



ANNO QUADRAGESIMO OCTAVO

# GEORGH III. REGIS.

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## Cap. 101.

An Act for making and maintaining a Road from the *Brighthelmstone* Road at *Pyecombe*, to the *Cuckfield* Road at *Staplefield* Common, and from *Pyecombe* to the *Henfield* Road at *Poyning's* Common, in the County of *Sussex*. [3d June 1808.]

WHEREAS the making and maintaining a Road leading from and out of the *Brighthelmstone* and *Cuckfield* Turnpike Road near *Pyecombe* Church, in the Parish of *Pyecombe*, in the County of *Sussex*, through *Pyecombe Dale*, and by *Newtimber Place*, to the Branch of the *Henfield* Turnpike Road leading from the *Marle Pit* near the Bottom of *Saddlescomb Hill*, in the Parish of *Newtimber*, to the *Marle Pit* fronting *Newtimber Broad Lane*, in the same Parish, in the said County of *Sussex*, and from the North Side of the said Branch of Road to the Turnpike Road leading from *Ubley's Farm*, in the Parish of *Hurstperpoint*, in the said County, to the said *Marle Pit* opposite to *Newtimber Broad Lane* aforesaid, and from thence along the said last-mentioned Turnpike Road to *Ubley's Farm* aforesaid, and from thence by *Albourne Green* and *Sayer's Common*, to a certain Farm called *Little Stuckles*, otherwise *Shinings*, in the Parish of *Hurstperpoint* aforesaid; and from *Little Stuckles Farm* aforesaid, by *Hicksted Place*, and *Botney Common* to a Place called *Staplefield Common*, in the said County, there to join and enter into the Turnpike Road leading from *Cuckfield* to *Crawley*, in the said County; and a Road leading from the Bottom of *Pyecombe Dale* aforesaid, along a certain Lane called the *Beggar's Lane* to the *Henfield* Turnpike Road near *Poyning's Common*, in the said County, would be of great Benefit and Advantage

[Loc. & Per.]

21 X



Trustees.

Advantage to the Proprietors and Occupiers of Estates in the Neighbourhood thereof, and of public Utility : 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 *William Allen, Robinson Harry Attree, Harry Attree, Sir Cecil Bishopp Baronet, Cecil Bishopp Junior, Charles Bishopp, Sir Charles Merrick Burrell Baronet, William Borrer, William Borrer Junior, John Borrer, Nathaniel Borrer, Edward Borrer, John Hamlin Borrer, John Bull of Pangdean, Thomas Bull, Francis Bine, Stephen Bine, Richard Bine, John Burtenshaw of Reeds, James Browne, Charles Bridger Clerk, Henry Brooker, William Blaber, Sir Henry Blackman Knight, John Blaker, Botten, Richard Cuddington, Thomas Crossweller, Stephen Crosskey, William John Campion, Henry Courthope Campion, George Courthope Senior, George Courthope Junior, Charles Coppard, Thomas Coppard, Joseph Chandler, John Dennett, John Donaldson, Anthony Ede, Charles Ellis, John Friend, Thomas Francis, Charles Goring of Wiston, Charles Goring of Highdon, Charles Goring of Rowdell, John Gates of Henfield, John Hall, Thomas Hill, John Hamsber, James Harmes, Thomas Hodson, William Hodson, Michael Harmes, William Izard, James Ingram, William Jenner, Thomas Read Kemp, Thomas Kemp, Richard Lasbmer, William Linfield, Thomas Lepard, John Marchant of Little Park, William Marshall Senior, William Marshall Junior, John Marshall Clerk, John Mills, Charles Francis William Marten, John Lewis Newnham, John Osborne, the Honourable William Stephen Pointz, William Phillips, Benjamin Pearce, John Perkins, William Penfold, Caleb Rickman, John Rice, John Pelham Roberts, Avery Roberts, Rolfe, Richard Russell, Timothy Skelley, William Scrase, John Smith, William Smith, Lawrence Smith, Thomas Scrase, Benjamin Scutt Doctor of Medicine, Bartholomew Smithers, William Stanford, the Right Honourable Thomas Steele, Leonard Shuckard, William Tilt Clerk, Benjamin Tillstone, Thomas Uwins, James Wood of Hickstead Place, Richard Weekes, Richard Weekes Junior, Hampton Weekes, Thomas Wickham, John Wood of Ockley, John Whichelo, John Wood of Chestham, Matthew Walker, Thomas Dominick Whiteman, William Wigney, Henry Wood of Wontley, Peter Wells, John Wood of Park, and John Wood of Wapfes, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Trustees for amending, widening, improving, and keeping in Repair the said Roads ; and for otherwise putting this Act in Execution.*

Other Trustees to be chosen on the Death or Refusal to act.

II. And be it further enacted, That when any of the Trustees hereinbefore named, or to be elected as hereinafter mentioned, shall die or refuse to act, or be disqualified, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint one other Person in the Room of every Trustee so dying or refusing to act, or becoming disqualified ; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates which, by virtue of this Act, shall be then erected and set up, and by Advertisement in the *Lewes and BRIGHTHELMSTONE Journal*, or in the *Brighton Herald*, or in some other Newspaper or Newspapers, printed or circulated in the said County, at least Ten Days before every



every such Meeting; and every Person and Persons who shall be so elected and appointed shall immediately, upon such Election and Appointment, be vested with the same Powers and Authorities for putting this Act in Execution, as any Trustee hereby appointed is or are vested with.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act while he holds any Place of Profit under the same, nor in any particular Case wherein he shall be personally interested, other than as a Creditor; nor shall any Person be qualified to act as a Trustee 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 Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes; or shall be Heir Apparent of a Person seised of a real Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or be possessed of a personal Estate to the Amount of One thousand Pounds, nor until he shall have taken and subscribed the following Oath before any Two or more of the said Trustees, (who are hereby authorized to administer the same,) in the Words, or to the Effect following; that is to say:

Qualification  
of Trustees.

‘ I *A. B.* do swear, that I truly and bonâ fide am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes; or am possessed of, or entitled to, a personal Estate of the Value of One thousand Pounds, after all my Debts are paid; [or am the Heir Apparent of *A. B.*, who, to the best of my Knowledge, is seised of a real Estate of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, as the Case may happen.]  
‘ So help me GOD.’

Oath.

IV. And if any Person disqualified by any of the Causes aforesaid, or not being qualified as aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning 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 inform or 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, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and the Person so prosecuted, shall prove that he is so qualified, or otherwise shall 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 such Acts and Proceedings as shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, 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, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or

Penalty on  
acting, if not  
qualified.

Mortgagee  
may act.

receiving



receiving Interest thereout for the same, shall, on that Account, be deemed unqualified to act as a Trustee in the Execution of this Act.

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

V. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being, and that no Action or Suit to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk, for the Time being, to the said Trustees, shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, That every such Clerk shall be reimbursed out of the Monies to be received by virtue of this Act, all such Costs, Charges, or Expences, as he shall be put unto or become chargeable with, by reason of his being so made a Plaintiff or Defendant.

Trustees first  
Meeting.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House, known by the Name or Sign of the *White Horse*, in *Brighthelmstone*, in the County of *Sussex* aforesaid, on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, and proceed to the Execution of this Act; and shall then, and from Time to Time after, adjourn themselves to meet at such Time and at such Place or Places, in or near the said Road, as they shall think proper; and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day; or in case the Trustees at any Time assembled, shall not adjourn themselves, then, and in every such Case, the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, or was held, as the Case may be, and to such Time as he shall think fit, not exceeding Twenty-one Days, nor less than Ten Days, from the Time of the last Default; and shall thereof give Notice by Writing, affixed on all the Turnpikes then erected by virtue of this Act, at least seven Days before the Day of such intended Meeting; and in case no Adjournment, Notice or Appointment shall be made or given as aforesaid, then it shall be lawful for any Five or more of the said Trustees to cause Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, appointing the Trustees to meet at such Time and at such Place, in or near the said Road, as they the said Five Trustees shall think proper, not exceeding Three Weeks, nor less than Ten Days from the Time of affixing such Notice; and the Trustees shall at their several Meetings pay their own Expences; and all Orders and Determinations of the Trustees, in the Execution of this Act, shall be made at Meetings to be held in pursuance thereof, and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination shall be valid, unless the major Part of the Trustees present at such Meeting shall concur therein; and that all such Trustees as are in the Commission of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except in such Cases where they shall be personally interested; and in all Cases where the Trustees, or any Justice or Justices

Trustees to  
pay their  
own Ex-  
pences.  
Orders to be  
made at  
Meetings  
only, and the  
Majority to  
concur.  
Trustees be-



Justices of the Peace, are authorized to examine any Person or Persons on Oath, which Oath it shall be lawful for such Trustees, or any Two or more of them, or for such Justice or Justices to administer; and that no Order, made by Five or more Trustees, shall be revoked or altered at any Meeting, where less than Nine Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than those who made such original Order, nor unless Fourteen Days' Notice at the least, of such intended Alteration, shall have been given at a previous Meeting of the Trustees, and entered in the Books of Proceedings, and affixed on all the Turnpikes, which, by virtue of this Act, shall be then erected, Ten Days at least, before such Meeting.

ing Justices  
may act as  
such.

May admi-  
nister Oaths.

Orders not to  
be revoked,  
but by Trus-  
tees.

VII. Provided always, 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 to which such Meeting shall have been adjourned, the Clerk, by an Order in Writing, signed by Five or more Trustees, (although not assembled at a Meeting,) mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner last hereinbefore directed, such Time not being less than Seven Days after such Notice; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Meetings on  
Emergencies.

VIII. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, so entered, shall be signed by the Trustees making the same, or by their Clerk, which Book or Books, and also the Book or Books hereinafter directed to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be admitted as Evidence in all Courts whatsoever.

Orders, &c.  
to be entered.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, from Time to Time, by Writing under their Hands, appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Deaths, Removal or Removals, of such Officer or Officers, may appoint others in their Stead; but Fourteen Days' Notice shall be given in Manner last aforesaid, of every Meeting where any such Appointment shall be made, after the First Meeting of the said Trustees; and the said Trustees, or any Five or more of them, shall and may, and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers, and other Persons employed, for their Services in or about the amending, altering, improving, and keeping in repair the said Road, or any Part thereof, or otherwise, in putting this Act in Execution, as they the said Trustees, or any Five or more of them, shall think reasonable.

Officers to be  
appointed.

X. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and required to

Treasurer to  
give Secu-  
rity.

[*Loc & Per.*]



No Victual-  
ler to hold a  
Place of  
Profit.

Officers to  
account on  
Oath.

take such Security from the Treasurer or Treasurers, and Collectors and Receivers of the Tolls to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet; and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

XI. And be it further enacted, That all such Officers and all other Persons who shall be appointed under or by virtue of this Act, shall, from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they shall respectively, for that Purpose, appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purposes the same, and every Part thereof, hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath, (which Oath any Two or more of the said Trustees, or any Justice of the Peace for the County where such Officer or Person shall reside, are hereby empowered to administer;) and such Officers and Persons shall, and they are hereby respectively required, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in his or their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, anyways relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing, shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons on their Behalf, such Justice may, and is hereby authorized and required, to summon such Officer or Officers, Person or Persons, to appear before him, and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, (no reasonable Cause or Causes being shewn for such Non-appearance,) to issue his Warrant or Warrants for his or their Apprehension; and upon his or their appearing upon such Summons, or being apprehended and brought before him by such Warrant, or having absconded, or not being to be found, it shall be lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way, 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 credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and



and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, 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 shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if such Officer or Officers, Person or Persons, appearing or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, or of the Articles thereof, upon Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act, or to the said Road, then, and in either of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the common Gaol of the County where he or they shall live and reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make,) or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer or other Person, who shall be committed for Default of Distress only, shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees, though not assembled at a Meeting of the Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver; and in such case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees, 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 who shall so die, or be discharged, would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, 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, or any other Person shall refuse to deliver up the Possession of any Toll House or Building to be erected or set up by virtue of this Act, for the Space of

Trustees to  
appoint tem-  
porary Col-  
lectors.

Two



Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees, then, and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County of *Suffex*, 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 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 Two of them, or their new appointed Officer, into the Possession thereof.

Power to  
erect Gates.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect or set up, and build, or cause to be erected, set up, and built upon, in, or across any Part or Parts of the said Road, or across any Road or Lane, that doth, or shall lead into, or out of any Part or Parts of the said Road, One or more Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, and also One or more Toll House or Toll Houses, with Outbuildings suitable thereto, and take in and inclose on the Sides of the said Road, as many Garden Spots as there shall be Toll Houses thereupon, suitable and convenient for each respective Toll House or Toll Houses, not exceeding One Rood each; and pull down and remove the same as they the said Trustees, or any Five or more of them, shall think proper, and direct or appoint; and the Tolls following shall be demanded and taken by such Person or Persons, as the said Trustees, or any Five or more of them, shall from Time to Time appoint to receive the same, before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through any Turnpike or Toll Gate, Side Bar, or Side Gate, to be erected by virtue of this Act, upon, or across the said Road, or upon, or across any Lane or Way, leading into the same: (that is to say)

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Barouche, Curricule, Phaeton, Taxed Cart, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse, Mare, Gelding, Mule, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing in any Waggon, Cart, or other Carriage of the like Nature, with Wheels of less Breadth than Six Inches, the Sum of Four-pence Halfpenny:

For every Horse, Mare, Gelding, Mule, Ass or Pair of Oxen, Bullocks, or other Neat Cattle, drawing in any other Carriage of the like Nature, with Wheels of the Breadth of Six Inches or upwards, the Sum of Three-pence:

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

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

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

For



For every Beast of Draught employed in drawing any Carriage or Carriages laden with Timber, Plank, Boards, Wood, Bricks, or Tiles, Gun or any other Iron, Hop-poles, Marl, Chalk Marl, or Chalk, Sand, Stone, Gravel, or Coals, passing through any Gate or Gates, Turnpike or Turnpikes to be erected by virtue of this Act, between the Twentieth Day of *October* and the First Day of *April* in every Year double the Tolls or Duties which the same would otherwise hereby be liable to pay at each Gate or Turnpike through which such Carriage or Carriages so laden shall pass, and at which they shall be liable to pay Toll:

Carriages laden with Timber, &c. at what Time to pay Double Tolls.

And for every Beast of Draught employed in drawing any Carriage or Carriages laden with Hay or Straw for Sale passing through any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the Twentieth Day of *October* and the First Day of *April* in every Year a Toll greater by One-half than the Tolls or Duties which the same would otherwise hereby be liable to pay at each Gate or Turnpike through which such Carriage or Carriages so laden shall pass, and at which they shall be liable to pay Toll:

Hay or Straw for Sale, at what Time to pay Toll.

And that Double the said respective Tolls shall be demanded and taken on every *Sunday* during the Continuance of this Act.

Double Toll on Sundays.

Which said respective Tolls or Duties shall be demanded and taken in the Name of or as Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, (and which Assistance all Persons are hereby required to give if called upon,) to seize and distrain any such Horses or other Cattle or Beasts, or the Bridles, Saddles, Gears, Harness, Accoutrements, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Five Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle or other Things so distrained, or a sufficient Part thereof, returning the Overplus, (if any be,) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and reasonable Charges for making such Distress and keeping and selling the same shall be deducted and paid.

Penalty on refusing to pay Toll.

XIV. Provided always, and it is hereby further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons for once passing and repassing the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriages, through all the said Gates or Turnpikes to be erected on any of the said Roads hereby directed to be made and repaired between *Pyecombe Church* and *Hickstead Place*; nor shall any more than One Toll be taken or demanded from any Person or Persons for once passing and repassing the same Day with the same Horses, Cattle, Beasts, and Carriages through all the said Gates or Turnpikes to be erected between *Hickstead Place* and *Staplefield Common*; but that all and every Person and Persons, having paid such respective Tolls, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment thereof, (which the Collectors thereof are required

No more than One Toll to be paid for passing and repassing the same Day, between Pyecombe Church and Hickstead Place.



to give *gratis*,) shall once pass and repass the same Day with the same Horses, Cattle, Beasts, and Carriages Toll Free through all the Turnpikes or Toll Gates to be erected on the said Roads between the respective Places aforesaid; but if any Person or Persons shall pass through any Gate or Turnpike between the respective Places aforesaid a third Time with the same Horses, Cattle, Beasts, or Carriages, then, and in that Case, such Person or Persons shall again be liable to pay the said Toll, and so *toties quoties* for every third Time the said Person shall pass the same Day through the same Gate or Turnpike on the said Roads between the respective Places aforesaid with such Horses, Cattle, Beasts, or Carriages as aforesaid.

What Number of Tolls to be taken.

XV. Provided also, and be it further enacted, That no more than Two Tolls in the whole shall be demanded and taken from any Person for once passing and repassing the same Day, to be computed as aforesaid, with the same Horses, Cattle, Beasts, and Carriages, through all the said Toll Gates or Turnpikes to be erected by virtue of this Act between *Pyecombe Church* and *Staplefield Common* aforesaid, but that all and every Person and Persons, having paid the said Two Tolls in the whole, and producing such Note or Ticket, Notes or Tickets, as aforesaid, shall once pass and repass the same Day with the same Horses, Cattle, Beasts, and Carriages, Toll Free, through all the Turnpikes or Toll Gates to be erected on the said Roads by this Act; but if any Person or Persons shall pass through any Gate or Turnpike a third Time with the same Horses, Cattle, Beasts, or Carriages, then, and in that Case, such Person or Persons shall again be liable to pay the said Toll, and so *toties quoties* for every third Time the said Person or Persons shall pass the same Day through the same Gate or Turnpike on the said Roads with the same Horses, Cattle, Beasts, or Carriages as aforesaid.

But a new Toll to be paid every third Time.

Persons not liable to any increased Charge by passing through any Side Gates.

XVI. Provided also, That no Person shall be made liable to any double or increased Charge by reason of his passing through any Side Gate or Side Bar to be erected by virtue of this Act upon or across any Lane or Road leading into or out of any of the said Roads to be repaired by virtue of this Act through any other of the Turnpikes to be erected by virtue of this Act across such Roads, beyond what he would be liable to pay if he had passed through either of the said Gates only, any Thing herein contained to the contrary notwithstanding.

Not to put Gate or Side-Gates on the Road, between Cudler's Brook, and Sayer's Common.

XVII. Provided also, That nothing in this Act shall extend, or be construed to extend, to empower, or in any Manner authorize the said Trustees to erect or set up, or cause to be erected or set up, any Turnpike or Turnpikes upon, or across, or on the Side or Sides of the Road to be made, widened, or improved by virtue of this Act between a certain Brook called *Cudler's Brook*, in the Parish of *Albourne*, and a certain Common called *Sayer's Common*, in the Parish of *Hurstperpoint*.

Disputes concerning Tolls to be settled By a Justice.

XVIII. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or Person distraining, to retain the same, or the Money arising by the Sale thereof, as the Case may happen, until the Quantity of the Tolls due, and Charges of making such Distress, and of keeping and selling the same, shall be ascertained



certained by some Justice of the Peace of the said County of *Suffex*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses, and determine the Quantity of the Tolls due, and also assess the Charges of such Distress, keeping and Sale, and also of the Collector's Attendance for that Purpose, on the said Justice, all which Sums, so determined or assessed, shall be paid to the said Collector or other Person, before he shall be obliged to return the Distress, or the Overplus, after the Sale thereof, or of any Part thereof.

XIX. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise touching, or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Collectors of  
Tolls com-  
petent Wit-  
nesses.

XX. And in order to prevent the Misconduct of the Persons employed as Collectors of the said Tolls, be it further enacted, That every Person employed to collect any of the Tolls hereby granted and made payable, shall affix his Christian and Surname on a Board, on some conspicuous Part of the Toll House, at which he shall be appointed to collect the said Tolls, on each and every Day that he shall continue in such Collection, under the Penalty of any Sum not exceeding Twenty Shillings for every Neglect thereof; and if any such Collector shall wilfully misbehave himself in the Collection of the said Tolls, to any Person or Persons passing, or claiming to pass, through any of the Turnpikes to be erected by virtue of this Act, and shall be thereof convicted on his own Confession, or on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the said County of *Suffex*, he shall for every such Offence forfeit and pay any Sum, not exceeding Five Pounds; and in Default of Payment thereof, shall be committed to the Common Gaol, or House of Correction, for any Time not exceeding One Calendar Month.

Punishing  
Collectors  
misbehaving.

XXI. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered from Time to Time, as they shall think proper, to lessen, vary, or alter all, or any Part or Parts of such Tolls, at all, any, or either of the said Turnpikes, and to raise the same again, so as they do not exceed the Tolls by this Act granted; but no such Alteration, Variation, or Reduction shall be made, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the Meeting for making such Reduction; and such Tolls so lessened, varied, or altered, shall be collected, recovered and applied in the same Manner as the Tolls hereby granted are directed to be collected: Provided always, That when the whole Money charged and borrowed on the Credit of this Act shall not have been paid off or discharged, the Tolls hereby granted shall not be lessened or reduced, without the Consent of the Person or Persons entitled to Five-sixth Parts of the Money remaining due upon the Credit of this Act.

Tolls to be  
divided, less-  
ened, varied,  
or altered.

XXII. Pro.



Exemption  
from Tolls.

XXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Carriage, or any Horse, Cattle, or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the Townships or Parishes in which such Road doth lie, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses or on the Lands of the Owners thereof; nor for any Implements of Husbandry, or carrying any Manure, Fodder, Mould, Dung for Improvement of Land, or other Manure, (Chalk, Lime, Marl, and Chalk Marl excepted); or returning empty from carrying the same, nor shall any Tolls hereby granted be demanded or taken from any Person or Persons, residing in any Township or Parish, in which the said Road lies, who shall pass through any Toll Gate or Turnpike, to or from their proper Parochial Church, Chapel, or other Place of Religious Worship, tolerated by Law within the Parish where they shall respectively reside, on a *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the said Parishes; or from any Clergyman going to, or returning from visiting any Sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses or Cattle going to or returning from Water or Pasture, or going to be, or returning from being shod; or for any Horse or Carriage 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 such Mails or Expresses, or in returning back from conveying the same; or for any Horses belonging to, or attending any Officers or Soldiers upon their March, or upon Duty; or for any Horses, Cattle or Carriages, employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Horse, Mare, or Gelding, furnished by, or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by them in going to, or returning from the Place appointed for, and on the Days of Exercise: Provided that such Persons be dressed 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 as aforesaid; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes, or for any Horses or Carriages carrying or conveying any Person or Persons to, or from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said 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 by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on  
claiming  
Exemptions  
unlawfully.

To prevent  
evading the  
Tolls,

XXIII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place, lying by the Side of, or near to any Part of the said



said Road, or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a public Highway, shall knowingly permit or suffer any Person or Persons to pass with any Horse, Cattle, Beast, or Carriage, through or over the same, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forge or counterfeit, or shall give to, or receive from any other Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or take off, or cause to be taken off, any Horse or other Beast from any Carriage, or having passed through any Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls, or if any Person or Persons shall do any other Act in order, or with Intent, to avoid the Payment thereof, or any Part thereof, every such Person so offending in any of the Cases aforesaid shall, for each Offence, forfeit any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer; and the other Moiety shall be applied towards the Purposes of this Act.

or taking off  
any Carriage  
to avoid Pay-  
ment of  
Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to compound and agree with any Person or Persons for the passing of any Carriage, Horses, Beasts, or other Cattle, travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding One Year at any One Time; which Composition Money shall be paid in advance Quarterly, or otherwise as the said Trustees, or any Five or more of them, shall appoint; and, in default of such Payment, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void, and all such Composition Money shall be applied in such Manner as the Tolls are hereby directed to be applied.

Trustees may  
compound  
for Tolls.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, upon Thirty-one Days' Notice to be given thereof, upon all the Turnpikes then erected by virtue of this Act, and advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls arising by this Act, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any one letting, upon public Bidding to the highest Bidder, and for the best Price such Trustees can get for the same, payable Quarterly in advance, and in such Manner, and under such Covenants, and with such Securities for the Payment thereof, as the said Trustees, or any Five or more of them shall think fit, which Money so to be paid, shall be applied, and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

Trustees may  
lease the  
Tolls.

XXVI. And be it further enacted, That during such Times as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm, to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons, as he or they shall by Writing or Writings under his, her or their Hand or Hands, authorize or appoint to demand and take

Lessees or  
Persons ap-  
pointed by  
them may  
collect the  
Tolls.



the said Tolls, so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees, is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons, as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees, is subject or liable to.

Turnpikes  
to be vested  
in Trustees.

XXVII. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Rails and Fences, Toll Houses and Buildings, which shall be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the same, and for completing and repairing the said Road, and all such Materials made use of for the Purposes of this Act, or collected to be made use of, shall be, and they are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and empowered to dispose of the same as they shall think proper, and to bring, or cause to be brought, any Action or Actions in the Name of their Clerk, for the Time being, or to prefer, or cause to be preferred, any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, or damage the same, or any Part or Parts thereof, or disturb them or their Agents or Servants, in the Possession thereof.

For shutting  
up certain  
Lanes.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to shut up, or cause to be shut up, a certain Wapple Road, Bridle Road or Lane, leading out of the Road to be made by virtue of this Act, on the East Side thereof, and leading through certain Lands, in the Parish of *Hurstperpoint* aforesaid, called *Little Stuckles*, to a certain Lane, called *Cobb's Mill Lane*, in the same Parish; and also a certain Wapple Road, Bridle Road or Lane, leading from *Bolney Street*, in the Parish of *Bolney*, through certain Lands, called *Gaston's Lands*, into the Road to be made by virtue of this Act, at or near *Rice Bridge*, in the Parish of *Bolney* aforesaid; and also a certain Lane leading from *Hickstead Cross* to *Hickstead Place*; and also a certain Foot Road leading from *Hickstead Place* aforesaid, through certain Lands, called *Berry Lands*, in the Parish of *Hurstperpoint* aforesaid, into the said Road to be made by virtue of this Act, by erecting, or causing to be erected, any Gate or Gates, Mound or Mounds, Rail or Rails, Fence or Fences, at the Ends leading out of the said Turnpike Road; and if any Person or Persons shall destroy or damage any such Mounds, Gates, Rails, or Fences, or any other Mounds, Gates, Rails, or Fences set up by the said Trustees, by the Authority of this Act, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, together with all Charges and Expences attending the repairing or restoring of such Gate or Gates, Mound or Mounds, Rail or Rails, Fence or Fences.

For borrow-  
ing Money.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest, upon the Credit of the Tolls, payable by virtue of this Act, such Sum or Sums of Money as they shall think proper, and to mortgage and



and assign the said Tolls, or any Part or Parts thereof, and any of the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls,) to any Person or Persons, his, her, or their Heirs, Executors, Administrators, or Assigns, who shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid, by the following Words, under their Hands, or by any other Words to the like Effect: (*videlicet*)

‘ **BY** virtue of an Act made in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of this Act*] we Five of the Trustees for the said Road, in consideration of the Sum of \_\_\_\_\_ to the Treasurer of the said Road, in Hand paid, do grant, bargain, sell, and demile unto *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Tolls arising from the said Road, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum due and owing on the Credit thereof, or charged upon the Term of the said Act, to be had and holden from this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_, for and during the Continuance of the said Act, unless the said Sum of \_\_\_\_\_, with Interest at the Rate of \_\_\_\_\_ *per Centum per Annum*, shall be sooner paid and satisfied.’

Form of Assignment.

And that Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed on the Credit of the Tolls, after the first Meeting of the said Trustees, unless Notice be for that Purpose affixed in Writing, upon all the Turnpikes, then erected by virtue of this Act, at least Twenty-one Days before the borrowing thereof, and the Intention thereof be also advertised, twice at least, in some Newspaper usually circulated in the Neighbourhood of the said Road; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, is and are hereby empowered, from Time to Time, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, or by an Indorsement on the same, in the following Words, or Words to the like Effect: (*videlicet*)

‘ **I** *A. B.* do hereby transfer the within Mortgage, [*if by Indorsement, or if by a separate Instrument*, a certain Mortgage,] bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ of the Tolls arising on the Road, to be amended and kept in Repair, by virtue of an Act made in the Forty-eighth Year of the Reign of King George the Third, intituled [*here insert the Title of this Act*,] and all my Right and Title to the principal Money and Interest thereby secured unto *C. D.*, his Executors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_

Form of Transfer.

*A. B.*  
All



All which Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees, within Twenty-one Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof, in the before mentioned Book or Books, specifying the Dates and Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums of Money therein transferred; for which the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more, by the Person or Persons to whom such respective Transfers shall be made, which said Book or Books shall and may be inspected at all reasonable Times, by any Person or Persons whomsoever, and the Sum of Two Shillings and no more shall be paid to such Clerk or Clerks, for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns to the Benefit thereof, and Payment thereon, and such Assignee may, in like Manner, assign again, and so *toties quoties*, and it shall not be in the Power of any Person who shall have made any such Transfer, to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

All Creditors  
to be deemed  
equal in De-  
gree.

XXX. And be it further enacted, That no Preference shall be given to any Person or Persons, advancing any Sum or Sums of Money upon the Credit of this Act, his, her, or their Assignee or Assigns, in respect to the Priority of the Mortgage, or Assignment, or of advancing such Sum or Sums of Money; but that all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, his, her, and their Assignee and Assigns, shall be (in proportion to the Sum or Sums therein mentioned) Creditors on this Act, and in equal Degree one with another.

For paying  
Creditors by  
Lot.

XXXI. Provided always, and be it further enacted, That in case the said Trustees shall, at any Time or Times, be desirous of paying off any Portion of the principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforesaid, (Notice of such intended Meeting, and of the Purpose thereof, being first given, at least Ten Days preceding the same, by Advertisement in some Newspaper, printed in or usually circulated within the said County of *Suffex*;) 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, any Thing herein contained to the contrary notwithstanding.

For Payment  
of the Ex-  
pences of  
passing this  
Act.

Further Ap-  
plication of  
Money.

XXXII. And be it further enacted, That out of the first Monies that shall be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall pay and discharge all the Costs, Charges, and Expences relative to the procuring and passing this Act, in preference to any other Payment whatsoever, and after Payment thereof, all such Money which shall come to the Hands of the said Trustees by virtue of this Act shall be from Time to Time applied in the Execution of this Act, and to no other Use or Purpose whatsoever.

XXXIII. And



XXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials for amending, altering, improving, or repairing the said Road, out of any Waste or Common, or out of any River or Brook in any Parish, Hamlet, Township or Place in, adjoining to, or lying near the said Road, or in any neighbouring Parish, Hamlet, Township, or Place, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, River or Brook, then, and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the said County of *Sussex*, to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Damages done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same, or any other Materials for amending, altering, improving, or repairing the said Road shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any Two or more Justices of the Peace acting in and for the said County of *Sussex* shall and may adjudge and determine to be reasonable; which Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

For getting  
Materials to  
repair the  
Road.

Private  
Ground.

XXXIV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Road out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupier, to appear before the said Trustees, or any Five or more of them, or any Two or more Justices of the Peace acting in and for the County wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, the said Trustees, or such Justices shall, if they think proper, authorize such Surveyors or other Persons to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Trustees, or to such Justices shall seem proper; and if such Occupier or his Agent shall neglect or refuse to appear by himself or Agent, the said Trustees, or such Justices shall and may make such Order therein as they shall think fit, as fully and

Notice to be  
given before  
Materials  
taken.



effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Penalty on  
taking away  
Materials.

XXXV. And be it further enacted, That if any Person whatsoever shall take away any Materials which have been dug, gathered, or got, in any Lands, Fields, Grounds, Wastes or Commons, Rivers or Brooks, for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Fourteen Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get the Materials therein, for his own private Use only, and not for Sale,) every Person so offending shall forfeit, for every such Offence, any Sum not exceeding Forty Shillings.

For remov-  
ing Annoy-  
ances.

XXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Persons as he or they shall appoint, by Direction, and under the Hands of any Three or more of the said Trustees, from Time to Time, to remove all Annoyances made on any Part of the said Road by Timber, Stones, Carriages, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for Benefit of the said Road; and to turn any Watercourses, Sinks, or Drains running along into, or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, and make deeper any Watercourses or Ditches adjoining or near thereto, and make the same as deep and large as he or they shall think necessary, and to cut down, lop or top any Trees, Branches, Shrubs, or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, (except Trees planted for Ornament or Shelter to the House, Building, Garden, or Court Yard of the Owner thereof); and to cut and reduce all such Hedges to the Height of Four Feet, in case the Persons occasioning such Annoyances shall neglect to remove the same, within the Space of Fourteen Days, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to lop or top and remove such Boughs, Bushes, or Lops, or reduce such Hedges in such Manner as the said Surveyor or Surveyors shall require for the Space of Fourteen Days, or to cut down such Trees within the Space of Six Calendar Months next, after Notice in Writing given for those respective Purposes, under the Hand of such Surveyor or Surveyors, or so near thereto as the proper Season will allow for such reducing of Hedges, or cutting down, topping or lopping of Trees, (the Charges whereof to be settled by any Justice or Justices of the Peace, for the said County of *Sussex*), shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and shall be recovered in such Manner as Penalties and Forfeitures are hereinafter directed to be recovered; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall, for every such subsequent Offence, forfeit any Sum not exceeding Forty Shillings, over and above the Penalty and Charges before mentioned.

Against draw-  
ing Timber,  
except on

XXXVII. And be it further enacted, That if any Person or Persons shall draw, or cause to be drawn, upon any Part of the said Road any Tree or



or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree, or Piece of Timber, or Stone, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road, to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

XXXVIII. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing, shall be unloaded or laid down from any Carriage, upon any open or Common Land lying within One hundred Yards of any of the Turnpike Gates or Bars erected by virtue of this Act, or upon the Sides of the said Road, within Thirty Feet of the Centre of such Road, upon Pain that the Owner or Owners of every Carriage so employed, or the Driver or Drivers thereof, shall forfeit for each and every Offence any Sum not exceeding Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

XXXIX. And be it further enacted, That it shall be lawful for the said Surveyor, or such Person or Persons as he or they shall appoint or employ, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them,) to make, or cause to be made, Causeways, and also covered or opened Drains and Ditches in and upon, or on the Sides of the said Road, and also through any Grounds or Fields lying contiguous thereto; and to scour such Ditches and Drains so as effectually to carry off the Water from any Part of the said Road; and also to make, or cause to be made, a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road, (such Ground respectively not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, Paddock, or planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees,) to be made Use of as a Public Highway, whilst the old Road is repairing or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same; making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain as the Parties shall agree upon, or if they shall not agree then, as shall be adjudged reasonable by any Two or more Justices of the Peace for the said County of *Sussex*; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Common or Waste Ground, and also by Order of any Five or more of the said Trustees, to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto; and also to repair and keep in Repair any Bridge or Bridges, Arch or Arches, now erected and built, or to be hereafter erected and built, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto; Notice of such Intention to build, erect, or repair any Bridge being first given by affixing the same on all the Turnpike Gates that shall then be erected by virtue of this Act, at least Twenty-one Days before any Meeting, at which such Order to build, erect, or repair any Bridge shall be made: Provided that nothing in this Act contained shall extend to authorize the said Trustees to lay out any



any of the Monies to be raised by virtue of this Act in the paving or repairing of any Causeways or Pavements in any Town or Street through which any Part of the said Road by this Act directed to be improved and repaired shall pass, but that the same shall be wholly paved and repaired by such Persons, and in such Manner, as they were before the passing of this Act.

Forpunishing  
Persons that  
obstruct Sur-  
veyors in  
their Duty.

XL. And be it further enacted, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Turnpike Surveyor, or any other Person or Persons by him, or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, getting, or carrying away of any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving, or repairing the said Road, or topping, lopping, or cutting any Tree, Top, Lop, or Overhangings, or in digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse as aforesaid, or in doing any other Act in or for the Execution of this Act, by virtue of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds.

Trustees may  
contract for  
Purchase of  
Lands, to be  
taken into  
the Road.

XLI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered, from Time to Time, as they shall think proper, to widen or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Road, and that any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Grounds, or other Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and that it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with the Owners of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Road, through such Lands, Grounds, or Hereditaments; and that it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, Executors or Administrators, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, or Persons of unsound Memory and Understanding, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of, or interested in any such Lands, Grounds, or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands, Grounds, or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees,

Incapacitated  
Persons may  
treat.



Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

XLII. And whereas a Map or Plan describing the Line of the said Road, and the Lands through which the same leads, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of 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 thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of Five Shillings for every such Inspection, and at the Rate of Sixpence for every One Hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said 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 Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

For restraining the Trustees from deviating beyond certain Distances of the Line described in the Plan, &c.

XLIII. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said new Piece of Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are, or may be Owner or Owners of Land over which the same is set out and described as aforesaid, although the Name or Names of such Person or Persons may happen to be 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, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Road through Grounds, although the Owners' Names are not in the Book of Reference.

XLIV. And be it further enacted, That if any such Bodies, or other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling-house or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, through which any Part of such Road is to be widened, diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County wherein the Premises lie; and in order thereto the said Trustees, or any Five or more of them, shall and may issue their Warrant or Warrants to the Sheriff of the County of *Sussex*, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed and specified, and also in and by such Warrant to direct such View of the Premises to be had and taken by the Persons so to be impanelled, as

Where Persons neglect or refuse to treat.

Damage and Recompence to be settled by a Jury.



Jurors may  
be chal-  
lenged.

they, the said Trustees, shall judge necessary for their better Information concerning the same, and also by a like Warrant to require the Attendance of any Witness before the said Jury; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and are hereby empowered and required to draw by Ballot, and to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid, and in default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, shall return such other honest and indifferent Men of the Standers-by, or that speedily can be procured to attend that Service, to make up the Number of Twelve; which Jury so impanelled and sworn, shall forthwith proceed to inquire and assess such Damage and Recompence as aforesaid; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power to examine upon Oath all such Witnesses as may be produced before them and such Jury, and also from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, (except for some reasonable Excuse,) or appearing shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not give a Verdict, or shall in any other Manner 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, shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so as no such Fine exceed the Sum of Ten Pounds on any One Person for One Offence; and after such Jury shall have enquired of and assessed such Damages or Recompence as aforesaid, then the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition, which Verdict or Inquisition, and the Judgment, Order, or Determination thereon, shall be final and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming, or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever.

How Ex-  
pences of  
Jury shall be  
paid.

XLV. And be it further enacted, That in case any Jury shall give in 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, or any Five or more of them, before the summoning and return-  
ing



ing of the Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss, or Damage as aforesaid, that 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 to the said Trustees, out of any Money arising or to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, 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 for the respective County 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 and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, That in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees, or any Five or more of them, in Manner aforesaid.

XLVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls or other Money arising by virtue of this Act, according to the Directions hereinafter contained, either into the Bank of *England*, or, as the Case may be, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or (in case of Refusal to accept the same, or the Parties not being to be met with,) upon leaving the same in the Hands of the Treasurer or Treasurers of the said Road for the Use of such Parties or Persons; and after Six Days' Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their usual Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees or any Five or more of them shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; but no more Land shall be taken for the Purposes of the said Road without the Consent of the Owner or Proprietor thereof than shall be sufficient

Upon the Payment of the Purchase Money, the Lands to be laid into the Road.



Former Road  
may be sold.

cient to make such Road in such Part thereof where the same shall be taken, of the Width of Sixty Feet between the Fences thereof; and after such new Road shall be completed, the Land comprised in, or constituting the old or former Road, shall be vested in the said Trustees, and shall or may be stopped up or left unrepaired, unless the same may be wanted for any public Use, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the same may lead, and shall be by them the said Trustees, or any Five or more of them, sold for the best Price or Prices that can be gotten for the same; and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyance to be made of such Lands being executed by any Five or more of the said Trustees, and inrolled with the Clerk of the Peace for the said County of *Suffex*, shall be good and effectual to all Intents and Purposes; but this Act shall not extend or give Power to the Trustees acting in the Execution hereof to the taking down of any Dwelling House or other Building, or taking in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Part thereof.

Owners of  
Lands, used  
in making  
new Road, to  
have the First  
Offer of old  
Road.

XLVII. Provided always, and be it enacted, That wherever the Course of any Part of the said Road shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land, which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then, and in such Case, the Value thereof shall be settled and ascertained by a Jury in such and the like Manner as the Price for any Land to be taken in pursuance of this Act, is directed to be settled and ascertained in and by this Act; and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons, (not interested in the Premises), to make an Affidavit to be sworn before a Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County, Town, or Place where such old Road shall lie, stating, that such Offer has been made by, or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road, (as the Case may be); and such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof, that such Offer was made and not agreed to, or refused by such Owner.

Application  
of Compen-  
sation, where  
amounting to  
200l.

XLVIII. And be it further enacted, That if any Money shall be agreed, or awarded to be paid for any Lands 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,



fant, Lunatic, or Person or Persons, under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to 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 a 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 or Hereditaments in the Purchase or Redemption 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 or Hereditaments, or affecting other Lands or Hereditaments, standing settled therewith, to the same, or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court or 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 mean Time, 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 Lands and Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

XLIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 all such Cases, the same shall, at the Option of the Person or Persons, for the Time being, entitled to the Rents and Profits of the Lands 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 in Writing under their respective Hands, be paid into the Bank, in the Name, and with the Privity of the said Accountant-General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 Five or more of the said Trustees, (such Nomination and Approbation to be

[*Loc. & Per.*] 22 D

Application, where the Compensation does not amount to 200l. and is not less than 20l.

signified



signified in 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 any Manner hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application  
where the  
Money is less  
than 20l.

L. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as next before mentioned, shall be less than 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 or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, 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 not  
making out  
Titles;

or if Persons  
cannot be  
found, Pur-  
chase Money  
to be paid in-  
to the Bank;

subject to the  
Order of the  
Court of  
Chancery on  
Motion or  
Petition.

LI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, 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 Privy of the Accountant-General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution 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.

Where any  
Question shall  
arise touching  
the Title to  
Money to be  
paid, the Per-  
son who shall  
be in Posses-

LII. Provided always, and be it enacted, That where any Question shall arise, touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant-General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, or Hereditaments, or of any Estate, Right, or Interest in any Lands, or Hereditaments to be purchased, in pursuance.



purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities; the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands 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 have been lawfully entitled to ſuch Lands, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid 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, or Hereditaments, or to ſome Eſtate or Intereſt therein.

ſion at the Time of ſuch Purchaſe ſhall be deemed entitled thereto, according to ſuch Poſſeſſion.

LIII. Provided alſo, and be it enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, 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 Court of Chancery, and to be applied in the Purchaſe of other Lands, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall and may be lawful to and for the ſaid 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 to be 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.

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid by Trustees.

LIV. And be it further enacted, That it ſhall be lawful for the ſaid Trustees, or any Five or more of them, and for their Surveyor or Surveyors, or Workmen, with or without Carriages or Cattle, from Time to Time, to enter upon the Lands and Grounds through which or whereupon any Road ſhall be thought proper to be made, widened, altered, or turned, and to view, mark, and ſtake out ſuch intended Turning and Alteration, and to enter upon the adjoining Lands, and to put and place any Materials thereon as the ſaid Trustees ſhall think neceſſary or proper for the making and completing ſuch Alteration, without being liable or ſubject to be deemed a Trefpaſſer or Trefpaſſers, or to any Fine, Penalty, or Punishment for ſo entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, making Satisfaction to the Occupiers of ſuch Lands or Grounds for the Damage that ſhall be done by any ſuch Acts, to ſuch Lands or Grounds whiſt the ſame Road ſhall be ſo making, widening, altering, or turning, in caſe ſuch Damage ſhall exceed the Sum of One Shilling; ſuch Damage to be aſcertained by any Two or more Juſtices of the Peace as aforeſaid; and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or other Marks uſed in the laying out, making, altering, or turning any ſuch Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Forty Shillings.

Trustees may enter Lands to make the Road.

LV. And be it further enacted, That in all Caſes where the Courſe of any Part of the preſent Road ſhall be diverted from the Old Line of Road, or a new Road ſhall be made (except over and through any open Common Field

Trustees to fence off new Road.



Field Land, or Common, or Waste Ground), or where the old Road shall be widened, in all such Cases (except as aforesaid) the said Trustees, or any Five or more of them, shall, and they are hereby required, to cause good and sufficient Mounds, Rails, and Fences to be made and provided, and Quicksets to be planted in an Husband-like Manner, or sufficient Stone Walls to be built on both Sides of such new Road, where the same is necessary, and shall support such Mounds, Walls, Rails, and Fences for and during the Term of Seven Years from the first making thereof.

Trustees may contract for repairing Roads.

LVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered, from Time to Time, to contract and agree with any Person or Persons for the amending, widening, improving, and keeping in Repair the said Road, or any Part or Parts thereof, or for all or any other of the Works to be done and 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 an Order made at any Meeting by such Trustees, or any Five or more of them, shall be binding to the said Trustees and other Parties who shall sign the same, his, her, or their Successors, Executors, and Administrators respectively; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Persons liable to repair the Roads, to continue so.

LVII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining of any Part or Parts of the said Road, or any Bridge or Bridges thereon, or 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.

Persons chargeable to Statute Work, to continue so, and Justices to determine Differences touching Statute Work.

LVIII. Provided always, and be it further enacted, That all Persons, who by Law are liable to Statute-work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Sussex*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute-work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth 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 as aforesaid, shall be by him or them paid to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and 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 respectively,



tively, at some Place, to be expressed in such Summons, (within Ten Days after the serving of such Summons,) of the Names of the several Persons who, within every 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, Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in 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 the said Justices respectively shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to the Statute-work as aforesaid, to do such Number of Days' Statute-work in every Year upon the said Road, 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 in such Parts of the said Road as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time, order, direct, and appoint; and the said Justices respectively 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 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 said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, at such Time or Times as they the said Justices respectively 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 authorised or directed 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, at his, her, or their usual Place or Places of Abode, for that Purpose, by any Surveyor of 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, or 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 shall be sent with any Team or Draught to work on the said Road, 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 neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Penalties and Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; 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, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.



Trustees may  
compound for  
Statute-  
work.

LIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute-work to be by them done on the said Road, or any Part thereof; and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees, in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise the Inhabitants or Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Mile Stones  
and Direction  
Posts.

LX. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles, and Distances of Places, and also such and so many Direction Posts, as they shall think proper; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile Stones, or Posts, erected upon or near any Part of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Justice of the Peace for the said County of *Sussex*, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending, shall forfeit and pay any Sum not exceeding Five Pounds, together with all reasonable Costs and Charges of such Information, for every such Offence, One Moiety of which Penalty shall be paid to the Informer, and the other Moiety applied for the Purposes of this Act; and in case such Person or Persons so offending and convicted, shall not be able, or shall refuse to pay the same, then it shall be lawful for any Justice of the Peace for the said County of *Sussex*, by Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol for the said County of *Sussex*, or to any House of Correction within the same, there to remain for any Time not exceeding One Calendar Month, unless such Penalty, Costs, and Charges shall be recovered and paid.

To compel  
Payment of  
Subscription.

LXI. And be it further enacted, That the Person or Persons who have subscribed any Money for, or towards defraying the Expences of executing this Act, shall, and they are hereby required to pay such Money within such Time, and to such Persons, as the said Trustees, or any Five or more of them, shall order and direct; and in default of such Payment, such Money shall be recovered by Action of Debt, or on the Case, to be brought in the Name of the Clerk to the Trustees, in any of His Majesty's Courts of Record at *Westminster*.

Power to  
Collectors to  
detain un-  
known Per-  
sons.

LXII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers under this Act: Be it therefore enacted, That it shall and may be



LXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof, is not herein otherwise directed), shall, upon Proof of the Offences respectively, before any Justice of the Peace for the said County of *Suffex*, or wherein the Offender shall be or reside, either by the Confession of the Party offending, or by the Oath of One or more credible Witnesses or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Monies arising by such Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road; 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 such Justice of the Peace, 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 of the respective County, or to any House of Correction within the same, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, nor less than Forty Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXIV. 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, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen, *videlicet*,

Form of  
Conviction.

' **B**E it remembered, That on the                      Day of  
'        in the Year of our Lord  
'                      , A. B. is convicted before me, C. D. one of His  
' Majesty's Justices of the Peace for the County of                      [specifying  
' *the Offence, Time, and Place when and where the same was committed,*  
' *as the Case shall be.*] Given under my Hand and Seal, the Day and  
' Year first above mentioned.'

LXV, Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already

Allowing Persons aggrieved to appeal.



already appointed, such Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen, within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days' Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days 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 of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being 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 said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes, and the said Justices may also at such Sessions 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 to obey the same; and for want of sufficient Distress may commit such Person or Persons to the Common Gaol of or for the respective County, or to any House of Correction within the same, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Proceedings  
not to be  
quashed for  
want of Form.

LXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or 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 removable 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 done 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 for or on Behalf of the Party distraining before such Action brought.

Limitation  
of Actions.

LXVII. 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 shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after  
Six



Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County of *Sussex*, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may, at his and their Election, plead specially, or the general Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that 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 after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, 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 Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover treble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants hath or have in any other Case by Law.

EXVIII. And whereas the several Creditors and Trustees, under an Act 17 G. 3. Act made in the Seventeenth Year of the Reign of His present Majesty, c. 73. intituled, *An Act for repairing and widening the Road from a Place called Crouch Hill, in the Parish of Henfield, to the Turnpike Road leading from Brighthelmstone to Cuckfield, and from the East Side of the said Turnpike Road to the Town of Ditchling, in the County of Sussex*; and also an Act 38 Geo. 3. made in the Thirty-eighth Year of the Reign of His present Majesty, c. 7. intituled, *An Act for continuing for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of an Act passed in the Seventeenth Year of the Reign of His present Majesty, for repairing and widening the Road from a Place called Crouch Hill, in the Parish of Henfield, to the Turnpike Road leading from Brighthelmstone to Cuckfield, and from the East Side of the said Turnpike Road to the Town of Ditchling, in the County of Sussex; and also for repairing and widening the Road from Ubley's Farm, in the Parish of Hurstperpoint, to the Marle Pit opposite to Newtimber Broad Lane, in the said County*, have agreed that so much of the said recited Acts as relates to the said Road from Ubley's Farm to the Marle Pit, opposite to Newtimber Broad Lane, and from Ubley's Farm aforesaid to Albourne Green, shall be repealed; and that such Parts of the said Turnpike Road (being about One Mile and an Half in Length) shall be made Part of the Road, to be amended, varied, altered, widened, improved, and kept in repair by this Act, in consideration of the Sum of Twenty Pounds *per Annum* being paid out of the Tolls arising under this Act to the Trustees under the said recited Acts, Be it therefore enacted, That so much of the said recited Acts as relates to the said Road leading from Ubley's Farm to the Marle Pit fronting Newtimber Broad Lane, and from Ubley's Farm aforesaid to Albourne Green shall be repealed; and that such Road (being about One Mile and a Half in Length) shall be made Part of the Road to be amended, varied, altered, widened, improved, and kept in Repair by this Act; and that the Sum of Twenty Pounds *per Annum* shall be paid out of the Tolls arising under this Act, to the Treasurer of the Trustees of the said recited

[Loc. & Per.] 22 F cited



cited Acts, upon the Twenty-ninth Day of *September* in every Year during the Term of this Act, or to such Person or Persons whom they shall authorize to receive the same; and in default of such Payment for the Space of Twenty Days after the same shall from Time to Time become due, shall and may be recovered from the Trustees appointed in and by this Act, or from their Treasurer, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, against One or more of the said Trustees, or their Treasurer, in the Name of the Treasurer or Treasurers of the Trustees for the Time being, acting in the Execution of the said recited Acts, and such Sum or Sums of Money, when paid or recovered, as aforesaid, shall be applied by the said *Henfield* and *Ditchling* Road in such Manner as the Tolls collected thereon are directed to be applied.

Public Act.

LXIX. 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.

Term of the Act.

LXX. And be it further enacted, That this Act shall commence upon, and have Continuance from the passing thereof 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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