Anno triceſimo ſecundo

Georgii II. Regis.

An Act for repairing the Road from the South End of the South Street in the Pariſh of *South Malling*, near the Town of *Lewes*, to *Glyndbridge;* and from thence through *Firle Street under the Hill*, to *Longbridge*, in the Pariſh of *Alfriſton*, in the County of *Suſſex*.



WHEREAS the Road leading from the South End of the South Street in the Pariſh of South-Malling, near the Town of Lewes, through Southeram, by Ramſcomb, to Glyndbridge; and from thence through Firle Street under the Hill, to Longbridge, in the Pariſh of Alfriſton, in the County of Suſſex, is impaſſable for Wheel Carriages in the Winter Seaſon, and very dangerous for Travellers: And whereas the ſaid Roads cannot effectually be amended, widened, and kept in ſufficient Repair, by the ordinary Courſe of the Law; May it 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 John Apſley Eſquire, Gabriel Ayres, William Acton of Ripe, John Acton, Gentlemen; Robert Auſten Clerk, John Butler, Richard Beard, Streatfield John Bridger, Richard Barnard, William

Preamble.

Truſtees Names.

William Burrell, John Bridger the younger, William Board, Charles Blunt, Eſquires; William Bean Clerk, Daniel Beard, John Bean of Frogfirle, William Burt, William Boys of Aſhcomb, Edward Boys of Alceſton, Gentlemen; Thomas Chowne, George Courthop, Joſeph Calverley, William Campion, Henry Campion the younger, Eſquires; James Chambers, Samuel Caldecot, Alxander Carr, William Crawley, Thomas Cooper, Gentlemen; Sir John Dixon Dyke Baronet, John Davis of Offham, Thomas Davis of Glynd, Clerks; James Dippery, Samuel Durrant, William Durrant of Framfield, Gentlemen; Roſe Fuller, Stephen Fuller, John Mears Fagge, John Fuller of Parkgate, Eſquires; Thomas Friend, William Farncomb of Sutton, Gentlemen; the Right Honourable William Hall Lord Viſcount Gage in the Kingdom of Ireland, the Honourable Colonel Thomas Gage, Nicholas Gilbert Gentleman, Diones Geere Clerk, Thomas Hay, Henry Humphry, Charles Hariſon, Eſquires; Odiarne Hooper, Thomas Hurdis, Clerks; Lancelot Hariſon, Nicholas Halhead, Edward Hawes, William Hawes, Gentlemen; John Jolliffe Eſquire, Sir John Lade Baronet, Henry Luſhington, George Lewis, James Leyland, Daniel Lepla, Edward Lord, Clerks; the Honourable Charles Sackville commonly called Earl of Middleſex, George Medley Eſquire, Doctor Simon Manningham Clerk, Henry Michell Clerk, William Michell, Henry Manning, Gerrard Maſon, Richard Mockett, Michael Marten, Gentlemen; Arnold Neſbitt, John Newnham, Nathaniel Newnham the younger, William Newton, William Nutt, Eſquires; George Newton Clerk, Anthony Nott, John Newington of Ripe, Gentlemen; Thomas Pelham of Stanmer, Thomas Pelham, James Pelham, John Pelham, Henry Pelham, Eſquires; Sir Francis Poole Baronet, Henry Poole, William Poole, William Phelips, Eſquires; Richard Porter, Thomas Porter, Thomas Pardoe, Clerks; John Plumer, Robert Plumer, Willam Peckham of Framfield, Robert Palmer, Gentlemen; Richard Ruſſell Doctor in Phyſick, William Ruſſell, Richard Rideout, Eſquires; George Richardſon, John Rideout, Clerks; Richard Ruſſell the younger, John Ridge, Gentlemen; the Honourable George Sackville, commonly called Lord George Sackville; Thomas Sergiſon, Luke Spence, Henry Shelley, Elfred Staples, Henry Snooke, Richard Shadwell, Eſquires; William Shadwell, John Snaſhall, William Stanford, George Stephens, Robert Stone, Thomas Swaine, Gentlemen; Edward Trayton Eſquire, Richard Taylor Clerk, Thomas Tapsfield, Richard Tidy, Thomas Tourle, Thomas Tourle the younger, Gentlemen; the Honour-

able Lewis Monson Watson, Sir Whistler Webster Baronet, John Wenham, Thomas Westerne, John Warden, Francis Warden, Esquires; Michael Warden, Nicholas Willard of Crowlink, John Winton, and Walter Woodhams, Gentlemen; shall be, and they are hereby nominated and appointed, Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Road, and likewise for putting in Execution all other the Powers in and by this Act given: And the said Trustees and the Survivors of them, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, One Gate or Turnpike upon or cross the said Road at or near Glyndbridge aforesaid, and at no other Place, and also a Toll-house near the said Gate or Turnpike; and shall demand, receive, and take, the Tolls or Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same (that is to say)

Trustees may erect a Turnpike and Toll-house,

and take the following Tolls thereat.

For every Carriage whatsoever drawn upon Four Wheels, the Sum of One Shilling. The Tolls.

For every Carriage drawn upon Two Wheels, the Sum of Six Pence.

For every Horse, Mare, or Gelding, laden or unladen, and not drawing, the Sum of Two Pence.

And for every Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or lesser Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or lesser Number.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money so thereby to be raised and collected, is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner, as herein after is mentioned and directed: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person as they, or any Five or more of them, under their

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Hands and Seals, shall, from time to time, nominate and appoint, to demand, take, and levy, the Tolls and Duties hereby granted and made payable, of or upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay the same, by Distress of any Horse or Horses, or any other Cattle, Goods, Carriage, or Chattles, upon which such Tolls or Duties are by this Act imposed, or by Distress of any other the Goods and Chattles of such Person or Persons who ought to pay the same; and such Distress to detain, until such Tolls or Duties, with the reasonable Charges of making and detaining such Distress, shall be paid; and after the Space of Four Days next after such Distress made, to sell the same, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges, for making, keeping, and selling such Distress, shall be deducted and paid.

Distress may be sold after 4 Days.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any case in the Execution of this Act, unless he shall, during all the Time he shall so act, 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 or Hereditaments, Freehold, Leasehold, or Copyhold, of the yearly Value of Fifty Pounds, to his own Use, above Reprizes; or shall be Heir Apparent of a Person having an Estate of the yearly Value of Three hundred Pounds; or possessed of, and intitled to, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds: And if any Person or Persons, so made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person or Persons, for such Offence and Offences, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons that will inform and 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, Bill, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, if not qualified.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time

Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through the Turnpike to be erected by virtue of this Act; but all and every such Person and Persons, after having paid Toll Once, and producing a Note or Ticket denoting the Payment of such Toll, shall afterwards pass with such Cattle or Carriage Toll-free, during such Day, through the said Turnpike; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, out of the First Money arising by the Tolls and Duties which shall be collected at the Turnpike to be erected on the said Road, or out of such Money as shall be borrowed on the Credit of the same Tolls or Duties, shall, in the first Place, pay and discharge the Expences and Charges of procuring and passing this Act of Parliament, and of erecting such Turnpike and Toll-house on the same Road as aforesaid; and then, and from thenceforth, the Money arising by the Tolls or Duties which shall be collected at the Turnpike which shall then or afterwards be erected upon the said Road, shall be laid out and applied for and towards the repairing, widening, and opening the said Road, and in defraying other necessary Charges attending such Repairs, and widening the said Road, and for the other Intents and Purposes mentioned and directed by this Act, and to no other Use or Purpose whatsoever.

Penalty on such Persons permitting, or going through, private Passage.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning or occupying any Tenements, Lands, or Grounds, near to the said Road, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, Bridge, or private Way, with any Carriage, Horse, Mare, Ass, Mule, or any Sort of Cattle, on which any Toll or Duty is hereby laid, with an Intent to evade the Payment of the said Tolls or Duties; or if any Person or Persons owning, riding in, or driving, any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage, or owning or driving any Horse, Mare, Ass, Mule, or other Cattle, shall therewith pass through any such Ground, Gate, Passage, Bridge, or private Way, with an Intent to evade the Payment of the said Toll or Duty; or if any Person or Persons, with the like Intent, shall

leave

leave upon the said Roads any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage, or any Horse, Mare, Gelding, or other Cattle, by reason whereof the Payment of any Tolls or Duties by this Act imposed shall be avoided or lessened; each and every Person and Persons in all and every or any Manner or Manners aforesaid offending, being thereof convicted on the Oath of One or more Witness or Witnesses before any One or more Justice or Justices of the Peace for the said County of Sussex (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings to the said Trustees, or any Five or more of them, or to their Treasurer; which Sum, in case the same shall not be forthwith paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of One or more of the said Justice or Justices, rendering the Overplus (if any) to the Owner, on deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justice or Justices; which said Penalty of Twenty Shillings shall go and be applied, One Moiety thereof to the Use of the Informer, and the other Moiety towards amending the said Road.

to avoid Payment of the Tolls.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, present at the First or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Tolls or Duties; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Road, to view the Condition thereof, and to see that the same is repaired and amended, and that the Money raised by virtue of this Act be duly applied; and also One or more Clerk or Clerks for the said Road, and such other Officers as shall be necessary, in order to put this Act into Execution; and the said Trustees, or any Nine or more of them, shall and may take such Security for the due Execution of their Offices of Treasurer, Receiver, Clerk, Surveyor, or any other Office, as the said Trustees, or any Nine or more of them, shall approve of; and, from time to time, remove such Treasurers, Collectors, Receivers, Surveyors, Clerks, and other Officers aforesaid, or any of them, as they the said Trustees, or any Nine or more of them, shall see Occasion, and appoint other or new Officers in case of the

and remove them, and appoint others.

Death

Death or such Removal; and such Person or Persons as is or are hereby made liable to pay the said Tolls or Duties, shall pay the same after the Rates aforesaid to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose; and the Person or Persons so appointed to collect and receive the said Tolls and Duties, and also such Surveyor or Surveyors, and such other Person or Persons so appointed as aforesaid, shall, from time to time, and as often as the said Trustees, or any Five or more of them, at any Time assembled, shall require, make and render to them, or any Five or more of them, a true, perfect, and exact Account in Writing, upon Oath, to be taken before any Two or more of the said Trustees, or any One or more of the said Justice or Justices of the Peace (and which Oath the said Trustees, Justice or Justices, is or are hereby impowered to administer without Fee or Reward, or Stamp thereupon) of all Monies by them respectively collected, received, and disbursed, and of all other Matters and Things committed to their Charge by virtue or under the Authority of this Act; and in case any Money so received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or to any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by Writing or Writings under their Hands, authorize to receive the same, and shall be disbursed and laid out in the amending the said Road, according to the true Intent and Meaning of this Act, and not otherwise; and the said Trustees, or any Nine or more of them, shall and may, out of the Monies arising out of the said Tolls or Duties, make such Allowance to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, Clerk or Clerks, and other Officers of the said Road, by the said Trustees, or any Nine or more of them, so appointed as aforesaid, for and in Consideration of his and their Care and Pains taken in the Execution of his and their respective Office or Offices, and to such other Person or Persons as hath, or have been, or shall be, assisting in or about procuring the said Road to be amended and repaired, by advancing or laying out any Money, or otherwise relating thereto, as to the said Trustees, or any Nine or more of them, shall seem reasonable: And in case the said respective Receivers, Collectors, or others Persons aforesaid, or any of them, shall refuse or neglect to give and make such Account and Payment, then upon Complaint of any Five or more of the said Trustees, to any One or more of the said

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers refusing to account,

Justice or Justices of the Peace, who is and are hereby impowered and required to cause the said Collectors, and other the Persons aforesaid, or any of them, to appear or be brought before them, by Warrant or Summons under his or their Hand and Seal, or Hands and Seals, and shall make Inquiry of and concerning such Default in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and if any such Collectors, Receivers, or other Persons aforesaid, or any of them, shall be convicted by such Justice or Justices, of having neglected or refused to give such Account, or of having delivered a false, defective, or imperfect Account, or of having neglected or refused to pay the Monies due on such Account, within Twenty Days next after such Account shall be given in; that then, in any such Cases, it shall and may be lawful for any One or more of the said Justice or Justices, to commit the Offender or Offenders to any House of Correction, kept in and for the said County, there to remain without Bail or Mainprize, until he or they shall have given, made, or delivered, a true, exact, and perfect Account and Payment, as aforesaid, or till he or they shall have compounded and agreed with such Trustees, or any Five or more of them, and have paid such Composition to the Treasurer or Treasurers of the said Road for the time being; which Composition the said Trustees, or any Five or more of them, at any Meeting assembled, are hereby authorized and impowered to make and receive,

Justice to inquire into the Default,

and commit the Offender to Gaol,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, wherein or near which the said Road, or any Part or Parts thereof, do lie, proper and convenient for repairing and amending the same; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials there, to dig, gather, take, and carry away the same, in and out of any River, Brook, Waste, or Common, of any neighbouring Parish, Town, Village, or Hamlet, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits, as shall be occasioned by the

Surveyors may dig Gravel, &c. in Waste Grounds,

without paying for the same;

levelling the Pits;

digging for, and taking away, such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, as aforesaid; and where there are not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors of the said Road, by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Scite or Ground of or whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, or Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart and used as a Plantation or Nursery for Trees) where any such Materials are or may be found; and, from time to time, to take and carry away the same, or so much thereof, as the said Surveyor or Surveyors of the said Road shall adjudge necessary, for repairing and amending the same, paying such Rates or Sum and Sums of Money for such Materials, and for the Damage done to the Owner and Owners respectively, where and from whence the same shall be digged, gathered, and carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, between such Owners and Occupiers, and the said Trustees, touching such Damage as aforesaid, the said Justices of the Peace at their next General Quarter Sessions to be holden in and for the said Riding, Liberty, or Place where and from whence such Materials shall be digged, gathered, or carried away, or where such Damage shall be done, as aforesaid, or the major Part of them present, shall adjudge, assess, and finally determine the same; and order the Damages to be paid by the Treasurer or Treasurers for the time being of the said Road, out of the Money arising by the Tolls; from which Determination, there shall be no Appeal.

and where sufficient Materials are not to be there had, they may be taken from private Grounds,

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and such Person and Persons as he or they shall appoint, by the Direction of the Trustees, or any Five or more of them, under their Hands, from time to time, to remove and prevent all Annoyances on or in any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road, to the Prejudice thereof, and to cleanse any Ditch or Watercourse next adjoining to the said

Surveyors may remove Annoyances,

cleanse Watercourses,

and cut down Trees, &c.

said Road; and to cut down, lop, or top, any Trees or Bushes growing in the said Road, in Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners and Occupiers of the Premisses neglect to remove such Annoyances, or to cut, fell, or take away, such Trees, Loppings, Boughs, or Bushes, for the Space of Twenty Days next after Notice in Writing given for that Purpose, under the hand of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down, top, or lop, such Trees or Bushes, or to remove such other Annoyances, as aforesaid: And if, after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted upon Oath, before any One or more of the said Justice or Justices, shall, for every such Offence, forfeit and pay unto the said Trustees, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings; to be recovered and levied in Manner as by this Act is herein after directed.

the Owners neglecting to remove the same after Notice.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

Surveyors may make Causeways,

erect Bridges,

and widen the narrow Parts of the Roads;

and make a temporary Road;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors of the said Road, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Road; and to make and erect Arches or Bridges of Brick, Timber, or Stone, upon the said Road, and over the River at Glyndbridge aforesaid; and also to widen any narrow Parts of the said Road, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (not being the Site of, or Ground whereon, any House or Houses stand, or Garden, Orchard, planted Walk, Yard, Park, or Paddock, or Avenue to any House already or hereafter to be planted, or any Piece or Parcel of Ground planted, set apart, and used, as a Plantation or Nursery for Trees;) and also to cut Ditches or Trenches, to be made in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary for the better amending and keeping the Road aforesaid in good Repair; and also to make, or cause to be made, a Way through, over, and along, the adjoining Grounds to any narrow or ruinous Part or Parts of the Road hereby intended to be repaired, to be made use of by all Passengers with

with Horses, Coaches, Carriages, or otherwise, as a Publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to go along the said Road intended to be repaired, making such reasonable Satisfaction to the Owners and Occupiers of such Ground respectively, as shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occupiers, and the said Trustees, touching such Damage, that then it shall and may be lawful to and for the Justices of the Peace at their next General Quarter Sessions to be holden for the County, Liberty, or Place, wherein such Ground so laid into the said Road, or any Part of such Ground, shall lie, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which any such Arch or Arches, Bridge or Bridges, Causeway or Causeways, shall be erected or made, or through which any such Road shall be made, or the major Part of such Justices present at such Quarter Sessions, to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it enacted by the Authority aforesaid, That if any Owner or Owners, Occupier or Occupiers, of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Road, shall neglect or refuse to cleanse such Watercourse or Watercourses, or to make such Ditch or Ditches so deep, and in such Manner, as the Surveyor or Surveyors of the said Road, hereby appointed, or to be appointed, shall, from time to time, judge proper and convenient, after Twenty Days Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful for such Surveyor or Surveyors to set any Man or Men at Work, to scour, cleanse, and deepen the same; and if such Owner or Owners, Occupier or Occupiers, shall, upon Demand made by such Surveyor or Surveyors, refuse to pay the Charge of scouring, cleansing, and deepening such Ditches, then upon Proof made of such Work being done, and of such Demand being made, by the Oath of One Witness, before any Justice of the Peace of the County or Place where such Person or Persons respectively live, such Justice may, and shall, by Warrant or

If the Owners shall neglect to trim, &c. their Hedges, and scour their Ditches, after due Notice given for that Purpose,

Surveyors may set Men to do the same.

Charges to be levied by Distress and Sale.

Warrants under his Hand and Seal, levy the Charges thereof upon the Persons Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattles, rendering the Overplus (if any) after all Charges of such Distress and Sale thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

Tolls may be assigned for Money borrowed.

And, forasmuch as the Money so to be collected by the Receipts of the Tolls or Duties by this Act made payable, for the said Road as aforesaid, will not at present be sufficient for the speedy repairing of the same; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the said Tolls or Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of which Assignment or Mortgage, shall be borne and paid out of such Tolls or Duties respectively, as is herein after directed) for the Term for which the same are hereby made payable, or for any Part of such Term, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed for, not exceeding legal Interest; which said Money so to be borrowed, shall be applied and disposed of in the first Place to pay off the Charges and Expences of obtaining this Act of Parliament, and the Residue shall be applied in such Manner, and for such Purposes, as the said Tolls and Duties are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Assignments to be entered in a Book.

And it is hereby further enacted by the Authority aforesaid, That all and every Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees, shall be copied and entered at Length in Books to be kept for that Purpose, by the Clerk or Treasurer of the said Road; which said Books shall and may be seen and perused at all seasonable Times, by any Person or Persons whatsoever, without Fee or Reward.

Penalty on Persons disposing of Tickets, to avoid Payment of the Tolls.

And, for preventing Frauds and Abuses in the said Tolls or Duties hereby granted; be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Pay-

ment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of such Toll or Duty; every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving and making use of the same, being thereof respectively convicted upon Oath before any One or more Justice or Justices (which Oath the said Justice or Justices is and are hereby impowered and required to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, to be recovered in such Manner as is herein after mentioned; and which said Penalty shall go and be paid, One Moiety to the Informer, and the other Moiety thereof to the Receiver or Collector of the Tolls or Duties, and shall be applied towards repairing the said Road.

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

And be it further enacted by the Authority aforesaid, That in case the Trustees for putting this Act in Execution for the said Road, or any Nine or more of them, shall, at any Time or Times hereafter during the Continuance of this Act, think proper to widen, turn, or alter, the Way or Path, or any Part or Parts of the said Road hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers, that then it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered, from time to time, to treat, contract, and agree, for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near the said Road, for the Loss or Damage the Owners, Proprietors, or Occupiers thereof, or any of them, shall any ways sustain, by such widening, altering, or turning, such Way or Path, and to pay for the same out of the Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum and Sums of Money as shall be agreed upon between such Owners, Proprietors, and Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Nine or more of them, and the Costs and Charges attending such Purchase: And such Lands and Grounds so purchased as aforesaid, shall, by Order and Direction of the said Trustees, or any Nine or more of them, be laid into, and made Part of, the said Road so directed to be amended by this Act, in such Manner as the said Trustees, or any Nine or more of them, shall think convenient; and shall by them, or by such Person or Persons as they, or any Nine or more of them, shall order and appoint, be sufficiently drained, ditched, and fenced out, for that Purpose; and after the said Lands or Grounds shall be so drained,

Lands when purchased to be deemed a publick Highway.

drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become and be, and they shall be esteemed and taken to be, a publick and common Highway; and shall be amended and kept in Repair by such Ways, and in such Manner, as other Highways are amended and kept in Repair by Law: And after such Purchase shall be made as aforesaid, such Lands and Grounds comprized in, or constituting, the former Road (in lieu whereof such Land or Ground for such new Road or Way shall be purchased as aforesaid) shall be vested in, and shall and may be sold or disposed of, by the said Trustees, or any Nine or more of them, to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the repairing, widening, and amending, the said Road; and the Sale or Conveyance or Conveyances to be made of such Lands and Grounds comprized in the said old Road, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace for the County, Liberty, or Place, within which the said Road, or any Part thereof, doth lie, shall be good and effectual to all Intents and Purposes whatsoever.

Old Road may be sold.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, Collegiate, Feoffees in Trust, or others, are seised or possessed of Lands, Grounds, Tenements, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in, or added to, the said Road, for the widening, turning, altering, or amending, the same, but by reason of Infancy, or other Disabilities, a good Title cannot be made thereto; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots, Lunaticks, and Husbands, and other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, Ideots, Lunaticks, and for all and every Person or Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, or agree, with the said Trustees, or any Nine or more of them, for the absolute Purchase of such Lands, Grounds, Tenements, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall

Bodies Politick, &c. may contract for the Sale of Lands, &c.

shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing, to the contrary thereof in any wise notwithstanding: And that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

And it is hereby further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Husbands, Guardians, Trustees, Committees, or any other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given or left in Writing at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken in, and added to, the said Road, as aforesaid, or into which such Road, Path, or Way, shall be so turned or altered as aforesaid, shall, by the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every such Case, the said Trustees, or any Nine or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all of the Parishes in which the said Road doth lie (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) what Damages shall be sustained by, and what Recompence or Satisfaction shall be made to, such Owners, Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road; and in order thereto the said Trustees, or any Nine or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whatsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) and they shall also order and

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

cause the said Jury to view the said Places in Question, and to use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premisses, as they the said Trustees, or any Nine or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any Nine 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, Occupiers, or Proprietors, of the said Lands, Grounds, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict and Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, and binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same: And, for summoning and returning such Jury or Juries, the said Trustees of the said Road, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Sussex, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purposes aforesaid; and, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

or summoned to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and it is hereby declared and enacted, That all Persons concerned shall from time to time, and at all Times, have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action brought or to be brought, depending or to be depending, in any of His Majesty's Courts of Record at Westminster, is or shall be by Law intitled to; and the said Trustees may impose a Fine on the Sheriff, &c. making Default in the Premisses.

Trustees, or any Five or more of them, are hereby impowered, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Bailiffs respectively, who shall make Default in the Premisses, as also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared, shall refuse to be sworn on the said Jury, or after having been sworn, shall refuse or not give his or their Verdict, of and upon the Matter in Question, or the Damages he or they shall be sworn to try or inquire of, or in any other Manner wilfully neglecting their Duty herein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence or Testimony before the said Jury touching the Premisses, shall refuse to be examined, or give Evidence or Testimony touching the same.

Fine not to exceed 10 *l.*

Provided always, and it is hereby further enacted and declared, That no such Fine shall exceed the Sum of Ten Pounds upon any One Person for any One single Offence; but such Fines shall be levied, recovered, and applied, in such and the like Manner, and to and for such and the like Purposes, as other Fines or Penalties is or are by this Act directed to be levied, recovered, and applied.

Persons and Things exempted from Tolls.

Provided always, and it is hereby declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through the Turnpike to be erected by virtue of this Act, and carrying any Quantities of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for amending any of the Highways in the Parishes or Townships in which the Road by this Act directed to be repaired doth lie, or going or returning through the said Turnpike for or with any Lime, Dung, Mould, or Compost, for manuring of Lands or Grounds; nor shall any Toll or Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Corn in the Straw, or Hay or Straw to be laid up in

in any Houses, Outhouses, Barns, or Yards (unless such Hay or Straw shall be for Sale) of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said Road hereby intended to be repaired doth lie; nor for any Ploughs, Harrows, or any other Implement of Husbandry, or any other Things whatsoever, belonging to, or employed by, the Inhabitants respectively in Husbandry; nor for the manuring or stocking of Lands lying near the said Road; nor shall any of the Tolls or Duties hereby laid, be demanded or taken of or from any Person or Persons residing in the said Parishes in which the said Road hereby directed to be repaired doth lie, who shall pass through the said Turnpike or Gate, to or from Church, Chapel, or other Place of Religious Worship, on Sundays, or who shall attend the Funeral of any Persons who shall die and be buried in any of the said Parishes in which the said Road hereby directed to be repaired doth lie, or for any Horses, Geldings, Mares, or Cattle, going to, or returning from, Pasture or Watering Places, of any of the neighbouring Inhabitants near the said Road; nor for any Post Horses carrying the Mail or Packquet; nor shall any Toll or Duty be demanded for the Horses of Soldiers passing, who are upon their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; nor for Horses, Carts, or Waggons, travelling with Vagrants sent with legal Passes; nor shall any of the said Tolls or Duties be demanded or taken of any Person residing in either of the Parishes of Glynd or Beddingham, being Parishes adjoining to each other, and in or near the said Road, going to, or returning from, either of the said Parishes, with empty Waggons, Carts, or other Carriages, or with Ploughs, Harrows, or other Implements of Husbandry to be repaired and amended, or with Horses, Mares, Geldings, or other Cattle, to be shoed, and to or from no other Parish or Place, nor for any other Purpose whatsoever; nor shall any Toll be demanded of, or taken for, any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Sussex, during the Time of such Election, or on the Day before or Day after such Election shall begin, or be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall forfeit the Sum of Twenty Shillings.

Penalty on making illegal Claims.

And

And be it further enacted by the Authority aforesaid, That the Right and Property of the Gate or Turnpike, and Toll-house, erected on the said Road by virtue of this Act, shall, during the Continuance of this Act, be vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and impowered to dispose thereof, and in their Names, or in the Name of any One or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers for the time being, to bring Actions against any Person or Persons who shall disturb them in the Enjoyment of the Property thereof, or to prefer and prosecute Bills of Indictment against any Person or Persons, who shall steal, take away, break down, or spoil such Gate or Turnpike, or Toll-house, or any of them, or any Part of them so to be erected as aforesaid. Property of the Turnpikes, &c. vested in the Trustees.

Provided always, and be it further enacted and declared by the Authority aforesaid, That all and every Person and Persons who by Law are obliged to do Statute-work, or are chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain chargeable, and do their respective Works, in such Manner, as he, she, or they, was or were obliged to do, or ought to have done, before the passing this Act; any thing herein before contained to the contrary thereof notwithstanding. Persons chargeable to the Repairs of the Highways, to continue so.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the time being for the several Parishes or Places through which the said Road doth lead, touching the Statute-work the Inhabitants of each Parish or Place ought to do on the said Road by this Act directed to be repaired; be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more Justices of the Peace for the County, Liberty, or Place, in which the said Road doth lie, and they are hereby impowered and required, 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 yearly, and every Year, be done in the Road aforesaid, by the Inhabitants of each of the Parishes or Places in which the said Road hereby directed to be amended doth lie. Inhabitants to do Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, during the Continuance of this Act, to compound and agree with the Inhabitants of any of the Parishes or Townships through which the said Road doth Trustees may compound with Parishes, &c. for Statute-work.

stead, and with any of the Possessors or Occupiers of Lands, Tenements, and Hereditaments, as are or shall be liable or chargeable towards the repairing any Part of the said Road, for a certain Sum of Money, or otherwise, by the Year, as the said Trustees, or any Nine or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by the Inhabitants of such Parishes, Townships, or Places, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, chargeable as aforesaid.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and they are hereby also impowered from time to time, as they shall think fit, to compound or agree for any Time not exceeding One Year, with any Person or Persons using to travel through the Turnpike to be erected by virtue of this Act, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, or other Beast of Burthen, for any Sum or Sums of Money, for or in lieu of Payment of any of the said Tolls or Duties, to be paid Quarterly, from time to time, after such Agreement shall be made; Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Compositions to be entered in a Book.

Composition-money how to be recovered.

And be it further enacted by the Authority aforesaid, That in case any such Composition-money agreed to be paid for passing through the said Turnpike or Gate to be erected by virtue of this Act Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, or Hamlet, wherein the Road to be amended by virtue of this Act doth lie, shall not be paid within Fifteen Days next after the same shall become payable, according to such Agreement or Composition; that then it shall and may be lawful for any One of the Justices aforesaid, by Warrant under his Hand and Seal, to impower the Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, and (Oath being first made that the same has been demanded and remains unpaid; which Oath the said Justice is hereby authorized and required to administer) to levy such Composition-money by Distress and Sale of the Goods of the Person or Persons so having compounded for passing through the Turnpike Toll-free, as aforesaid;

or of the Person or Persons who shall so compound for, or in respect of, the said Statute or Days Work; or of the Surveyors of the Highways, for the time being, of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any) after the Charges of such Distress and Sale thereout first deducted.

And, for preventing Differences which may arise between the said Trustees, and the Surveyors of the Highways for the several Parishes, Townships, or Places, through which the said Road doth lead, or the Inhabitants thereof, touching the Statute-work the Inhabitants of each Parish, Township, and Place, ought to do on the said Road by this Act directed to be repaired; be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more of the said Justices of the Peace, upon Application made to them by the said Trustees, or any Five or more of them, to summon the Surveyor or Surveyors of or for any Parish, Township, or Place, wherein the said Road doth lie; and in case no Surveyor shall be appointed for any Parish, Township, or Place, then to summon the Churchwardens or Overseers of the Poor of such Parish, Township, or Place, to bring, in Writing, before such Justices, upon Oath, within Fifteen Days after such Summons, the Names of the several Persons who, within each Parish, Township, or Place, respectively, are obliged by Law to do their Statute-work for that Year, with Teams and Draughts, or otherwise; and also the Number of Days Works which, with such Teams or Draughts, or otherwise, each Person ought to do on the said Road; out of which List the said Justices shall and may allot, appoint, and order, such and so many Persons to do their Statute-work on the said Road, as the said Justices shall think fit; which Statute-work shall be by such of the Persons as shall be appointed to do the same on such several Days, and at such several Times, and on such several 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, direct and appoint; and if any Person shall neglect or refuse to do such Statute-work so allotted, appointed, and ordered to be done as aforesaid, every such Person, for every Day he, she, or they, shall make Default, shall forfeit and pay the Sum of Ten Shillings for every Draught; and every Housholder and Person liable to do Statute-work, making Default, shall forfeit and pay the Sum of One Shilling and Six Pence for each Day's Default; and if any Person or Persons who shall come to work

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

work as a Labourer or Labourers, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person or Persons, who shall, in that Case, be subject and liable to the respective Forfeitures and Payments aforesaid, as if he, she, or they, had neglected or refused to come, or such Team or Draught had not been sent to work on such Road; all which said Forfeitures shall be recovered, levied, and disposed of, in such Manner as herein after is mentioned and declared; and in case the said Surveyors of the Highways for any of the Parishes, Townships, or Places, or the said Churchwardens or Overseers of the Poor, or any of them, shall refuse or neglect to give a List of the Names as aforesaid to such Justices, then each and every of such Surveyors, Churchwardens, and Overseers, so refusing or neglecting, shall, for every such Neglect or Refusal, being thereof lawfully convicted, upon Oath, before any One or more of the said Justice or Justices, forfeit and pay the Sum of Five Pounds.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

Surveyors paying the Composition-money, how to be reimbursed.

Provided always, and be it enacted by the Authority aforesaid, That if any Surveyor of the Highways of and for such Parish, Township, or Hamlet, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money; or in case the Composition-money shall be levied on him in the Manner herein before provided; all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as by Law Surveyors of the Highways of this Kingdom are to be reimbursed the Money by them expended in buying Materials for amending the said Highways.

Lands, &c. chargeable to the Highways to continue so.

Provided always, and be it hereby enacted and declared, That if it shall appear to the said Trustees, or any Nine or more of them, that any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable and chargeable towards repairing and amending the said Road, or any Part thereof, by this Act directed to be repaired, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Trustees, or any Nine or more of them, shall appoint to receive the Tolls

Tolls and Duties of the said Road granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Nine or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered, shall be applied, from time to time, for and towards amending the said Road, and to no other Use or Purpose whatsoever.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred (touching which no other Provision is herein made) shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hands and Seals of Two or more of the said Justices of the Peace; which Warrant or Warrants the said Justices are hereby impowered and required to issue, upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) to the Party or Parties (the Charges of such Distress and Sale being first deducted) shall go, be applied, and laid out (if not otherwise applied and disposed of by this Act) for and towards amending the said Road.

Persons aggrieved, &c. may appeal to the General or Quarter Sessions;

Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved by any thing done in pursuance of this Act, it shall and may be lawful for him, her, or them, to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held for the County, Liberty, or Place, wherein the Cause of Complaint shall arise, who are hereby authorized and required to take Cognizance, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, in a summary Way; and, if they see Cause, shall and may, by Order of such Session, mitigate, at their Discretion, all or any of the Penalties and Forfeitures laid on, or incurred by, the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs, as to them in their Discretion shall seem reasonable; and to levy by their Order or Warrant such Costs, so awarded, by Di-

strets and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distrels, to commit the Party to the Common Gaol for the said County of Sussex, for any Time not exceeding Three Months, or until Payment of such Tolls shall be made; but the Person or Persons so appealing as aforesaid, shall, and they are hereby respectively directed to give Notice in Writing to the Treasurer or Treasurers for the time being of the several Tolls and Duties granted by this Act, of such their Intention of bringing or prosecuting such Appeal Fourteen Days before the said Quarter Session, and shall within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace within the County, Liberty, or Place, where the Offence was committed, with sufficient Sureties, to try such Appeal at the Quarter Sessions of the Peace which shall be held next and immediately after bringing such Appeal respectively; and every such Appeal shall, at the then next General Quarter Sessions, be there heard, and finally determined.

Notice of Appeal to be given.

Proceedings not to be quash'd for want of Form,

Provided always, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had, touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any thing herein contained to the contrary notwithstanding.

nor removable by *Certiorari*.

Trustees, with Consent of the Creditors, may lessen the Tolls, &c.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered from time to time, it ease in shall appear requisite and expedient, to lessen or reduce the Tolls or Duties hereby granted and made payable; and such Tolls or Duties so lessened and reduced, or any of them, shall be collected, recovered, laid out, and applied, in the same Manner as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied.

Commencement and Continuance of this Act.

And it is hereby further enacted by the Authority aforesaid, That this Act, and all the Tolls and Duties hereby granted and made payable, and all other Powers hereby given, shall take Place, and have Commencement and Continuance, from and after the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: But if at any Time before the Expiration of the said Twenty

one Years, the said Road shall be sufficiently amended and repaired, and so adjudged by the said Justices of and for the said County of Sussex, at their General Quarter Sessions of the Peace, that then, and from and after such Adjudication made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, the aforesaid Tolls and Duties shall cease and determine on the said Road; any thing herein contained to the contrary notwithstanding.

If before the Expiration of the Term, the Road shall be sufficiently repaired, &c. Tolls to cease.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any of the Trustees appointed, or to be appointed, to put this Act in Execution, who is or shall be in the Commission of the Peace for the said County, Liberty, or Place, where the said Road doth lie, to act a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

Trustees, who are in the Commission of the Peace, may act as Justices.

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when and so often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for the surviving Trustees, or any Nine or more of them, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Continuance of this Act, to nominate, elect, and appoint, One or more fit Person or Persons, qualified as aforesaid, living in the said County of Sussex, in the Room or Place of such Trustee or Trustees so dying, removing, or refusing to act, and such Person or Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees; but Notice of the Time and Place of Meeting for the Election of all and every new Trustee or Trustees, shall be given in Writing under the Hand of the Clerk to the Trustees for the time being, to be fixed at or on the Gate or Turnpike which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election: And all and every such Person or Persons as shall, from time to time, be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he or they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act.

On Death or Removal of Trustees, others to be chosen.

10 Days Notice to be given of such Election.

And

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet together at the House of William Verral, the Sign of the White Hart, in the said Town of Lewes, on the Twenty first Day after the Day of the passing of this Act, and shall then adjourn, and shall afterwards meet at the Place aforesaid, or at any other Place or Places in or near the said Road so to be repaired, as the said Trustees, or any Five or more of them, shall think proper or convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk of the said Trustees, by Notice in Writing under his Hand, to be fixed on the said Turnpike Gate to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at some convenient House in or near the said Road, on that Day Three Weeks on which the said last Meeting of the said Trustees was appointed to be held; and that the Trustees, at their First Meeting, and all their subsequent Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to defray their own Expences.

No Trustee to accept of a Place or Profit arising from the Tolls.

Provided always, and be it further enacted and declared, That no Person appointed or to be appointed by this Act as a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place or Profit arising out of, or by reason of, any Toll or Duty by this Act laid or granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment of, such Place of Profit as aforesaid.

Roads to be measured, and Mile-stones erected.

Provided always, and it is hereby further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required, to cause the said Road to be measured, and Stones, Posts, or other Marks, to be thereon, or in or near the Sides thereof, erected, each Stone, Post, or Mark, at the Distance of One Mile each from the other, and on which shall be denoted the Distance of any One Town or Place from any other Town or Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily or maliciously break or pull up any of the Stones, Posts, or other Marks, or any Part thereof, which shall be erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the

Penalty on defacing Mile-stones, &c.

Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more of the said Justice or Justices of the Peace (which said Oath the said Justice or Justices of the Peace is and are hereby impowered and required to administer) every such Person so offending, and being thereof convicted as aforesaid, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone, Post, or Mark, so voluntarily and maliciously broken, pulled up, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices before whom such Conviction shall be made in pursuance thereof; the Fourth Part of such Forfeitures to be paid to and for the Use of the Informer, and the Residue to be applied in repairing the Stones, Posts, or Marks, so broken or defaced, or in supplying new Ones in their Stead, and if there shall be any Overplus thereof, the same shall be laid out in repairing the said Road; but in case no sufficient Distress can be found, whereby to levy the same, then it shall and may be lawful for any One or more of such Justice or Justices, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit the Person or Persons so offending to any House of Correction within the said County of Sussex, to be there kept to hard Labour for any Time not less than the Space of One Month, nor exceeding Three Months, or till he, she, or they, have fully paid the Money, which he, she, or they shall forfeit, or be liable to pay, on such Conviction as aforesaid.

to be levied by Distress and Sale.

For want of Distress the Offender to be committed.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls and Duties after their First Meeting, unless Notice for that Purpose be fixed in Writing under the Hand of the Clerk to such Trustees, upon the Turnpike Gate erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

Notice to be given of borrowing Money.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Oath, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in the Execution of any Power or Authority hereby vested in such Trustees, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

Assignments may be transferred, and the Manner of doing so.

And it is also further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Nine or more of them, as a Security for any Sum or Sums of Money, by any Person or Persons lent or advanced on the Credit and for the Purposes mentioned in this Act, who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any Nine or more of them, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Mortgage or Mortgages, Assignment and Assignments, made by the said Trustees, and for which the Clerk or Clerks, Treasurer or Treasurers, shall be paid Two Shillings, and no more; and after such Entry made, such Assignment shall intitle 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 the same again, and so toties quoties; and it shall not be in the Power of any Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Clerk's Fee.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees, or any Nine or more of them, upon Fifteen Days Notice to be given in Writing, under the Hand of the Clerk to the said Trustees, to be affixed on the said Turnpike or Tollgate, to be erected by virtue of this Act, from time to time, by Writing under their Hands and Seals, to demise, lease, and to farm let, the Tolls and Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, for the best

Price such Trustees can get, payable at such Times, and under such Covenants, as they the said Trustees, or any Nine or more of them, shall think fit, and to be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of as the Tolls or Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterward, and shall be laid and brought in the said County of Sussex, and not elsewhere: And the Defendant or Defendants in such Action or Suit to be brought, shall and may plead 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 so to be done, or that such Action or Suit shall be brought after the Time before limited for bringing the same, as aforesaid, or shall be brought in any other County, Place, or Places, than the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his Action, after the Defendant shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs; and have such Remedy for the same, as any Defendant or Defendants have or hath in any other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons, whatsoever, without specially pleading the same.

Publick Act.

FINIS.