ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

## *Cap.* 55.

An Act for making and keeping in Repair, the Road leading from a Place near *Stopham Bridge*, in the Parish of *Pulborough*, in the County of *Sussex*, to the Road running from *Worthing* to *Horsham*, in the said County; and from the said Road running from *Worthing to Horsham* to the Direction Post in the Parish of *Steyning*, on the Turnpike Road leading from *Steyning* to *Horsham*, in the said County.

[18th *April* 1810.]

WHEREAS the Road leading from a certain Place near *Stopham Bridge*, in the Parish of *Pulborough*, in the County of *Sussex*, through *Storrington* and *Clayton Lane*, to the Road running from *Worthing* to *Horsham*, in the said County, and also from the said Road running from *Worthing* to *Horsham* to the Direction Post in the Parish of *Steyning*, on the Turnpike Road leading from *Steyning* to *Horsham* in the said County; which said Road passes through or into the several Parishes of *Pulborough*, *Wiggenholt*, *Storrington*, *Sullington*, *Washington*, *Ashington*, *Wiston*, and *Steyning*; all in the said County of *Sussex*, is very much out of Repair, narrow, and incommodious, and cannot be properly made, amended, widened, straightened, improved and kept in Repair by the ordinary Course of Law; 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 *Michael Agate*, Sir *Cecil* Trustees.

[*Loc. & Per.*]

*Cecil Biſshopp*, Baronet, Sir *C. M. Burrell*, Baronet, *Charles Biddulph*, *Walter Burrell*, *Cecil Biſshopp* of *Parham*, *John Banniſter*, *Edward Brown*, *Sextus Banniſter*, *Henry Biſshopp*, the Reverend *Edmund Cartwright*, *James Conſtable*, *Joſeph Curtis*, *Edward Coates*, *Charles Coppard*, the Reverend *Joſeph Dixon*, *George Dixon*, *William Dennett*, *William Eversfield*, *Charles Eversfield*, *Thomas Fuller*, *Thomas Fuller* the younger, *Hugh Fuller*, *Charles Goring*, *Charles F. Goring*, *Charles Goring* of *Rowdell*, *Charles Groome*, *Thomas Groome*, *Harry Gravely*, the Reverend *Thomas Green*, Doctor in Divinity, the Reverend *William Groome*, *Robert Hurſt*, *Robert Henry Hurſt*, *John Hughes*, *John Hooper*, the Reverend *Thomas Hatch*, *John Ingram*, *John Ingram* the younger, *Hugh Ingram*, the Honourable *George King*, *Peter Laſhmer*, *James M. Lloyd*, *Edward Michell*, *John Markwick*, the Reverend *John Morgan*, *William Margeſſon*, *Philip Norris*, the Reverend *John Penfold*, *Hugh Penfold* of *Wickham*, *Richard Penfold*, *Hugh Penfold* of *Annington*, *John Penfold* of *Beeding*, *Edward Penfold*, *William Quait*, *William W. Richardſon*, *John Richardſon*, *Thomas Richardſon*, Sir *B. Shelly*, Baronet, *Timothy Shelley*, *Henry Shelley*, *Walter Smith*, *Byſhe Shelley*, the Reverend *Edward Tredcroft*, *John Tilly*, *John Tilly* the younger, *John Upperton*, *Luke Upperton*, the Reverend *George Wells*, the Reverend *Henry Warren*, *Richard Walker* of *Michelgrove*, *Thomas Young*, and their Succeſſors, to be elected in Manner hereinafter mentined, ſhall be and they are hereby appointed Truſtees for making, amending, widening, ſtraightening, improving and keeping in Repair the ſaid Road, and for otherwiſe putting this Act into Execution.

Appointing new Truſtees.

II. And be it further enacted, That as often as any Truſtee hereby appointed or to be elected in purſuance of this Act ſhall die or refuſe to act or be diſqualified, or ſhall not continue to reſide in the ſaid County of *Suſſex*, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, from Time to Time to elect one other Perſon to be a Truſtee in the Room of every Truſtee dying or refuſing to act, or becoming diſqualified, or not continuing to reſide in the ſaid County as aforeſaid; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be affixed in Writing under the Hand of the Clerk to the ſaid Truſtees upon all the Toll Gates or Turnpikes which ſhall be then ſtanding upon the ſaid Road, at leaſt Fourteen Days before every ſuch Meeting, and by Advertiſement in the *Lewes Journal* or ſome other Newſpaper generally circulated in the Neighbourhood; and every Perſon who ſhall be ſo elected and appointed is hereby veſted with the ſame Powers and Authorities for putting this Act in Execution as if ſuch Perſon had been particularly named and appointed a Truſtee in and by this Act.

Qualification of Truſtees.

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 poſſeſſed of an Annuity of One hundred Pounds a Year iſſuing out of Lands, Tenements, or Hereditaments,

or

or shall be Heir Apparent, of a Person having such Estate 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 before any Two or more of the said Trustees, who are hereby authorized to administer the same, an Oath in the words or to the Effect following (that is to say)

Oath.

'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 an Annuity of One hundred Pounds a Year issuing out of Lands, Tenements, or Hereditaments, *or*, am possessed of or entitled to a personal Estate of the Value of One thousand Pounds after 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]

'So help me GOD.'

Penalty on acting, if not qualified.

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, Plaint, 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 Prosecution 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 any Mortgagee, or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

Mortgagees may act.

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

V. And

Truſtees firſt Meeting.

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of *Edward Trower*, known by the Name or Sign of *The White Horſe*, in *Storrington*, in the County of *Suſſex* aforeſaid, on the third *Monday* 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 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 thinſt fit, not exceeding Twenty-one Days nor leſs than Fourteen Days from the Time of the laſt Default, and ſhall thereof give Notice by Writing affixed on all the Turnpike Gates then erected by virtue of this Act; and in caſe no Adjournment, Notice, or Appointment ſhall be made or given as aforeſaid, then it ſhall be lawful for any Five 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 Place in or near the ſaid Road as they the ſaid Five Truſtees ſhall think proper, not exceeding as to the Time Three Weeks nor leſs than Fourteen 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 ſhall concur therein, the whole Number of Truſtees preſent at every ſuch Meeting, not being leſs than the Number of Truſtees by this Act authorized to make ſuch Order or Determination; 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 of the Peace are authorized to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Truſtees, or any Five or more of them, or ſuch Juſtice or Juſtices, to adminiſter ſuch Oath; and that no Order made by Five or more Truſtees ſhall be revoked or altered unleſs Nine Truſtees ſhall be preſent, and the major Part of them concur therein at a Meeting to be held for that Purpoſe, of which intended Alteration Fourteen Days Notice ſhall be given at a previous Meeting of the Truſtees, and entered in the Books of Proceedings; and ſuch Notice ſhall be affixed on all the Turnpikes which by virtue of this Act ſhall be then erected Fourteen Days at leaſt before ſuch Meeting.

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May adminiſter Oaths.

Orders not to be revoked but by Nine Truſtees.

Meetings on Emergencies.

VI. 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 of the acting Truſtees (although not aſſembled at a Meeting) mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall

ſhall forthwith give Notice of ſuch earlier Meeting in the Manner laſt herein before 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.

Orders, &c. to be entered.

VII. 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.

Officers to be appointed.

VIII. 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 and 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 and about the making, amending, altering, ſtraightening, 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.

Treaſurer to give Security.

IX. 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 take ſuch Security from the Treaſurer or Treaſurers, and Collectors and Receivers of 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 ſells Wine, Cyder, Ale, Beer or ſpirituous Liquors by retail.

No Victualler to hold a Place of Profit.

Officers to account on Oath.

X. 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 One of the ſaid Truſtees is hereby empowered to adminiſter)

niſter) and ſuch Officers and Perſons ſhall, and they are hereby reſpectively required to pay all ſuch Monies as upon 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 or give ſuch Accounts as aforeſaid, or to produce or 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 his or 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 Twenty-eight Days after being thereunto required by the ſaid Truſtees, all Books, Accounts, Papers and Writings in their reſpective Cuſtody or Power any Way 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 upon his or their appearing or not appearing, except for ſome reaſonable Excuſe, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees might have done; 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 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 ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe (except for ſome reaſonable Excuſe) or if appearing, 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 their Cuſtody or Power relating to the Execution of this Act, or to the ſaid Road, then and in any of the Caſes aforeſaid the ſaid Juſtice may, and 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, 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 their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he

or

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 in ſuch Caſe 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 on account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Time than Six Calendar Months.

Truſtees to appoint temporary Collectors.

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

Power to erect Gates.

XII. 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 the ſaid Road, Three Gates or Turnpikes, and a Toll-houſe to each Gate or Turnpike, with Out-buildings ſuitable thereto, and take in and incloſe on the Sides of the ſaid Road convenient Garden Spots to each Toll-houſe, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper and direct or appoint, One of which Toll Gates ſhall be erected and ſet up at or near a certain Place called *Marehill*, in the Pariſh of *Pulborough*, One other of which Gates ſhall be erected or ſet up at or near the Eaſt End of *Clayton Lane*, in the Pariſh of *Waſhington*, and the other of the ſaid Gates at or

near

near the Lane leading to *Bunton*, in the Parish of *Wiston*; and that the several Tolls following shall be demanded and taken at each of the said Gates or Turnpikes by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Cattle or Carriage, shall be permitted to pass through the same (that is to say)

Tolls.

For every Horse, Mare, Gelding, Mule or other Beast, drawing any Coach, Chariot, Landau, Berlin, Hearse, Post-chaise or Calash, or any such like Carriage, the Sum of Four-pence:

For every Horse, Mare, Gelding, Mule or other Beast, drawing a Chaise commonly called a Single Horse Chaise, Taxed Cart or other Cart, with One Horse only, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule or other Beast, and every Pair of Oxen or other Neat Cattle drawing any Waggon, Wain, Cart or other Carriage of the like Nature, the Sum of Four-Pence:

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

For every Drove of Oxen, Cows or other Neat Cattle, the Sum of One Shilling per Score, and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, Lambs, Hogs or Swine, the Sum of Sixpence per Score, and so in Proportion for a greater or less Number.

Double Tolls on Sundays.

And that on every *Sunday* during the Continuance of this Act, there shall be demanded, taken and received at the said several Toll Gates, Bars or Chains to be erected upon the said Road, by such Person or Persons to be nominated and appointed by the said Trustees, before any Horse, Cattle, Beast, or Carriage whatsoever, shall be permitted to pass through the same, or any or either of them, Double the respective Tolls or Sums of Money herein before mentioned; and that for every Horse, Mare, Gelding, Mule or other Beast drawing any Carriage laden with Timber, Plank, Bricks, Tiles, Stone, Chalk, Culm or Sand, of the Weight of Fifteen hundred Pounds, passing through any of the Toll Gates, Bars or Chains as aforesaid, on any Day between the First Day of *November* and the First Day of *April* in every Year, there shall be demanded and paid Double the Tolls hereinbefore made payable for the same at such respective Gates: Provided always, that in all Cases only One-half of the Tolls by this Act granted shall be paid for an Ass passing through any of the Toll Gates on the said Road, whether drawing or not:

Tolls vested in the Trustees, and Penalty on Persons refusing to pay Tolls.

Which said respective Tolls shall be and are hereby vested in the said Trustees; 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, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect and receive such Tolls as aforesaid, or to whom the same shall be let, to seize and distrain any Horse, Beast or Cattle upon which any Toll is by this Act imposed, or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure, Distress, and the keeping thereof, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining

diſtraining ſhall and may ſell the Horſe, Beaſt, Cattle or Goods and Chattels ſo ſeized and diſtrained, returning the Overplus (if any) upon Demand to the Owner or Owners thereof, after ſuch Tolls and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, Keeping and Sale ſhall be deducted.

Power to erect Gates.

XIII. 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 cauſe to be erected One or more Turnpike or Turnpikes on the Side or Sides of the ſaid Road, and a Toll-houſe to each Turnpike upon, in or near unto or acroſs any Road or Lane that doth or ſhall lead into or out of any Part of the ſaid Road, and at ſuch Turnpike or Turnpikes to cauſe to be taken and levied ſuch Tolls as are by this Act granted and made payable at any Turnpike by virtue thereof, ſo as the ſame do not extend to a Double Charge upon any Perſon paſſing through any other of the Turnpikes erected by virtue of this Act.

For ſettling Diſputes concerning Tolls.

XIV. Provided always, and be it further enacted, That if any Diſpute ſhall ariſe reſpecting the Amount of the Toll 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 from the Sale thereof (as the Caſe may happen) until the Amount of Toll due and the Charges of ſeizing, diſtraining, keeping and ſelling (as the Caſe ſhall happen) ſhall be aſcertained by One or more Juſtice or Juſtices of the Peace for the ſaid County of *Suſſex*, who upon Application made to him or them for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Amount of the Toll due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice or Juſtices; 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 any Part thereof.

Collectors of Tolls competent Witneſſes.

XV. 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 be deemed incompetent to give Evidence in any ſuch Diſpute, Suit or Litigation by reaſon of his, her, or their being appointed to collect ſuch Tolls, or by reaſon of his, her or their acting under the Authority of the ſaid Truſtees.

Tolls to be paid but once a Day.

XVI. And be it further enacted, That any Perſon who ſhall have paid the Tolls hereby granted for or in reſpect of any Horſe or other Beaſt or Cattle at any of the Toll Gates, Bars or Chains to be erected by virtue of this Act upon or on the Side of the ſaid Road, ſhall on the ſame Day (to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the ſucceeding Night) be permitted to paſs and return once with the ſame Horſe or other Beaſt or Cattle through the ſame Toll Gates, Bars or Chains, without being ſubject to the Payment of any further Toll, ſuch Perſon producing Notes or Tickets denoting ſuch reſpective Payments, which Notes or Tickets the Collectors of the Tolls

are hereby required to deliver gratis on Receipt of the Toll; but if any Perſon or Perſons ſhall paſs through any ſuch Toll Gate, Bar or Chain a third Time with the ſame Horſe or other Beaſt or Cattle, then, and in any ſuch Caſe, ſuch Perſon or Perſon 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, Bar or Chain with the ſame Horſe, or other Beaſt or Cattle.

Tolls to be divided, leſſened, varied or altered.

XVII. 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 or reduce 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 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 Twenty-one Days before the Meeting for making ſuch Reduction; nor ſhall any ſuch Reduction be made without the Conſent of the Perſon or Perſons who ſhall be entitled to One-half of the Money which ſhall have been borrowed, and be then due and owing on the Credit of the ſaid Tolls; and ſuch Tolls ſo leſſened or reduced ſhall be collected, recovered and applied in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered and applied.

Exemptions from Tolls.

Mails and Expreſſes.

Soldiers.

XVIII. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken or received at any of the Toll Gates, Bars or Chains to be erected upon the ſaid Road, for, or in reſpect of any Horſes, Cattle or Carriages of whatſoever 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 returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March, or on Duty; nor 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 drawing any Carriage attending them laden with their Arms and Baggage, nor 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 Horſe, Mare or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomary or Volunteer Cavalry, aud rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are 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 Exemptions as aforeſaid; nor from any Rector, Vicar or Curate, or other Perſon going to or returning from his own parochial Church, Chapel or other uſual Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Hamlet or Place through which any Part of the ſaid Road paſſes; nor

Clergymen attending Divine Service, &c.

nor for any Horſes, Beaſts, Cattle or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Suſſex*; or of carrying or conveying Vagrants ſent with legal Paſſes; or of carrying or conveying Hay, Straw, or Corn in the Time of Harveſt for the Purpoſe of being harveſted only, or going for or returning empty after having been ſo employed, nor for any Horſes, Beaſts, Cattle or Carriages carrying or conveying any Dung or Manure for the Improvement of Land, or going for or returning empty after having been ſo employed, or for any Horſes, Beaſts, Cattle or Carriages carrying or conveying any Lime for the Improvement of Land ſituate in any Pariſh, Hamlet or Place through which any Part of the ſaid Road paſſes, or going for or returning empty after having been ſo employed; nor for any Horſes, Beaſts or Cattle paſſing in order to be uſed or employed only upon or for the Occupation of Land in any ſuch Pariſh, Hamlet or Place, nor for drawing any Waggon, Cart, Plough, Harrow or other Implement of Huſbandry, in order to be uſed or employed for the Purpoſes of Huſbandry, or to be repaired, unleſs the Carriage bearing any ſuch Plough, Harrow or other Implements of Huſbandry, be alſo laden with any other Article or Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt or Cattle paſſing to or repaſſing from Paſture upon any ſuch Lands as laſt mentioned, or paſſing to or repaſſing from Water, and for either of thoſe Purpoſes going or paſſing only from one Pariſh into the next adjoining Pariſh, and not travelling more than Two Miles along the ſaid Road; nor for any Horſe, Beaſt or other Cattle, when going to or returning from being ſhoed or farried; nor for any Horſe, Beaſt or Cattle uſed or employed for the Purpoſe only of carrying or conveying Materials for the making or repairing any Highway or public Road within any ſuch Pariſh, Hamlet or Place as aforeſaid; and if any Perſon or Perſons ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, and in all Caſes the Proof of Exemption ſhall lie on the Perſon claiming the ſame.

Elections. Vagrants. Hay, Straw and Manure. Horſes for Occupation of Land. Paſture or Water. Horſes ſhoed or farried. Materials for Highways. Penalty on claiming Exemptions unlawfully.

XIX. And be it further enacted, That no Toll ſhall be demanded, taken or received for any Horſe or Cattle drawing any Carriage employed in carrying or conveying any Hay, Straw, or Corn in the Straw not ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Barns, Yards, Cloſes or Premiſes of the Owner or Owners thereof, or in carrying or conveying Corn or Grain from any Part of the ſaid Pariſh of *Pulborough* to Heath Mill, or the Mill or Mills of *Charlwood Hammond*, ſituate at or near *Nutbourne* within the ſame Pariſh, or any or either of them, or in carrying or conveying Flour or ground Corn to or from any or either of the ſaid Mills, to be delivered within the ſame Pariſh *bonâ fide* to or for the Uſe of any Perſon or Perſons reſiding therein, ſo as the ſame ſhall not exceed Eight Buſhels, or returning empty after having been employed in any of the Purpoſes aforeſaid.

Exempting Carriages, &c. carrying Corn to certain Mills, from Payment of Toll.

XX. 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 Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat, or other public Stores of or belonging to

Owners or Drivers of Waggons conveying Military Stores, not

Subject to Penalties for Overweight.

to His Majesty, or for the Use of His Majesty'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, passing along the Roads comprized in this Act, 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 Act contained to the contrary notwithstanding.

To prevent evading the Tolls,

XXI. 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 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 if any Person or Persons shall at any Time, with Intent to avoid the Payment of any of the said Tolls,

or taking off Horses from any Carriage to evade Payment of Tolls.

unload or cause to be unloaded any Sort of Goods or Merchandize, 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.

Trustees may compound for Tolls.

XXII. 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 think fit, 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 lease the Tolls.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, upon Twenty-one Days Notice to be given thereof upon all the Turnpike Gates 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

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 at such Times and in such Manner, and under such Covenants, and with such Sureties 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.

Turnpikes to be vested in Trustees.

XXIV. 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 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 or Names of any one or more of them, or in the Name of their Treasurer, Clerk or Surveyor, 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 borrowing Money.

XXV. 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 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 respectively) to any Person or Persons, or their Trustees, 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*)

Form of Assignment.

BY virtue of an Act, passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act*, &c. [*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 demise unto *A. B.* of his Executors, Administrators and Assigns, such Portion 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 Sum of
' with Interest, at the Rate of Five Pounds *per*
'*Centum per Annum*, shall be sooner paid and satisfied:'

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 upon the Credit of the Tolls after the First Meeting, 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 Money 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*)

Form of Transfer.

'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 made, amended, widened,
'improved and kept in repair by virtue of an Act made in the Fiftieth
'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.* of
'his Executors, Administrators and Assigns. Dated this
'Day of 'A. B.'

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 beforementioned 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 seasonable Times, by any Person or Persons whomsoever, and the Sum of Two Shillings and Sixpence 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.

XXVI. 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

the Credit of this Act, his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money, but that all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, his, her, and their Assignee and Assignees, shall be (in proportion to the Sum or Sums therein mentioned) Creditors on this Act, and in equal degree one with another.

All Creditors to be deemed equal in Degree.

XXVII. 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 Monies 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.

For Payment of the Expences of passing this Act.

Further Application of Money.

XXVIII. 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 making, amending, altering, improving and repairing the said Road, out of any Waste or Common, River or Brook in any Parish, Hamlet, Townships 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 whence 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 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 the said Trustees or any Five or more of them, search for, dig, gather 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 a Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Damage 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 making, amending, altering, straightening, improving or repairing the said Road shall be carried, as the said Trustees or any Five or more of them shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor, or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages, any One or more Justice or Justices of the Peace acting in and for the said County of *Sussex* shall and may, on Ten Days' Notice thereof being given in Writing by the said Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by them to the said Surveyor or Surveyors, to be left at their respective Places of Abode, hear, settle, and determine the Matters of such Payments and Damages; and the Judgment or Order of

For getting Materials to repair the Road.

Private Ground.

the

the said Justices therein shall be binding on all Parties, subject nevertheless to the Right of Appeal to the Quarter Sessions on the Terms hereinafter mentioned.

Notice to be given to the Occupiers of Lands before Materials are to be taken therefrom.

XXIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, get, take or carry away any Materials for the Purposes of this Act, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner or his Agent, or to the Occupiers 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 One or more Justice or 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 Land Owner, Agent, or Occupier shall attend pursuant to such Notice, the said Trustees, or such Justice or Justices, shall, if they think proper, authorize such Surveyor or other Person, to dig, gather, get, take, and carry away such Materials at such Time or Times as to such Trustees, or to such Justice or Justices shall seem proper; and if such Land Owner or Occupier shall (except for some reasonable Excuse) neglect or refuse to appear by himself or herself, or Agent, the said Trustees or such Justice or 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, or his or her Agent, had attended.

Penalties on taking away Materials.

XXX. And be it further enacted, That if any Person whomsoever 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 Six Calendar Months (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get 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 Five Pounds.

For removing Annoyances.

XXXI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Persons as he or they shall appoint 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 the 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 at proper Seasons of the Year any Trees, Branches, Shrubs or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away

away the ſame reſpectively, and to diſpoſe thereof for the Benefit of the ſaid Road, and to cut and reduce all ſuch Hedges to the Heighth of Four Feet, in caſe the Perſons occaſioning ſuch Annoyances ſhall neglect to remove the ſame, 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 at proper Seaſons of the Year ſuch Trees within the Space of Three Calendar Months next after Notice in Writing given for thoſe reſpective Purpoſes under the Hand of ſuch Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees, or any Five or more of them) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, the ſame to be recovered in ſuch Manner as Penalties and Forfeitures are hereinafter directed to be recovered; and ſuch Owners or Occupiers ſo neglecting to open, deepen and cleanſe ſuch Watercourſes or Ditches, or to cut and reduce ſuch Hedges within the Time aforeſaid, after ſuch Notice given, ſhall likewiſe forfeit for every Foot in Length, any Sum not exceeding Five Shillings, over and beſides the Charges to be ſettled as aforeſaid; 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 drawing Timber except on Wheel Carriages.

XXXII. 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 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 Fifty Shillings.

Dung, &c. not to be laid on the Sides of the Road.

XXXIII. And be it further enacted, That no Dung, Aſhes, Compoſt, Manure or other Thing, ſhall be unloaded or laid down from any Carriage 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.

To make Cauſeways, &c. and build and repair Bridges.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, 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 open 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 publick 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 ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them, but that no Satisfaction ſhall be made for doing or performing any of the Work 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.

For puniſhing Perſons that obſtruct Surveyors in their Duty.

XXXV. 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 any Sand, Gravel, Chalk, Flints, Stones or other Materials, or in amending, widening, turning, altering, ſtraightening, improving or repairing the ſaid Road, or topping, lopping, cutting or carrying away 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 Forty Shillings.

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

XXXVI. 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, within the Diſtance hereinafter mentioned, 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 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

by making, 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, Corporate, Eccleſiaſtical or Civil, Corporations aggregate or ſole, Guardians, Feoffees, Truſtees and Committees, Executors or Adminiſtrators, not only for or on Behalf of themſelves, their Heirs and Succeſſors, but alſo for or on Behalf of their Infant Wards, Ceſtuique Truſts, Lunatics, or Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert who are or ſhall be ſeiſed of 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, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act; and if any 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 made, widened, diverted, turned or altered, ſhall for the Space of Fourteen 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 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, are hereby empowered and required from Time to Time as Occaſion ſhall be, to ſummon and call before ſuch Jury, and examine on Oath, any Perſon or Perſons whomſoever (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter) and ſuch Truſtees, or any Five or more of them ſhall, by ordering a View or otherwiſe, uſe all Ways and Means as well for their own as the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damages and Recompence, they 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, and other Perſons intereſted in the ſaid Lands, Grounds or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Judgment or Inquiſition, Order or Determination thereupon, ſhall be final and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Remainder, Reverſion or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever,

Incapacitated Perſons may treat.

Where Perſons neglect or refuſe to treat;

Damage and Recompence to be ſettled by a Jury.

Witneſſes to be examined on Oath.

Verdict of Jury to be final.

For impannelling a Jury.

soever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations aggregate or sole, as well as all other Persons whomsoever; and for summoning and returning such Jury the said Trustees, or any Five or more of them, are here empowered to issue their Warrant or Warrants to the Sheriff of the County of *Sussex*, requiring him to impannel, summon and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impannel, summon and return such Number of Persons accordingly, and out of the Persons so summoned, impannelled 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 they 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 Purpoles aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or any Five or more of the said Trustees, 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; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, and the said Trustees, or any Five or more of them acting in the Premises shall have Power 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 to 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 be more than Fifty Shillings on any one Person for One Offence.

Jurors may be challenged.

How Expences of Jury, &c. shall be paid.

XXXVII. 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 returning 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 Monies arisen 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

mining of such Differences, 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 said 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 or 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 about such Recompence and Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

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

XXXVIII. 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 Fourteen 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 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 made, 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 Part of the said Road shall be made of any greater Width by virtue of this Act, than Sixty Feet; and after such new Road shall be completed, the Land comprized 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 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 *Sussex*, shall be good and effectual to all Intents and Purposes; but this Act shall not extend or give Power to any Trustees acting in the Execution thereof to the taking down of any Dwelling

Former Roads may be sold.

House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees, or any Part thereof.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

XXXIX. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road they may happen to be seised of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom they shall have been purchased, or where the same shall arise by reason of diverting any Part or Parts of the said Road, then to the Person or Persons whose Lands shall adjoin thereunto; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the said County of *Sussex*, (who are hereby empowered to take the same) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference, shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the said Trustees are hereby empowered to give in Exchange any Part or Parts of the Land constituting the former Roads, for any Part or Parts of such new Road; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Persons whose Lands adjoin, to have the Preference.

Application of Compensation where

XL. 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

or used by virtue of the Powers of 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 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 and Hereditaments, in the Purchase 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 to, 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 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 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. amounting to 200l.

XLI. 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

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

Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified by Writing, under the Hands of the nominating and approving Parties), in order that ſuch Principal Monies 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.

XLII. 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, Tenements 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, Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery on Motion or Petition.

XLIII. 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, Tenements 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 any Five or more of them; 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 be lawful 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, 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 ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution 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 touch-

XLIV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe, touching the Title of any Perſon to any Money to be

be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said 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 thereof, 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 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 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 or Hereditaments, or to some Estate or Interest therein.

Proving the Title to Money to be paid, the Person who shall be in possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto, according to such Possession.

XLV. 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 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 said Court, 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 be lawful for the said Court 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 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.

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

XLVI. 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 stake out, alter and turn the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands or Grounds for the Damage that shall be done to the Land or Ground on the Side of any new Road whilst the same shall be making, widening, altering, or turning, in case such Damage shall exceed One Shilling; 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 Fifty Shillings.

Trustees may enter Lands to make the Roads.

Truſtees to fence off new Roads.

XLVII. And be it further enacted, That in all Places 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 any Open Common, 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, or ſufficient Stone Walls to be built in an huſbandlike Manner, 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 making and repairing Roads.

XLVIII. 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 making, 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.

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

XLIX. And whereas a Map or Plan deſcribing the Line of the ſaid Road, and the Lands through which the ſame is to be carried, 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 further 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 One Shilling 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 Politick, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made: Provided always, that it ſhall and may be lawful to and for the ſaid Truſtees, to make the ſaid Road, notwithſtanding any Error or Omiſſion 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,

L. Pro-

L. Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to make the ſaid 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.

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

LI. And be it further enacted, That notwithſtanding any Thing hereinbefore contained, it ſhall be lawful for the ſaid Truſtees, and they are hereby directed and required, as ſoon as the Road through the Field of *Henry Shelley* Eſquire, hereinafter next mentioned ſhall be made and completed, to vary, alter and turn the ſaid Road from the Line deſcribed in the ſaid Map or Plan, in Manner following, (that is to ſay), beginning at or near the Barn and Farm Yard of the ſaid *Henry Shelley*, adjoining the ſaid Road, on the South Side thereof, and from thence, in a South Weſterly Direction, through a Field of the ſaid *Henry Shelley*, ſituate on the South Side of the ſaid Road, immediately oppoſite the Dwelling Houſe of the ſaid *Henry Shelley*, called *Sandgate*, not leſs than the Diſtance of Thirty Yards below the preſent Road, at the extreme Point thereof, and from thence, proceeding Weſterly, between the Cottage of the ſaid *Henry Shelley*, late *Hooper*'s, and the Stable and Coach Houſe near the ſame; and alſo, that the ſaid Truſtees ſhall, and they are hereby directed and required, immediately after ſuch Part of the ſaid Road hereby intended to be made through the Land of the ſaid *Henry Shelley* ſhall be completed, to ſtop up the ſaid Old Road, and that thereupon the Land and Soil of ſuch Portion of the ſaid Old Road, ſo hereby directed to be ſtopped up, ſhall be veſted in and become the Property of the ſaid *Henry Shelley*, his Heirs and Aſſigns; and that the Road ſo as aforeſaid directed to be made in lieu and ſtead thereof, ſhall be veſted in the ſaid Truſtees for the Purpoſes of this Act.

Power to divert a certain Part of the Road.

LII. 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 as they were before the paſſing of this Act.

Perſons liable to repair the Roads to continue ſo

LIII. 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,

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

aforeſaid, ſhall be by him or them paid to the ſaid Truſtees, or 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, 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 or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid, which Liſt 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 Repairs 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 Judges 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 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 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, 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 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

Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists; every such Surveyor or Surveyors so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

LIV. And be it further enacted, That it shall be lawful 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 first Day of *February* in each and every Year.

Mile Stones and Direction Posts.

LV. 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 Fifty Shillings for every such Offence, One Moiety whereof 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*, there to remain for any Time not exceeding Three Calendar Months; and the Person or Persons shall not be discharged till he, she or they shall have paid the Penalty, or until the Expiration of the said Term.

To compel Payment of Subscription.

LVI. 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 by any Five or more of the said Trustees, or their Clerk, in any of His Majesty's Courts of Record at *Westminster*.

For Recovery of Penalties and Forfeitures.

LVII. 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

Proof of the Offences reſpectively before any Juſtice of the Peace for the ſaid County of *Suſſex*, 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 Witneſs 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 ſaid County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

LVIII. 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.

'BE 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.'

Allowing Parties aggrieved to appeal.

LIX. 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 appointed, ſuch Perſon 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 Six Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Fourteen 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 Three 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

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 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 ſaid County, 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.

LX. 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 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 Proceeding 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.

LXI. 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 Thirty 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 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-one 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

Treble Coſts.

Remedy for recovering the same as any Defendant or Defendants hath or have in any other Case by Law.

Trustees not authorized to take Land belonging to Henry Shelley Esquire, without his Consent.

LXII. Provided always, and be it further enacted, That nothing herein contained shall extend to or be deemed or construed to extend to authorize and empower the Trustees acting under or by virtue of this Act, or any Surveyor or Surveyors of the said Road, to widen, alter, vary or turn the present Road extending from the western End of the inclosed Lands or Grounds of *Henry Shelly* Esquire, called *Sandgate*, situate in the Parish of *Sullington* aforesaid to the Eastern End of his Pleasure Ground, nor to cut down, lop, top or destroy any of the Trees, Shrubs or Bushes now standing thereon (except such Branches of Trees which shall hang over the said Road) without the Consent in Writing of the said *Henry Shelley* or his Heirs or Assigns; nor shall any Thing herein contained be taken or deemed to lessen, destroy or take away the Power vested in the Surveyors or Surveyor of the Highways under or by virtue of the several Statutes now in Force for the Preservation and Amendment of the Highways.

Publick Act.

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

Term and Continuance of this Act.

LXIV. And be it further enacted, That this Act shall commence and take place immediately on the passing thereof, and shall be in Force, and have Continuance 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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