



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. lxxxi.

An Act for more effectually repairing the Road
from *Storrington* to *Ball's Hut* in *Walberton* in
the County of *Sussex*. [10th June 1833.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His Majesty King George the Third, intituled *An Act for repairing the Road from Storrington to Ball's Hut in Walberton in the County of Sussex*: And whereas the Trustees appointed in and by virtue of the said Act have proceeded to put the same into execution, and have borrowed considerable Sums of Money on the Credit of the Tolls thereby authorized to be taken, which still remain due, and cannot be paid off, nor can the said Road be effectually amended or improved, unless the Term granted by the said recited Act be further continued, and further Powers granted instead thereof; and it is expedient that the Tolls granted by the said recited Act should be regulated, and the said Act repealed, and more effectual Powers granted for repairing, maintaining, and improving the said Road; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *June* One thousand eight hundred and thirty-three the said recited Act shall be and the same is hereby repealed. 52 G.3. c. 92. Recited Act

and this Act
to be put in
execution in-
stead thereof.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect in lieu and instead thereof, and shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, turning, altering, improving, and keeping in repair the Road leading from the Town of *Storrington*, through the several Parishes of *Storrington*, *Parham*, *Amberley*, *Houghton*, *Madehurst*, and *Slindon*, to *Ball's Hut* in the Parish of *Walberton*, in the County of *Sussex*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Sussex*, together with the Right Honourable *Henry Charles Howard* commonly called Earl of *Surrey*, the Right Honourable *Howard* commonly called Lord *Fitzallan*, the Honourable *Robert Curzon*, the Honourable *Robert Curzon* the younger, the Honourable *George King*, Sir *Charles Foster Goring* Baronet, Sir *Charles Merrick Burrell* Baronet, Sir *Timothy Shelley* Baronet, Sir *James Martin Lloyd* Baronet, the Reverend *John Austin*, the Reverend *William Barlee*, *William Battcock*, the Reverend *William Stevens Bayton*, *Charles Billingham*, the Reverend *Thomas Nixon Blagden*, *John Boniface*, *William Botting*, *Thomas Braby*, the Reverend *William Bradford*, the Reverend *Thomas Carpenter*, *Thomas Chatfield*, *Robert Chatfield*, *Samuel Cobby*, *James Constable*, the Reverend *William Henry Cooper*, *James Cooper*, *William Dennett*, *Francis Diggins*, *John Diggins*, *John Drewitt* of *Peppering*, *John Drewitt* of *Amberley*, *Peter Ducane*, *John Dyer*, *Richard Emery*, *George French*, *William French*, *George John Gibson*, *Harry Dent Goring*, the Reverend *Charles Goring*, *Charles Goring* (of *Wiston*), *Thomas Groome*, *William Halsted*, *John Hampton*, the Reverend *John Hanley*, *John Harwood*, *John Hawkins*, *John Heywood Hawkins*, *Joseph Hinde*, the Reverend *William Woollams Holland*, *William Humphrey*, *Edward Humphrey*, *Thomas Humphrey*, *Robert Hurst*, *Robert Henry Hurst*, *Frederick King*, *Jeremiah Lear*, *William Lewes*, *William Linfield*, *George Mant*, *Arthur Mant*, *Charles Marshall*, *Edward Michell*, *Edward Michell* the younger, *John Mills*, the Reverend *Peter Wallond Moore*, *Daniel Newell*, *William Charles Newland*, *Thomas Newland*, *William Newland*, the Reverend *George Palmer*, *William Parlett*, the Reverend *Henry James Parsons*, *George Richard Pechell*, *Richard Prime*, *Thomas Rhoades*, *Edward Rhoades*, *Charles Ridge*, *Charles Rudwick*, *Charles Freeman Sandham*, *Edmund Searle*, *Ralph Skinner*, the Reverend *Maurice Smelt*, the Reverend *Richard Smith*, *Charles Hewitt Smith*, *John Smith*, *John Abel Smith*, *Walter Smyth*, *John Browning Staker*, *John Cole Tompkins*, *Thomas Trew*, the Reverend *James Tripp*, the Reverend *Edward Turner*, *Luke Upperton* (of *Thakeham*), *Luke Upperton* (of *Rackham*), *Edward Fuller Upperton*, the Reverend *William Andrew Wagnelin*, the Reverend *Henry Warren*, the Reverend *Henry Warren* the younger, *Robert Watkins*, and their Successors, being duly qualified to act as Trustees for Turnpike Roads in *England*, according to the Laws respecting Trustees of Turnpike Roads in *England*, shall be, and they and their Successors, to be duly elected according to the Laws respecting Turnpike Roads in *England*, are hereby appointed Trustees for putting this Act and the several Acts relating to Turnpike Roads in *England* into execution.

IV. And

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose, to nominate and appoint any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so to be appointed, being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby expressly and by Name nominated and appointed.

For electing
new Trus-
tees.

V. And be it further enacted, That the said Trustees shall meet at the *White Horse Inn* at *Storrington*, or at some other convenient House or Place on or near the said Road, on some Day within Six Weeks next after the Commencement of this Act, or as soon after as may be convenient, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to carry this Act into execution.

First Meet-
ing of Trus-
tees.

VI. And be it further enacted, That it shall be lawful for the said Trustees or for their Collectors to demand and take at each Toll Gate, Bar, and Chain which now is or hereafter shall or may be erected upon, across, at, or on the Side of the said Road by this Act authorized to be maintained and kept in repair, before any Horse or other Beast, Cattle, or Carriage shall be permitted to pass through the same, the Tolls following; (that is to say,)

Power to
take Tolls.

For every Horse or other Beast of Draught, where there shall be only Tolls.

One or Two Horse or Horses or other Beast or Beasts of Draught, drawing any Coach, Chariot, Landau, Berlin, Hearse, Chaise, Calash, Car, Chair, or any such like Carriage, the Sum of Sixpence; and where there shall be Three such Horses or other Beasts of Draught, the Sum of Five-pence; and where there shall be Four such Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny; and where there shall be Five or Six such Horses or other Beasts of Draught, the Sum of Four-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other Carriage of the like Nature or Kind, with Wheels of the Breadth of Six Inches, the Sum of Four-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other Carriage of the like Nature or Kind, with Wheels of the Breadth of Four and a Half Inches and less than Six Inches, the Sum of Five-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other Carriage of the like Nature or Kind, with Wheels of less Breadth than Four and a Half Inches, the Sum of Sixpence:

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

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

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

And

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

And for every Carriage, of whatever Description and for whatever Purpose, which shall be drawn or impelled or set or kept in motion by Steam, or by any other Power or Agency than being drawn by any Horse or Horses or Beast or Beasts of Draught, or other animal Power, the Sum of Two Shillings.

Tolls vested
in the
Trustees.

VII. And be it further enacted, That the said several and respective Tolls herein-before granted shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in the Manner directed by this Act.

Tolls to be
paid but
once for
passing and
repassing ;

VIII. Provided always, and be it further enacted, That when the Tolls authorized to be taken by virtue of this Act shall have been paid for or in respect of any Horse or other Beast or Cattle at any of the Toll Gates, Bars, or Chains erected or to be erected in, upon, or across the said Road by this Act authorized to be maintained and kept in repair, or upon the Sides thereof, such Horse or other Beast or Cattle shall on the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) be permitted to pass and return once through the same Toll Gates, Bars, or Chains, without being subject to the Payment of any further Toll, upon producing Notes or Tickets denoting such respective Payments in respect of such Horse or other Beast or Cattle (which Notes or Tickets the Collector or Collectors of the Tolls is or are hereby required to deliver *gratis* on Receipt of the Toll); but if any Horse or other Beast or Cattle shall pass through any such Toll Gate, Bar, or Chain a Third Time, then and in any such Case such Horse or other Beast or Cattle shall again be liable to pay the said Toll, and so *toties quoties* for every Third Time the same Horse or other Beast or Cattle shall pass the same Day through the same Toll Gate, Bar, or Chain, except Horses or other Beasts of Draught drawing in Waggons, Carts, or Carriages laden with Coals, Cinders, Chalk, Limestones, Timber, or Trees, which shall not pass and repass through any Toll Gate, Bar, or Chain oftener than once in the same Day without paying the Toll by this Act imposed for the second and every other Time which they shall on the same Day pass through any such Toll Gates, Bars, or Chains.

but if they
pass a Third
Time, to be
again liable.

Limiting the
Number of
Tolls.

IX. And be it further enacted, That no more than Two full Tolls shall be demanded or taken on the same Day (to be computed as aforesaid) for passing along the whole Line of the said Road.

Stage
Coaches, &c.
to pay every
Time of pass-
ing.

X. And be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, Waggon, Caravan, Cart, Van, or other Carriage whatsoever, conveying Passengers or Goods for Payment, Hire, or Reward, and for and in respect of all Waggons, Coaches, and Carriages whatsoever drawn, impelled, or set or kept in motion by Steam or by any other Power or Agency than being drawn by any Horse or Horses or Beast or Beasts of Draught, for which Toll shall have been paid for passing through

through any of the said Toll Gates, Bars, or Chains, and which shall return on the same Day through the same Toll Gate, Bar, or Chain, the Tolls hereby made payable shall be paid for every Time of passing or returning through the same Toll Gate, Bar, or Chain, in like Manner as if no Toll had before been paid thereat on the same Day: Provided always, that no further or additional Toll shall be payable in respect of any such Stage Coach, Waggon, Caravan, Cart, Van, or other Carriage, on account only of the Horses drawing the same having been changed.

XI. And be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught drawing any Post Chaise or other Carriage for Hire, for every Time of passing or repassing through any of the said Toll Gates, Bars, or Chains, as often as any new Hiring thereof shall take place.

Post Chaises
to pay on
every new
Hiring.

XII. And be it further enacted, That all Monies, Tolls, Penalties, and Effects which shall have been raised and produced by virtue of the said recited Act hereby repealed, which shall remain undisposed of at the Time of passing this Act, and also all the Monies which shall arise and be produced by or from the Tolls made payable by this Act, and all other Monies which shall arise by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and relative thereto, with Interest for the same; and in the next place, in defraying the Expences of making, erecting, and keeping in repair the Toll Gates, Toll Bars, Toll Houses, and other Buildings, and of widening, repairing, and improving the said Road, or otherwise in putting this Act in execution; and in the next place, in discharging the Interest of the Principal Sum of Nine hundred and fifty Pounds which was borrowed in the Year One thousand eight hundred and nineteen by the Trustees appointed to put the said recited Act hereby repealed into execution, on Security of the Tolls arising by virtue thereof, for the Purpose of completing the said Road, on condition of it being paid off before any other Monies before borrowed by the said Trustees; and then in Payment of the said Principal Sum of Nine hundred and fifty Pounds; and afterwards in discharging the Interest of all other Principal Monies borrowed by virtue of the said recited Act hereby repealed on Security of the Tolls arising by virtue thereof, or to be borrowed by virtue of this Act on Security of the Tolls arising by virtue hereof; and then in Payment of the said last-mentioned Principal Monies, and to no other Use, Intent, or Purpose whatsoever.

Application
of Tolls, &c.

XIII. And whereas by the said recited Act hereby repealed it was enacted, that from and after that Part of the Turnpike Road then to be made in pursuance of the said recited Act hereby repealed, which leads from the Town of *Storrington* aforesaid, through the said several Parishes of *Storrington*, *Parham*, and *Amberley*, until the same united with the old Highway in the said Parish of *Amberley*, and also a certain new Road which the Right Honourable *Cecil Baron De la Zouche* (then Sir *Cecil Bisshopp* Baronet) had agreed to make, and

Order for
stopping up
Roads
through
Parham Park
to remain in
force not-
withstanding
Repeal of
recited Act.

[Local.]

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that

that he and the Owner and Owners for the Time being of *Parham Park* should for ever thereafter maintain and keep in repair, commencing at or near to a certain Place in the Parish of *Wiggenholt* called the *Withy Piece*, and there deviating from the Turnpike Road leading from *Storrington* to *Pulborough* across *Wiggenholt Common*, and through Two Fields called the *Barn* and *Path Field* and *Conyer's Field*, belonging to *William Perre Williams Esquire*, situate in the Parish of *Greatham*, and to communicate in the Parish of *Greatham* aforesaid with the old Road leading from *Storrington* to *Greatham Bridge* opposite to *Greatham Farmhouse*, and the Distance from *Greatham Bridge* to the said Town of *Storrington* by such new Road was not to exceed the Distance by the Line of the then existing Road between *Greatham Bridge* and the Town of *Storrington* aforesaid; through the said Park, by more than Thirty Rods, should have been severally made good and completed, and a Certificate of the same being in a good and proper State and Condition, and fit to be opened for the Accommodation of the Public, should have been obtained under the Hands of Three or more of His Majesty's Justices of the Peace for the said County of *Sussex* acting in the Western Division of the said County (not interested in the Premises), which Certificate should be returned to some General Quarter Sessions of the Peace to be holden in and for the said Western Division, and duly enrolled at such Sessions by the Clerk of the Peace for the said County, and of which Return and Enrolment public Notice should be given by Advertisement in the Newspaper called the *Lewes Journal*, or in case the same should not then be published, then in some other Newspaper in general Circulation in the said County, and from which Certificate, and the Truth of the Contents thereof, it should be lawful for any Person or Persons to appeal to the First or Second General Quarter Sessions of the Peace to be holden in and for the said Western Division of the said County next after such public Notice should have been given, and of which Appeal Fourteen Days Notice should be previously given to the Owner or Occupier for the Time being of *Parham Park* aforesaid; and from and after the Expiration of the Second Sessions next after such public Notice in case no such Appeal should have been made, or in case such Appeal should have been made, and the said Certificate should have been thereupon confirmed, then from and after such Confirmation thereof, the then present Highway or public Road from *Storrington* aforesaid to *Rackham Common* in the Parish of *Amberley*, and also from *Greatham* and *Pulborough* in the said County to *Parham Hill*, through the said Park called *Parham Park*, should be stopped up and discontinued, and no longer be used as public Roads or Highways, and should be for ever thereafter considered and adjudged to be the private Property of the said *Cecil Baron De la Zouche* (then *Sir Cecil Bishopp*), his Heirs and Assigns: And whereas Four of His Majesty's Justices of the Peace for the said County of *Sussex* acting in the Western Division of the said County (not interested in the Premises) made their Certificate, on the Eighth Day of *September* One thousand eight hundred and twenty-nine, that that Part of the said Turnpike Road made in pursuance of the said recited Act hereby repealed which leads from the Town of *Storrington* aforesaid, through the said several Parishes of *Storrington*, *Parham*, and *Amberley*, until the same unites with the old Highway in the said Parish of *Amberley*, and also a new
Road

Road or Highway made from or near the said Place called the *Withy Piece*, across *Wiggenholt Common*, and through the said Two Fields called the *Barn* and *Path Field* and *Conyer's Field*, and communicating in the Parish of *Greatham* aforesaid with the old Road leading from *Storrington* to *Greatham Bridge* opposite *Greatham Farmhouse*, were severally in a good and proper State and Condition, and fit to be opened for the Accommodation of the Public, which Certificate was returned to the General Quarter Sessions of the Peace holden at *Chichester* in and for the Western Division of the said County of *Sussex* on *Tuesday* the Twentieth Day of *October* One thousand eight hundred and twenty-nine, and duly enrolled at such Sessions by the Clerk of the Peace for the said County, and confirmed at the General Quarter Sessions of the Peace holden at *Petworth* in and for the said Western Division on *Tuesday* the Twentieth Day of *April* One thousand eight hundred and thirty, public Notice of such Return and Enrolment of such Certificate having been given by Advertisement in the Newspaper called the *Lewes Journal*, and no Appeal having been made from the said Certificate, or the Truth of the Contents thereof, either at the First or Second General Quarter Sessions of the Peace holden in and for the said Western Division of the said County after such public Notice given as aforesaid; be it further enacted, That, notwithstanding the said recited Act is hereby repealed, the said before-mentioned Roads through *Parham Park* shall continue to be stopped up as if the said Act had not been repealed; and the Owner or Owners of *Parham Park* aforesaid for the Time being shall for ever hereafter maintain, fence, and keep in repair, at his, her, or their own Expence, the said new Road from or near the *Withy Piece* to its Junction with the old Road in *Greatham* aforesaid opposite to the said *Greatham Farmhouse*, in manner prescribed by the said recited Act, which Road shall for ever hereafter be deemed and taken to be a public Highway.

XIV. And whereas by the stopping up of the said Highways or public Roads through *Parham Park* the Inhabitants of the Village of *Rackham* may have been put to some Inconvenience in their passing from the said Village with Carriages to *Cootham* and *Storrington*; and in order to remedy such Inconvenience the Owner of *Parham Park* aforesaid hath consented to make the present Road for Horses and Foot Passengers from *Rackham* aforesaid, by *Rackham Farmhouse*, to the said Turnpike Road, into a Carriage Road fit for the Accommodation of the Public, and also to make a certain Lane called *Clay Lane*, leading from the said Turnpike Road to *Cootham*, also into a good Carriage Road for the Accommodation of the Public: And whereas Disputes and Controversies have arisen since the said Highways or public Roads through *Parham Park* have been stopped up as aforesaid, relative to Foot Roads in, through, and over the said Park, which it is desirable should be terminated; be it therefore enacted, That the Owner of *Parham Park* for the Time being shall, within Twelve Calendar Months after the passing of this Act, at his own Expence, well and effectually make and repair the present Road from *Rackham* aforesaid, by *Rackham Farmhouse*, to the said Turnpike Road, and also the present Lane called *Clay Lane*, leading from the said Turnpike Road to *Cootham*, so as to make the same respectively fit and proper for the Passage of Horses, Cattle, and Carriages; and when the

The Owner of *Parham Park* to make the Road from *Rackham* to the Turnpike Road, and also *Clay Lane*, fit for the Public; and then all the Foot-path through the Park, except One, to be discontinued.

55 G. 3. c. 68.

the said Road shall be made into Carriage Road of the Width of Twenty Feet, and stoned for the Width of Twelve Feet, fit for the Accommodation of the Public, and the said Lane called *Clay Lane* shall be made into a good Carriage Road, and stoned for the Width of Twelve Feet, for the Accommodation of the Public, and a Certificate of the same several Roads being fit for the Accommodation of the Public shall have been obtained under the Hands of Two or more of His Majesty's Justices of the Peace acting for the Western Division of the said County of *Sussex*, and returned to some General Quarter Sessions of the Peace to be holden for the said Western Division, and duly enrolled at such Sessions, which Certificate and Enrolment thereof, after Notice of the same shall have been given by Advertisement in the *Lewes Journal*, or in case the same shall not then be published, then in some other Newspaper to be then published in the said County, shall be subject to Appeal in the Manner and Form directed and prescribed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of the Reign of His present Majesty, for the Amendment and Preservation of the public Highways, so far as the same relates to the Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*, all Foot Roads in, through, and over *Parham Park* aforesaid, except a Foot Road leading from the Lodge Gate near to or opposite the *Fighting Cocks* Inn in the Parish of *Rackham*, along the Side of the old Carriage Road, to the Keeper's Lodge at *Cootham* in the Parish of *Storrington* aforesaid, shall be for ever thereafter discontinued, and no longer used as public Foot Roads.

Further Provision for the Maintenance of the said Road and Lane.

XV. And be it further enacted, That after the said Road by *Rackham Farm* shall have been made fit for public Use according to the Provisions of this Act, and certified as aforesaid, the same shall receive a Second Lining by and at the Expence of the Owner or Owners for the Time being of *Parham Park* aforesaid; and that after the said *Clay Lane* shall have been made fit for public Use according to the Provisions of this Act, and certified as aforesaid, the same shall for ever hereafter be maintained and kept in repair by and at the Expence of the Owner or Owners for the Time being of *Cootham Farm*, now in the Occupation of *Richard Emery*.

Public Act.

XVI. 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.

Term and Continuance of this Act.

XVII. And be it further enacted, That this Act shall commence upon the First Day of *June* One thousand eight hundred and thirty-three, and shall from thenceforth continue and be in full Force and be executed for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1833.