve the said Turnpike Road by this Act directed to be made or kept in Repair, within the Limits herein-after mentioned, or beyond such Limits, with the Consent of the Owners or Proprietors of Lands through which the same shall be carried, in, upon, through, or over any private Lands or Grounds, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle,

from Time to Time to enter upon the Lands and Premiſes through which or whereupon the ſaid Turnpike Road or Alterations hereby authorized to be made are intended to paſs, and alſo upon any adjoining Lands and Grounds, and to ſtake out the ſaid Road or Alterations; and alſo from Time to Time, at their Diſcretion, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Turnpike Road, and alſo to make a temporary Way or Ways through or over any ſuch adjoining Lands or Grounds, to be made uſe of as a public Highway whilſt any narrow or ruinous Parts of the Road are widening or repairing, and until the ſaid Turnpike Road ſhall be made ſafe and convenient for the Paſſage of Travellers and Carriages, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being liable or ſubject to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Owners and Occupiers of ſuch Lands and Grounds for the Damages that ſhall be thereby occaſioned, ſuch Damages to be aſcertained and ſettled, in caſe of Diſpute concerning the ſame, in the ſame Manner as diſputed Value of Lands, to be purchaſed or uſed by virtue of this Act, is herein-after directed to be aſcertained and ſettled; and if any Perſon ſhall pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out ſuch Road or Alterations, every ſuch Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

New Road to be made according to Plan.

LIII. And whereas a Map or Plan deſcribing the Line of the ſaid Turnpike Road, and the Lands through which the ſame is to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, has been depoſited with the Clerk of the Peace for the County of *Suſſex*; be it therefore enacted, That the ſaid Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts therefrom at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and the ſaid Truſtees, in making the ſaid Turnpike Road, ſhall not deviate more than One hundred Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſons or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made, unleſs otherwiſe directed by this Act.

Land marked in the Plan may be uſed notwithſtanding Errors in the Book of Reference.

LIV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid Turnpike Road into, through, acroſs, or over the Lands or Grounds of any Perſon or Perſons who is or are or may be Owner or Owners of Lands or Grounds over which the ſame is or are ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be erroneouſly deſcribed or omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County of *Suſſex*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion

Omiſſion proceeded from Miſtake, or was not wilful; and ſuch Certificate ſhall be depoſited with and remain in the Cuſtody of the Clerk of the Peace for the ſaid County.

Truſtees reſtrained from pulling down Dwelling Houſes, &c.

LV. 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, Yard, 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 to fence the new Road.

LVI. And be it further enacted, That in all Caſes where the ſaid Truſtees ſhall make or turn or alter any Part or Parts of the ſaid Turnpike Road, or make any new Road over and through any private Lands or Grounds, or ſhall take away any dead or quick Fence, or fill up any Water Fence for widening the ſaid Road, the ſaid Truſtees ſhall make or cauſe to be made on both Sides of ſuch new-made Road, or on the Side upon which any ſuch Fence may be removed or filled up as aforeſaid, a good and ſufficient Fence of Poſts and double Rails, or good and ſufficient Water Fence, ſo as effectually to guard and fence off the Lands adjoining to the ſaid Road, and alſo proper Gates, Bridges, and Arches, where neceſſary, out of the ſaid Road into the Lands adjoining.

Truſtees may purchaſe Land for the Purpoſes of the Act.

LVII. 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, and other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, Ceſtuique Truſt, and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of or intereſted in any ſuch Lands or 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 any 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

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 Road, or any Part or Parts of ſuch Road, ſhall, by the Space of Forty 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 enquired 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 will be ſuſtained by, and what Recompence 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 Juries better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damage and Recompence, 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 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, Femes 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 anyways 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, in, to, 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 impannel, 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 impannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, 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.

How Expences of Jury, &c. are to be paid.

LVIII. And be it further enacted, That in caſe any Jury ſhall give and deliver a Verdict or Aſſeſſment for more Money, as a Recompence 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, her, 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 Recompence 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; 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 of ſuch Jury, as a Recompence 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

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.

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

LIX. 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 ſo 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 Fourteen 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 thenceforth for ever be deemed as Part of the Road by this Act directed to be made, amended, and kept in Repair, and thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments.

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

LX. And whereas the Truſtees for executing this Act may be ſeized 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 and may 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.

Owners of the adjoining Land to have the firſt Offer.

LXI. 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 Purpoſe 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 (in caſe ſuch Ground ſhall be a Piece or Pieces of the old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or

ſhall

ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſters 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 Money, if amounting to 200l.

LXII. 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 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 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 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 ſo to be purchaſed, under the Authority of this Act, in caſe ſuch Purchaſe or Settlement was made.

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

LXIII. 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 Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being, be 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 by 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 (ſuch Nomination and Approbation to be ſignified by 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 may 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 not more than 20l.

LXIV. 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 all ſuch Caſes 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 diſputed Titles, &c.

LXV. And be it further enacted, That in caſe any Perſon or Perſons 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 if 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, Controul, 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 preſumptively entitled, &c.

LXVI. 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, ſhall be deemed and taken to be lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the High Court of Chancery; and the Dividends or Intereſt 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.

Court may order reaſonable Expences to be paid by Truſtees.

LXVII. 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.

Power to get Materials.

LXVIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors employed by the ſaid Truſtees, and ſuch Perſon and Perſons as he or they ſhall appoint, to ſearch for, dig, take, and carry away any Materials proper for making, amending, diverting, altering, ſtraightening, improving, or repairing 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, without paying any Thing for ſuch Materials, 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 away 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 Grounds, 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 may, 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 Land of any Perſon or Perſons (not being a Garden, 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) in any Pariſh in which 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, 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 others Perſons appointed or employed as aforeſaid, and the Owners and Occupiers of ſuch Lands, or any of them, concerning ſuch Payments and Damages 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.

LXIX. Pro-

Notice to be given before Materials taken.

LXIX. 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 ſhould 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 away Materials got by the Surveyor.

LXX. And be it further enacted, That if any Perſon whatſoever 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 Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Twenty-one 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 the Sum of Forty Shillings.

For removing Nuiſances and Annoyances.

LXXI. 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, Sawpits, or other Pits, Aſhes, Dung, Water, Filth, or any other Matter or Thing whatſoever, being 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 for the Space of Three Days after Notice in Writing, ſigned by the Surveyor, given to ſuch Owner for that Purpoſe; or in caſe the Owner is not known, then after a like Notice affixed for Ten 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

Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Hedges and Trees to be cut.

LXXII. 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 ſaid Turnpike Road, and to reduce the ſame to the Height of Four Feet, and alſo cut down, or prune and lop, at proper Seaſons of the Year, any Trees, Shrubs, or Buſhes growing in or near ſuch Hedges or other Fences (except ſuch Trees, Shrubs, or Buſhes as ſhall be in any Garden, Orchard, Plantation, Walk, or Avenue to any Houſe, or any Trees being an Ornament or Shelter to a Houſe), in ſuch Manner that the ſaid Turnpike Road ſhall not be prejudiced thereby; and if any ſuch Owner or Occupiers ſhall neglect or refuſe ſo to do, after Ten Days Notice in Writing given by the ſaid Truſtees, or their Surveyor or Surveyors, 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, 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 the Penalties and Forfeitures impoſed by this Act are herein-after directed to be recovered and applied.

For erecting Bridges over Glynd Ritch and Cuckmare River.

LXXIII. And whereas it will be neceſſary, in order to complete the ſaid Turnpike Road in the Line deſcribed in the Plan herein-before referred to, that a Bridge ſhould be built over a certain navigable Stream or River, called *The Glynd Ritch*, in the Pariſhes of *Beddingham* and *Glynd*, or one of them, and alſo that another Bridge ſhould be built over a certain other Stream or River not at preſent navigable, called *The Cuckmare River*, ſituate in the Pariſhes of *Berwick* and *Arlington*, or one of them; be it therefore enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, to erect and build ſuch Bridges over the ſaid reſpective Streams or Rivers, provided the ſaid Bridge ſo to be built over the ſaid Stream or River, called *Glynd Ritch*, be of ſufficient Width and Height to permit the ſaid Stream or River to be navigated by Boats and Barges as the ſame is now uſed and navigated, and without any Hindrance or Interruption to ſuch Navigation; and provided the ſaid Bridge ſo to be built over the ſaid Stream or River, called *Cuckmare River*, be of ſufficient Width and Height to permit the ſame Stream or River to be navigated by Boats and Barges of the Width of Ten Feet, and that both the ſaid Bridges ſhall be made of ſuch Materials, and be ſo ſubſtantially built and conſtructed, as ſhall be approved of by the County Surveyor of Bridges for the Eaſtern Diviſion of the ſaid County of *Suſſex*, or ſuch Perſon as ſhall, by the Court of Quarter Seſſions for the ſaid County, be authorized to inſpect and ſurvey the ſame; and that the ſaid Truſtees ſhall, for and during the Term for which this Act ſhall be in force, maintain, repair, and keep the ſaid Bridges, and the Cauſeways or Parts of the Road adjoining thereto, in good and ſubſtantial Repair, in the ſame Manner as is herein

herein enacted and required touching and concerning the Repairs of all or any Part of the ſaid Turnpike Road, and ſhall, ſo far as their Funds applicable to ſuch Repairs will admit of, diſcharge and indemnify the Inhabitants of the ſaid County of *Suſſex* of and from all Coſts, Charges, and Expences which may be incurred by them, touching or concerning the ſame, during the Continuance of this Act.

Aſcent to Bridges and Height of Fences thereon.

LXXIV. And be it further enacted, That the Aſcent to every ſuch Bridge ſhall not be more than One Foot in Thirteen, and a good and ſufficient Fence ſhall be made on every Side thereof, of not leſs than Four Feet above the Surface of ſuch Bridge.

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

LXXV. 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 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 Ground lying contiguous or near thereto, and to erect, rebuild, and keep in Repair the Bridges, Culverts, and Arches thereupon, and alſo to make Ditches or 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.

Roads to be meaſured and Mile Stones ſet up.

LXXVI. 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 is croſſed or joined by other Roads, denoting the Number of Miles and Diſtance 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 ſlaughter, burn, or dreſs any Animal on or adjoining to the ſaid Turnpike Road; 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 to 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 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 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

Penalty on damaging the ſame.

Perſon driving any Waggon, Cart, or other ſuch like Carriage, ſhall ride on the Shafts or other Part of ſuch Waggon, Cart, or Carriage, or on 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 make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Football on any Part of the ſaid Turnpike Road; or if any Perſon ſhall leave any Carriage (except in Caſes of Accident, and when ſuch Carriage ſhall be placed as near to 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 Twenty 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 Surveyors; or if the Occupier or Occupiers 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.

Deſcription of Drag Irons.

LXXVII. And be it further enacted, That when any Drag Iron or other moveable Inſtrument ſhall be placed under the Bottom or Sole of any Wheel for the Purpoſe of dragging any Waggon, Cart, or other ſuch like Carriage on the ſaid Turnpike Road, ſuch Drag Iron or other Inſtrument ſhall have a Flat Bottom at leaſt Three Inches broader than the Bottom or Sole of ſuch Wheel if of leſs Breadth than Six Inches, and at leaſt One Inch broader than the Bottom or Sole of ſuch Wheel if of the Breadth of Six Inches and of leſs Breadth than Nine Inches, and at leaſt equal in Breadth with the Bottom or Sole of ſuch Wheel if of the Breadth of Nine Inches, and ſhall have no other than a flat Bearing on the Road, and ſhall be of ſuch Length and ſo curved and at each End ſo rounded, and all the Edges and Angles ſo taken off, and the ſaid Drag Iron

Iron or other Inſtrument ſhall be ſo fixed, as to prevent any unneceſſary Injury to the ſaid Turnpike Road; and if any Drag Iron or other Inſtrument, not ſo formed and fixed as aforeſaid, ſhall be uſed for the Purpoſe aforeſaid, the Owner or Driver of any Waggon, Cart, or other ſuch like Carriage with which it ſhall be uſed, ſhall, for every Time it ſhall be ſo uſed on the ſaid Turnpike Road, forfeit any Sum not exceeding Five Pounds.

Gates to open inwards.

LXXVIII. 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 Turnpike Road, or any Footpath belonging thereto, or be ſuffered to continue ſo to open, except the hanging Poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch Part of the ſaid Turnpike Road; and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure, having any Gate opening outwards contrary to the Meaning of this Act, ſhall, within Twenty Days after Notice to him, her, or them given, either perſonally or in Writing from the Surveyor of the ſaid Turnpike Road, cauſe ſuch Gate to be hung ſo that the ſame ſhall open inward, and not ſwing towards the ſaid Turnpike Road (whenever the ſame ſhall be practicable), but in every Caſe in ſuch a Manner as that no Part of the Gate when open ſhall project over any Part of the ſaid Turnpike Road or any Footpath belonging thereto; and in default thereof the Surveyor of the ſaid Turnpike Road is hereby authorized to cauſe the Gate to be hung according to the Intention of this Act, and the Perſon or Perſons guilty of ſuch Neglect or Default ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace acting in and for the Diſtrict or Diviſion of the County of *Suſſex* where ſuch Neglect ſhall appear, and upon Conviction upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct to defray the Expence of making the Alteration and hanging ſuch Gates, and ſhall alſo forfeit and pay a further Sum not exceeding Forty Shillings for his or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made.

Truſtees may contract for Repairs.

LXXIX. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize or appoint, ſhall be and are hereby empowered from Time to Time to contract and agree with any Perſon or Perſons for the making, amending, widening, diverting, altering, ſtraightening, improving, and keeping in Repair the ſaid Turnpike Road, or any Part thereof, or for erecting Mile or Direction Poſts or Stones thereon, or for doing any other Work to be performed in the Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money, as the ſaid Truſtees or any Five or more of them ſhall think proper; and that all Contracts and Agreements in Writing entered into purſuant to any Order of the ſaid Truſtees or any Five or more of them, by their Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties or Perſons as ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid Truſtees or any Five or more of them, or by

by their Clerk or Clerks, Treaſurer or Treaſurers, and in his, her, or their Name or Names reſpectively, and Damages or Coſts recovered againſt the Party or Perſon, Parties or Perſons, failing in the Performance of ſuch Contracts or Agreements reſpectively, and ſuch Sum of Money as ſhall or may be requiſite for making or repairing the ſaid Turnpike Road, or any other Matter or Thing to be done by virtue of this Act, and which by ſuch Contracts or Agreements reſpectively the Parties ought to have done, ſhall be the Meaſure of the Damage to be recovered in any ſuch Action or Suit againſt any ſuch Party or Perſon, Parties or Perſons, ſo as aforeſaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Uſage to the contrary in anywiſe notwithſtanding.

Perſons liable to repair Roads to continue ſo.

LXXX. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and 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, but 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.

LXXXI. 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 by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the 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 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 Juſtices at ſome Place to be expreſſed in ſuch Summons, within Ten Days after the ſerving 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, 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 or Treaſurers, 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 who 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 Forfeitures 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 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.

For Recovery of Compenſation for Statute Work.

LXXXII. 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 Two Justices as aforesaid to be by such Surveyor or Surveyors 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 One or more Justices of the Peace for the County or Place where the Defaulter or Defaulters shall reside.

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

LXXXIII. 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 Collector of the Tolls or Gate Keeper employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For securing transient Offenders.

LXXXIV. 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.

LXXXV. And be it further enacted, That if any Person or Persons, after having been paid and tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, 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 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, or at such Sessions or Adjournment thereof, then and in either of such Cases such Person shall forfeit, for every such Offence, any Sum not exceeding Forty Shillings.

Recovery and Application of Penalties.

LXXXVI. 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 and recovering thereof be not herein otherwise directed), shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, 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

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 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 thereof to the Informer, and the other Half Part thereof to the Treaſurer or Clerk to the ſaid 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, it ſhall be lawful for any One Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of ſuch County or Place, 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.

LXXXVII. 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 any other Form of Words to the like Effect (as the Caſe may happen), and ſhall not be obliged to ſet forth the Evidence at length; (that is to ſay),

Form of Conviction.

'Suſſex, to wit.' BE it remembered, That on the Day of in the Year of the Reign of His preſent 'Majeſty, and in the Year of our Lord *A. B.* is 'convicted before me 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 the Statute made in the ' Year of the Reign of His Majeſty King *George* the 'Third, intituled [*here ſet forth the Title of this Act*]. And I do 'hereby declare and adjudge that the ſaid *A. B.* hath forfeited for the 'ſaid Offence the Sum of or ſhall be committed to ' for the Space of Given under my 'Hand and Seal the Day and Year firſt above written.'

Appeal.

LXXXVIII. 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 One 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, Eight Days Notice at leaſt in Writing of his, her,

her, or their Intention of bringing such Appeal, and of the Matter thereof, and within Four Days next 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 the 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 Six Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form.

LXXXIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, of 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 removeable 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.

Limitation of Actions.

XC. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty 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 or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action 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

General Issue.

Trial to be had thereupon, and that the ſame was done in purſuance of 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 Days Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or more than Three Months after the Fact committed, or Ground of Action or Suit had ariſen, or ſhall be brought elſewhere than in the ſaid County of *Suſſex*, 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 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.

Public Act.

XCI. 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.

XCII. And be it further enacted, That this Act ſhall commence upon and have Continuance from the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and nineteen, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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