



ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 95.

An Act to continue the Term and alter and enlarge the Powers of Two Acts made in the Thirty-first Year of the Reign of His late Majesty, and in the Twentieth Year of the Reign of His present Majesty, for repairing and widening the Roads from the Town of *Stockbridge* in the County of *Southampton*, to the City of *Winchester*, and from the said City through *Bellmour Lane* to the Top of *Stephen's Castle Down*, near the Town of *Bishop's Waltham* in the said County, and from the said City of *Winchester*, through *Otterborne* to *Bar Gate*, in the Town and County of the Town of *Southampton*.

[20th June 1801.]

WHEREAS by an Act made in the Thirty-first Year of the Preamble.
Reign of His late Majesty King *George the Second*, intituled,
An Act for repairing and widening the Roads from the 31 Geo. II.
Town of Stockbridge in the County of Southampton to the City of and
Winchester, and from the said City through Bellmour Lane to the Top
[Loc. & Per.] 18 Z of

of Stephen's Castle Down, near the Town of Bishop's Waltham in the said County, and from the said City of Winchester, through Otterborne, to Bar Gate in the Town and County of the Town of Southampton, several Tolls, Authorities, and Powers were given and granted to Trustees thereby appointed; which Tolls, Authorities, and Powers were to take Place and have Continuance from and after the passing of the said Act, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas by another Act made in the Twentieth Year of the Reign of His present Majesty King George the Third, to continue the Term, and alter and enlarge the Powers of the said Act of the said Thirty-first Year of the Reign of His late Majesty King George the Second, the said recited Act, and all and every the Tolls or Duties, Powers, Authorities, Rules, and Regulations therein contained (other than and except such as were by the said Act of the said Twentieth Year of the Reign of His said present Majesty, varied, altered, enlarged, or repealed) were continued from the Expiration of the said recited Act, for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and it was thereby enacted, that the said Road leading from the City of Winchester, through Otterborne to Bar Gate in the Town and County of the Town of Southampton, should consist of two separate Districts; and that the Road leading from the said City of Winchester to a Stone opposite a Pond called Fern Hill Pond, marked for the different Districts, should be called the North District of the said Road; and that the Residue of the said Road leading from thence to Bar Gate in the Town and County of the Town of Southampton, should be called the South District of the said Road: And whereas the Trustees appointed to put the said recited Acts in Execution, have borrowed on the Credit of the said Acts several considerable Sums of Money, which, with the Tolls collected, have been duly applied according to the Directions of the said Acts, and great Progress hath been made in repairing and widening the said Roads; but the same cannot be effectually maintained and repaired, and the Money now due and owing on the Credit of the Tolls repaid, unless the Terms and Powers of the said recited Acts be continued, varied, altered, and enlarged; 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 Acts of the Thirty-first Year of the Reign of King George the Second, and of the Twentieth Year of the Reign of His present Majesty, and all and every the Tolls or Duties, Powers, Authorities, Rules, and Regulations therein respectively contained, and now in force (except where altered, varied, or repealed by this Act, or by any subsequent Act or Acts of Parliament relating to the Turnpike Roads of this Kingdom, now in force, or to Exemptions from Stamp Duties), shall be, and the same are hereby continued, from the Expiration of the said recited Act of the said Twentieth Year of the Reign of His present Majesty, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

20 Geo. III.
recited,

and continu-
ed.

II. And be it further enacted, That The Right Honourable Earl Temple, The Right Honourable Earl Northesk, Sir Charles Mill Baronet, Sir Henry Titchborne Baronet, Sir William Heathcote Baronet, Sir Henry Paulet, Saint John Mildmay Baronet, Sir Richard Gatton Baronet, Sir Nathaniel Holland Baronet, Sir Chaloner Ogle Knight, Sir William Benett Knight, George Anderson, the Reverend *Armstrong*, Arthur Atherley the Younger, Richard Bailey, Charles Bailey, William Barnes, Richard Bargas, Peter Bathurst, Henry Bowles, James Brookman, John Buckland, John Burdon, William Fleetwood Bury, Edward Wolfe Burcher, William Cave, William Cave the Younger, Henry Cawte, H. J. Chandler, Joseph Charker, William Cordery, Richard Cordery, Thomas Croft, Thomas Deane, Samuel Devereil, Joseph Dewell, John Dowling, William Druitt, John Earle, John Vavasor Earle, William Earle, William Faithfull, Edward Fitt, Timothy Gabell Clerk, Thomas Gatehouse, Peter Gauntlett, William Gauntlett, Christopher Gauntlett, William Goater, James Goodman, Richard Goldfinch, Charles Græme, Harry Green, Thomas Hall, David Harfield, William Haskoll, George Hayes, Thomas Heathcote, Samuel Heathcote Clerk, James Hinxman, George Hoar, William Hobbs, William Hobbs, Bryant Wickham Holloway, George Hollis, John Hopkins Clerk, Richard Hopkins, William Hooper, John Hooper, Thomas Jarvis, John Jenkinson, Joshua Iremonger, Charles Drake Isdell Clerk, Peter Kerby, William Kernot, William Knapp, Richard Knapp, Charles Knight, Charles Knott, Richard Hockley Lavington, *Leekblade*, John Littlebales, George Lovell, William Lock, Henry Lucas, Charles Lyford, Giles King Lyford, George Malkin, William Masters Clerk, William Meader, John Meare, Richard Meyler, John Charles Middleton, John Moody, Gabriel Mundy, William Nevill, John Monk Newbolt Clerk, Philip Oades, Charles Ogle, John Penton Clerk, John Pickering, James Pinnock, Thomas Pink, Thomas Piper, William Powlett Powlett, James Pyle, Nicholas Pyle, James Randall, James Randall the Younger, Charles Richards Clerk, George William Ricketts, James Rivers, James Robbins, George Rogers, William Rogers, James Serle, Robert Serle, William Shackelford, John Shenton, William Simonds, William Smith, Edward Smith Clerk, Walter Smythe, James Snow, Richard Snow, Henry Sparsbolt, John Stroud, Stephen Steele, L. M. Stretch Clerk, Francis Swanton Clerk, William Swedland, William Parker Terry, Robert Thistlethwayte, Alexander Thistlethwayte Clerk, Robert Travis, John Tredgold, Thomas Vinn, Charles Wade, Thomas Goodridge Waller, Nicholas Waller, John Wallis, Samuel Walldin, James Wells, Charles Wells, Nicholas Westcombe Clerk, John White, James Wickham, William Nicholas Wickham, John Woodbourne Clerk, Thomas Woodridge, George Woodridge, James Woolls, Edward Woolls, Charles Wright, William Young, John Young, the Mayor, Recorder, and Aldermen of the City of Winchester for the Time being, the Dean and Prebendaries of the Cathedral Church of the Holy Trinity of Winchester for the Time being, the Warden and Fellows of Saint Mary College near Winchester for the Time being, the Master and Usher of the said College for the Time being, and the Master of the Hospital of Saint Cross for the Time being, shall be and they and their Successors are hereby appointed Trustees to put the said recited Acts, and this present Act in Execution, for the Purposes of maintaining and keeping in Repair the North District of the Southampton Road, and also the Stockbridge and Waltham Roads: And that the Right Honourable Henry Viscount Palmerston, the Right Honour-

New Trustees for the North District of the Southampton Road and Stockbridge and Waltham Roads.

New Trustees for the

South District of the Southampton Road.

Honourable Lord Kinnaird, Sir Matthew Blackstone Baronet, Sir William Heathcote Baronet, Sir Nathaniel Holland Baronet, Sir Richard King Baronet, Sir Yelverton Peyton Baronet, Sir John Thomas Baronet, James Amyatt, Dummer Andrews, Arthur Atherley, Arthur Atherley the Younger, George Atherley, William Bayard, Edwards Beadon Clerk, John Belli, Peter Bernard, Thomas Bernard, William Bernard, Frederick Breton, John Brissault, Thomas Bromley Clerk, William Bulkeley, Samuel Byam Clerk, Henry Caiger, William Chamberlayne, William Chute, David Saint Clair, Henry Corbin, Robert Cranmer Clerk, Noah LeCras, Joseph Lawrence Darvall, Robert Deall, Thomas Dickson, James Dott, Thomas Durell, John Fergusson, William Fitzbugh, John Fleming, William Fletcher, Gorges Foyle, John Fox, John Fuller, Edward Fyott, Isaac Galpine, Jacob Gater, William Gunthorpe, Arthur Hammond, Charles Hilgrove Hammond, Arthur Atherley Hammond Clerk, John Butler Harrison, William Harvest Clerk, Samuel Harrison, Thomas Heathcote, Nathaniel Heywood, Clement Hilgrove, Edward Horne, John Hunt, John Jarrett, Herbert Jarrett, Richard Johnson, Hugh Perry Keane, David Lance, Harry Lawrence, Thomas Lewin, William Lintott, Richard Light, William Loper, John Lowder, Charles Mackett, Martin Maddison, Richard Mant D.D. Thomas Mears, George Menee, Nathaniel Middleton, Nathaniel Middleton the Younger, James Morgan, Charles Morris, Anthony Munton, Chaloner Ogle, Thomas Osborne, Thomas Pipon, Thomas Ridding, John Robbins, Samuel Rolleston, George Henry Rose, John Rowcliffe, Richard Vernon Sadleir, Alexander Scott, Peter Serle, Philip Seward, Joseph Sberer, Henry Hawson Simpson, Hans Sloane, William Sloane, William Smith, the Mayor, Recorder, and Common Council of the Town of Southampton for the Time being, William Stackpole, Giles Stibbert, Giles Stibbert the Younger, Gideon Tabuteau, Walter Taylor, Samuel Silver Taylor, William Taylor, Thomas Taylor, Taylor, William Tinting, Richard Waller, George Waring, Hugh Weekes, Andrew Williams, John Willis, and Godley Blasfus Wright, shall be and they and their Successors are hereby appointed Trustees to put the said recited Acts, and this present Act in Execution, for the Purpose of maintaining and keeping in Repair the South District of the Southampton Road only.

Trustees to be sworn.

III. And be it further enacted, That from and after the passing of this Act no Person shall be capable of acting as a Trustee for putting the said recited Acts, or this Act in Execution, unless he shall be qualified in such Manner as in and by the said first recited Act is directed and prescribed, and unless, being so qualified, he shall, before he shall act as a Trustee (except in administering the Oath herein-after mentioned), take and subscribe, before One or more of the said Trustees, (who is and are hereby empowered to administer the same,) in Addition to the Oath prescribed by the said recited Act of the said Thirty-first Year of the Reign of His late Majesty, the Oath following; that is to say,

Their Oath.

I A. B. do swear that I will truly and impartially, according to the best of my Judgement, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Second, intituled [*Here set forth the Title of the Act*], and of an Act passed in the Twentieth Year of the Reign of His Majesty

‘ Majesty King *George* the Third, for continuing the Term, and altering
 ‘ and enlarging the Powers of the said Act, and of another Act passed
 ‘ in the Forty-first Year of His said Majesty’s Reign for enlarging
 ‘ the Terms and Powers of the aforesaid two several Acts.

‘ So help me GOD.’

And if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Effoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Disqualifica-
 tion of Trus-
 tees.

IV. And be it further enacted, That if after any Adjournment of the Trustees of either of the aforesaid Districts or of the said *Stockbridge* and *Waltham* Roads it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks of the District or Road wherein such Adjournment shall have been made, upon an Order in Writing signed by Three or more of the acting Trustees of such District or Road (although not assembled at a Meeting) mentioning the Time, Place and Purpose of such intended Meeting, shall forthwith give Notice thereof in the Manner directed by the aforesaid Acts, or either of them, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time and Place not being less than Seven Days after such Notice,) and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at every such Meeting shall be as valid and effectual as they would have been in case the same had been held in pursuance of Adjournment.

Meetings on
 Emergencies.

V. And be it further enacted, That it shall be lawful for the Trustees of either of the Districts aforesaid, or of the said *Stockbridge* and *Waltham* Roads, or the Majority of them present at any Meeting which shall be held in pursuance of the said recited Acts or of this Act, from Time to Time, to make all necessary Orders, Directions, Appointments, Agreements, and Determinations, in the Execution of the said recited Acts and of this Act; and no such Order, Direction, Appointment, Agreement, or Determination shall be made, unless the Number of Trustees by the said recited Act of the said Thirty-first Year of the Reign of his said late Majesty authorized to make the same shall be present, and the Majority of the Trustees present shall concur therein; and no such Order, Direction, Appointment, Agreement, or Determination, shall be revoked or altered at any subsequent Meeting, unless Fifteen Trustees or more shall be present and Twelve of them at least shall concur therein.

Orders of
 Trustees how
 to be made
 and revoked.

VI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk; and that no Action which shall be brought or commenced by or against the said Trustees, or any of them by virtue or on account of the said recited Acts or either of them,

Trustees may
 sue or be sued
 in the Name
 of their
 Clerk.

or of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act or Default of such Clerk, without the Consent of the said Trustees, or any Nine or more of them, at a Publick Meeting to be held for that Purpose, but the Clerk to the said Trustees for the Time being shall be deemed Plaintiff or Defendant in such Action as the Case may be.

Clerk to be repaid his Expences.

VII. Provided always, That every such Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of the said recited Acts or of either of them, or of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of the said recited Acts or of this Act all such Costs, Damages, and Charges as by the Event of every such Proceeding he shall be put to or become chargeable with by occasion of his being so made Plaintiff or Defendant.

Officers may distrain and be Witnesses.

VIII. And be it further enacted, That where it shall be necessary to distrain for the Recovery of the Tolls by the said Act of the Thirty-first Year of the Reign of his said late Majesty authorized to be collected, such Distress shall and may be made or taken by the Person or Persons appointed to collect the said Tolls, or by any Surveyor or Surveyors of the District or Road within which the said Tolls shall be payable, or by any other Person or Persons who shall be fit for that Purpose, appointed by them or either of them, or called on to assist, and that in case any Dispute, Litigation, or Suit shall arise, or be had or prosecuted touching or concerning any such Distress, or the Prosecution thereof, or concerning the Non-payment of the said Tolls, any such Collector, Surveyor, or other Person or Persons employed by the Trustees, or any Nine or more of them, of the said District or Road, or in any Manner in the Execution of the said recited Acts, or of this Act, shall at all Times, and in all Courts, and before all Justices, be good and competent Witnesses to prove the Legality of the Distress, the Non-payment of such Tolls, or to give any other Proof or Evidence concerning the Premises, or any Matter or Thing done or to be done under or relating to the said recited Acts or this Act.

For settling Disputes concerning Tolls.

IX. And be it further enacted, That if any Disputes shall happen concerning any Tolls due, or the Charges occasioned by any Distress for the same, it shall be lawful for the said Collector, or Person or Persons distraining, to retain such Distress, or the Money arising from the Sale thereof, till the Quantity of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County or Place where any such Disputes shall happen, who, upon Application made to him for that Purpose, shall examine the Matter by Oath (which the said Justice is hereby empowered to administer) of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector or other Person or Persons Attendance for that Purpose upon the said Justice; all which Sums so determined and assessed shall be paid to the said Collector, Person or Persons, before he shall be obliged to return the said Distress or Overplus, or any Part thereof.

X. And whereas Persons guilty of Offences against the said recited Acts or this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers under the said recited Acts and this Act, be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively to seize and detain any such unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty or Special Sessions to be holden for the Division or Place where such Offence or Offences shall be committed, and on such Conviction, or for Want of such sufficient Security, to commit the Person or Persons so offending to the House of Correction in and for the County, District, or Place where the Offence shall be committed, until he, she, or they shall pay the respective Penalty by him, her, or them incurred for such Offence or Offences, or shall give such Security as aforesaid.

Power to Collectors to detain Persons guilty of Offences.

XI. And be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of the said recited Acts or of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the aforesaid Roads, or any of them, out of, or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at such Occupier's usual Place of Residence, to appear before the Trustees, or any Seven or more of them, acting for the District or Roads within which such Materials are intended to be used, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Land Owner, Agent, or Occupier shall attend pursuant to such Notice, the said Trustees or any Seven or more of them, shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away such Materials at such Time or Times as to such Trustees, or any Seven or more of them, shall seem proper; and if such Land Owner or Occupier shall neglect or refuse, without reasonable Excuse, to appear by himself or herself, or his or her Agent, the said Trustees, or any Seven or more of them, shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner, Occupier, or his or her Agent had attended; and the Order of such Trustees, or any Seven or more of them, shall be final and conclusive to all Parties.

Materials not to be got in private Grounds without giving Notice.

XII. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered in any Lands, Fields, Wastes or Grounds, River or Brook, for the Purpose of making or amending the said Roads, or any of them, or shall

Penalty on taking away Materials got by Surveyors.

get

Penalty on
riding on,
damaging or
annoying
Footways.

get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads, or any of them, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale,) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings; or if any Person shall ride upon any Causeway or Footway adjoining to or by the Side of the aforesaid Roads, or either of them, or shall drive any Horse or other Cattle, Swine, or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Causeway or Footway, or if the Driver of any Waggon, Wain, Cart, or other Carriage, shall wilfully or carelessly pull up, break, or damage any Bank, Fence, Posts, Rails, or Stones erected or hereafter to be erected, for the Security of any Causeway or Footway, or drive the Wheel of his Carriage against the same, or shall wilfully or carelessly drive the Wheel of his Carriage upon any Causeway or Footway made or to be made in any Part or by the Side of the said Turnpike Roads or either of them; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages; or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing, upon any Part of the said Roads to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads with an Iron Crow, Rake, or other Instrument with sharp Points, whereby the said Roads, or any of them, or any Part thereof shall be damaged; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Sides of any Part of the said Roads, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof, or of any Person or Persons travelling thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before any One or more Justice or Justices of the Peace for the County or Place within which the Offence shall be committed, (which Oath the said Justice or Justices is and are hereby empowered and required, upon Application made to him or them for that Purpose, to administer), every Person so offending shall forfeit a Sum not exceeding Forty Shillings, nor less than Ten Shillings, for every such Offence, to be levied by Distress and Sale of the Goods and Chattels of such Offender, one Moiety whereof shall be allotted and paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the House of Correction of the County or Place where the Offence shall

shall be committed; for any Time not exceeding One Month, nor less than Seven Days, there to remain without Bail or Mainprize, until the Expiration of the said Time, or until he or she shall have sooner paid the Sum adjudged by the said Justice or Justices to have been so forfeited.

XIII. And be it further enacted, That to prevent Persons evading the Payment of the Tolls by the said Act of the said Thirty first Year of the Reign of his said late Majesty, granted within the South District of the *Southampton* Road, it shall be lawful for the Trustees acting within the said District, or any Five or more of them, to erect or cause to be erected One or more Fence or Fences, Gate or Gates, Bar or Bars, Turnpike or Turnpikes, with or without a Toll House or Toll Houses across, along, by, on, or over any Waste, Common, or Commonable Fields, lying near the Town of *Southampton* and within the Liberties of the County of the same Town, or across, along, by, on, or over any Part or Parts thereof; and also One or more Toll Gate or Bar, with or without a Toll House, across a certain Lane called *Love Lane*, leading to the said Town of *Southampton* and within the Liberties of the County of the same Town, and to take and levy or cause to be taken and levied thereat respectively such Tolls as are by the said Act of the Thirty-first Year of the Reign of his said late Majesty made payable at any Gate or Turnpike to be erected by virtue of the said recited Acts or this Act within the said District, so as the same or the Tolls to be collected at any Gate or Turnpike hereafter to be erected within Eight hundred Yards of *Bar Gate*, in the Town and County of the Town of *Southampton*, do not extend to a double Charge, or subject any Person to the Payment of a larger Toll than is hereby appointed to be paid for passing through any other of the Gates or Turnpikes erected or to be erected by virtue of the said recited Acts or of this Act within the said South District of the said *Southampton* Road, and so as the same do not extend to a double Charge on, or subject or make liable to any greater Toll or Duty than is now payable, any Cattle or Carriages passing or repassing between the Town of *Romsey* in the County of *Southampton* and the Town and County of the Town of *Southampton*, or any Cattle or Carriage passing or repassing *Northam* Bridge or Roads to or from the said Town of *Southampton*.

Side Gates and a Gate in *Love Lane* may be erected.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the Trustees acting within the South District of the *Southampton* Road to take or levy, or cause to be taken or levied, any Toll whatever on any Cattle or Carriages passing through any Gate or Turnpike hereafter to be erected within Eight hundred Yards of *Bar Gate* aforesaid, or in the said Lane called *Love Lane*, but during such Period in every Year not exceeding Three succeeding Calendar Months as the said Trustees, or any Seven or more of them, shall think sufficient to enable the said Trustees effectually to support, repair, and maintain the Road lying within the said South District, and defray all the Charges incident thereto; but if in any Year it shall appear to the Satisfaction of the said Trustees, or any Seven or more of them, at a Meeting to be called expressly for that Purpose, of which One

Restricting Trustees of the South District of the *Southampton* Road from taking Tolls near *Bar Gate* *Southampton*, or in *Love Lane*, but at certain Periods.

[Loc. & Per.]

19 B

Month's

Month's Notice by publick Advertisement shall be given, that the Money collected at all the Gates or Turnpikes, erected or which shall hereafter be erected, within the said South District, and in the said Lane called *Love Lane*, shall be insufficient to enable the said Trustees effectually to support, repair, and maintain the Road lying within the said South District, and defray all the Charges incident thereto, in such Case it shall be lawful for the said Trustees, or any Seven or more of them, in the succeeding Year to take and levy, or cause to be taken and levied, at any such Gate or Turnpike within Eight hundred Yards of *Bar Gate* aforesaid, and in *Love Lane* aforesaid, the Tolls by the said recited Act of the Thirty-first Year of the Reign of His said late Majesty granted for any Period not exceeding Four succeeding Calendar Months.

Trustees of the South District of the *Southampton* Road, empowered to borrow further Monies.

XV. And be it further enacted, That it shall be lawful for the acting Trustees of the said South District of the said *Southampton* Road, or any Nine or more of them, from Time to Time, upon the Credit of the Tolls to arise and be collected on the Road lying within the said South District, to borrow and take up at Interest, over and above the Sum of One thousand four hundred and ninety-nine Pounds Ten Shillings now due and owing on the Credit of the said Tolls, such further Sum or Sums of Money not exceeding the Sum of Three thousand Pounds as they or any Nine or more of them shall think needful; and such Money so borrowed shall, after Payment of the proportionable Part herein-after mentioned of all the Charges and Expences of passing this present Act, be laid out and applied in the Repair of the Road lying within the said South District, and to no other Use or Purpose whatever.

Power to compound for Tolls and Liberty to the Inhabitants of *Winchester* to go an airing, repealed.

XVI. And whereas by the said recited Act of the Twentieth Year of the Reign of His present Majesty, it is enacted, That it shall be lawful for the respective Trustees acting for the said North and South Districts respectively, from Time to Time as they shall see fit, to compound and agree by the Year, or otherwise, with any Person or Persons (except common Carriers) residing within two Miles of the City of *Winchester*, and also with any Person or Persons, except as aforesaid, residing within Two Miles of the Town and County of the Town of *Southampton*, using to travel through all or any of the Turnpikes to be erected by virtue of the said Act, within the said respective Districts, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, for any Sum or Sums of Money, for and in lieu of Payment of any of the Tolls or Duties to be collected at any of the Gates or Turnpikes already erected, or to be erected, upon the said respective Districts, such respective Compositions to be paid Yearly, from Time to Time after such Agreements shall be made, and to be continued on in like Manner for so long Time as the same shall not be found to be injurious to the real Interest of the respective Creditors: And whereas it is also by the said Act further enacted, That all the Inhabitants of the City, Close, and Suburbs of *Winchester*, going only for the Purpose of taking the Air in their own Chaises, Chariots, Coaches, or other Carriages, or on Horseback, and not travelling more than Three Miles on the said Roads, or either of them, and not continuing

ning thereon for any longer Space of Time than Two Hours, shall be permitted to pass through any Turnpike Gate erected or to be erected on either of the said Roads, without being liable to the Payment of any of the Tolls or Duties granted by the Act thereby recited, or the said Act, such Inhabitants entering their respective Claims for the Enjoyment of such Exemption, in Writing under their Hands, and specifying in respect of what Carriage and Horse they claim the same, at some publick Meeting of the said Trustees, provided the same shall not be found to be injurious to the real Interest of the respective Creditors: And whereas the said Powers may be extremely injurious to the real Interest of the said Creditors, be it therefore enacted, That from and after the passing of this Act, the said Powers, and every of them, and also all Powers contained in the said recited Act of the said Thirty-first Year of the Reign of His said late Majesty, for compounding with Travellers, shall be and the same respectively are hereby repealed.

XVII. And be it further enacted, That if any Person or Persons shall pay the respective Tolls by the said recited Act of the Thirty-first Year of the Reign of his said late Majesty granted and made payable for the passing of any Carriage or Cattle through any Gate or Turnpike erected, or to be erected, by virtue of the said recited Acts or of this Act, the same Person, upon producing a Note or Ticket of the Day denoting such Payment, shall be permitted to return through the same or any other Gate or Turnpike with the same Carriage or Cattle, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night, which Note or Ticket the Collectors of the Tolls are hereby required to give gratis.

Persons paying Toll at One Gate may return by the same, or any other Gate, toll-free, the same Day.

XVIII. And be it further enacted, That it shall be lawful for the Trustees of the South District of the *Southampton* Road, or any Nine or more of them, to make any Contract or Agreement with the Trustees named or appointed, in, or under an Act passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Roads leading from a Pond belonging to Henry Eyre Esquire, in the Parish of Whiteparish in the County of Wilts, to the Top of Dunwood Hill, and from thence over Great Bridge and Middle Bridge, through Romsey Infra to Hundred Bridge in the County of Southampton, and from thence to the County of the Town of Southampton*, or any Seven or more of them, for and concerning the Tolls to be collected at any Gate hereafter to be erected or set up within Eight hundred Yards of *Bar Gate* in the Town and County of the Town of *Southampton*, so as to prevent such Tolls operating as a double Toll on Cattle or Carriages passing and repassing between the Town of *Romsey* in the County of *Southampton*, and the Town and County of the Town of *Southampton*, and the said Trustees named in or appointed under the said Act of the Twenty-ninth Year of the Reign of His said late Majesty, or any Seven or more of them, at any Meeting to be had, to put the said Act in Execution, are hereby empowered to make any such Contract or Agreement with the Trustees of the said South District of the said *Southampton* Road, appointed to put this Act, and the herein-before

Trustees of the South District of the *Southampton* Road may agree with the Trustees of the *Romsey* Road, on a Gate being erected near *Southampton*.

recited

recited Acts relative to the said Road in Execution, or any Nine or more of them as aforesaid.

Authorizing Trustees of the South District of Southampton Road, to collect Tolls near Bar Gate, Southampton, and in Love Lane, on a Gate being erected on the Romsey Road near Four Posts.

XIX. Provided always, and be it enacted, That if the said Trustees, named or appointed in or under the said Act of the Twenty ninth Year of the Reign of His said late Majesty King George the Second, or any Seven or more of them, shall at any Time from and after the passing of this Act erect or cause to be erected any Turnpike, Toll Gate or Bar, on any Part of the Road comprized in the said Act and lying between the Place on the North Side of the Road leading from *Milbrook* in the County of *Southampton* to the Town of *Southampton*, at which the Road from the said Town of *Romsey* joins the last mentioned Road, and the Boundary of the County of the Town of *Southampton*, at or near a certain Bridge called *Acorn* or *Four Posts Bridge*, where the said first mentioned Road terminates, then and in such case it shall be lawful for the Trustees of the said South District of the said *Southampton* Road, or any Five or more of them, to demand and receive at any Turnpike Gate or Bar, hereafter to be erected or set up within Eight hundred Yards of *Bar Gate* aforesaid, or in the said Lane called *Love Lane*, the several Tolls by the said Act of the Thirty-first Year of the Reign of His said late Majesty granted for all Cattle and Carriages passing through any such Turnpike Gate or Bar, although the same Cattle and Carriages shall have previously paid a Toll for passing on the said Road leading from the said Town of *Romsey* to the said Town and County of the Town of *Southampton*; any Thing in this Act contained to the contrary notwithstanding.

Trustees of South District may agree with the Company of Proprietors of *Northam Bridge* and Roads, on a Gate being erected near *Southampton*.

XX. And be it further enacted, That it shall be lawful for the Trustees of the South District of the *Southampton* Road for the Time being, or any Nine or more of them, to make any Contract or Agreement with the Company of Proprietors of *Northam Bridge* and Roads for the Time being, constituted under an Act passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for building a Bridge over the River Itchin, at or near Northam, within the Liberties of the Town and County of the Town of Southampton; and for making a Road from the said Town to the said Bridge, and from thence to communicate with the Road leading from West End to Botley in the County of Southampton*, or with the Committee for the Time being for managing the Affairs of the said Company or any Five or more of them, for and concerning the Tolls to be collected at any Gate which shall hereafter be erected or set up within Four hundred and fifty Yards of *Bar Gate* in the Town and County of the Town of *Southampton*, or in the said Lane called *Love-Lane*, or in any Road, Lane, or Place within the Liberties of the County of the said Town, and the Distance of Two Miles from the Foot of the said Bridge on the *Northam* Side thereof, so as to prevent such Tolls operating as a double Toll on Cattle and Carriages passing or repassing the said Bridge or Roads, to or from the said Town of *Southampton*, or being in any Manner injurious or prejudicial to the Tolls granted to the said Company of Proprietors by the said Act of the Thirty-sixth Year of His said Majesty's Reign, for and in respect of the same Bridge and Roads, or for and concerning any other Business, Matter, or Thing, which
on

on or after the Erection of any such Gate as aforesaid, shall arise between the said Trustees and the said Company of Proprietors for the Time being in consequence thereof or in relation thereto; and the said Company of Proprietors of *Northam Bridge* and Roads for the Time being, or the Committee for managing the Affairs of the said Company for the Time being, or any Five or more of the said Committee at any Meeting to be had under or to put the said Act in Execution, are hereby empowered to make any such Contract or Agreement with the Trustees of the said South District of the said *Southampton Road*, appointed to put this Act and the herein-before recited Acts relative to the said Road in Execution, or the Trustees for the Time being of the said Road or any Nine or more of them as aforesaid.

XXI. And whereas the Road adjoining to and leading from the East Side of the North District of the *Southampton Road* near a Gate in the North West Corner of a Close called *Barton Close*, in the Parish of *Saint Faith* in the said County of *Southampton* to the Pavement belonging to the said City of *Winchester* in the Parish of *Saint Michael* in the same County, is intended from and after the passing of this Act to be annexed to and made Part of the said North District of the said *Southampton Road*; be it therefore enacted, That from and after the passing of this Act the said Road adjoining to and leading from the said East Side of the said North District of the said *Southampton Road*, near the said Gate to the said Pavement belonging to the said City of *Winchester* in the said Parish of *Saint Michael*, shall be and become and shall be deemed and taken as Part and Parcel of the Road lying within and belonging to the North District of the said *Southampton Road*, and shall be repaired and kept in Repair, and shall be subject and liable to the same Rules, Orders, and Restrictions in all Respects as the Road lying within the said North District of the said *Southampton Road* is subject and liable to.

A Road near *Winchester* incorporated with the North District of the *Southampton Road*.

XXII. And be it further enacted, That Convictions for Offences against the said recited Acts, or this Act, may be drawn up in the following Form, or to the like Effect; (that is to say,)

‘ to wit, } BE it remembered that on the [Here insert the Form of
 ‘ *Day of the Month, Year of our Lord, and of the King’s Conviction.*
 ‘ *Reign*] *A. B.* is convicted before me *C. D.* One of his Majesty’s
 ‘ Justices of the Peace for the County of _____ on his own
 ‘ Confession [or on the Oath of *E. F.*, a credible Witness, or *G. H.*
 ‘ and *I. K.* credible Witnesses, as the Case may be] of [Here specify
 ‘ the Offence, the Time when, and the Place where the same was committed,]
 ‘ contrary to the Form of the several Acts of Parliament passed for
 ‘ repairing and widening the Roads from the Town of *Stockbridge* in
 ‘ the County of *Southampton* to the City of *Winchester*, and from the
 ‘ said City through *Bellmour Lane* to the Top of *Stephen’s Castle Down*,
 ‘ near the Town of *Bishop’s Waltham* in the said County, and from the
 ‘ said City through *Otterborne*, to *Bar Gate* in the Town and County
 ‘ of the Town of *Southampton*; and I the said Justice do adjudge the
 ‘ said *A. B.* to have thereby incurred the Penalty of _____
 ‘ to be paid, recovered, and applied in Manner directed by the said
 ‘ [Loc. & Per.] 19 C Acts.

‘ Acts. Given under my Hand and Seal, the Day and Year first
‘ aforefaid.’

Which Conviction shall be valid and effectual in Law to all Intents
and Purposes.

The Expences of this Act how to be paid.

XXIII. And be it further enacted, That the Costs, Charges, and Expences of procuring and passing this Act shall be in the first place paid and discharged out of the Tolls already collected, or to be collected, or out of the Money borrowed, or to be borrowed, on the Credit thereof, within the several and respective Districts mentioned in the said recited Acts and this present Act, in the Proportions following; that is to say, Three Fourth Parts of such Costs, Charges, and Expences shall be paid, borne, and defrayed, out of the Tolls collected, or to be collected, or out of the Money borrowed or to be borrowed on the Credit of the *Stockbridge* and *Waltham* Roads, and the North District of the *Southampton* Road; and the remaining Fourth Part shall be paid, borne, and defrayed out of the Tolls collected or to be collected, or out of the Money borrowed or to be borrowed on the Credit of the South District of the *Southampton* Road.

Publick Act.

XXIV. And be it further enacted, That this Act shall 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.

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