Anno decimo

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair the Road from *New Chappell*, in the County of *Surry*, over *Copthorn*, in the County of *Suſſex*, through *Lindfield*, to the Town of *Ditchling*, up to the Top of *Ditchling Boſt Hills*, in the ſaid County of *Suſſex*.

WHEREAS the Road leading from the Halfmoon at New Chapple, in the County of Surry, over Copthorn, in the County of Suſſex, through Turner's Hill, over Hapſtead Green, and from thence acroſs Lywood Common, through the Town of Lindfield, and over another Common called Haywood's Heath, to the Town of Ditchling, up to the Top of Ditchling Boſt Hills, is become ſo ruinous, that, in the Winter Seaſon, ſome Parts thereof are impaſſable for Carriages, and very dangerous for Travellers on Horſeback: And whereas the ſaid Road cannot, by the ordinary Methods appointed by Law, be effectually amended, widened, and kept in Repair: 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, Preamble.

Trustees Names.

Commons, in this present Parliament assembled, and by the Authority of the same, That Thomas Afield, John Attree, Sir Richard Bettenson Baronet, Samuel Blurt, Thomas Burley, William Board, Timothy Burrell Clerk, Walter Batchellor, Peter Browne, Joseph Barham, Richard Burtenshaw, Thomas Burrell, John Brapple, John Browne, John Bulkeley, Sir Robert Clayton Baronet, John Cooke, James Clitherow, John Cave, Dennis Clarke Doctor of Laws, William Clifford, Turner Comber, Richard Clarke, Gibbs Crawfurd, Thomas Compton, Michael Chatfield, Henry Champion, John Cranston, Richard Dungate, John Dobson, James Evelyn, Thomas Fowle, John Fuller, Joseph Francombe, Sir John Gresham Baronet, Lewis Peake Garland, James Gatland, Richard Harcourt, Henry Humphrey, Francis Hankin, Thomas Harmer, John Hills, John Hamlin, John Hamshar, Edward Harraden, Philip Jenner, John Kemp, the Right Honourable George Lenox commonly called Lord George Lenox, James Lockart, Charles Langford, Sir John Major Baronet, Mathew Martin, John Mill, John Mill junior, Nathaniel Newnham, William Nicholas, William Newnham, John Nightingale, George Newnham, Thomas Holles Payne, John Pettit, William Powell, Stephen Sawyer, John Sayers, Michael Sergison, Bartholomew Smithers, Anthony Tanner, Chatfield Turner, William Uwins, Thomas Wakeham, Jasper Wheeler, John Wicking, Richard Wyatt, Richard Wyatt junior, Francis Warden, Thomas Whiteman, Thomas Wood, and Charles Weston, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair the said Roads, 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 Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, upon or cross any Part or Parts of the said Road, or on the Side thereof, and also a Toll-house or Toll-houses upon the same; and shall demand, receive, and take the Tolls and Duties following at every such Gate or Turnpike, before any Horse, Mare, Gelding, Mule, Ass, or other Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through any such Gate or Turnpike; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take 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 Sixpence (except as herein after is excepted).

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 less 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 less 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 hereby 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 is herein after mentioned and directed: And it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, under their 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 made thereof, neglect or refuse to pay the same, by Distress of any Horse or Horses, or any other Cattle, Goods, or Chattels 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, 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.

Tolls vested in the Trustees.

Application of the Tolls.

Tolls may be levied by Distress.

Distress may be sold after 4 Days.

Provided nevertheless, and be it hereby declared, That if any Person or Persons shall have paid any of the Tolls hereby granted at any Turnpike which shall be erected within the Parish of Worth, such Person or Persons, upon producing a Note or Ticket, denoting that such Toll hath been paid on that Day, shall be permitted

Tolls to be paid but at Two of the Gates.

to pass Toll-free the same 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 Carriages for which such Toll hath been paid, through any Turnpike or Turnpikes which shall be erected on the said Road, or on the Side thereof, between the said Parish of Worth and the said Parish of Ditchling; and so in like Manner, if any Person or Persons shall have paid any of the Tolls hereby granted at any Turnpike which shall be erected within the said Parish of Ditchling, such Person or Persons, upon producing a Note or Ticket, denoting that such Toll hath been paid on that Day, shall be permitted to pass Toll-free the same Day, to be computed as aforesaid, with the same Cattle or Carriages for which such Toll hath been paid as aforesaid, through any Turnpike or Turnpikes which shall be erected on the said Road, or on the Sides thereof, between the said Parish of Ditchling and the said Parish of Worth; all which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of such Tolls; and that no Person whomsoever shall be obliged to pay the Toll at more than Two of the said Gates or Turnpikes for travelling the whole Extent of the said Road.

Qualification of Trustees.

Provided always, and be it further enacted, 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, Tenements, or Hereditaments, Freehold, Leasehold, or Copyhold, of the yearly Value of Fifty Pounds to his own Use above Reprizes, or shall be Heir apparent to some Person or Persons having an Estate of the yearly Value of One hundred Pounds, or possessed of or entitled to personal Estate 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 and Persons, for every such Offence or 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed,

Penalty on acting, if unqualified.

And,

And, for preventing any Disputes which may arise touching the Payment of any Tolls or Duties hereby granted, it is hereby further enacted and declared, That during the Continuance of this Act no Tolls shall be demanded or taken by virtue of this Act for Coaches, Berlins, Landaus, Chariots, Chaises, Hearses, Calashes, Chairs, Caravans, or Passengers on Horseback, on the Day or Days on which there shall be an Election of a Knight or Knights of the Shire for the said County of Sussex; any Thing herein before contained to the contrary notwithstanding. No Toll on Election Days.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, out of the First Money arising by the Tolls and Duties which shall be collected at the Turnpike or Turnpikes 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 Turnpikes and Toll-houses on the same Road as they shall think fit; and then, and from thenceforth, the Money arising by the Tolls or Duties which shall be collected at any Turnpike or Turnpikes as shall then or afterwards be erected upon, or on the Side of, or cross the said Road, shall be laid out and applied for and towards the repairing, opening, and widening the said Road only, and in defraying other necessary Charges attending such Repairs, and to no other Use or Purpose whatsoever. Expences of this Act, &c. to be first paid.

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 avoid 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, Hearse, Calash, Chair, Waggon, Wain, Cart, or other Carriage, or owning or driving any Horse, Mare, Gelding, 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 upon the said Road any Coach, Landau, Berlin, Chariot, Chaise, Hearse, Calash, Penalty on permitting, or going through, private Passage, &c.

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 One or more Justice or Justices of the Peace for the said County of Sussex, (which Oath the said Justice and 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 is not forthwith paid, shall be levied by Distress and Sale of the Offenders 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 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.

Penalties may be levied by Distress.

Application of Penalties.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, present at the First or any succeeding Meeting, by any Writings 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 is 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 in Execution; and the said Trustees, or any Seven or more of them, shall and may take such Security for the due Execution of their Offices of Treasurer, Receiver, Clerk, Surveyor, or other Officer, as the said Trustees, or any Seven or more of them shall approve of; and, from Time to Time, to remove such Treasurers, Receivers, Collectors, Surveyors, Clerks, or other Officers aforesaid, as they the said Trustees, or any Seven or more of them, shall see Occasion, and appoint other or new Officers in case of the Death or Removal of any of the Officers as aforesaid;

Trustees may appoint Officers.

Officers to give Security.

On Death, &c. of Officers others to be chosen.

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 or 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 Seven 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 Justices of the Peace (and which Oath the said Trustees, Justice or Justices as are hereby impowered to administer without Fee or Reward) 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, authorise to receive the same, and shall be disbursed and laid out in amending the said Road, according to the true Intent and Meaning of this Act, and not otherwise: And the Trustees, or any Seven 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, or other Officers of the said Road, by the said Trustees, or any Seven 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 thereunto, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And in case the said respective Receivers, Collectors, or other Persons aforesaid, or any of them, shall refuse or neglect to give and make such Account and Payment; then, upon Complaint of any Three or more of the said Trustees to One or more such Justice or Justices of the Peace as aforesaid, who is

Officers to account upon Oath.

Application of the Monies.

Trustees to allow Officers Salaries.

and are hereby impowered and required to cause the said Collectors and other Persons aforesaid, or any of them, to appear or be brought before him or them, by Warrant or Summons under his or their Hand and Seal or Hands and Seals, and shall make Enquiry 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 Eight Days next after such Account shall be given in, that then and in any such Case it shall and may be lawful for any One or more of the said Justices to commit the Offender or Offenders to the Goal for the County, Division, Liberty, Town, or Place to which such Justice shall belong, until he or they shall have given, made, or delivered a true, exact, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with such Trustees, or any Three 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 Three or more of them, at any Meeting assembled, are hereby authorised and impowered to make and receive.

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

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, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, Chalk, or other Materials, 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, doth lie, proper and convenient for repairing and amending the said Road; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, Chalk, 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

without paying for the same;

filling up the Pits;

Holes and Pits as shall be occasioned by the 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, and carry the same out of the private 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 judge 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 or 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 or Quarter-sessions to be holden in and for the said Counties, Division, 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.

or from Private Grounds, making Satisfaction to the Owners.

Justices may determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors of the said Road, and such Person and Persons as he or they shall appoint, by Direction of the Trustees, or any Three 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

Surveyors may remove Annoyances, &c.

Drains

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 Road, and to cut down, lop, or top any Trees or Bushes or Underwoods growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premises respectively neglect to remove such Annoyances, or to cut, fell, or take away such Trees, Loppings, Boughs, Bushes, or Underwoods for the Space of Eight 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 Three or more of them; the Charges whereof shall be re-imbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down, lop, or top 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 the Treasurer or Treasurers for the Time being, the Sum of Twenty Shillings.

Surveyors may make Causeways, &c.

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 and 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 cut and make Drains through any Grounds lying contiguous to the said Road, and to make or erect Arches or Bridges of Brick, Timber, or Stone upon the said Road; 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 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 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

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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 all Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Parts of the Road are 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 or Quarter Sessions to be holden for the County, Division, Liberty, Town or Place wherein such Ground so laid into the said Road, or any Part of such Ground shall lie, or through which 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 Roads shall be made, or the major Part of such Justices present at such General or Quarter Sessions, to hear, settle, adjudge, and finally determine the same.

Surveyors may make a temporary Road.

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 Fourteen 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 Charges of scouring,

Penalty on neglecting to cleanse Watercourses, &c.

Charges may be levied by Diſtreſs.

cleanſing, and deepening ſuch Ditches; then, upon Proof made of ſuch Work being done, and ſuch Demand being made by the Oath of One Witneſs before any Juſtice of the Peace for the County, Diviſion, Liberty, or Place, where ſuch Perſon and Perſons reſpectively live, ſuch Juſtice may and ſhall, by Warrant or 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 Chattels, rendering the Overplus (if any) after the 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 Seven 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, for a Security for any Sum or Sums of Money to be borrowed by the ſaid Truſtees, to any 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 for the ſame as ſhall be agreed for, not exceeding Five Pounds per Centum per Annum; 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.

Copies of Aſſignments to be entered in a Book.

And it is hereby further enacted by the Authority aforeſaid, That all and every Mortgage or Mortgages, Aſſignment or Aſſignments, ſo to be made by the ſaid Truſtees, ſhall be copied and entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer of the ſaid Road; which ſaid Book or Books ſhall and may be

be seen and perused at all seasonable Times by any Person or Persons whatsoever, without Fee or Reward.

Tolls to be paid but Once a Day for Horses, &c.

Provided always, and it is hereby enacted by the Authority aforesaid, That no Person or Persons having paid the Tolls or Duties hereby directed to be paid at any of the said Gates or Turnpikes erected by virtue of this Act, through which such Person or Persons shall pass with any Horse, Mare, Gelding, Mule, or Ass, or any Cattle, and producing a Note or Ticket that such Toll was paid (which Note or Ticket the Collector and Collectors is and are hereby required, upon Demand, to give) shall be liable to pay the same for returning through the same Gate or Turnpike the same Day, or before Twelve of the Clock at Night, with the same Horse, Mare, Gelding, Mule, or Ass, or other Cattle; but if any Person or Persons shall pass the same Day through the said Turnpike a Third Time with any Carriage whatsoever, then such Person or Persons shall be liable and compellable to pay the said Toll or Duty hereby imposed, and to receive another Note or Ticket (which the Collector or Collectors is and are hereby required to deliver as aforesaid) which shall entitle him to return through the same Gate with the same Carriage upon the same Day Toll-free; and so toties quoties for every Time the same Carriage shall pass and repass through the same Turnpike as aforesaid.

Tolls to be paid for passing through a Third Time with Carriages.

Tolls to be paid by Carriages loaden with Chalk, &c. between 1 *Nov.* and 1 *April.*

Provided always, and be it hereby enacted by the Authority aforesaid, That all and every Carriage or Carriages laden with Chalk, Timber, Guns, Mine Dye, Brick, Tiles, Sand, Stone, or Flint, passing through any Turnpikes to be erected by virtue of this Act, between the First Day of November and the First Day of April in every Year during the Continuance of this Act, shall pay Two Shillings for each Time such Carriage shall pass through any such Gate or Turnpike so loaden as aforesaid; any Thing in this Act contained to the contrary notwithstanding.

Penalty on Persons disposing of Tickets, &c. to avoid paying the Tolls.

And, for the better 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 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 such Justice or Justices as aforesaid (which Oath the said Justice and Justices are

and

and is hereby impowered and required to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, to be recovered in such Manner as 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 widen the Roads.

And be it further enacted by the Authority aforesaid, That in case the Trustees for putting this Act in Execution, or any Seven 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 of 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 Seven or more of them, and they are hereby authorised and impowered, from Time to Time, to treat, contract, and agree for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous to, or near the said Road; and for the Loss or Damage the Owners, Proprietors, or Occupiers thereof, or any of them, shall any wise 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 Seven 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 Seven 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 Seven or more of them, shall think convenient, and shall by them, or any such Person as they, or any Seven 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, ditched, and fenced out, the same shall be to all Intents and Purposes whatsoever become and be, and they shall be deemed and taken to be a publick and common Highway, and shall be amended and kept in Repair in such Manner as other Highways are amended and kept in Repair by Law; and after such Purchase shall be made as aforesaid,

aforesaid, such Lands and Grounds comprized in and constituting the former Road, in lieu whereof such Land or Ground for such new Way or Road shall be purchased as aforesaid, shall be vested in, and shall and may be sold or disposed of by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to become 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 or Grounds comprized in the said old Road, being executed by the said Trustees or any Seven or more of them, and inrolled with the Clerk of the Peace for the County, Division, 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, or Collegiate, Feoffees in Trust, or others, are seised and possessed of Lands, Grounds, Tenements, and 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 all 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 Seven 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 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 other Matter or Thing to the contrary

Bodies Politick, &c. impowered to treat for the Sale of Lands, &c.

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 indemnified for what they do by virtue or in pursuance of this Act.

Persons neglecting to treat,

And it hereby further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Husbands, Guardians, Trustees, Committees, or 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, or Hereditaments so to be taken in and added to the said Road as aforesaid, or into which such Road, Path, or Way shall be 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 Premises, or by reason of Absence shall be prevented from treating; then and in every such Case the said Trustees, or any Seven or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all 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 the said Road; and in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required, from Time to Time, to summon and call before them all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises; 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 cause the said Jury to view the said Places in Question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises,

Jury to settle the Damage and Recompence.

Witnesses may be examined upon Oath.

as the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees, or any Seven 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 or 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 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 wise 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 Seven 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 Seven 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 Seven 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 or summoned to attend that Service, to the Number of Twelve.

Verdict of the Jury, and Order made thereon, to be conclusive, and binding to all Persons.

Trustees to issue their Warrant to the Sheriff for impanelling a Jury.

Provided always, and it is hereby declared and enacted, That all Persons concerned shall, from Time to Time,

Jurors may be challenged.

Time, and at all Times, have their lawful Challenge against any of the Jurymen to be summoned in pursuance of this Act, in such and in 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, entitled to; and the said Trustees, or any Seven or more of them, are hereby impowered, from Time to Time, to impose any reasonable Fine on such Sheriff, his Deputies or Bailiffs respectively who shall make Default in the Premises, as also on any of the Persons who shall be so 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, having been sworn, shall refuse, or not give his or their Verdict on the Matter in Question, or the Damages he or they shall be sworn to try or enquire of, or in any other Matter wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence or Testimony before the said Jury touching the Premises, shall refuse to be examined, or give Evidence or Testimony touching the same.

Penalty on Sheriff, &c. making Default.

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

Fine not to exceed 10 l.

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 any of the Turnpikes 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 amending any of the Highways in any of the Parishes or Townships in which the Road by this Act directed to be repaired doth lie, or in any of the neighbouring Parishes, or going or returning through any of the said Turnpikes for or with any Lime, Dung, Mould, or Compost for manuring of Lands or Gardens; nor shall any Toll or Duty be taken or demanded by virtue of this Act for any Carts, Wains, Waggons, or other Carriages, carrying any Corn in the Straw, Hops undried, Hay or Straw to be laid up in any Houses, Outhouses, Barns, or Yards, unless such Hay or Straw shall be for Sale or belonging to the respective Inhabitants of the several Parishes, Townships, or Places,

Exemptions from Toll.

in

in which the said Road hereby intended to be repaired doth lie; nor for any Ploughs, Harrows, or other Implements 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 Parish in which the said Road hereby directed to be repaired doth lie, who shall pass through the said Turnpikes or Crossgates to or from Church, Chapel, or other Place of religious Worship on Sundays, or for any Horses, Geldings, Mares, or Cattle going or returning from Ploughing, Pasture, or Watering-places of any of the neighbouring Inhabitants near the said Road; nor for any Post-Horses carrying the Mail or Packet; 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; any Thing herein contained to the contrary notwithstanding.

Property of Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every Gates, Turnpikes, and Toll-houses erected on, within, or on the Sides of 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 Seven or more of them, are hereby authorised and impowered to dispose thereof; and in their Names, or in the Names of any Three 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 Gates, Turnpikes, or Toll-houses, or any of them, or any Part of them, so to be erected as aforesaid.

Penalty on disturbing them in the Possession thereof.

Persons liable to do Statute-work, to continue so.

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 Days Work, 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.

Justices to apportion Statute-work.

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 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 County, Division, Liberty, or Place respectively, and they are hereby required and impowered, upon Application made to them by the said Trustees, or any Three or more of them, yearly to adjudge and determine what Part or Proportion of the Statute-work shall every Year be done in the Road aforesaid, by the Inhabitants of each and every of the Parishes in which the said Road hereby directed to be amended doth lie, and how and in what Manner Bridges, Drains, Sewers, and other Parts of the said Road shall from Time to Time be repaired by the Person or Persons in any Manner chargeable therewith.

Trustees may compound for Statute-work with Inhabitants,

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five 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 lead, and with any of the Possessors or Occupiers of Lands, Tenements, or Hereditaments, or such other Persons as are or shall be liable or chargeable towards repairing of any Part of the said Road, for a certain Sum of Money, or otherwise by the Year, as the said Trustees, or any Five 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, or other Persons chargeable as aforesaid.

and with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and they are hereby 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 or Turnpikes to be erected by virtue of this Act, with any Coach,

Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, or other Beast of Burden, for any Sum or Sums of Money for or in lieu of Payment of any of the said Tolls or Duties, to be paid from Time to Time after such Agreements 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.

Agreements to be entered in a Book.

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 Turnpikes or Gates to be erected by virtue of this Act Toll-free, or in lieu of the 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 Fourteen Days next after the same shall become payable, according to such Agreement or Composition; that then it shall and may be lawful for any Two of the Justices aforesaid, by Warrant under their Hands and Seals, to impower the Persons authorised by the said Trustees, or any Five or more of them, to receive such Composition-money, on Oath being first made that the same has been demanded and remains unpaid (which Oath the said Justices are hereby authorised 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 any of the Turnpikes 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, or such other Person or Persons charged as aforesaid, 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.

Composition money may be levied by Distress.

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, or Place ought to do on the said Road by this Act directed to be repaired;

paired; 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 Three or more of them, to summon the Surveyor or Surveyors of and for any Parish, Townthip, or Place, wherein the said Road doth lie, and in case no Surveyor shall be appointed for any Parish, Townthip or Place, then to summon the Churchwardens or Overseers of the Poor of the said Parish, Townthip, or Place to bring in Writing before such Justices upon Oath, within Ten Days after such Summons, the Names of the several Persons who within each Parish, Townthip, 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 Work which with such Teams or Draughts or otherwise each Person ought to do on the said Road; out of which Lists 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 in such Part 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, 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 Householder and Person liable to do Statute-work, making Default, shall forfeit and pay the Sum of One Shilling and Sixpence for every Day's Default, instead of such Penalty or Penalties as he, she, or they is and are now respectively by Law subject to for neglecting to do their Statute-work; and if any Person or Persons who shall come to 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

Parish Surveyors, &c. to give in Lists of Persons liable to do Statute-work.

Penalty on Persons not performing their Statute-work.

Labourers found idle, to be turned off.

covered, levied, and disposed of in such Manner as is herein after 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 such Surveyors, Churchwardens, and Overseers so refusing or neglecting, shall for every such Neglect or Refusal, being thereof lawfully convicted upon Oath before One or more of the said Justices, forfeit and pay the Sum of Five Pounds.

Penalty on Surveyors not delivering in Lists of Persons liable to do Statute-work.

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, in the same 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.

Composition-money to be reimburted to Surveyors.

Provided always, and be it hereby enacted and declared, That if it shall appear to the said Trustees, or any Seven or more of them, that any Lands, Tenements, and Hereditaments, or any Rent or Rents issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be liable and chargeable towards amending and repairing 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 Seven or more them, shall appoint to receive the 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 Seven 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 and Persons as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered, shall be applied,

Lands, &c. chargeable with the Repairs of the Highways, to continue so.

Application of Monies.

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 Chattels, 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 are hereby impowered and required to administer without Fee or Reward); and the Penalties and Forfeitures when recovered (rendering the Overplus, if any, to the Party or Parties, the Charges of such Distress and Sale being first deducted) shall go and be applied and laid out, if not otherwise applied and disposed of by this Act, for and towards amending the said Road.

Persons aggrieved may appeal to the 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 said County, who are hereby authorised and impowered 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 laid on or incurred by the Party or Parties complaining, or vacate or set aside the Convictions, and discharge the Parties, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and to levy by their Warrant such Costs so awarded by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress, to commit the Party to the common Gaol of the said County of Sussex, for any Time not exceeding Three Months, or until Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid shall, and

giving Notice,

they are hereby respectively directed to give Notice in Writing to the Treasurer or Treasurers for the Time being

being of the several Tolls and Duties granted by this Act, of such their Intention of bringing and prosecuting such Appeal Fourteen Days before the said Quarter Sessions; and shall, within Five Days after such Notice given, enter into a Recognizance before some such Justice of the Peace for the said County, 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 next General Quarter Sessions be there heard and finally determined.

and entering into Recognizance.

Justices to determine finally.

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 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.

Proceedings not to be quashed for want of Form;

nor removable by *Certiorari*.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorised and impowered, from Time to Time, in case it shall appear requisite and expedient, to lessen or reduce, and again to raise and advance the Tolls or Duties hereby granted and made payable, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit, so as the respective Tolls be never lessened until all the Money borrowed on the Credit thereof be repaid, unless all Persons to whom such Money is due shall consent thereto; and such Tolls and Duties so varied, 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.

Trustees, with Consent of Creditors, may lessen the Tolls,

and raise them again.

Application of the Tolls.

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 shall have Commencement and Continuance, from and after the Passing of this Act, 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 Term of Twenty-one Years, the said Road shall be sufficiently amended and repaired, and so adjudged

Recited Act further continued.

When Road adjudged sufficiently repaired, &c. Tolls to cease.

judged by the said Trustees for the Time being, or the major Part of them; 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, and 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 be no longer on the said Road; any Thing herein contained to the contrary notwithstanding.

Justices to act, though Trustees.

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 County, Division, Liberty, or Place where the said Road doth lie, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as shall or may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

On Death, &c. of Trustees, others to be chosen.

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 as 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 Seven or more of them, by 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 Counties of Surry or 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 on all and every Turnpike or Turnpikes 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 and 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 and they are hereby authorised 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.

Notice to be given for the Election of Trustees.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet together at the Sign of the White Lion, in the Town of Lindfield, on that Day Fortnight after the Day that this Act shall receive the Royal Assent, and shall then adjourn; and shall meet at the Place aforesaid, or at any other Place or Places in or near the said Road, 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 all such Turnpike Gates 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 at all their subsequent Meetings, shall defray their Charges and Expences.

First Meeting of Trustees.

Notice to be given of future Meetings.

Trustees to defray their own Expences.

Provided always, and be it further enacted and declared, That no Person appointed or to be appointed as a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of 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 Time of Enjoyment, of such Place of Profit as aforesaid.

No Trustee to accept of any Place of Profit arising from the Toll.

Provided always, and it is hereby further enacted, That the 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 to be 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

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

thereof by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more of the ſaid Juſtices of the Peace (which Oath the ſaid Juſtice or Juſtices are and is 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 Chattels of 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 hereof; the Fourth Part of ſuch Forty Shillings 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 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 under their Hands and Seals, or Hand and Seal, to commit the Perſon or Perſons ſo offending to any Houſe of Correction within the ſaid County, Diviſion, Liberty, or Place, there to be kept to hard Labour, for any Time not leſs than One Month, nor exceeding Three Months, or until 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.

Penalties may be levied by Diſtreſs.

For want of Diſtreſs, 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 or Duties, after their Firſt Meeting, unleſs Notice for that Purpoſe be fixed in Writing, under the Hand of the Clerk to ſuch Truſtees, upon all the Turnpike-gates 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, 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.

And

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 Seven 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 Hand and Seal, or 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 or notified to the Clerk or Clerks, Treasurer or Treasurers appointed, or to be appointed, by the said Trustees, or any Five 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 Sums 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.

Assignments may be transferred.

Assignments to be entered in a Book.

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees, or any Five or more of them, upon Fourteen Days Notice to be given in Writing, under the Hand of the Clerk to the said Trustees, to be affixed on all the Turnpikes or Toll-gates 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

Trustees may lease the Tolls.

Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons, from Time to Time, for any Space not exceeding the Term of One whole Year, for the best Price such Trustees can get, payable at such Times, and under such Covenants, as they the said Trustees, or any Five or more of them, shall think fit, and to be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five 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.

Limitation of Actions.

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 done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards, 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 Authority of this present 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, that then 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, her, or their Action or Actions, after the Defendant or Defendants 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.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.