Anno decimo

Georgii III. Regis.

An Act to explain, amend, and render more effectual, and to enlarge the Term and Powers granted by an Act paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, ſo far as the ſaid Act relates to the repairing and widening the Road from *Hindhead Heath*, in the County of *Surry*, through *Fernhurſt Lane* and *Midhurſt*, to the City of *Chicheſter*, in the County of *Suſſex*; and alſo for repairing and widening the Road from *Chicheſter* aforeſaid to *Delkey*, in the ſaid County.

 WHEREAS

Preamble, reciting Act 22 Geo. II.

WHEREAS by an Act passed in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing and widening the Road leading from the Town of *Kingston upon Thames*, in the County of *Surry*, to a Place called *Sheet Bridge* near *Petersfield*, in the County of *Southampton*; and also the Road from *Hindhead Heath* through *Fernhurst Lane* and *Midhurst*, to the City of *Chichester*, in the County of *Sussex*, several Tolls and Powers were granted to Trustees therein named for surveying, ordering, amending and keeping in Repair the said Road leading from Hindhead Heath to the said City of Chichester; which Tolls and Powers were to commence from the Twenty-fourth Day of June, One thousand seven hundred and forty-nine, and to have Continuance for and during the Term of Twenty-one Years: And whereas the said Trustees have proceeded in the Execution of the said Act, and have borrowed a considerable Sum of Money upon the Credit of the said Tolls, which still remains due to the respective Creditors; and the said Trustees find that the said Road cannot be effectually amended, and the Money borrowed repaid, unless the Term granted by the said Act be further continued: And whereas Part of the said Road, containing about Two Miles in Length, which leads from Hindhead Heath aforesaid to a certain Bridge at the North End of Fernhurst Lane aforesaid, which divides the Counties of Sussex and Surry, is now disused by Travellers and Passengers, and the keeping the same in Repair for the future would be an unnecessary Expence to the said Trustees: And whereas the Road leading from the City of Chichester, on the South Side thereof, to a certain Port or Quay called Delkey, in the said County of Sussex, containing about Two Miles in Length, is very narrow and incommodious, and incapable of being repaired by the ordinary Course and Method provided by 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,

The recited Act further continued for 21 Years;

That the said recited Act made in the Twenty-second Year of the Reign of His late Majesty King George the Second, and all and every the Authorities, Powers,

Privileges, Provisions, and Clauses therein contained (except such Part thereof as relates to the widening and repairing that Part of the said Road which leads from Hindhead Heath to the said Bridge at the North End of Fernhurst Lane aforesaid, and such other Parts thereof as are hereby altered or varied) shall be, and the same is and are hereby further continued in full Force from the Expiration of the said Term; 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 His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick 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 to the End of the then next Session of Parliament; and shall extend and have Relation not only to the repairing and widening the said Road from the said Bridge at the North End of Fernhurst Lane aforesaid through Midhurst, to the City of Chichester aforesaid, Part of the said Roads in the said Act mentioned, but also to the repairing and widening the said Road leading from the said City of Chichester, on the South Side thereof, to the said Port or Quay called Delkey aforesaid, in as full and ample a Manner as if the said Road had been inserted in and directed to be repaired and widened by the said Act, and as if the said Authorities, Powers, Privileges, Provisions, and Clauses were herein repeated and reenacted in this present Act; which said additional Term, and the Tolls or Duties, Powers or Clauses hereby continued, are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said Act, so far as relates to the said Road from the said Bridge at the North End of Fernhurst Lane to Chichester, and of all such other Sum and Sums of Money as shall be borrowed for the Purposes of the said Act or this present Act, and the Interest due or to grow due for the same.

Subject to Payment of Debts.

And be it enacted by the Authority aforesaid, That the said Trustees in the said Act, and in this present Act, nominated and appointed, and their Successors, shall be and they are hereby declared to be absolutely freed and discharged from the repairing and amending that Part of the said Road which lies between the Portsmouth Road upon Hindhead Heath aforesaid and the said Bridge at the North End of Fernhurst Lane aforesaid; any Thing in

Trustees exempted from repairing Part of the old Road.

the ſaid former or this preſent Act contained to the contrary thereof in any-wiſe notwithſtanding.

Charges of paſſing this Act to be firſt paid.

And be it further enacted by the Authority aforeſaid, That the Expences and Charges in and about the procuring and paſſing this Act ſhall be defrayed by the Truſtees out of the Monies already raiſed or to be raiſed by virtue of the ſaid former Act, or of this preſent Act.

Additional Truſtees Names.

And be it further enacted by the Authority aforeſaid, That from and immediately after the paſſing of this preſent Act, James Alms, Francis Atkins Clerk, Richard Ayling ſenior, Richard Ayling junior, Richard Aylwin, Byne, Francis Cawley Boſon, John Bateley, Richard Betteſworth, George Bayley D. D. the Right Honourable Thomas Conolly, John Challen, John Compton, Richard Collins, Edward Duer, Rowland Duer, William Fletcher, Thomas Fletcher, George Parker Farhill Clerk, William Fowler, John Farhill, John Francis, Archibald Grant, Jonathan Gardner, John Garnett, Richard Garnett, Clerks; Thomas Guy, John Greenfield, John Geering, William Gerard Hamilton, Thomas Hurdis D. D. Ralph Hilditch Clerk, Till Hollier, Roger Hall, Thomas Jones, Edward Johnſon, William Johnſon, John Jeffkins, the Honourable Major-general William Keppel, John King Clerk, Thomas Luxford, William Mill Leeves, James Lloyd, Thomas Ludgater, John Leggatt, William Mitford junior, Combe Miller Clerk, Challen Miller, John Miller, John Melerſh, Loftus Nunn, Richard North, Henry Norton, Sir James Peachy Baronet, John Peachy, Harry Peckham, Henry Peckham, George Percival, Clerks; John Pruett, William Pruett, George Pearce, William Weſtbrook Richardſon, William Richardſon, Francis Raper, Richard Ridge, Ogle Riggs, Robert Robſon Clerk, James Roſſiere, Nicholas Roberts, Daniel Richards, John Smyth, Richard Shenton, Clerks; Thomas Sanden, John Sanders, John Tench, Richard Tireman, Toghill, Clerks; Randolph Tutte, John Williams, William Waring, Thomas Wrench, Clerks; John Woods, William Woods, Richard Wilmot, Peter Burrell, Thomas More Molineux, William Burrell LL. D. John Leech, Stephen Mills, Thomas Sanderſon, John Yaldwyn, Joſeph Jackſon, Clerks; John Ayling, William Hogsfleſh, Richard Billinghurſt, John Crowcher, John Arnold, John Shotter of Highbuilding, William Wiggens, James Simmons, Richard Tribe, Thomas Channel, Nathaniel Nicolls, John Lucas, and William Tuff, ſhall be added to and joined with the Truſtees appointed or to be appointed to put the

ſaid

said former Act in Execution, so far as relates to that Part of the said Act which respects the said Road from Hindhead Heath, through Fernhurst Lane and Midhurst, to the City of Chichester aforesaid.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That from and immediately after the passing of this present Act, no Person shall be capable of acting as a Trustee in any Case in the Execution of the said former Act, or this present Act, with respect to the said Road from the Bridge at Fernhurst Lane to the City of Chichester, and from thence to Delkey, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or possessed of a personal Estate to the Amount of Eight hundred Pounds, or shall be Heir-apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds; and if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Forfeiture, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Surveyors to remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Surveyor or Surveyors, appointed or to be appointed by the said Trustees, or any Five or more of them, or any Person or Persons employed or to be employed as a Surveyor or Surveyors by the said Trustees, or any Five or more of them, though not expressly nominated or appointed as such, from Time to Time to remove, abate, and prevent Annoyances on the said Road, from the Bridge at Fernhurst Lane to the City of Chichester, and from thence to Delkey, by Filth, Dung, Ashes, Timber, Ditches, Hedges, Trees, Straw, Hay, Stubble, or other Matter for making Dung, Stones,

Stones, or Rubbish of any Kind, or by Sinks or Drains running into the said Roads, or by any Fence, Erection, or other Matter or Thing that shall narrow or straiten any Part or Parts of the said Roads, the Person or Persons who shall make, suffer, or cause such Annoyances respectively, neglecting to abate or remove the same by the Space of Ten Days after Notice in Writing to be given for that Purpose under the Hands of the said Trustees, or any Five of them; the Charge whereof shall be reimbursed to the said Trustees, in such Manner as the Charges of Surveyors of the Highways of Parishes are, by Law, appointed to be reimbursed.

Charges to be reimbursed to the Trustees.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That after the Removal or Abatement of any such Annoyance, if any Person or Persons shall again offend in the like Kind, every Person so offending, and being thereof convicted upon Oath before any One or more Justice or Justices of the Peace of the County where such Offence shall be committed, shall, for every such Offence, forfeit and pay unto the said Trustees, any Sum not exceeding Forty Shillings; to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of the Justice or Justices before whom such Conviction shall be made.

Penalty on evading the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forcibly or wilfully evade the Payment of any Toll or Duty laid by the said former or this present Act, by riding or driving any Horse or Carriage through any Gate or Turnpike erected or to be erected by virtue of the said former or this present Act, between the said Bridge at the North End of Fernhurst-Lane and the City of Chichester, and between the South Side of the said City and Delkey, without paying such Toll or Duty; such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; to be recovered, levied, and applied, as any Penalty or Forfeiture is directed to be recovered, levied, and applied, by virtue of the said former or this present Act.

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorised and impowered, from Time to Time,

Time, as they shall think proper, to lessen, vary, or alter all or any Part or Parts of the several Tolls to be collected by virtue of the said former or this present Act, and to cause the said Tolls to be taken in such Proportions, and at such Turnpikes, and on such Part or Parts of the said Road or Roads as they shall think most convenient for the Benefit of the said Roads, and to raise the same again, from Time to Time, so as the same do not exceed the Tolls by the said former Act granted, and so as such Reduction (if any) be with the Consent of the several Persons who shall be intitled to Two Thirds at least of the Money then due on the Credit of the said Tolls; but such Reduction or Alteration shall not be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected on the said Roads, or by advertising the same in some weekly News-paper circulated in the Neighbourhood, at least Fourteen Days before the making such Reduction or Alteration; and such Tolls so lessened, varied, apportioned, or altered, shall be collected, recovered, and applied, in the same Manner as the Tolls by the said Act granted are directed to be collected, recovered, and applied.

and raise them again;

giving Notice.

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 brought in the County or Place where such Offence shall be committed, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit was brought after the Time before limited for bringing the same as aforesaid, or in any other County than that wherein the Cause of Action arose, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue the Action after Appearance entered; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may have and recover Treble Costs, and have such Remedy for the same as any Defendant

Limitation of Actions.

General Issue;

Treble Costs.

fendant or Defendants hath or have in any 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 whomsoever, without specially pleading the same.

FINIS.