ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. xxviii.

An Act for more effectually repairing and improving the Road from the *Brighthelmston* Road at *Pyecombe* to *Warninglid Cross* in the Parish of *Cuckfield*, and from *Pyecombe* to the *Henfield* Road at *Poynings Common*, in the County of *Sussex*, and for making a new Road from *Warninglid Cross* to *Hand Cross* in the said County.

[22d *March* 1826.]

WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from the* Brighthelmstone *Road at* Pyecombe *to the* Cuckfield *Road at* Staplefield Common, *and from* Pyecombe *to the* Henfield *Road at* Poynings Common, *in the County of* Sussex, whereby certain Persons therein named, and their Successors, to be nominated as therein mentioned, were appointed Trustees for carrying the said Act into Execution: And whereas the said Trustees, in pursuance of the Powers and Authorities to them given by the said Act, have caused the Road thereby authorized to be made, to be made and completed, and have borrowed considerable Sums 48 G. 3. c. 101.

of Money on the Credit of the Tolls granted by the said Act, which still remain due: And whereas so much of the said Road as lies between *Warninglid Cross* in the Parish of *Cuckfield*, and *Hand Cross* in the same Parish, is steep and circuitous, and it would considerably shorten the Distance between the said Places if the Line of the said Road were varied and altered, by making a new Line or Communication from or near to the present Toll House at *Warninglid Cross* to the present Turnpike Road leading from *Cuckfield* to *Crawley*, at or near a certain House by the Side of the said Road at *Hand Cross*, in the Occupation of *John Kelsey*; but such Improvement cannot be effected, nor can the Money now remaining due on the Credit of the said Tolls be repaid, unless the Term granted by the said Act be extended, and further Powers be given to the Trustees for the better Execution of the Trusts reposed in them: And whereas an Act was passed in the Third Year of the Reign of His present Majesty,
3 G. 4. c. 126. intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth Year of the Reign of His present
4 G. 4. c. 95. Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His
5 G. 4. c. 69. present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Forty-eighth Year of His said late Majesty King *George* the Third shall be and the same is hereby repealed, and instead thereof this Act shall thenceforth commence and take effect and be put in execution, during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in repair the Road from the *Brighthelmston* Road at *Pyecombe* to *Hickstead*, and thence to the present Toll House at *Warninglid Cross* in the Parish of *Cuckfield*, and from the said Toll House, through the Parish of *Slaugham*, to the present Turnpike Road leading from *Cuckfield* to *Crawley*, at or near a certain House and Premises in the Occupation of *John Kelsey*, by the Side of the said Road at *Hand Cross* in the said Parish of *Cuckfield*, and from *Pyecombe* aforesaid to the *Henfield* Road at *Poynings Common*.

Recited Act 48G.3.c.101. repealed, and this Act to be executed in lieu thereof.

Powers of recited Acts 3, 4, & 5 G. 4. extended to this Act.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or by this Act), and also the said recited Acts of the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are

expressly varied, altered, or provided for by this Act), shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been respectively repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to the former Debts, &c.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the said recited Act of the Forty-eighth Year of the Reign of His late Majesty King *George* the Third to be taken or received, and of all the Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act, and also of all such other Sum and Sums of Money as shall hereafter be borrowed for the Purposes or on the Credit of this Act, and all Interest to grow due thereon.

Money due to former Trustees to be paid to Trustees of this Act.

IV. And be it further enacted, That all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Act hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds to be in full Force and Effect.

V. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts, and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Act hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of such Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said first-recited Act.

Books used under former Act to be Evidence under this Act.

VI. And be it further enacted, That all Books containing the Accounts or Proceedings of the Trustees for executing the said first-recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first-recited Act had not been repealed.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Sussex*, together with *William Borrer*, *William Borrer* (junior,) *John Borrer*, *Nathaniel Borrer*, *Edward Borrer*,

Borrer, *John Hamlin Borrer*, *John Bull* of *Pangdean*, *Stephen Bine*, *Henry Brooker*, *William Blaber*, *Nenyen Masters Bradford*, *Richard Cuddington*, *Thomas Crosweller* the elder, *William John Campion*, *John Chalk*, *John Dennett*, *Robert Dix*, *Edward Dean*, *Charles Ellis*, *Thomas Francis*, *Charles Gordon*, *John Hall*, *Henry Holman*, *William Haslewood*, the Reverend *Henry Halliwell* Clerk, *Richard Lashmer*, *John Marchant* of *Little Park*, *William Marshall*, *John Marshall* Clerk, *John Mills*, *John Pelham Roberts*, *Avery Roberts*, *James Relf*, *John Smith*, *William Smith*, *Lawrence Dennett Smith*, *Thomas Scrase*, *Bartholomew Smithers*, *William Stanford*, *Leonard Shuckard*, *Benjamin Tillstone*, *Thomas Uwins*, *James Wood* of *Hicksted Place*, *Richard Weekes*, *Hampton Weekes*, *John Wood* of *Chesthams*, *Thomas Dominick Whiteman*, *William Wigney*, and *Thomas West*, and their Successors, being duly qualified in manner directed by the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty shall be and they are hereby appointed Trustees for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, as are not expressly altered, varied, or otherwise provided for by this Act.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at their First Meeting to be holden under the Powers of this Act, to nominate and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so to be appointed, being duly qualified as aforesaid, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of His present Majesty's Reign and this Act, as if they had been named and appointed in and by this Act.

First Meeting of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the *Old Ship Tavern*, in the Town of *Brighthelmstone*, or at some convenient Place at or near the said Road, on the Second *Thursday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, and shall then and there proceed to put the said Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty and this Act into Execution.

Former Officers (except the Treasurer) to continue.

X. And be it further enacted, That the Clerk, Surveyor, and other Officers (except the Treasurer), who have been appointed under and employed in the Execution of the said former Act hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing them, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects, as if they had been severally appointed under or by virtue of this Act and the said Acts of the Third and Fourth Years of the Reign of His present Majesty.

XI. And

Treasurer and Clerk not to be the same Person.

XI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of the said Acts or of this Act, or the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Suit, Bill, or Information, wherein no Essoign, Protection, Wager of Law, nor more than one Imparlance, shall be allowed.

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

XII. And be it further enacted, That all Persons who are or have been employed, or who have received any Money on account of the Road by the said first-recited Act authorized to be made and kept in repair, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner, and under the like Penalties and Forfeitures, as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the said Third and Fourth Years of His present Majesty's Reign, and of this Act, are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Power to continue or erect Turnpikes.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees to continue the several Turnpikes, Toll Gates, and Toll Houses erected by the Trustees acting under the said Act hereby repealed, and from Time to Time to erect any other Turnpikes, Toll Gates, or Bars, if they shall think fit, upon, across, or by the Side of any of the Roads by this Act authorized to be made, improved, and kept in repair.

Power to remove Turnpikes.

XIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any Special Meeting to be holden for

that Purpose, of which public Notice, specifying the Time and Place for holding such Meeting, and the Purpose thereof, shall have been given Three Times in some Newspaper or Newspapers published or circulated in the County of *Sussex*, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Gates which shall be then continued or erected and standing by virtue of this Act, at least Twenty-one Days previously to such Meeting, to order and direct any of such Turnpikes, Toll Gates, or Side Gates to be removed, and placed elsewhere upon, across, or by the Side of any such Roads as aforesaid, in such Situations as to them the said Trustees may appear fit and eligible, subject to the Provisoes and Restrictions herein contained.

Tolls.

XV. And be it further enacted, That the respective Tolls following may (subject to the Provisions, Restrictions, and Exemptions in this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate which is now or which shall hereafter be set up or continued upon, across, or by the Side of the Roads by this Act authorized to be made, improved, and kept in repair, by each and every Person who shall be appointed or continued by the said Trustees to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say),

For every Horse, Mule, Ass, or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, Machine, Caravan, Car, Fly-chaise, Barouche, Curricle, Phaeton, Taxed Cart, or other such Carriage with Springs of any Denomination, the Sum of Four-pence Halfpenny:

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

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

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

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

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

Carriages laden with Timber, &c. to pay Double Tolls at certain Times.

For every Beast of Draught employed in drawing any Carriage or Carriages laden with Timber, Plank, Boards, Wood, Faggots, Bricks or Tiles, Hop Poles, Marl, Chalk Marl, Chalk, Sand, Stone, Gravel, Coals, Coke or Culm, passing through any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the Twentieth Day of *October* and the First Day of *April* in every Year, Double the Tolls or Duties which the same would otherwise hereby be liable to

pay

pay at each Gate or Turnpike through which such Carriage or Carriages so laden shall pass, and at which they shall be liable to pay Toll:

Carriages with Hay or Straw for Sale, to pay increased Toll at certain Times.

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

No more than One Toll to be paid for passing and repassing the same Day between Pyecombe Church and Hickstead Place, nor more than One Toll between Hickstead Place and the House of John Kelsey.

XVI. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken for or in respect of any Horses, Beasts, Cattle, or Carriages, for Once passing and repassing on the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, through all the said Gates or Turnpikes to be erected on any of the said Roads hereby directed to be made and repaired between *Pyecombe Church* and *Hickstead Place*; nor shall any more than One Toll be taken or demanded for or in respect of any Horses, Beasts, Cattle, or Carriages, for Once passing and repassing on the same Day through all the said Gates or Turnpikes to be erected between *Hickstead Place* and the said House occupied by the said *John Kelsey*; but that all and every Person and Persons having paid such respective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof (which the Collectors thereof are required to give *gratis*), shall Once pass and repass the same Day with the same Horses, Cattle, Beasts, and Carriages Toll-free, through all the Turnpikes or Toll Gates to be erected on the said Roads between the respective Places aforesaid; but if any Horses, Beasts, Cattle, or Carriages, for which Toll shall have been paid, shall pass through any Gate or Turnpike between the respective Places aforesaid a Third Time, then and in that Case the said Tolls shall be again payable in respect of such Horses, Beasts, Cattle, or Carriages, and so *toties quoties* for every Third Time such Horses, Beasts, Cattle, or Carriages shall pass the same Day through the same Gate or Turnpike on the said Roads, between the respective Places aforesaid, with such Horses, Cattle, Beasts, or Carriages as aforesaid.

What Number of Tolls to be taken.

XVII. Provided also, and be it further enacted, That no more than Two Tolls in the whole shall be demanded and taken from any Person for Once passing and repassing the same Day, to be computed as aforesaid, with the same Horses, Cattle, Beasts, and Carriages, through all the said Toll Gates or Turnpikes to be erected by virtue of this Act between *Pyecombe Church* and the House in the Occupation of the said *John Kelsey*, but that all and every Person and Persons having paid the said Two Tolls in the whole, and producing such Note or Ticket, Notes or Tickets as aforesaid, shall Once pass and repass the same Day with the same Horses, Cattle, Beasts, and Carriages, Toll-free, through all the Turnpikes or Toll Gates to be erected on the said Roads by this Act; but if any Person or Persons shall pass through any Gate or Turnpike a

Third

Third Time, with the same Horses, Cattle, Beasts, or Carriages, then and in that Case such Person or Persons shall again be liable to pay the said Toll, and so *toties quoties* for every Third Time the said Person or Persons shall pass the same Day through the same Gate or Turnpike on the said Roads with the same Horses, Cattle, Beasts, or Carriages as aforesaid: Provided also, that no Person shall be made liable to any Double or increased Charge by reason of his passing through any Side Gate or Side Bar to be erected by virtue of this Act, or through any other of the Turnpikes to be erected by virtue of this Act across such Roads, beyond what he would be liable to pay if he had passed through either of the said Gates only; any thing herein contained to the contrary notwithstanding.

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

Tolls vested in Trustees.

XVIII. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, and disposed of in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

Horses, &c. drawing different Carriages to pay each Time of passing.

XIX. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpike, Toll Gate, or Side Gate, drawing another or different Waggon, Wain, Cart, or such other Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, or Side Gates, the same Day, without again paying Toll; any thing herein contained to the contrary thereof in anywise notwithstanding.

Stage Coaches, &c. to pay each Time of passing.

XX. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, or any Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, the Tolls hereby made payable shall be paid for every Time of passing or repassing through every such Turnpike, Toll Gate, or Side Gate, in like Manner as if no Toll had been before paid thereat.

Post Chaises to pay each Time of a fresh Hiring.

XXI. And be it enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Roads by this Act directed to be widened, improved, and kept in repair, on the same Day, as often as a fresh Hiring thereof shall take place.

No Gate to be erected between the King's Head

XXII. And whereas Persons travelling along the Road leading from *Hurst* by the *King's Head* at *Albourne* to *Horsham*, would pass for about the Distance of One hundred and fifty Yards along the Road to be

repaired and maintained under this Act, and would, if any Gate was erected upon or across or on the Side or Sides of the said Road, within the Distance aforesaid, be liable to pay the Toll under this Act, which would be injurious to such Persons travelling as aforesaid; be it therefore further enacted, That nothing in this Act shall extend or be construed to extend to empower or in any Manner authorize the said Trustees to erect or set up, or cause to be erected or set up, any Turnpike or Turnpikes upon or across or on the Side or Sides of the said Road to be made, widened, or improved by virtue of this Act, between the *King's Head Inn* at *Albourne* aforesaid, and One hundred and fifty Yards Northward thereof.

Inn at Albourne, and One hundred and fifty Yards Northward thereof.

XXIII. And be it further enacted, That nothing in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or either of them, or in this or any other Act contained, shall extend or be construed to extend to exempt from Toll any Horse, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, or other Carriage laden with Chalk, Chalk Marl, or Lime, for manuring or improving Land.

Carriages laden with Chalk, &c. not to be exempt.

XXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby fully authorized and empowered, to enter into and upon the Lands and Grounds of every Person or Persons in or through which the Line, Communication, or Piece of Road hereinbefore mentioned or referred to is intended to pass, to set out, form, make, and complete the same, from or near the present Toll House at *Warninglid Cross* to the present Turnpike Road leading from *Cuckfield* to *Crawley*, at or near a certain House by the Side of the said Road at *Hand Cross* in the Occupation of *John Kelsey*, there to join and run into the said Turnpike Road leading from *Crawley* to *Cuckfield*, and from Time to Time, as they shall think proper, to widen or divert, turn, shorten, vary, or alter the Course of any Part or Parts of the said Road; and the said Road may be made through any Common or Waste Ground without making any Satisfaction for the same, and through any private Grounds or other Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and that it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, turning, shortening, varying, or altering the Course of any Part or Parts of the said Road through such Lands, Grounds, or Hereditaments; and that it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, Executors or Administrators, not only for or on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Infants, Wards, Cestuique Trusts, Lunatics, or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be

New Line or Communication of Road to be made.

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 Damage as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any 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, or 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.

Power to stop up a certain Horse Road and let it be a Footway.

XXV. And be it further enacted, That from and after the said new Line or Communication of Road shall be made and completed, the present Horse and Driftway from the Village of *Slaugham* aforesaid, to or towards *Hand Cross* aforesaid, through Lands in the Occupation of *William Haslewood* Esquire, shall cease to be a Horse or Driftway, and shall be a Footway only; and then and thenceforth it shall be lawful for the Owner or Occupier of the aforesaid Lands to close the said Way, by placing a Stile or Wicket for Foot Passengers only at each End thereof, and in such other Part or Parts thereof as he or she shall think proper; and if any Person or Persons shall destroy or damage any such Stile or Wicket set up by the Authority of this Act, or any Post, Rail, Gate, or Fence adjacent thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, together with all Charges and Expences attending the repairing or restoring of every or any such Stile, Wicket, Post, Rail, Gate, or Fence: Provided always, that the said Road or Way shall not be stopped up, unless the Concurrence and Approbation in Writing of any Two or more of His Majesty's Justices of the Peace for the County or Place in which the same shall be situate shall be first had and obtained; and their Determination in the Premises shall be subject to Appeal in the Manner and Form directed and prescribed by an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of the Reign of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

55 G. 3. c. 68.

Roads shut up under the Powers of a former Act to continue shut up.

XXVI. And whereas by the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty it was enacted, that it should be lawful for the Trustees acting in the Execution thereof to shut up or cause to be shut up a certain Wapple Road, Bridle Road, or Lane, leading out of the Road made by virtue of the said Act, on the East Side thereof, and leading through certain Lands in the Parish of *Hurstperpoint* aforesaid, called *Little Stuckles*, to a certain Lane called *Cobb's Mill Lane* in the same Parish; and also a certain Wapple Road, Bridle Road, or Lane, leading from *Bolney Street* in the Parish of *Bolney*, through certain Lands called

called *Gaston's Lands*, into the Road made by virtue of the said Act, at or near *Rice Bridge* in the Parish of *Bolney* aforesaid; and also a certain Lane leading from *Hickstead Cross* to *Hickstead Place*; and also a certain Foot Road leading from *Hickstead Place* aforesaid, through certain Lands called *Berry Lands*, in the Parish of *Hurstperpoint* aforesaid, into the said Road made by virtue of the said Act: And whereas the said Trustees did cause the said several Lanes or Roads to be shut up accordingly: And whereas it is expedient that the said several Lanes or Roads should remain shut up: Be it therefore further enacted, That all and singular the said several Lanes or Roads by the said last-mentioned Act directed to be shut up as aforesaid, shall, notwithstanding the Repeal of the said last-mentioned Act, be and continue shut up; and that it shall and may be lawful to and for the said Trustees for executing this Act to erect, or cause to be erected and continued, any Gate or Gates, Rail or Rails, Fence or Fences, at the Ends of the said several Lanes or Roads leading out of the said Turnpike Road; and if any Person shall destroy or damage any Gate, Rail, or Fence already erected or hereafter to be erected at the Ends of the said Roads or Lanes, or either of them aforesaid, every Person so offending shall, over and above the Damages occasioned thereby, forfeit and pay any Sum not exceeding Ten Pounds, one Moiety whereof shall be paid to the Treasurer of the said Trustees, to be applied by him towards the Purposes of this Act, and the other Moiety to the Informer or Person suing for and recovering the same, together with all Charges and Expences attending the repairing or restoring such Gate or Gates, Rail or Rails, Fence or Fences.

Restricting Deviation from Plan deposited with the Clerk of the Peace for the County of Sussex.

XXVII. And whereas a Map or Plan, describing the Line of the new Road herein-before described and intended to be made, and the Lands over and through which the same are intended to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Sussex*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Sussex*, to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies and Extracts therefrom at their Will and Pleasure, paying to such 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 such respective Deviations, shall not deviate more than One hundred Yards from the Line thereof described in the said Map or Plan, without the Consent or Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, over or through whose Lands or Grounds such Deviation shall be made.

Lands marked in the Plan may be used notwithstanding Errors.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Line of Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners or

or Occupiers of Lands, Hereditaments, and Premises over which the same, or any Part thereof, is or are mentioned and described in the said Map or Plan as aforesaid, although such Lands and Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Sussex*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Trustees not to pull down Houses, &c. except as herein-after mentioned.

XXIX. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees for putting this Act in Execution, shall not extend to the taking down of any Dwelling House or other Building, or taking in the Scite of any House or other Building, or to the taking of any Garden, Orchard, Yard, Court, Park, Paddock, inclosed Shrubbery, planted Walk, or Avenue to a House, without the Consent of the Owners and Proprietors thereof respectively, (save and except such as are specified in the Schedule annexed to this Act).

Road to be made in Five Years.

XXX. Provided always, and be it enacted, That in case the said Trustees shall not make and execute the said Line or Communication within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to make and execute the same, or to take the Lands specified in the Schedule hereunto annexed, without the Consent in Writing of the Owners of the Lands over and through which any such Line or Communication shall thereafter be made, first had and obtained.

Application of Tolls and Money borrowed.

XXXI. And be it further enacted, That all the Monies which, before the Day of the Commencement of this Act, shall have been borrowed, raised, and produced by virtue of the said recited Act hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining and passing this Act, and otherwise relative thereto respectively; secondly, in paying and discharging all Arrears of Interest on any Sum of Money which shall have been already borrowed, and shall be due and owing on the Credit of the said first-recited Act, and also of the Interest which shall from Time to Time become due in respect of any Sum or Sums of Money already due, or which shall be hereafter borrowed or taken up at Interest on Security of

the said Tolls; thirdly, in altering, widening, improving, repairing, and preserving the Roads by this Act authorized to be improved and kept in repair as aforesaid, and of erecting, altering, and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Act hereby as aforesaid repealed; and also the several Principal Sums of Money which may hereafter be borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing, and which may hereafter become due and owing by or on account of this Trust.

Making Arrears of Interest Principal.

XXXII. And whereas a large Arrear of Interest is due on the several Sums of Money now due to the several Creditors on the said Road; be it therefore enacted, That the said Trustees shall and they are hereby required, at their First or some other Meeting to be held within Three Calendar Months after the passing of this Act, to give and execute unto all and every Person and Persons who shall then be possessed of or entitled unto any Mortgage or Mortgages made for any Part of the Money now due and owing on the said Roads, a Security or Securities for so much Money as the Interest which shall become due upon such Mortgage or Mortgages on the Twenty-fifth Day of *March* One thousand eight hundred and twenty-six shall amount unto, with Interest on the same, in the like Form, and with the like Authorities, Rights of Assignment, Provisions, and Conditions, as are contained or expressed in the Mortgages granted by virtue of the said recited Act: Provided always, that no such Security or Securities so to be made shall affect or prejudice any Mortgage or Mortgages already made and executed by the said Trustees, except so far as relates to the Interest which became due thereupon on the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-six; but that all and every Person and Persons possessed of such Mortgage or Mortgages already granted by the Trustees acting in the Execution of the said recited Act, made in the Forty-eighth Year of the Reign of His late Majesty, shall have and be entitled to the Principal Monies which may be due thereupon, and the Interest upon the same from the said Twenty-fifth Day of *March*, so long as the said Principal Monies shall remain unpaid, in preference to the Security or Securities so to be made as aforesaid for the Interest so due and owing as aforesaid.

No Priority of Mortgages.

XXXIII. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act hereby as aforesaid repealed, or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or

other Security or Securities for the same, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act in equal Degree one with another, without any Preference or Priority.

No Lime Kiln or Brick Kiln to be set up within the Distance of One hundred Yards from the Roads.

XXXIV. And be it further enacted, That no Person shall hereafter erect, set up, or use, or cause to be erected, set up, or used, any Lime Kiln or Brick Kiln, or any other Erection, Matter, or Thing, for the Purpose of burning Lime, Bricks, or Clay, within the Distance of One hundred Yards from any Part of the said Roads hereby directed to be made or repaired, under the Penalty of Twenty Shillings for each and every Day such Lime Kiln, Brick Kiln, or other Erection, Matter, or Thing aforesaid shall continue; such Penalty to be recovered in like Manner as any Penalty not exceeding that Amount, imposed by the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, or either of them, are authorized to be recovered.

Application of Compensation when amounting to 200*l.*

XXXV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Money shall, if the same 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 Court of the Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the said Land Tax, or 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like

1 G. 4. c. 35.

Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application where under 200*l.* and exceeding 20*l.*

XXXVI. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any 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 Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option and approved of by the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends and Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where less than 20*l.*

XXXVII. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporation or 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, in such Manner as the said Trustees or any Five or more of them shall think fit, or in case of Infancy, Idiotcy, or Lunacy, then to his,

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 Persons entitled not being found.

XXXVIII. And be it further enacted, That in case the Corporation or Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed, for any Lands, Tenements, or Hereditaments to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case any Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed 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 to order the said Sum or Sums of Money so awarded or assessed 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 Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; 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 and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereto, 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 Sum or Sums of Money into the Bank aforesaid.

Persons in Possession presumptively entitled.

XXXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, and Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, and Hereditaments to be purchased in pursuance thereof, or of any Bank Annuities to be purchased with any such Sum, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and

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 apparent to the said Court that such Possession was a wrongful Possession, and that some Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

Public Act.

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

Commencement and Continuance of this Act.

XLII. And be it further enacted, That this Act shall commence on the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which this Act refers.

THE inclosed Lands belonging to Mrs. Sergison, and now in the Occupation of William Haslewood, Esquire, as may heretofore have been called or known by the Name of Slaugham Park, in the Parishes of Slaugham and Cuckfield, or One of them, in the County of Sussex.

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