



ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. viii.

An Act for enlarging the Term and Powers of several Acts of His present Majesty, for repairing the Road from *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 Cross Roads in the Town of *Ditchling*, in the County of *Sussex*.

[17th March 1818.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of His present Majesty, 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 whereas another Act was passed in the Thirty-eighth Year of the Reign of His present Majesty, 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 New Timber Broad Lane, in the said County*: And whereas by an Act passed in the Forty-eighth Year of the Reign of His present Majesty,

[Local.] U u intituled

48G.3.C.101. intituled *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 Suffex*; it is enacted, that so much of the said recited Acts passed in the Seventeenth and Thirty-eighth Years of His present Majesty, as related to the said Road from *Ubley's Farm* to the Marle Pit opposite to *New Timber Broad Lane*, and from *Ubley's Farm* aforesaid to *Albourne Green*, should be repealed, and that such Parts of the said Turnpike Road (being about One Mile and a Half in Length) should be made Part of the Road to be amended and kept in Repair by the Trustees for executing the said last-recited Act, in consideration of the Sum of Twenty Pounds *per Annum* being paid out of the Tolls collected under the said last-recited Act to the Trustees for executing the said recited Acts of the Seventeenth and Thirty-eighth Years of His present Majesty, with the usual Powers for receiving and recovering the same: And whereas the Trustees appointed by or in pursuance of the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty have made great Progress in carrying into Execution the Powers and Authorities thereby vested in them (except with respect to that Part of the said Road which leads from *Ubley's Farm*, in the Parish of *Hurstperpoint*, to the Marle Pit opposite to *New Timber Broad Lane*, and from *Ubley's Farm* to *Albourne Green* herein-before mentioned, and now under the Care and Management of the Trustees for executing the said recited Act of the Forty-eighth Year of His present Majesty), and several Sums of Money borrowed upon the Credit of the Tolls thereby authorized to be taken have, together with such Tolls, been duly applied, and now remain due and owing; which Money so borrowed, with an Arrear of Interest, cannot be repaid, nor the said Road effectually amended and kept in Repair, unless the Term of the said Acts be further continued, the existing Tolls increased, and some of the Provisions thereof altered and enlarged: 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 the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except with respect to the said Piece of Road leading from *Ubley's Farm* to the Marle Pit opposite to *New Timber Broad Lane*, and from *Ubley's Farm* to *Albourne Green* herein-before mentioned, and also except such Parts thereof as are varied, altered, or repealed, or are repugnant to any of the Clauses or Provisions contained in this Act), shall be and remain in full Force and Effect, and together with this present Act shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after mentioned, as fully and effectually in all Respects and to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this present Act; and that this Act, and the Term and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which shall or may hereafter be borrowed and become due, on the Credit of the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty and of this Act, or any of them, and all Interest now due and to become due for the same respectively.

Acts of the
17 & 38 G. 3.
continued.

II. And be it further enacted, That *John Borrer* the younger of *Ditchling*, *William Ellis* of *Hurstperpoint*, *Henry Halliwell* Clerk, *Charles Holman*, *Henry Holman*, *John Marchant* the younger, *Richard Turner* Clerk, *Thomas Turner* the younger, and *William Wigney*, together with Ten other Persons to be named as Trustees at the First or any other Meeting to be held under this Act, and their Successors (being qualified according to the Directions of the said first-recited Act), shall be and are hereby added to and joined with the surviving and remaining Trustees appointed by or in pursuance of the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, for putting the said recited Acts and this Act into Execution, and shall have the like Powers for that Purpose as if they had been named and appointed Trustees in or by virtue of the said recited Acts or either of them.

Additional
Trustees.

III. And be it further enacted, That the said Trustees or any Five or more of them shall meet at the House known by the Name or Sign of *The New Inn* in *Hurstperpoint*, in the said County of *Suffex*, if then open, and if not, at some other Public House in the said County, on the Third *Wednesday* next after the passing of this Act, and shall then and there proceed in the Execution of the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty and this Act, and shall then and from Time to Time afterwards adjourn themselves to meet there, or at such other Place or Places near the said Road as they the said Trustees or any Five or more of them shall think most convenient for putting the said recited Acts or this Act into Execution, according to the Directions contained in the said first-recited Act: Provided always, and it is hereby declared, that any Two of the said Trustees shall be sufficient for the Purpose of Adjournment only.

Trustees first
Meeting.

Trustees to
have Power
to adjourn.

IV. And be it further enacted, That from and after the Sixth Day of *April* One thousand eight hundred and eighteen, the Tolls and Duties payable in and by the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty shall cease, determine, and be no longer paid or payable, and that in lieu thereof the following Tolls shall be demanded and taken before any Horse, 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, erected or to be erected by virtue of the said Acts or this Act upon and across the said Road, or upon and across any Lane or Way leading into the same; (that is to say),

Discontin-
ing the pre-
sent Tolls,
and granting
new ones.

For every Horse, Mule, Ass, or other Beast, drawing in any Carriage, the Sum of Sixpence:

Tolls.

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

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

And for every Drove of Calves, Hogs, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in proportion for any less Number:

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

Which said respective Tolls shall be and are hereby declared to be vested in the Trustees appointed or to be appointed for the Purposes of the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His

Trustees
vested with
Powers to
demand Toll.

His present Majesty, or this present Act; and that it shall and may be lawful for the said Trustees to demand and take or cause to be demanded and taken the said Tolls at the respective Gates erected or to be erected across or near the said Roads; and they the said Trustees, or such Person or Persons as they shall authorize and appoint for that Purpose, shall have such and the same Powers, Authorities, and Remedies for collecting, demanding, recovering, levying, assigning, transferring, leasing, reducing, advancing, and compounding for the Tolls hereby granted or made payable, as are in and by the said recited Acts, or either of them, given and expressed with respect to the Tolls thereby granted or made payable, so that no such Advancement of the said Tolls or any of them, after the said Tolls or any of them shall have been reduced, do exceed the Tolls hereby granted; but Fourteen Days Notice thereof at least shall be given at all the Toll Gates or Turnpikes which shall be then standing upon the said Road previous to any such Alteration in the said Tolls; and that the Tolls hereby granted and made payable shall be paid, applied, and disposed of to and for such Uses, Intents, and Purposes as are in the said recited Acts and this Act directed and appointed in that Behalf.

Clause that no Gate shall be set up between Hurstperpoint Church, &c. repealed.

V. And whereas by the said first-recited Act of the Seventeenth Year of the Reign of His present Majesty, it is enacted, that no Gate or Turnpike shall be set up or erected between the Parish Church of *Hurstperpoint* and the Turnpike Road leading from *Brighthelmstone* to *Cuckfield*, and that no Side Gate or Turnpike shall be set up or erected on the South Part of the said Road between the Town of *Hurstperpoint* and a certain Place called *Randiddles*; which Restrictions have been found to be inconvenient; be it therefore enacted, That so much and such Parts of the said recited Act shall be and the same are hereby repealed.

No Side Gate to be set up at the End of *Randiddles Lane*.

VI. Provided always, and be it further enacted, That no Side Gate or Turnpike shall be set up or erected at the End of *Randiddles Lane* leading to *Danny*.

No more than One Toll to be paid for passing and repassing through any one Gate on the same Day.

VII. Provided always, and it is hereby further enacted, That no more than one Toll shall be demanded or taken from any Person or Persons 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, and Carriages, through any one of the said Toll Gates, Turnpikes, Bars, or Side Gates erected or to be erected as aforesaid; but that all and every Person and Persons, having paid the said Toll, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll (which Notes or Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll), shall repass the same Day with the same Horses, Cattle, Beasts, and Carriages Toll-free through the Toll Gate, Turnpike, Bar, or Side Gate at which the said Toll shall have been so paid; but if any Person or Persons shall pass through any such Toll Gate, Bar, or Side Gate 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 Toll Gate, Turnpike, Bar, or Side Gate on the said Road, with the same Horses, Cattle, Beasts, or Carriages as aforesaid.

New Toll to be paid every Third Time.

VIII. And

VIII. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment; and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several or respective Gates which such Ticket shall free, or which ought, under the Provisions of this Act, to be passed free for one Payment of Toll.

Tickets to be delivered.

IX. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) for or in respect of the same Horses, Beasts, Cattle, and Carriages, for passing through all the Turnpikes or Toll Gates erected or to be erected upon the said Road.

Directing what Number of Tolls shall be taken in one Day.

X. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, or any Horse, Cattle, or Beast, laden only with or going unladen for, or returning unladen, having been laden only with, on the same Day, Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Compost, or Manure (Chalk, Lime, Marle, and Chalk Marle excepted) employed in Husbandry for manuring or improving of Lands; or for the Horses of any Person or Persons residing in any Township or Parish in which the said Road lies going to or returning from Pasture or Watering Places, or from being shod or farried; or from any Person or Persons going to or from their proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Townships or 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, Cattle, or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horses of any Soldiers upon their March, or on Duty; or for any Horse, Cattle, or Carriage which shall be employed in the Carriage or Conveyance of the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Cattle or Carriages employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chair, or the Horses drawing the same; or Passenger on Horse-

Exemptions from Tolls.

[Local.]

X x

back

Penalty on
illegally
claiming
Exemption.

back going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Suffex*, or the Election of a Burgeſs or Burgeſſes to serve in Parliament for the Borough of *New Shoreham*, in the ſaid County, during the Time of ſuch Election or Elections, or on the Day before or Day after ſuch Election or Elections ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe furniſhed by or for any Perſons 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 ſhall 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; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever 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 Forty Shillings, one Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

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

XI. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Maſteſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Maſteſty, or for the Uſe of His Maſteſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Acts contained to the contrary notwithstanding.

For com-
pounding for
Tolls.

XII. And be it further enacted, That the ſaid Truſtees or any Five or more of them may and they are hereby authorized and empowered to compound and agree, by the Year or otherwiſe, with any Perſon or Perſons, or with the Inhabitants of any Pariſhes, Hamlets, or Places (Common Carriers and the Proprietors of Stage Coaches only excepted), for any Sum or Sums of Money which the ſaid Truſtees ſhall think fit for and in lieu of Payment of any of the ſaid Tolls; which Composition ſhall always be paid in advance to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, and be applied in the ſame Manner as the Tolls ſo compounded for would be applicable.

For prevent-
ing Toll
Collectors
from taking
undue Tolls.

XIII. And be it further enacted, That all and every Toll Collector, being Leſſee of the Tolls authorized to be collected upon the ſaid Road, or appointed or continued either by the ſaid Truſtees or by any ſuch Leſſee or Leſſees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid recited Acts or this Act, ſhall and he or ſhe is hereby required to place his or her Chriſtian and Surname,

Surname, painted on a Board in legible Characters, in the Front, or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be upon Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of the Powers of this Act or the said recited Acts, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment (all which Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of such Toll), or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Acts or this Act directed to be recovered and applied.

XIV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or Person distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), till the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by one or more Justice or Justices of the Peace for the County, Town, or Place in which the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice or Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

For settling
Disputes
concerning
Tolls.

XV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk for the Time being, in which Book or Books such

Accounts to
be kept of
Receipts and
Disburse-
ments.

such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Offices of Clerk and Treasurer not to be held by the same Person.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act; or to continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Acts or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed.

Collectors of Tolls not to be deemed incompetent Witnesses.

XVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls or any of them, or the Recovery of any of the Penalties by the said recited Acts or this Act to be levied, or to the Execution of any of the Powers of the said recited Acts or this Act, no Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be deemed incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being appointed to collect the said Tolls.

No Alteration of the present Road to deviate more than 100 Yards without Consent.

XVIII. Provided always, and be it further enacted, That the said Trustees, in altering or improving any Part of the said Road under the Powers of the said recited Acts, shall not deviate more than One hundred Yards from the present Line, 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.

Application of Compen-

XIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased,

chased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said first-recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the herein-before recited Acts or 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, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, 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, Tenements, 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, Tenements, or 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 or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed

[*Local.*]

Y y

to

satien Money
when amount-
ing to 200l.

Where less
than 200l.
and amount-
ing to 20l.

to his Account as aforesaid, in order to be applied in Manner before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be 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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less
than 20l.

XXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last-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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; and 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.

Directions in
Cases of not
making out
Titles.

XXII. 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 or Purchases of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make out 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, Tenements, 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 Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said 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 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.

XXIII. Provided always, and be it further 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 High Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, 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 to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or 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, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road 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 *Suffex*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk, Treasurer, or Surveyor, by their Order), yearly 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 lies; 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, her, or them paid to the said Trustees or their Treasurer; 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

veyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to 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 on such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any 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 their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized 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 last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work upon 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 Forfeitures shall be paid to the Treasurer 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 Forty Shillings.

For com-
pounding for
Statute
Work.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons,

Persons, Bodies Politic or Corporate, for the 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 is 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 of 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 to the said Trustees in Advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

XXVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons, under the Authority of the said recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road, or any Part thereof, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors for the Time being, shall have been given to the reputed Owner or Agent of such Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Agent and Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting in and for the said County of *Suffex*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners and Occupiers, or any of them, or their or his Agents or Agent, shall not attend, or shall attend in pursuance to such Notice, but shall not shew sufficient Cause to the contrary, then and in either of the said Cases the said Justices shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials at such Time or Times as to the said Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier had attended; any Thing in the said recited Acts contained to the contrary hereof notwithstanding.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for repairing the Road.

XXVIII. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby to the Owners and Occupiers of such Lands, Fields, or Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Lands, Fields, or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the said County of *Suffex*, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages.

Satisfaction for Materials and Damages.

[*Local.*]

Z z

XXIX. And

Penalty on
Persons
taking Sand
or Soil from
off the Road.

XXIX. And be it further enacted, That in case any Person or Persons shall at any Time during the Continuance of this Act lead, take, or carry away any Sand or Soil from off any Part of the said Road, without Leave in Writing of the Surveyor for the Time being for that Purpose first had and obtained, all and every Person or Persons so offending, and being thereof convicted by Confession of the Party, or on Oath of One credible Witness before Five or more of the said Trustees, or before One or more Justice or Justices of the Peace of the said County, shall for every such Offence forfeit and pay unto the said Trustees any Sum not exceeding the Sum of Twenty Shillings, to be levied as aforesaid.

Gates to
Fields to
open inward.

XXX. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to any Part of the said Road, shall be so made, hung, and constructed, as to open inward towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field or Ground, Yard or other Place, as they the said Trustees shall think proper.

Penalty on
Persons de-
pasturing
Cattle on the
Road.

XXXI. And whereas great Inconveniences have arisen, and Travellers upon the said Road obstructed, by Horses and other Cattle being turned loose into and depasturing on the Sides of the said Road; for Remedy whereof be it enacted, That in case any Person or Persons shall at any Time or Times during the Continuance of this Act wilfully or knowingly turn loose into or upon the said Road any Horse, Mule, Ass, Sheep, Swine, or Cattle, for the Purpose of depasturing on the Sides of the said Road, all and every such Person or Persons so offending, and being thereof convicted, by the Confession of the Party, or on Oath of One or more credible Witness or Witnesses before Five or more of the said Trustees, or before One or more Justice or Justices of the Peace of the said County, shall for every such Offence forfeit and pay unto the said Trustees any Sum not exceeding Forty Shillings, to be levied as aforesaid.

For securing
transient
Offenders.

XXXII. And whereas Offences may be committed against this and the said recited Acts by Persons unknown to the Collectors, Surveyors, or other Officers employed by the said Trustees; be it therefore further enacted, That it shall be lawful for any One or more of the said Trustees, or their Clerk or Clerks, or the Collector, Surveyor, or other Officer respectively, or such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and who shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, or shall in answer to such Demand give a false Name or Names, and take him, her, or them before any Justice of the Peace for the said County of *Suffex*, in order to his, her, or their Conviction; and such Justice is hereby authorized and required to hear and determine the Matter of the Complaint.

XXXIII. And be it further enacted, That out of any Monies already received by virtue of the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, or out of the Monies which shall be raised or received by virtue of this Act, the said Trustees or any Five or more of them shall in the first place pay, reimburse, and discharge to such Person or Persons who shall have advanced, lent, and paid any Sum or Sums of Money for or towards the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, such Sum or Sums of Money so advanced, lent, and paid as aforesaid, together with lawful Interest from the Time of advancing the same to the Time of Payment; and that it shall be lawful for the said Trustees or any Five or more of them, and they are hereby required, to order and direct the Payment of such Sum or Sums of Money, with Interest as aforesaid, out of the first Monies that shall be collected, borrowed, or received by virtue of the said recited Acts or of this Act, in preference to all other Payments and Disbursements whatsoever; and the Remainder of such Monies shall from Time to Time be applied in putting this Act into Execution, and in repairing, improving, and rendering commodious the said Road, and in repaying the principal Money by this Act and the said Acts borrowed or to be borrowed, and the Interest due and to grow due thereon, and putting this Act into Execution in all other Respects.

XXXIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

XXXV. And be it further enacted, That the Term granted by the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty shall on the passing of this Act cease and determine; and the said recited Acts (subject to the Alterations, Additions, and Amendments herein-before contained) and this Act shall from thenceforth commence, continue, and be in force, and be executed 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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