ANNO UNDECIMO

Georgii III. Regis.

An Act to impower *Charles Fitz Roy*, Esquire, to shut up certain Foot-paths in the Parish of *Saint Pancras*, alias *Kentish Town*, in the County of *Middlesex*, and to oblige him to make and keep in Repair for the future a Foot-path in Lieu thereof.

WHEREAS there is a Foot-path, containing Forty Chains in Length, or thereabouts, which leads from a House called Sherwick's Farm-house, in the Parish of Saint Pancras, alias Kentish Town, in the County of Middlesex, along certain Fields of Charles Fitz Roy Esquire, called Home Field, The Four Acres, Fourteen Acres, and Great Furze Field, near the South-west Side of the Road from Hampstead to Highgate, and joins the said Road at a Stile in the North-west Corner of the said Field, called Furze Field: And whereas the said Charles Fitz Roy is willing, at his own Expence, in case the said Foot-path shall be shut up and discontinued, to take upon himself to make a good Foot-way or Path along the South-west Side of the said Road from the said House called Sherwick's Farm-house to the said Stile at the North-west Corner of Furze Field aforesaid; and is also Preamble.

willing to oblige himself, his Heirs and Assigns, at his and their own Expence, from Time to Time, to keep and maintain the same in good Repair for ever: And whereas there is a Foot-path which leads from or near certain Ponds upon Hampstead Heath, which belong to the Proprietors of the Hampstead Water-works, to the Town of Highgate, over Three Fields or Meadows belonging to the said Charles Fitz-Roy, called Lower Eight Acres, Eight Acres, and Home Field, for the Distance of Twenty-six Chains and Forty Links, or thereabouts, to Hampstead; that this Foot-path is in many Respects inconvenient to the said Charles Fitz Roy, although the same is not of any Utility to the Publick, there being another Foot-path leading from the said Point near the said Ponds upon Hampstead Heath; which last-mentioned Foot-path is shorter and more convenient for Passengers: And whereas the shutting up and discontinuing the Foot-path from Sherwick's Farm-house to the Stile in the North-west Corner of the said Field called Furze Field, and also the Foot-path from a Stile on the South-west Side of the Field called Lower Eight Acres to the Stile on the North-east Side of Home Field aforesaid, will be a Conveniency and Benefit to the said Charles Fitz Roy, and no Detriment to any Person: 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 Charles Fitz Roy, his Heirs and Assigns, shall, as soon as conveniently may be after the passing of this Act, make a good Foot-way or Path along the South-west Side of the Road which leads from Hampstead to Highgate aforesaid, from the said House called Sherwick's Farm-house to the Stile in the North-west Corner of the said Field called Furze Field.

Foot-way to be made by *Charles Fitz Roy*, his Heirs, &c.

And be it further enacted by the Authority aforesaid, That when and as soon as the said Foot-way or Path shall be compleated, and shall be fit for the Accommodation of Foot Passengers, then, and not before, it shall and may be lawful for the said Charles Fitz Roy, his Heirs and Assigns, to shut up the said Foot-path which leads from the said House called Sherwick's Farm-house, along certain Fields or Meadows of the said Charles Fitz Roy, called Home Field, The Four Acres, Fourteen Acres, and Great Furze Field, to a Stile in the North-west Corner of the said Field called Furze Field; and also to shut up so much of One of the said Foot-paths from the said Ponds

And Fences to be erected by them.

Ponds on Hampstead Heath to Highgate aforesaid as leads from a Stile on the South-west Side of the said Field called Lower Eight Acres, along the said Field, and along a Field called Eight Acres, and also along another Field called Home Field, to a Stile on the North-east Side of the said Home Field, adjoining to the said Road between Hampstead and Highgate; and for that Purpose it shall and may be lawful to and for the said Charles Fitz Roy, his Heirs and Assigns, and he and they are hereby authorised and impowered to make and erect, or cause to be made and erected, such Fence or Fences across the said Foot-paths, and at such Place and Places as he or they shall think fit, in order to prevent any Person or Persons whomsoever from using or making use of the same as publick Foot-paths; and that from and after the Time that the said Foot-paths shall be so fenced and shut up, it shall not be lawful for any Person whomsoever, at any Time or Times, to use or to claim the Use of the said Foot-paths, or either of them, upon any Account or Pretence whatsoever as publick Ways or Paths for Passengers on Foot or otherwise; any Right, Claim, Usage, or Custom to the Contrary hereof in anywise notwithstanding.

Who shall keep the Foot-way in Repair.

Provided always, and be it further enacted, That the said Charles Fitz Roy, his Heirs and Assigns, shall, at all Times hereafter, continue to keep in good and sufficient Repair the said Foot-way or Path along the South-west Side of the said Road which leads from Hampstead to Highgate, from the said House called Sherwick's Farm-house to the Stile in the North-west Corner of the said Field called Furze Field.

General Issue.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Middlesex, and not elsewhere; and the Defendant and Defendants in such Action or Suit 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 Matter or Thing was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, or if any such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County than the County of Middlesex, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be non-

suited, 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 have Treble Costs; and have such Remedy for recovering the same, as any Defendant or Defendants hath or have in any other Cases by Law.

Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, 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.

Publick Act.

FINIS.