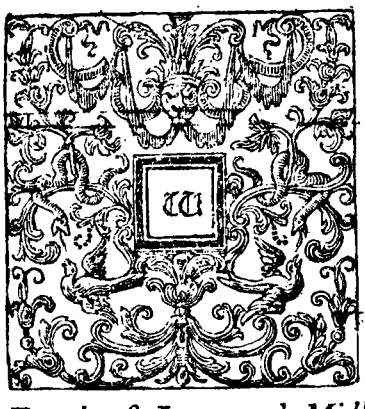
Anno octavo

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, ſo far as the ſaid Act relates to the repairing and widening the Road from the Town of *Kingſton upon Thames*, in the County of *Surrey*, to a Place called *Sheet Bridge*, near *Petersfield*, in the County of *Southampton*.

Preamble, reciting Act 22 Geo. II.



WHEREAS by an Act passed in the Twenty second Year of the Reign of His late Majesty, intituled, An Act for repairing and widening the Road leading from the Town of *Kingston upon Thames*, in the County of *Surrey*, 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 the said Town of Kingston upon Thames, to Sheet Bridge; 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 the said Act, so far as it relates to the Repair of the said Road from Kingston upon Thames to Sheet Bridge, has, in several Particulars, been found defective: 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 all the Tolls, Powers, and Clauses, within the said Act contained, so far as the said Act relates the said Road from Kingston upon Thames to Sheet Bridge (except such as are hereby varied, altered, or repealed) shall be and continue in full Force, and be executed, from and after the Expiration of the Term granted by the said Act, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as fully

The recited Acts further continued for 21 Years.

as if the same were herein again repeated and re-enacted in the Body of 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 Kingston upon Thames to Sheet Bridge, 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.

Charges of passing this Act, to be first paid.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall, and they are hereby required, as soon as conveniently may be after the passing of this present Act, to borrow such a further Sum of Money as shall be sufficient, together with the Tolls, to defray the Expence of procuring this present Act, and to put the Whole of the said Road from Kingston upon Thames to Sheet Bridge in good and sufficient Repair, in the Manner herein after mentioned; and shall, in the First Place, pay the Expences incurred in procuring this Act, and shall then, as soon as conveniently may be, well and conveniently repair the Whole of the said Road from Kingston upon Thames to Sheet Bridge.

Turnpike near *Godalming* to be removed.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, the Turnpike-gate erected near the South End of the Town of Godalming shall be immediately taken down; and that no Turnpike or Toll-bar shall be for the future erected, during the Continuance of the said former Act, or this present Act, between Three Miles of the North End of the Town of Guildford, in the County of Surrey, and the Place where the present Turnpike-gate stands in, or at the North End of, the Town of Liphook, in the County of Southampton; any thing in the said former Act, or this present Act, contained to the contrary thereof in any wise notwithstanding.

Additional Trustees Names.

And be it further enacted by the Authority aforesaid, That from and immediately after the passing of this present Act, James Higginbotham, Thomas Lambert, Benjamin Willply, Robert Carter, James Vincent, John Russell, John Lee, Charles Martin, Giles Hatch Clerk, Edward Fawkes, Edward Brinckwell, Samuel Offendor,

John Bowyer, John Page, John Cheſſon, Henry Stevens, William Newland, John Barker Eſquire, Roger Vallar, Jeremiah Horſenaile, William Horſnell, John Stovell, John Tickner, James Chriſmas, James Goodyer junior, Edmund Elkins junior, John Randell, Henry Parſons, John Buckoll, Thomas Wood, Charles Field, Henry Figg, Job Spratley, John Stevens, George Ruſhon, Thomas Atfield, the Reverend David Morgan, Henry Budd, Richard Street, Thomas Saunders, Robert Hunt, Thomas Brooker, Robert Boughton, Henry Atfield, Thomas Bicknell, John Smalpiece, William Searle, Gyles Strangeways Eſquire, Robert Naſh Eſquire, the Reverend Llewellyn Davis, the Reverend Edward Bromhead, Samuel Ford, William Hammond, the Reverend James Weller, William Bicknell, John Cobbett, William Wallis, John Legg, John Martin of Broad Street, John Goring, the Reverend Richard Vincent, William Alderton, John Fulham Eſquire, the Reverend George Turner, Daniel Maybanke of Tangley, Richard Barwell Eſquire, Arthur Onſlow, Richard Onſlow Captain in his Majeſty's Navy, John Johnſon Eſquire, John Sparkes, Samuel Hurlock Eſquire, William Hughes Eſquire, Johnſon Rowles, Richard Sparkes, Benjamin Jacobs, Chapple Norton Eſquire, Richard Sparkes the younger, Abraham Parrott, George Barret the younger, John Proctor Clerk, the Honourable George Lenox Eſquire, commonly called Lord George Lenox; the Right Honourable Earl Thomond in the Kingdom of Ireland, Edward Hugh Boſcawen Eſquire, Colonel Evelyn, Francis Vincent Eſquire, Peter Burrell, William Biſhop, Edward Beaver, Budgen, Thomas Collinſon, George Hardinge, the Honourable Charles Fitzroy, Eſquires; the Reverend Edward Eliot, the Reverend George Wakefield, the Reverend Daniel Bellamy, the Reverend Thomas Hall, John Yalden junior, John Hawkins, John James, John March, Stephen Mills, William Bray, William Sadler, William Diddlesford, William Hogsfleſh, Edward Prichard, Benjamin Kidd, Laurence Lee, Edmund Yalden, William Smith, Thomas Payne, James Joyce, Caleb Hackman, Richard Butcher, George Chitty, John Sharp, Elijah Waring, John Coleman, Richard Snelling, Richard Paine, Edward Keen, Thomas Stevens, William Stevens, Thomas Chennell, Thomas Paine, John Lintot, John Woods, John Mitchell, George Stacey, William Symmonds, William Woods, John Turner, John Enticknap, Thomas Wilkin-

Wilkinſon, James Hedger, John Winkworth, Edward Luck, Abraham Toft, Thomas Stephens, William Beaker, the Reverend George Bray, the Reverend Thomas Duncumb, John Calingham, Robert Albury, Thomas Hall, William Roſe, Henley Eſquire, commonly called Lord Henley; Sir Matthew Featherſtonehaugh, Sir Richard Mill, Baronets; Sir Thomas Gatehouſe, Sir Harry Saint John, William Richardſon Eſquire, John Butler, John Butler junior, Eſquires; the Reverend Jonathan Dennis, the Reverend Temple Henry Croker, William Stone, William Oſborne, John Neale, James Butler, the Reverend Sewell, Thomas Chalcroft, Richard Trimmer, John Knight, Thomas Fullock of Liphook, Thomas Fullock of Bramſhot, John Baker, Sir Cecil Biſhop Baronet, William Mitford Eſquire, Thomas Elder, Chriſtopher Buckle, Richard Betteſworth, Eſquires; William Towers, the Right Honourable Thomas Townſhend, Richard Bilinghurſt, the Reverend Thomas Saunderſon, James Symmonds, John Croucher, John Arnold, Robert Briant, Sir Simeon Stuart Baronet, the Right Honourable Sir Edward Hawke, John Jolliffe, William Jolliffe, Frank Hugonin, John Bonham Smith, Richard Ridge, Matthew Buckle, Thomas Miller, John Sutton, Eſquires; Doctor Dunford, the Reverend Philip Barton, William Harffy, John Shackleford, Thomas Bradly, George Clark, William Barnard, James Sperſhot, William Binſtead, Joſeph Harris, John Ewen, John Edgar, John Serocold Eſquire, Edmund Bull, Ezekiel Dickenſon, Bolter Roffey, Markham Eeles Sherville Nathaniel Hammond, Eſquires; William Brown, John Stevens, Jeremiah Forth junior, John Thomas Eſquire, of Point Pleaſant; Dunant Eſquire, of the ſame; William Page Eſquire, of Long Ditton; William Cowley Eſquire, of the ſame; Joſeph Biddle of Eſher, William Millis of Thames Ditton, Joſeph Moſs of Cobham, John Bowles Eſquire, of Kingſton; the Honourable Collyer Eſquire, commonly called Lord Milſington; the Right Honourable Lord Viſcount Fitzwilliams, Sir John Shelley Baronet, the Right Honourable John Shelley, the Right Honourable Sir Thomas Sewell, Colonel Legonier, William Green Eſquire, Sir James Peachey Baronet, the Honourable Richard Fitzwilliams, the Honourable John Fitzwilliams, Captain Richard Onſlow of His Majeſty's Land Forces, George Udny Eſquire, Sir George Colebrooke

brooke Baronet, Sir Joſeph Mawbey Baronet, Robert Clayton Eſquire, William Clayton, Henry Thrayle, Joſeph Martin, Eſquires; Captain Bentinck of his Majeſty's Navy, Joſeph Stephenſon Eſquire, of Aſhley; Major York of Walton on Thames, Shakeſpeare of the ſame, Hurſt Eſquire, of the ſame; Thomas Palmer Eſquire, of the ſame; Wayland of the ſame, William Brooker of the ſame, John Mawbey Eſquire, Daniel Ponton, Samuel Swabey, George Metcalfe, Richard Hotham, Eſquires; Captain Glover of Weybridge, Captain Clements of the ſame, Champaine Eſquire, of the ſame; the Reverend Butler D. D. the Reverend Gilbert D. D. the Reverend George Harveſt, the Reverend Morgan of Bifleet D. D. the Reverend Thomas of Moleſey D. D. William Hopkins of Thames Ditton, Carpenter junior, of Moleſey; Joſeph Whitehead Eſquire, of the ſame; George Stone of Eſher, William Burrell Eſquire, Weſton, Peter Taylor, Paris Taylor, Henry Hill, Eſquires; the Reverend Doctor Nicholas, the Reverend Samuel Hemming, the Reverend Bridger, Richard Stedman, Henry Hart junior, James Arnold, John Upfold, Thomas Sibthorpe, the Reverend Thomas Horton, the Reverend Laurence Eliot, Henry Roker, William Roker, Henry Denyer, Thomas Davis, Edward Bowler, Richard Pim, Henry Pim, William Lee, Edward Coyer, William Smith, William Wiggens, Robert Philps, John Luff, John Mitchel, John Edgeler, William Overington, John Nichols, William Syms of Aſhtead, Jerome Knapp, Francis Lawſon, Edwards, Peregrine Fury, Thomas Maſon, Thomas Kent, Samuel Wilkinſon, Eſquires; John Shrub, Daniel Greenfield of Cranley, Eſquires; ſhall be added to, and joined with, the Truſtees appointed, or to be appointed, to put the ſaid former Act in Execution, ſo far as relates to that Part of the ſaid Act which reſpects the ſaid Road from the Town of Kingſton upon Thames, in the County of Surrey, to Sheet Bridge, in the County of Southampton.

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 Town of Kingſton upon Thames, in the County of Surrey,

rey, to Sheet Bridge, in the County of Southampton, 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: 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.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby required to, take such Security from their Treasurer for the due Execution of his Office, as to the said Trustees, or any Five or more of them, shall seem meet. Treasurer to give Security.

Provided always, and be it further enacted by the Authority aforesaid, That if at any Time hereafter during the Continuance of the said former or this present Act, the Tolls to arise by virtue of the said Acts, or either of them, shall be found insufficient to answer the Expence of repairing the said Road from Kingston upon Thames to Sheet Bridge, and paying of the Interest of the Money borrowed and to be borrowed on the Credit thereof, and paying Officers Salaries, and the other necessary Expences of carrying the said former Act, so far as the same relates to the Road between Kingston upon Thames to Sheet Bridge, and this present Act, into Execution; that then, and in such Case, the said Trustees are hereby authorized and required to remove and take away the present Turnpike-gate at Liphook, and to erect, or cause to be erected, a Turnpike or Toll-gate at some convenient Place between Liphook and Sheet Bridge, and there to receive and take the Tolls or Duties granted by the said former and this present Act: And if after the removing of the said Turnpike or If the Tolls are insufficient, Gates to be removed.

Toll-bar now standing at Liphook, and erecting another between Liphook and Sheet Bridge, the said Tolls should still be found insufficient to answer the Purposes aforesaid; that then, and in such Case only, that Part of the said Road from Kingston upon Thames to Sheet Bridge, which lies between the Maypole in Milford, in the County of Surrey, and the Place where the Turnpike Road from Haslemere to the Portsmouth Road now does, or shall hereafter, come into the present Turnpike Road from Kingston to Sheet Bridge at or near Rake, shall not be deemed, or taken to be, Part of the Road directed to be repaired by virtue of the said former or this present Act; and the said Trustees and their Successors shall be, and are hereby declared to be, from thenceforth divested of all Power and Authority over, and absolutely freed and discharged from the repairing and amending, that Part of the said Road from the Maypole at Milford to the said Place where the Turnpike Road from Haslemere to the Portsmouth Road now does, or shall hereafter, come into the present Turnpike Road from Kingston upon Thames to Sheet Bridge; any thing in the said former or this present Act contained to the contrary thereof in any wise notwithstanding.

What Persons shall be deemed Surveyors.

And be it further enacted by the Authority aforesaid, That any Person or Persons employed, or to be employed, from time to time, by the said Trustees, or any Five or more of them, although such Person or Persons shall not be nominated or appointed by the Name of a Surveyor or Surveyors, shall and may execute the Powers given by the said former Act, or this present Act, in respect of the Road between Kingston upon Thames and Sheet Bridge, as fully and effectually to all Intents and Purposes as any Surveyor or Surveyors which have been appointed by virtue of the said former Act could or might have done before the passing of this present Act.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any such Person or Persons so employed, or to be employed, by the said Trustees, or any Five or more of them, as aforesaid, from time to time, to remove, abate, and prevent, Annoyances on the said Road from Kingston upon Thames to Sheet Bridge, by Filth, Dung, Ashes, Timber, Ditches, Hedges, Trees, Straw, Hay, Stubble, or other Matter for making of Dung, Stones, or Rubbish

biſh 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 ſtraighten 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.

Owners neglecting to remove the ſame, after Notice.

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 Chattles 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 a Second Offence.

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 Town of Kingſton upon Thames and Sheet Bridge, 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.

Penalty on Perſons evading the Tolls.

Provided alſo, and be it further enacted, That all Perſons who by Law are obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, or chargeable towards amending the ſame, ſhall remain liable and chargeable

Perſons liable to the Repair of the Roads, &c. to continue ſo.

ble to do their respective Works in the Parishes or Townships respectively in which the said Roads do lie, in such Manner as such Persons ought to have done before the passing of this Act; and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Road by this Act directed to be repaired, and lying within the Parishes, Townships, or Places, in which such Inhabitants respectively shall live, and at such Times and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct and appoint; and that every Inhabitant of the said Towns, Parishes, and Places respectively, who shall keep a Horse, Mare, or Gelding, and Cart, shall send the same with able Persons to work therewith according to the Laws now in being for and towards the repairing the said Highways, on such Days and under the like Penalties for Default as are now by Law appointed; and the said Turnpike Surveyor shall attend the respective Days and Places of the Statute-work to be done, and lay out the Road, and direct the Manner in which such Road respectively shall be formed and made; and the Surveyors of the several Parishes, Townships, and Places respectively, and the Workmen under their Charge, shall be subject in the repairing such Road to the Orders of such Turnpike Surveyor.

Proviso.

Provided, That if any such Surveyor of any Parish or Township, or any Labourer under his Charge, or any Inhabitant, shall think himself aggrieved by any Thing done by the said Turnpike Surveyor, or by the said Trustees, or any Five or more of them, in the Premisses, he may (on giving Fourteen Days Notice in Writing) appeal to the next General Quarter Sessions of the Peace to be holden for the County where the Cause of Complaint shall arise, and the Justices then and there shall hear and determine the same, whose Order therein shall be final, and no Writ of Certiorari shall be granted to remove the same.

Surveyors to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways for the respective Townships, Parishes, or Places, wherein any Part of the said Road doth lie, shall and are hereby required, at the First Meeting of the said Tru-

Trustees after the Twenty fifth Day of March in every Year during the Continuance of the said former and this present Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of the said former or this present Act) to deliver in to the said Trustees true and perfect Lists in Writing, before such Trustees, or any Five or more of them, upon Oath (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer) of the Names of the several Persons who within each Township, Parish, or Hamlet respectively, are obliged by the said former or this present Act, or by any other Law, to do their Statute-work for that Year: And in case any of the said Surveyors of the Highways shall refuse or neglect to deliver in true and perfect Lists as aforesaid; then every such Surveyor shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds. Penalty on Surveyors neglecting to deliver Lists.

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 and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act: And if the same shall appear 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 or Defendants hath or have in any Cases by Law. Limitation of Actions. General Issue. Treble Costs.

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.