Anno ſexto

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Twenty fifth Year of King *George* the Second, for repairing the Roads from the North End of *Malling-Street*, near the Town of *Lewes*, and other Roads in the County of *Suſſex*; and for amending the Road from the *Broil Park Gate*, to the Weſt End of the Turnpike Road leading from the Turnpike Road on *Hurſt-Green*, through the Pariſhes of *Etchingham* and *Burwaſh*; and from the ſaid *Broil Park Gate* to the Town of *Battell*, in the ſaid County.

Preamble, reciting the Acts 25 *Geo.* II.



WHEREAS an Act was made in the Twenty fifth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for repairing the Roads from the North End of *Malling Street*, near the Town of *Lewes*, to *Witch Croſs*; and from the North End of *Malling Street* aforeſaid, to the *Broil Park Gate*; and from *Offham* to *Witch Croſs* aforeſaid, all lying within the County of *Suſſex*; And whereas the Monies which have ariſen by virtue of the ſaid Act, have been duly applied in amending the ſaid Roads, but the ſame cannot be kept in ſufficient Repair, unleſs the Term and Powers of the ſaid Act be further continued and enlarged: And whereas the Roads leading from the Broil Park Gate, where the Turnpike Road from the North End of Malling Street aforeſaid ends, croſs the Broil to the Nurſery, in the Pariſh of Eaſt Hothly; and from thence to and croſs Eaſton's Green, to the Black Boy Green, in the Pariſh of Framfield; and from thence by Croſs in Hand, in the Pariſh of Waldron, and the Sign of the Half Moon, in the Pariſh of Heathfield, to the Weſt End of the Turnpike Road leading from the Turnpike Road on Hurſt Green, through the Pariſhes of Etchingham and Burwaſh, in the ſaid County; and alſo from the ſaid Broil Park Gate, where the ſaid Turnpike Road ends, over the Broil Park, to and through Laughton Lane, to Horſebridge Turnpike Road on the Dicker; and from thence by the Blackſmith's Shop up Horſebridge Street, to and through Gardiner's Street, Boreham Street, Standard Hill, Nenfield Green, and Catsfield Green, to the Town of Battell, in the ſeveral Pariſhes of Ringmer, Laughton, Chiddingly, Hellingly, Haylſham, Herſtmonceux, Wartling, Nenfield, Catsfield, and Battell, in the ſaid County of Suſſex, are become very ruinous, and in the Winter Seaſon ſo bad that Carriages cannot paſs through the ſame without

out great Danger; and the said Roads cannot be effectually amended, widened, and kept in Repair by the ordinary Course of Law: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, made in the Twenty fifth Year of the Reign of His said late Majesty, and all and every the Clauses, Powers, Penalties, Forfeitures, Provisoes, Exemptions, Matters, and Things whatsoever therein contained, other than and except such as are hereby altered or varied, shall be, and the same are hereby further continued from the Expiration thereof; and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His said late Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the public Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*; for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and shall, from and after the passing of this present Act, extend to, and be executed, as well for the Intents and Purposes in the said former Act mentioned, as for amending, widening, and keeping in Repair, the said additional Roads herein before-mentioned and described; and to and for all and every the Ends, Intents, Purposes, and Directions of this present Act, in as full and ample Manner as if the same were herein again repeated and re-enacted.

The recited Act further continued for 21 Years.

And be it further enacted by the Authority aforesaid, That William Ashburnham, John Apsley, the Reverend Robert Andrews, Thomas Arkcoll, the Reverend Robert Austen, Walter Augur, Sir John Bridger Knight, Richard Beard Streatfield, John Bridger the elder, Peter Burrell, Doctor William Burrell, John Bromfield, Daniel Beard, William Boys of Ashcomb, Sackville Bale,

Trustees Names.

William Board, William Blackman, Henry Blunt, John Barham Doctor of Phyſick, the Reverend Thomas Barton, the Reverend Timothy Burrell, John Butler, the Reverend Sackville Spencer Bale, the Reverend Michael Baynes of Fletching, Joſias Bonwick, the Reverend Edward Bland, Samuel Baker, George Courthop ſenior, George Courthop junior, Thomas Chowne, Joſeph Calverley, William Campion, Henry Campion, the Reverend William Clarke, the Reverend Charles Colcoll, Crouch, Edward Collins, the Reverend John Courtail, John Conſtable, the Reverend Roger Chalice, Sir John Dixon Dyke Baronet, the Reverend Thomas Davis of Glynd, the Reverend Delves of Waldron, Samuel Durrant, James Dalrymple, William Day, William Durrant of Frantfield, Samuel Daſh, Richard Dungate, Thomas Evereſt, Roſe Fuller, John Fuller of Park Gate, Thomas Peckham Fowle of Rotherfield, John Mears Fagge, John Fuller of Heathfield, Thomas Fuller, Stephen Fuller, John Fuller junior, of Chalvington; Edward Frewen Doctor of Phyſick, the Right Honourable Lord Viſcount Gage in the Kingdom of Ireland, the Honourable Thomas Gage, James Garland, William Green of Lewes, Nicholas Gilbert, Nicholas Gilbert junior, Charles Gilbert, Edward Hawes, Thomas Hay, Henry Humphery, Lancelot Hariſon, Francis Hamlin, the Reverend John Hubberſty, the Reverend Odiarne Hooper, the Reverend Thomas Hooper, Hammond of Lewes, the Reverend William Hayley, Richard Harcourt, the Reverend Henry Harcourt, Thomas Jackſon, the Reverend Doctor Luſhington, the Reverend Daniel Lepla, the Reverend George Lewis, William Kempe, George Medley, John Madgwick, James Markwick, William Markwick, John Marten, Edmund Milward, Henry Montague, the Reverend Robert Margeriſon, William Michell, the Reverend Henry Michell, James Michell, Henry Manning ſenior, Gerard Maſon, Henry Manning junior, Francis Hare Naylor, Arnold Neſbit, Nathaniel Newnham, William Newton, the Reverend George Newton, John Newnham of Maresfield, the Reverend William North, William Nutt, Anthony Nott,

Thomas Newnham, John Nicoll, George Lewis Newnham, the Reverend Thomas Nairn, Thomas Noakes, the Right Honourable Thomas Pelham of Stanmer, John Pelham of Lewes, Henry Pelham of Lewes, Sir Henry Poole Baronet, Ferdinando Poole, William Poole of Hook, the Reverend Thomas Pardoe, the Reverend Thomas Porter, William Peckham of Frantfield, Robert Plumer, John Purseglove, William Pearce, John Pratt, the Reverend William Preston, the Reverend Richard Russell, Richard Rideout, the Reverend John Rideout, Robert Randoll, William Rosam, John Ridge, Milward Rowe, the Right Honourable George Sackville, commonly called Lord George Sackville; Sir Robert Smith Baronet, Thomas Sergison, Luke Spence, Henry Shelley, Elfred Staples, Richard Shadwell, William Shadwell, Robert Stone of Frantfield, Stone Apothecary, Nicholas Stone, Richard Sampson, John Snashall, Robert Streatfield of Burwash, John Snepp, Smith of Waldron, Richard Tidy, Thomas Tourle, the Reverend Doctor William Tatton, the Reverend Luke Trevigar, George Venables Vernon, Sir Thomas Spencer Wilson Baronet, Sir Whistler Webster, Baronet, Godfrey Webster, the Right Honourable Lord Cantaloupe, the Honourable George West, John Warden, Michael Warden, Francis Warden, Thomas Western, John Wenham, Thomas Willard, John Winton, John Whitfield, Wood of Waldron, and the Reverend Francis Woodgate, shall be, and they and their Successors to be elected, and being qualified in Manner directed by the said former Act, are hereby appointed Trustees for surveying, ordering, widening, repairing, and keeping in Repair, the said additional Roads, and for putting in Execution all other the Powers hereby and by the said former Act given.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, 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 Two Gates or Turnpikes upon, in, or across, the said additional Road leading from the said Broil Park Gate, to the West End of the Turnpike Road leading from the

the Turnpike Road on Hurst Green, through the said Parishes of Etchingham and Burwash; that is to say, One between the said Broil Park Gate and Stone Bridge, and One between Stone Bridge and the East End of the said intended Turnpike Road, and no more; and may also erect, or cause to be erected or provided, a Toll-house, at or near each Turnpike, and, from time to time, to remove or alter the said Turnpikes or Toll-houses, or any of them, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them, shall appoint for that Purpose, before any Cattle or Carriage whatsoever (except as in the said former Act is excepted) shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

Tolls for the First District.

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse, or Chair, drawn upon Four Wheels, the Sum of One Shilling.

For every Chaise, Hearse, or Chair, drawn upon Two Wheels, the Sum of Six Pence.

For every Waggon, Wain, or other Carriage, drawn upon Four Wheels, the Sum of Four Pence.

For every Cart, or other Carriage, drawn upon Two Wheels, the Sum of Three Pence.

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

For every Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Halfpenny.

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.

And 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.

And also One or more Turnpike or Turnpikes, Toll-house or Toll-houses, upon, in, or across, any Part

or

or Parts of the said additional Roads leading from the said Broil Park Gate to the Town of Battell; and, from time to time, to remove or alter the said Turnpikes or Toll-houses, or any of them, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and the Tolls following shall be demanded and taken at every such Turnpike or Turnpikes, Toll-house or Toll-houses, by such Person or Persons as the said Trustees, or any Five or more of them, shall appoint for that Purpose, before any Cattle or Carriage whatsoever (except as in the said former Act is excepted) shall be permitted to pass through the same; that is to say,

Tolls for the Second District.

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

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.

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.

And 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.

And the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall have the same Powers, Authorities, and Remedies, for demanding, collecting, recovering, and levying, the Tolls hereby made payable, as are in and by the said recited Act given and prescribed, for demanding, collecting, recovering, and levying, the Tolls thereby granted and made payable.

Proviso.

Provided always, That if the said intended Turnpike Road from the Broil Park Gate to the Town of

Battell, shall lead to the North End of the said Town, then, and in such Case, no Gate or Gates, Turnpike or Turnpikes, shall be set up or erected within half a Mile of the Road leading from the Parish of Brightling, in the said County, to the said Town of Battell.

Tolls to be paid but Once a Day.

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 ever so often 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 intitle 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 Person or Persons shall pass and repass through the same Gate or Turnpike on any of the said Roads, with the same Carriage as aforesaid.

Exception.

Tolls to be paid by Carriages with Chalk or Timber, between the First of *November* and the First of *May*.

Provided always, and be it hereby enacted by the Authority aforesaid, That all and every Carriage or Carriages, loaden with Chalk or Timber, passing through any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the First Day of November and the First Day of May, in every Year, during the Continuance of this Act, shall pay Double the Tolls hereby imposed upon such Carriage or Carriages,

Carriages, for each Time such Carriage shall pass through any such Gate or Turnpike, so loaden with Chalk or Timber as aforesaid; any thing in this Act contained to the contrary notwithstanding.

Separate Accounts to be kept of the Tolls.

And be it further enacted by the Authority aforesaid, That a separate Account shall be kept of the Tolls to be collected on the said additional Road, leading from the said Broil Park Gate to the West End of the Turnpike Road leading from the Turnpike Road on Hurst Green, through the said Parishes of Etchingham and Burwash, and of the Money to be borrowed on the Credit thereof; which said Tolls and Money borrowed shall be paid and applied to the repairing and amending the said additional Road only, and for executing the other necessary Purposes of this Act relating thereto: And also that a separate Account shall be kept of the Tolls to be collected on the said additional Road, leading from the said Broil Park Gate to the Town of Battell, and of the Money to be borrowed on the Credit thereof; which said Tolls and Money borrowed shall be paid and applied to the repairing and amending the said additional Road only, and for executing the other necessary Purposes of this Act relating thereto.

Surplus of the Tolls collected on the Road from *Malling Street* to the *Broil Gate*, to be applied to the Repair of the additional Road.

And be it further enacted by the Authority aforesaid, That when and as often as the Tolls collected or to be collected by virtue of the said recited Act, upon the Road leading from the South End of Malling Street to the Broil Gate, shall be more than sufficient to answer the necessary Charges and Expences of amending, widening, and keeping in Repair, the said Road, and also the Payment of the Interest of the Money borrowed on the Credit thereof, and all other necessary Charges and Expences relating thereto, such Surplus shall, from time to time, as the same shall arise, be applied and disposed of by the said Trustees, or any Five or more of them, in Manner following; that is to say, One Moiety thereof shall be applied for and towards amending, widening, and keeping in Repair, the said additional Road, leading from the said Broil Park Gate to the West End of the Turnpike

pike Road leading from the Turnpike Road on Hurſt Green, through the Pariſhes of Etchingham and Burwaſh; and the other Moiety thereof, for and towards amending, widening, and keeping in Repair, the ſaid additional Road leading from the ſaid Broil Park Gate to the Town of Battell, and to no other Uſe or Purpoſe whatſoever; any thing in the ſaid recited Act contained to the contrary thereof in any wiſe notwithſtanding.

Truſtees may erect Side-gates, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe to be erected and continued One or more Gate or Gates, Turnpike or Turnpikes, or other Fence or Fences, Toll-houſe or Toll-houſes, on the Side or Sides of the Roads directed to be repaired by the ſaid former Act, and on the Side or Sides of the ſaid Road, leading from the Broil Park Gate to the Town of Battell, or upon, in, or acroſs, any Lane or Way leading into the ſame reſpectively, to prevent Perſons evading the Payment of the Tolls thereby and hereby granted; and there to cauſe to be taken and levied ſuch Tolls as are made payable at any Gate or Turnpike erected on the ſaid Roads by virtue of the ſaid former and this preſent Act, ſo as the ſame do not extend to a Double Charge upon any Perſon paſſing through any other of the Gates or Turnpikes erected or to be erected upon the ſaid reſpective Roads; but that no Gate or Gates, Turnpike or Turnpikes, or other Fence or Fences, Toll-houſe or Toll-houſes, ſhall be erected on the Side or Sides of the intended Turnpike Road, leading from the Broil Park Gate to the Weſt End of the Turnpike Road on Hurſt Green, through the ſaid Pariſhes of Etchingham and Burwaſh, nor any Toll whatſoever be demanded or taken on the Side or Sides of the ſaid laſt mentioned intended Turnpike Road.

and take Tolls thereat,

ſo as the ſame do not extend to a Double Charge.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall, and they are hereby required to take ſuch Security from their Treaſurer or Treaſurers, as to the ſaid Truſtees, or any Five or more of them, ſhall appear reaſonable.

And

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, shall be capable of being a Trustee, or of holding any Place of Profit under the said former Act, nor this Act. Victuallers not to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet upon the Twenty eighth Day next after the Day of passing this Act, at the House known by the Sign of the White Hart, in the Town of Lewes, and proceed to the Execution of this Act, with respect to the said additional Roads; and shall then, and, from time to time afterwards, adjourn themselves, and meet there, or at any other Place near the said Roads, as they shall think proper, for the Advantage of the said Roads. Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That One third Part of the Costs, Charges, and Expences, attending the obtaining and passing this Act, shall be paid and discharged out of the Money collected or to be collected, or borrowed by virtue of the said former Act, for repairing the Roads from the North End of Malling Street, near the Town of Lewes, to Witch Cross, and from the North End of Malling Street aforesaid to the Broil Park Gate, and from Offham to Witch Cross aforesaid; and One third Part thereof, out of the Money to be collected or borrowed by virtue of this present Act, on the Road leading from the Broil Park Gate to the West End of the Turnpike Road leading from the Turnpike Road on Hurst Green, through the Parishes of Etchingham and Burwash; and the other Third Part thereof, out of the Money to be collected or borrowed by virtue of this present Act, on the Road leading from the said Broil Park Gate to the Town of Battell. Charges of passing this Act first to be paid.

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, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County of Limitation of Actions.

Sussex, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead
General Issue. 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 it shall appear so to be done, or that such Action or Suit was commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, 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
Treble Costs. and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.