ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxv.

An Act for more effectually repairing the Roads from *Staplecross* to *Hornscross*, and from *Hornscross* to the Turnpike Road near *Brickwall House* in the Parish of *Northiam*, and from *Hornscross* to the Turnpike Road near the Windmill in the Parish of *Beckley*, and from *Staplecross* to *Bodiam Bridge*, and to the Turnpike Road at *Silver Hill*, all in the County of *Sussex*. [23d *May* 1823.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend and widen the Roads leading from* Staplecross *in the Parish of* Ewhurst *to* Hornscross *in the Parish of* Northiam, *and from* Hornscross *aforesaid to the Turnpike Road near* Brickwall House *in the said Parish of* Northiam, *and from* Hornscross *aforesaid to the Turnpike Road near the Windmill in the Parish of* Beckley, *and also the Road from* Staplecross *aforesaid to* Bodiam Bridge *in the Parish of* Bodiam, *and from thence through the Parishes of* Bodiam *aforesaid, and* Salehurst, *to the Turnpike Road at* Silver Hill *in the said Parish of* Salehurst, *all in the County of* Sussex: And whereas the Trustees appointed in and by virtue of the said recited Act have repaired and improved the said respective Roads, and have for that Purpose, in pursuance of the Powers to them thereby 41 G. 3. c. 50.

thereby given, borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which Sums still remain undischarged and cannot be paid off, nor can the said Roads be effectually amended, improved, and maintained in Repair, unless further Provision be made for the amending, improving, and maintaining the same in Repair, and for imposing Tolls or Duties for that Purpose, and for altering, increasing, and regulating the same: And whereas the Powers, Provisions, and Authorities given by the said before recited Act are in many respects insufficient and inconvenient, and it is expedient that the same be altered, amended, and regulated, and that the said before recited Act be repealed, and other Powers granted in lieu thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled

3 G. 4. c. 126. *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: 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

41 G. 3. c. 50. repealed, and this Act to be executed in lieu thereof. the Ninth Day of *June* One thousand eight hundred and twenty-three, the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed; and instead thereof this Act shall be put into Execution, for and during the Term herein-after mentioned, for the repairing, improving and maintaining in repair the Roads from a certain Turnpike Road in *Ewhurst* aforesaid, leading from *Cripps' Corner* to the South West End of the Public House at *Staplecross* aforesaid, and extending from the South East End of the said Public House, from East to West, in a straight Line across the said Road to *Hornscross* in the Parish of *Northiam*, and from *Hornscross* aforesaid to the Turnpike Road near *Brickwall House*, in the said Parish of *Northiam*, and from *Hornscross* aforesaid to the Turnpike Road near the Windmill, in the Parish of *Beckley*; and also the Road from *Staplecross* aforesaid to *Bodiam Bridge*, in the Parish of *Bodiam*, and from thence through the Parishes of *Bodiam* aforesaid and *Salehurst*, to the Turnpike Road at *Silver Hill*, all in the said County of *Sussex*.

Extending the Powers of the General Act.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act), shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to Debts, &c.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be, and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said Act on the said Roads, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of

Money to the Trustees of the said Roads, or to any other Person or Persons, for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees of the said Roads, or any of them, according to the Provisions and Directions of the said first recited Act, shall remain in full force and effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed, on Account and for the Benefit of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said Roads, to or with any Person or Persons, shall remain in full force and effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said first recited Act.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Sussex*, together with Sir *William Ashburnham* Baronet, *William Ashburnham*, Major *John Austen*, *Edward Ades*, *Francis Ayerst* of *Haukhurst*, *Thomas Ayerst* of *Newenden*, *Thomas Ayerst* of *Haukhurst*, *John Ades*, *Edward Allfrey*, *John George Austen* Clerk, Lieutenant Colonel *Bunbury*, *George Hanway Blackburn*, *Henry Bishop* Clerk, *Samuel Bishop*, *John Bishop*, *John Barton*, *James Buckland*, the Reverend *Thomas Birch* Dean of *Battle*; *Edward Jeremiah Curteis*, *Samuel Russel Collet*, *Herbert Barret Curteis*, *Edward Barret Curteis*, *Reginald Curteis*, *George Courthope* senior, *George Courthope* junior, *William Courthope* Clerk, *James Collins*, *John Cruttenden*, *Edmund Cruttenden*, *Francis Tress Curteis*, *Edmund Catt*, *Collins* Clerk, *John Cobb*, *Stanes Brocket Chamberlayne*, *William Croughton*, *Edwin Dawes*, *Thomas Daws*, *Thomas Chester Daws*, *Thomas Durrant*, *John Mercer Durrant*, *John Charles Dunn*, *John Dulvey*, *William John Denne*, *Richard Day*, *Richard Greenland Denne*, *Richard Davenport*, *James Eldridge*, *James Eversfield*, *John Fuller* of *Rose Hill*, *Richard Walter Forbes*, *John Gilbert*, *John Grace*, *William Grace*, *Jesse Gregson*, *Charles Greenwood*, *William Gregson*, *William Gregson* junior, Admiral *John Henry*, *Thomas Law Hodges*, *Henry Hodges*, *William Hussey* Clerk, *Mercer Hollands*, *Thomas Paine Hilder*, *John Hilder*, *James Hilder*, *James Hilder* junior, *Henry Hodges* Clerk, *William Hussey* junior, *Edward Hilder*, *Thomas Hilder* of *Northiam*, *Thomas Hilder* of *Sandhurst*, *John Hodges*, *Arthur Hussey* Clerk, *Richard Hay*, *Robert Selby Hele* Clerk, *John Burrell Hayley* Clerk, *Stephen Jenkin* Clerk, *Charles Jenkin*, *John Jenkin*, *George Augustus Lamb* Doctor of Divinity, *William Phillips Lamb*, *John Luxford*, *William Levett*, *Henry Lord* Doctor of Divinity, *William Pitt Lamb*, *Edward Augustus Lamb*, *Thomas Davis Lamb*, *John Luxford* junior, *George Luxford*, *Thomas Cooper Langford*, *Thomas Larkin*, *John Micklethwaite*, *William Alexander Morland*, *Robert Moneypenny*, *Phillips Moneypenny* Clerk, *John Mercer*, *John Dunmole Mercer*, *Joseph Mercer*, *Southerden Branthwaite Micklethwaite*, *Thomas Moneypenny* of *Rolvenden*, *Thomas Munn*, *William Morris*, *William Morris* junior, *Lewis Meryon*, *John Myers* Clerk, *John Norton*, *Samuel John Nichol*, *John Butler Pomfret*, *Nathaniel Procter*, *Thomas Perigoe*, *Thomas Peters*, *Thomas Pix*, *James Philcox*, *John Pix*, *Thomas Perigoe* junior, *John Pratt* Clerk, *Virgil Pomfret*, *Thomas Pix* junior, *Jesse Piper*, *Thomas Procter*, *James Philcox* junior,

junior, *Thomas Redford*, *John Roberts*, *John Russell* Clerk, *Thomas Walter Reeves*, *Edward Leeds Smith*, *Edmund Springett*, *Tilden Smith* senior, *Tilden Smith* junior, *Samuel Selmes*, *John Snepp*, *Samuel Selmes*, *James Smith*, *Jeremiah Smith*, *John Snepp* junior, *Henry Smith*, *Richard Stileman*, *Richard Stileman* junior, *Stephen Smith*, *Robert Shedden*, *George Springett*, *John Springett*, *Benjamin Smith*, *John Frewen Turner*, *Francis Tress*, *Robert Tournay*, *Hugh Totty* Clerk, *John Godfrey Thomas* Clerk, *Robert Tournay* the younger, *George Thompson*, *Anthony Vincett*, *John Viger*, Sir *Godfrey Webster* Baronet, *William Welfitt* Doctor of Divinity, *Edward Collins Ward*, *Robert Wiltsher*, *William Watson*, *Stephen Weekes*, *Charles Woods*, *Francis Wilson*, *Godfrey Webster*, *William Woodhams*, *William Cooper Woodhams*, *William Richard Woodhams*, *Henry Winchester*, *Charles Wardroper*, *Richard Wetherell* Clerk, *Henry Young* Doctor of Medicine, and *Edward Young*, shall be and are hereby appointed Trustees for repairing, improving, and maintaining in repair the said Roads, and for putting into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

Appointment of additional Trustees at the First Meeting,

V. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose, (of which Meeting, and of the Purposes thereof, Ten Days Notice shall be given in Manner directed by the said last recited Act, respecting the Appointment of Trustees on Vacancies), in pursuance of this Act, to elect any Number of fit and proper Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, shall be and are hereby invested with the same Powers and Authorities for executing the said last recited Act and this Act, as if they had been herein named and appointed.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution unless he shall be qualified in such Manner as in and by the said recited Act, passed in the Third Year of the Reign of His present Majesty, is directed and prescribed; and unless, being so qualified, he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said last mentioned Act, and the Oath herein-after mentioned), take and subscribe, before One or more of the said Trustees, (who is and are hereby empowered to administer the same), the Oath following; (that is to say),

Oath.

'I *A. B.* do swear, That I will truly and impartially, according to the best 'of my Judgment, execute and perform the several Powers, Au- 'thorities, and Trusts, reposed in me as a Trustee by virtue of an Act 'passed in the Fourth Year of the Reign of His Majesty King *George* the 'Fourth, intituled *An Act* [*here set forth the Title of this Act*], and also 'an Act passed in the Third Year of the Reign of His said Majesty, in- 'tituled [*here set forth the Title of the General Turnpike Act.*]

'So help me GOD.'

And if any Person shall presume to act as such Trustee (except as aforesaid) before he shall have taken and subscribed the said Oath, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same,

in

in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding, touching the Execution of the said Act of the Third Year of the Reign of His present Majesty or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

First Meeting.

VII. And be it further enacted, That the said Trustees shall meet together at the *Red Lion*, in *Bodiam* aforesaid, or at some other convenient Place, on the Ninth Day of *June* One thousand eight hundred and twenty-three, and proceed in the Execution of the said recited Act of the Third Year of the Reign of His present Majesty and this Act.

Appointment of Officers.

VIII. And be it further enacted, That the said Trustees, at their first or any subsequent Meeting, held either by Adjournment or by Notice as aforesaid, shall and may nominate and appoint one or more fit Person or Persons to be a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and also a Receiver or Receivers, Collector or Collectors, of the Tolls on the said Roads, with such Salaries as they the said Trustees shall think reasonable; and shall also appoint such other Officers as they shall think necessary to employ in the Execution of the said last recited Act and this Act, and they shall have Power from Time to Time to remove such Clerks, Treasurers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and to appoint others in their stead, in Cases of Death or such Removal.

Present Officers to continue until others appointed.

IX. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, or other Officer (other than the Treasurer) appointed under or by virtue of the said former Act hereby repealed, shall respectively continue to exercise their several and respective Offices under this Act, until they shall respectively resign or be removed or displaced by the Trustees for executing this Act; and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Clerk and Treasurer.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons

in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act; and if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Books, Monies, and Effects, under the former Act, to be delivered up to the Trustees.

XI. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies, under or by virtue or on account of the Act hereby repealed, or shall have in his or their Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Roads hereby intended to be repaired, or any of them, shall, when required so to do, account for and deliver the same to the said Trustees, or any Person or Persons appointed by them for that Purpose, in like Manner and under the like Penalties as are directed with respect to any Officer or Person appointed under this Act, by the said recited Act of the Third Year of the Reign of His present Majesty.

Books, &c. relative to former Acts to be delivered to the Trustees under this Act.

XII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads, or who have, or shall have, in their Custody or Possession, any Money, Books, Accounts, Papers, Writings, or other Things, relating to the Roads by this Act directed to be improved and repaired, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and 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, by the said recited Act passed in the Third Year of the Reign of His present Majesty and this Act, required to pay or account for the same.

For continuing the present Toll Gates, and erecting other Toll Gates.

XIII. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered to continue all or any of the Gates, Turnpikes, Bars, or Chains, now standing in, upon, or across the said Roads, or on the Sides thereof; and also to erect, or cause to be erected, any other Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, or Chain or Chains, in, upon, or across any Part or Parts of the said Roads, and also upon the Sides of the said Roads, across any Lane or Way leading into or out of the same (such Lane or Way not being a Turnpike Road); and also to continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences at or near each Toll Gate, and also shall and may retain or take in and inclose from the Sides of the said Roads convenient Garden Spots for the Toll Houses respectively, not exceeding, as to such Inclosures hereafter to be made, One-eighth Part of a Statute Acre to each Toll House.

Trustees restrained from pulling down Dwell-

XIV. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower

empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained. ing Houses without Consent of the Owners.

XV. And be it further enacted, That it shall be lawful for the said Trustees, 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 or Bars or Chains, erected by the Authority of the said Act hereby repealed, or which shall be continued or erected by virtue of this Act, in, upon, or across the said Turnpike Roads, or on the Side or Sides of any Part thereof respectively, 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 Roads hereby directed to be maintained and kept in repair, or otherwise to be wholly removed and taken away, as the said Trustees shall from Time to Time order and direct; provided that none of the said Toll Gates, Bars, or Chains, shall be removed or taken away as aforesaid, unless Notice in Writing of the Intention to remove or take away the same shall have been affixed upon all the Toll Gates then standing upon the said Turnpike Roads, nor unless such Notice shall have been advertised in some Newspaper published in the said County of *Sussex*, Fourteen Days at least previous to such Order being made. Power to remove Toll Gates, &c.

XVI. 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 Act hereby repealed on the said Roads, to be improved and repaired by virtue of this Act, 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 in case of Sale, 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 Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said recited Act of the Third Year of the Reign of His present Majesty directed to be given where any Piece or Pieces of Ground, or old Road not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of. Power to sell the present Toll Houses.

XVII. And be it further enacted, That in case of the Incapacity, Misbehaviour, Negligence, or absconding of any Collector or Receiver of the Tolls hereby granted, the said Trustees, or any Two or more of them, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, may discharge any such Collector or Receiver; and also shall Trustees may appoint temporary Collectors.

shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so become incapable, or misbehave, or be negligent, or in the Place of any such Collector or Receiver as shall die or abscond, which Person, so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person he or she shall succeed would have had or been subject to; and

For recovering Possession of Toll Houses from Collectors, &c.

that if any Collector or Receiver of the said Tolls shall be discharged from his said Office by the said Trustees as aforesaid, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Toll Gate, Toll Bar, Chain, Buildings, and Premises continued or erected by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing to be given for that Purpose by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County in which the Toll House, Buildings, and Premises shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable, or other Peace Officer for the same County, with any Assistance as shall be necessary, to enter and take Possession of such Toll House, Toll Gate, Bar or Chain, Buildings, and Premises, in the Day-time, and to remove the Person or Persons who shall be found therein, or in Possession thereof, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any Three or more of them, or their new appointed Officer, into the Possession thereof.

Power to take Tolls.

XVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at all or any of the Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or shall be standing and being or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; any thing in the said last recited Act contained, relating to the Scale of Tolls in respect of the Breadth of Wheels to the contrary notwithstanding; (that is to say),

Tolls.

For every Horse or Beast of Draught (except an Ass or Mule) drawing any Coach, Chariot, Berlin, Landau, Hearse, Chaise, Chaise Marine, Calash, Chair, Taxed Cart, Fish Cart, or other Cart, for the Conveyance of Persons or Passengers, the Sum of Sixpence:

And for every Ass or Mule drawing any such like Carriage, the Sum of Three-pence:

For every Horse or Beast of Draught (except an Ass or Mule) drawing any Caravan, Waggon, Wain, Cart, Dray, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, and which shall be drawn by One Horse or Beast of Draught only, the Sum of Sixpence:

And

And for every additional Horse or Beast of Draught (except an Ass or Mule) drawing such Caravan, Waggon, Wain, Cart, Dray, or other such like Carriage, the Sum of Two-pence:

And for every Ass or Mule drawing any such like last-mentioned Carriage, One Moiety of the Tolls lastly hereby imposed:

For every Horse or Beast of Draught (except an Ass or Mule) drawing any Caravan, Waggon, Wain, Cart, Dray, or other Carriage, having the Soles or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Three Inches or less than Six Inches, and which shall be drawn by One Horse or Beast of Draught only, the Sum of Sixpence:

And for every additional Horse or Beast of Draught (except an Ass or Mule), the Sum of Three-pence:

And for every Ass or Mule drawing any such like last-mentioned Carriage, One Moiety of the Tolls lastly hereby imposed:

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

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

For every Ox, Cow, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Hogs, Calves, Sheep, or Lambs (except Calves and Lambs, not having been weaned, and passing with their Dams), the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number.

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate or Chain, already erected or continued, or to be erected and continued by virtue of this Act, upon or across the said Roads, or any Part thereof, or upon or across any Lane or Way leading into the same, and which said respective Tolls or Duties shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed: Provided always, that in all Cases wherein Oxen or Neat Cattle shall be used, Two Oxen or Neat Cattle shall be considered as One Horse, and Toll shall be demanded and taken at the said Gates for the same accordingly: Provided also, that Payment of the foregoing Tolls at any Gate erected on the said Roads shall exempt the Person from paying the same at any Side Gate, and Payment of the Tolls at any Side Gate shall exempt the Person from paying Toll at any Gate on the said Roads, provided such Gates stand at the same Place, and are under the Care of One and the same Gate-keeper or Collector, but not otherwise.

Exemption from Toll for agricultural Produce.

XIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act, for any Horse or Beast of Draught or Carriage employed 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 Hay, Straw, Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is intended to be sold nor disposed of, and which shall have grown or arisen on or from any Lands in the Occupation of the Owner thereof, provided such Lands shall be situate in any of the Parishes or Places through which the said

said Road passes, or in any Parishes or Places next adjoining the Parishes through which the said Road passes.

Exemption for other agricultural Produce.

XX. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act, for any Horse or Beast of Draught, or Carriage employed 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 Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other thing not exempted from Toll by the said recited Act passed in the Third Year of the Reign of His present Majesty), or any Corn or Grain going from the Granaries or Buildings of the Owner thereof for the Purpose of being sown, but such last-mentioned Exemptions shall be allowed at only the first Gate through which such Horses, Beasts of Draught, or Carriages shall pass, any thing in the said last recited Act to the contrary notwithstanding; and that no Toll shall be demanded or taken for any Horses or other Beasts employed in Husbandry going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said Roads; and if any Person shall claim or take the Benefit of the said Exemptions, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Additional and Double Toll from First October to First April, except as excepted.

XXI. Provided always, and be it further enacted, That all and every Carriage or Carriages having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, passing through any Bar or Bars, Gate or Gates, Turnpike or Turnpikes, or Chain or Chains, erected or to be erected by virtue of this Act, between the First Day of *October* and the First Day of *April* in every Year during the Continuance of this Act, shall pay a further or additional Toll of One Moiety of the Toll herein-before imposed on such like Carriage or Carriages, according to the Number of Horses or Beasts of Draught drawing the same; and that all and every other Carriage or Carriages whatsoever, (except Coaches, Chariots, Berlins, Landaus, Hearses, Chaises, Chaise Marines, Calashes, Chairs, Taxed Carts, Fish Carts, and other Carts for the Conveyance of Persons or Passengers), having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Three Inches, or less than Six Inches, passing through any Bar or Bars, Gate or Gates, Turnpike or Turnpikes, or Chain or Chains, erected or to be erected by virtue of this Act, between the First Day of *October* and the First Day of *April* in every Year during the Continuance of this Act shall pay Double the Toll herein-before imposed on such like Carriage or Carriages, according to the Number of Horses or Beasts of Draught drawing the same, at each Bar, Gate, Turnpike, or Chain, through which such Carriage or Carriages shall pass; and that every Horse or Beast of Draught drawing any Carriage whatsoever, passing through any Bar or Bars, Gate or Gates, Turnpike or Turnpikes, or Chain or Chains, erected or to be erected as aforesaid, between the First Day of *October* and the First Day of *April* in every Year during the Continuance of this Act, laden with Timber, Plank, Knees, Crooks, or Iron, shall pay, over and above

above the said additional or Double Toll, as the Case may be, at each Bar, Gate, or Turnpike, or Chain, through which such Carriage or Carriages shall pass, a further or additional Toll of Two-pence *per* Horse; any thing in this Act contained to the contrary notwithstanding.

Carriages laden with Grain not to be subject to additional or Double Toll unless returning with other Lading.

XXII. Provided also, and be it further enacted, That no Carriage going or returning for or with Corn or Grain (except Malt) which shall be carrying from the Barn, Granary, or other Repository of the Grower thereof to Market, shall be charged with or liable to the Payment of the additional or Double Toll between the First Day of *October* and the First Day of *April* in any Year; and that if any Carriage, having passed through any Gate or Turnpike between the First Day of *October* and the First Day of *April* in any Year, so laden with Corn or other Grain, for which the Toll payable in respect thereof shall have been paid at any such Gate or Turnpike, shall return laden with any Loading whatsoever, then and in every such Case the like Toll shall be payable again for every such Carriage which shall return or repass laden, as was paid for the same Carriage passing or going laden with Corn or other Grain on the same Day; any thing in this Act contained to the contrary thereof notwithstanding.

Power to take Tolls at Cross Bars not to authorize an increased Charge, &c.

XXIII. Provided also, and be it further enacted, That the Power or Authority hereby granted for taking Toll at any Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, erected or to be erected on the Side or Sides of the said Roads, or across any Lane or Way leading out of the same, shall not extend to authorize a Double Charge, or any greater Duty or Charge than ought to be taken, according to the true Meaning of this Act.

Limiting Number of Tolls for passing through all Gates on the Road.

XXIV. Provided also, and be it further enacted, That no more than Four Tolls in the Whole shall be payable for or in respect of the same Horses, Cattle, Beasts, or Carriages for passing in One Day, to be computed as aforesaid, through all the Gates, Turnpikes, Bars, or Chains erected or to be erected on the said Roads.

Stage Coaches, Post Chaises, &c. to pay every Time of passing.

XXV. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts, drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day, through the same Turnpike, Toll Gate, Bar, or Chain, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, Bar, or Chain, in like Manner as if no Toll had been before paid thereat; and that the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day (the Day to be computed as aforesaid) with a Ticket denoting a fresh Hiring.

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

XXVI. And be it further enacted, That no Person who shall have paid Toll for passing through any of the Toll Gates upon the said Turnpike Roads, and producing a Note or Ticket denoting the Payment of such Toll, shall be subject or liable to the Payment of any further Toll for passing through the same Toll Gate on the same Day, before Twelve of the Clock at Night, with the same Horse, Mule, or Ass, or any Cattle laden

laden or unladen, but not drawing, but shall pass and repass Toll-free; and no Person who shall have paid Toll for passing through any of the Toll Gates with any Horse or Horses, or other Beasts drawing any Carriage whatsoever, and shall produce a Note or Ticket as aforesaid, shall be liable to pay Toll again upon returning or passing a Second Time through the same Gate, in respect of the same Horse or Horses, or other Beasts drawing the same, or any other Carriage on the same Day, and before Twelve of the Clock at Night; but no Person shall be permitted to pass a Third Time in any One Day, to be computed as aforesaid, with any Carriage whatsoever, and the Horses or other Beasts drawing the same, through any Toll Gate, until he shall pay such and the same Toll as may be demanded and taken from him under and by virtue of this Act, upon his first passing, and so *toties quoties* for every Third Time that any Person shall pass and repass in one and the same Day with the same Carriage and Horses or other Beasts drawing the same, the said Toll 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.

Application of the Tolls and Money to be borrowed.

XXVII. And be it further enacted, That out of the Monies already received by virtue of the said recited Act of the Forty-first Year of the Reign of His late Majesty, and now in the Treasurer's Hands, or out of the first Monies which shall arise or be received from the Tolls, Mortgages, or otherwise, by this Act granted, the said Trustees shall, in the first Place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied, in the first Place, in erecting and repairing Milestones, Posts, Turnpikes, Gates, Bars or Chains, and Toll Houses on the said Roads, and afterwards in paying and keeping down the Interest of the Principal Monies borrowed or due under the said former Act, and which by virtue of and under the Powers of this Act, may be borrowed on the Credit thereof; and then in making, repairing, widening, improving, and rendering commodious the said Roads, and in otherwise putting this Act and the said recited Act of the Third Year of the Reign of His present Majesty into Execution; and lastly, in repaying the Principal Monies already borrowed by virtue of the said Act of the Forty-first Year of the Reign of His late Majesty, or to be borrowed by virtue of this Act.

No Priority of Mortgages.

XXVIII. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, as all Persons to whom any such Mortgage or Assignment hath heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another.

Paying Creditors by Lot.

XXIX. Provided always, and be it further enacted, That in case the said Trustees shall at any Time be desirous of paying off any Portion of the

the Principal Monies due and owing on the said Roads, it shall and may be lawful for them at any Meeting (Notice of such intended Meeting, and of the Purpose thereof, being first given at least Thirty Days preceding the same, by Advertisement in some Newspaper published in the said County of *Sussex*), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors with the Consent of all the other Creditors.

Trustees not personally liable for Mortgages.

XXX. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security to be made as aforesaid: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees, or any of them, for any thing done by virtue or in pursuance of the said recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, shall be defrayed out of the Tolls arising on the Turnpike Roads hereby directed to be amended and repaired.

Trustees, &c. may be Witnesses.

XXXI. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace, under or by virtue of this Act, by reason of being a Trustee of the said Roads, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk, or Surveyor, or other Officer under this Act, nor shall such Testimony or Evidence, for any of the Reasons aforesaid, be rejected, or liable to be questioned or set aside.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of Goods of such Trustees or their Treasurer.

XXXII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty, or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made

to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands, in pursuance of this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

Regulations as to Performance of Statute Work.

XXXIII. 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 chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereunto, in like manner as heretofore; and it shall 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 Roads, by the Inhabitants of the respective Parishes or Places liable thereto, or in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work shall be by him or them paid to the said Trustees, or to 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 for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who, within such Parish or Place, 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 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 or 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 Roads, as the said 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 Roads as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices

shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their then last or most usual Place of Abode 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 Roads, 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 every 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 Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways, for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways, by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Sussex*, on Complaint made to such Justices by the Surveyor to the said Trustees.

Public Act.

XXXIV. 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.

Commencement and Continuance of this Act.

XXXV. And be it further enacted, That this Act shall commence upon the Ninth Day of *June* One thousand eight hundred and twenty-three, and shall continue and be in force 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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