ANNO DECIMO NONO & VICESIMO

# VICTORIÆ REGINÆ.

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## *Cap.* xcvi.

**An Act to repeal the Act for more effectually making, straightening, repairing, and improving the Roads from near the Town of *Lewes* to *Polegate* in the Parish of *Hailsham*, and from thence to *Eastbourne*, and to *Polegate* to *Hailsham Common*, in the County of *Sussex*, and to make other Provisions in lieu thereof.**

[14th *July* 1856.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for more effectually making, straightening, re-* 59 G. 3. c. x. *pairing, 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: And whereas the Term granted by the said Act, and continued from Time to Time by divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-six: And whereas considerable Sums of Money have been advanced upon the Credit of the

the Tolls authorized to be taken by the said Act, and there is now due and owing on the Credit of the said Tolls the Principal Sum of Seven thousand Pounds, and there is no Arrear of Interest thereon: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Recited Act repealed.

I. That upon the Commencement of this Act the said recited Act of the Fifty-ninth Year of the Reign of His Majesty King *George* the Third shall be and the same is hereby repealed, and that instead thereof this Act shall from thenceforth commence and be put in execution for the Purposes and during the Term herein-after mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Lewes, Eastbourne, and Hailsham* Turnpike Road Act, 1856."

Interpretation of Terms.

III. That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Person" shall be understood to include Corporation; the Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act; the Expression "the Road" or "the said Road" shall mean the Roads to which this Act relates; the Expression "Toll Gate or Toll Gates" shall include Turnpike Gates, Toll Bars, Side Gates, Side Bars, and Toll Chains.

Monies, &c. to vest in the new Trustees.

IV. That all Monies due to, and all Property and all Choses in Action vested in, the Trustees under the said recited Act or any other Act, shall immediately on the Commencement of this Act be vested in the Trustees, and such Trustees may sue for and recover the same and act in respect thereof as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except such of those Debts and Engagements as are by this Act reduced, varied, or extinguished.

Appointment of Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Sussex*, together with the Honourable

Honourable *Henry Bouverie William Brand*, Admiral Sir *Henry Shiffner* Baronet, the Honourable *Henry Hall Gage*, the Reverend *George Miles Cooper*, the Reverend *Peter Guerin Crofts*, *Henry Peter Crofts* Esquire, the Reverend *William de St. Croix*, *John Ellman* Esquire, the Reverend *Edward Boys Ellman*, the Reverend *Henry Foster*, *John Graham* Esquire, *Henry R. Goldfinch* Esquire, *Francis Harding Gell* Esquire, *George Hoper* Esquire, *John Hoper* Esquire, the Reverend *Charles Edward Hutchinson*, *Bernard Husey Hunt* Esquire, *Henry Percival Hart* Esquire, *William ComberHood* Esquire, the Reverend *Henry Kelson*, *William Courthope Mabbott* Esquire, *George Molineux* Esquire, *Thomas Sheppard* Esquire, the Reverend *Richard Shuttleworth Sutton*, the Reverend *George Croxton Shiffner*, *Freeman Thomas* Esquire, *William Broderic Thomas* Esquire, the Reverend *Thomas Lowe*, *George Gent* Esquire, Mr. *Henry Catt*, Mr. *William Madgwick*, Mr. *Charles Ade*, Mr. *John Waters*, and Mr. *John Shoosmith*, shall be and are hereby appointed Trustees for putting this Act into execution.

Power to appoint additional Trustees.

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

First Meeting of Trustees.

VII. That the said Trustees shall hold their First Meeting at the County Hall in *Lewes* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the First *Tuesday* in the Month of *November* after the Commencement of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

Power to appoint Committees.

VIII. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting, and the said Committees and their Surveyor may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to which this Act is applicable.

IX. That this Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of maintaining, improving,

ing, and keeping in repair the Turnpike Road from the Southern End of the *South Street* of the Parish of *St. Thomas in the Cliff* 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*.

Present Tolls continued for a Term.

X. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Road until the First Day of *January* One thousand eight hundred and fifty-seven.

Power to take Tolls herein set forth.

XI. That upon and after the said First Day of *January* One thousand eight hundred and fifty-seven it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast (except the Ass) drawing any Coach, Chariot, Landau, Chaise, Phaeton, Caravan, Hearse, Curricle, Gig, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse drawing any Waggon, Cart, or other such like Carriage, having the Soles or Bottoms of the Felloes of the Wheels thereof of the Breadth of Six Inches, the Sum of Fourpence:

For every Bull, Ox, or Mule drawing any such Waggon or other such like Carriage, the Sum of Twopence:

For every Horse drawing any Waggon, Cart, or other such like Carriage, having the Soles or Bottoms of the Felloes of the Wheels of less Breadth than Six Inches, the Sum of Fivepence:

For every Bull, Ox, or Mule drawing any Waggon, Cart, or other such like Carriage, having the Soles or Bottoms of the Felloes of the Wheels thereof of less Breadth than Six Inches, the Sum of Twopence Halfpenny:

For every Ass drawing any Carriage or Cart, or other such like Vehicle, the Sum of Twopence:

For every Horse or Mule laden or unladen, and not drawing, the Sum of Twopence;

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

For every Drove of Cows, Oxen, or Neat Cattle, the Sum of Tenpence *per* Score, and in that Proportion for any greater or less Number:

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

For every Horse or other Beast drawing, between the First Day of *November* and the First Day of *March*, any Waggon, Cart, Timber Tug, or other Carriage laden with Timber, the Sum of Sixpence:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding One Shilling *per* Wheel:

All which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, or any such Carriage, shall be permitted to pass through any such Turnpike or Toll Gate on the said Road.

As to Fraction of a Halfpenny in Tolls.

XII. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Persons having paid Tolls to return free.

XIII. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Omnibus, or other such Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on the said Road, or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing through the same Toll Gate or Toll Bar, and in going and returning, passing and repassing through such other Toll Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Postchaises, &c. to pay on fresh Hiring.

XIV. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, whether laden or unladen, and for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll had been made in respect of such Horses, Animal, or Cattle on the same Day.

Regulations as to Stage Coaches.

XV. That all Horses and Cattle drawing any Stage Coach, Omnibus, or other such Carriage, conveying Passengers and Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through the same or any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage, and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as

aforesaid at the same or any such other Toll Gate or Bar, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Tolls on Horses, &c. drawing different Waggons, &c.

XVI. That the Tolls by this Act made payable in respect of all Horses or other Beasts drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage let for Hire, shall be paid for every Time during the same Day that any such Horse or other Beast shall pass through any Toll Gate on the Roads drawing any laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage other than that which such Horse or other Beast shall have been employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse or other Beast.

Southram Gate to clear Beddingham Gate, and vice versâ.

XVII. That every Person paying the said Tolls at the Toll Gate 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 erected at *Beddingham Crossway* 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 Crossway* 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.

Limiting Number of Tolls.

XVIII. That no more than Four full Tolls shall be taken on any One Day upon the said Road.

Respecting Toll Gates.

XIX. The several Toll Gates and Toll Houses now standing or being upon the said Road or on the Sides thereof shall be continued until removed by an Order of the Trustees, and it shall be lawful for the Trustees in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, 9 G. 4. c. 77. intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up on or across the said Road or on the Sides thereof any Toll Gates or Toll Houses, and to remove the present or any future Toll Gates or Toll Houses: Provided always, that no such Toll Gate or Toll Houses shall be so removed or set up except the same shall be ordered to be removed or set up at a Special Meeting of the Trustees holden for that Purpose, in conformity with

and

and after such Notices as are required to be given by the Public General Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven.

Power to compound for Tolls.

XX. 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 now erected or 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.

Horses and Carts used for Repairs of Highways exempt from Tolls.

XXI. That no Tolls shall be demanded or taken by virtue of the Act for any Waggon, Cart, or other Carriage, nor for any Horse or other Cattle, which shall, between the First 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.

Application of Monies.

XXII. That all Monies which shall come to the Hands of the said Trustees by virtue of this or of the recited Act shall be applied as follows; (that is to say,)

Firstly, In paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, In defraying the necessary Expenses of erecting, altering, and repairing Toll Gates, Toll Bars, and Toll Houses, the Salaries and Wages of the Clerk, Surveyor, and other Officers and Persons employed by the Trustees, and the other Costs and incidental Expenses of the Management of the said Road; provided, that such Expenses shall not exceed in any One Year the Sum of Ninety Pounds, exclusive of any Payment to Toll Collectors for collecting Toll, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in preparing any Lease of the Tolls, or in taking any Proceeding before Justices of the Peace,

or

or any other Proceeding for maintaining and protecting the Trust:

Thirdly, In paying Interest at the Rate of Three Pounds *per Centum per Annum* upon the Principal Sum of Seven thousand Pounds, or on so much of the Principal Sum as shall for the Time being be owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken by the said repealed Act:

Fourthly, In paying the Expenses of maintaining and keeping the said Road in repair, not to exceed in any One Year the Sum of Two hundred Pounds:

Fifthly, In reducing, paying off, and discharging, in manner hereinafter mentioned, the said Principal Sum of Seven thousand Pounds:

Lastly, In paying any other Expenses of maintaining, repairing, and improving the said Road.

No Interest to accrue until Expenses of Act are paid.

XXIII. Provided always, That no Interest shall accrue due in respect of the said Principal Sum of Seven thousand Pounds, or any Part thereof, until the Trustees shall have received Sums sufficient to discharge and shall have paid the Expenses of obtaining and passing this Act or incident thereto.

As to Mode of discharging Debt.

XXIV. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds or upwards, the Trustees shall, at any General, Annual, or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the County of *Sussex*, or if there shall be no Newspaper published therein, then in some Newspaper in an adjoining County, or by Letter addressed to each Creditor; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of other Monies owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like

like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

Mortgagees not to enter into Possession but for Arrears of Interest.

XXV. That whenever and so long as the Interest of any Mortgage upon the Tolls of the Road shall be duly paid, at the Rate in this Act mentioned, within Three Calendar Months next after the same shall become due, the Holder of such Mortgage shall not be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due at the Rate in this Act mentioned upon all the Principal Sums for the Time being owing on the Credit of the said Tolls, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such Principal Sums shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate in this Act mentioned on such Principal Sums up to the last of such yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver possession of the Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the Trustees or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Road not exempt from Provisions of future General Acts.

XXVI. That nothing herein contained shall be deemed to exempt the said Road from the Provisions of any General Act relating to the Maintenance, Consolidation, or other improved Arrangements of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

XXVII. That this Act shall commence on the First Day of *November* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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