



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. lxxiii.

An Act to continue the Term and enlarge the Powers of several Acts for repairing the Roads from *Basingstoke*, through *Popham Lane*, *Sutton Scotney*, and *Stockbridge*, in the County of *Southampton*, to a Place called *Lobcomb Corner*, in the County of *Wilts*. [23d May 1818.]

WHEREAS an Act was made in the Twenty-ninth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for repairing and widening the High Roads from Basingstoke, through Popham Lane, Sutton Scotney, and Stockbridge, in the County of Southampton, to a Place called Lobcomb Corner, in the County of Wilts; and also for repairing and widening the Road from Spittle House, over Weyhill, to Mullens Pond, in the said County of Southampton*: And whereas another Act was made in the Sixteenth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of so much of an Act made in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, intituled: An Act for repairing and widening the High Road from Basingstoke, through Popham Lane, Sutton Scotney, and Stockbridge, in the County of Southampton, to a Place called Lobcomb Corner, in the County of Wilts; and also for repairing and widening the Road from Spittle House, over Weyhill, to Mullens Pond, in the said County of Southampton, as relates to the Road from Basingstoke to Lobcomb Corner, in the County of Wilts*: And whereas another Act was made in the Thirty-seventh Year of the Reign of His present Majesty,

[Local.] 19 M intituled

29G.3.c.46.
16G.3.c.67.

37G.3.c.150. intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, and the Sixteenth Year of the Reign of His present Majesty, so far as the same relate to the Roads from Basingstoke, through Popham Lane, Sutton Scotney, and Stockbridge, in the County of Southampton, to a Place called Lobcomb Corner, in the County of Wilts: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into Execution, and have for that Purpose from Time to Time borrowed several considerable Sums of Money on the Credit thereof, and of the Tolls thereby authorized to be taken, which Money still remains due, and cannot be repaid, nor the said Roads properly maintained and improved, or kept in Repair, unless the Term of the said Acts be continued, and some of the Powers thereof altered and amended: 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, and all and every the Authorities, Powers, Provisoos, Provisions, and Clauses therein respectively contained (except such of them as are varied, altered, or repealed), shall be and continue in full Force and Effect, and together with this present Act shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after mentioned, in as full and ample a Manner and as effectually to all Intents and Purposes as if the said Authorities, Powers, Provisoos, Provisions, and Clauses were repeated and re-enacted in this present Act; and the additional Term hereby granted shall be and is hereby made subject and liable to the Payment of all Monies now due and owing on the Credit, or on Account of the former Acts, or either of them, and which may be due and owing on the Credit or on Account of this Act, and all Interest due and to grow due for the same respectively.*

Recited Acts continued.

Additional Trustees.

II. And be it further enacted, That *Sir Charles Rich* Baronet, *Sir Charles Ogle* Baronet, *Sir Thomas Baring* Baronet, *Sir Thomas Lethbridge* Baronet, *George Lovell*, *James Blunt*, *Henry King*, *William Van Trump* Tyrrel, *James Wickham*, *John Brewer*, *Edward Ranger*, *John James*, *James Edwards*, *Henry Perkins*, *John Bennett*, *Thomas Lowten*, *Peter Green*, *William Hornblow Dee*, *Thomas Freeman Heathcote*, *Charles Rich*, *George Tate*, *John Lywood*, *Henry Tredgold*, *Charles Baring Wall*, *Thomas Francis Egerton*, *John Fleming*, *Joseph Tomkins*, *Augustus Robert Hankey*, the Mayor and Two acting Justices of the Peace of *Basingstoke* for the Time being, *John Cross Cooke*, *George Purefoy Jervoise*, *Harris Big Wither*, *Stephen Terry*, *John Haster*, the Reverend *Marmaduke Sealy* Clerk, the Reverend *Henry Taylor* Clerk, the Reverend *John Orde* Clerk, the Reverend *Michael Terry* Clerk (being qualified according to the Directions of the said first recited Act), shall be and they are hereby added to and joined with the surviving and remaining Trustees appointed by or in pursuance of the said Acts for putting the said Acts and this Act into Execution, and shall have the like Powers for that Purpose as if they had been appointed Trustees in or by virtue of the said Acts or either of them.

Electing more Trustees.

III. And be it further enacted, That it shall be lawful for the Trustees for executing the said Acts and this Act, or any Seven or more of them,

at a Meeting to be held for that Purpose, of which Meeting and the Purpose thereof Fourteen Days Notice shall be given, as is directed by the said first-recited Act respecting the Appointment of Trustees on Vacancies, to elect, nominate, and appoint any Number of fit and proper Persons not exceeding Ten, to be Trustees for the Purposes of the said Acts and this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so to be appointed shall have the same Powers as if they had been nominated and appointed in and by this Act.

IV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due for the Passage of any Horse, Cattle, or Carriage on the said Roads, pursuant to the said recited Acts, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County, Liberty, or Place where such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witnesses or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper, all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Settling Disputes concerning Tolls.

V. Provided always, and be it enacted, That nothing in the said Acts or this Act contained shall authorize the said Trustees, or any Collector to be by them appointed, to ask, demand, or receive any further Toll from any Person or Persons who shall produce Tickets of having paid the full Toll on the same Day at any Two of the Toll Gates or Toll Bars erected or to be erected on any Part of the said Roads, but such Person or Persons shall be permitted to pass through all the other Toll Gates or Toll Bars to be erected by virtue of this Act, on the same Day on which he shall have so paid Two Tolls as aforesaid, without any further Payment whatever; any Thing in this Act contained to the contrary notwithstanding.

Two Tolls only to be payable.

VI. And be it further enacted, That upon Payment of the Tolls by the said Acts granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Tickets to be provided.

VII. And be it further enacted, That all and every Toll Collector appointed either by the Trustees for executing the said Acts and this Act, or any Five or more of them, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected by virtue of the said Acts or this Act, shall and he is hereby required to place his Christian

Toll Collectors to put up their Names, &c.

Christian and Surname, painted on a Board in legible Characters, in the Front, or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said Acts and this Act, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates to be freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said first-recited Act directed to be recovered and applied.

Exempting
the Carriages
of the Royal
Family.

VIII. And be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages belonging to Their Majesties, or any of the Royal Family, or any of the Horses of His Majesty's Guards, or any Horses or Carriages conveying Persons regularly attending Their Majesties, or any of the Royal Family.

Lessee of
Tolls respon-
sible for Per-
sons employ-
ed by him.

IX. And be it further enacted, That the Lessee or Hirer of the said Tolls for the Time being shall at all Times be responsible for every Person or Persons employed by or under him for the Purpose of collecting or receiving the said Tolls, whether such Person or Persons shall be a Party in hiring the same or not; and all Persons or Passengers going through any Turnpike Gate erected on the said Roads, having lawful Complaint against such Collector or Collectors, may prefer the same against the Lessee or Hirer of the said Tolls, who shall be liable to the same Fines, Forfeitures, or Penalties, as if acting in his own proper Person.

Power to
eject Farmers
of Tolls in
Arrear.

X. And be it further enacted, That if any Person who shall be the Farmer or Renter of any of the Tolls hereby authorized to be collected, shall not pay or cause to be paid to the said Trustees or their Clerk or Clerks, Treasurer or Treasurers for the Time being, the Rent, Sum, Money, or Portion of Rent which he or they shall have agreed to give for the same, within the Space of Ten Days next after the several and respective Days on which the same shall become due and payable, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, to nominate and appoint some fit Person to collect and receive the

the Tolls arising at the Toll Gate or Side Gate of which such Person shall be the Farmer or Renter, until the next Meeting of the said Trustees, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all respects as if he had been appointed a Collector at a Meeting held by virtue of the said Acts and this Act; and if any such Farmer or Renter, or other Person who shall inhabit the same, shall refuse or neglect to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he occupied in Right of his being such Farmer or Renter as aforesaid, for the Space of Four Days next after Notice of such Appointment shall be given to him, or left at such Toll House, then it shall be lawful for any Justice of the Peace for either of the said Counties, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of such House and Premises, and to put the new-appointed Collector into the Possession thereof; and that then and from thenceforth the Contract or Lease, by which the said Tolls shall be rented or holden, shall become null and void, to all Intents and Purposes whatsoever; and the Sum or Sums of Money (if any) which shall have been deposited in the Hands of the said Trustees, or their Treasurer, for better securing the regular Payment of the said Rent, and all Interest which shall be then due thereon, shall become forfeited to the said Trustees, and shall be by them applied to the several Purposes of the said Acts and this Act.

XI. And be it further enacted, That from and after the passing of this Act no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads in the Townships or Parishes in which any Parts of the said Roads lie, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners, for the Purpose of thrashing out such Corn, or of seeding out such Hay or Straw; or for any Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, Corn for seeding the Ground, or any Dung, Compost, Lime, or Manure, employed in Husbandry for manuring or improving Lands; nor for any Horses or Cattle going to or returning from Pasture or Watering Places; nor from any Person going to or returning from his or her proper Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person who shall die and be buried in any of the said Townships or Parishes; or from any Clergyman going to or returning from visiting any sick Person, or going to or returning from his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horse, Cattle, or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters

Exemptions
from Toll.

[Local.]

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and

thereof; and if any Person or Persons shall ride upon any such Causeway or Footpath, or shall drive any Horse or other Cattle, or any Swine, or any Carriage thereon, or shall make or assist in making any Fire or Fires whatsoever, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Foot-ball on any Part of the said Road, or shall wilfully cause any Damage whatsoever to be done thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Acts and this Act.

For impounding Cattle or Swine straying.

XVIII. And be it further enacted, That if any Cow, Horse, Ass, Pig, or other Live Stock or Cattle shall at any Time be found wandering, straying, or lying about the said Roads or any Part thereof, it shall and may be lawful to and for the Surveyor of the said Roads for the Time being, or some other Person or Persons employed by him, or by the said Trustees, to seize and impound every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle in the Common Pound (if any) of the Parish or Place, or in such other Places as the said Trustees or any Five of them shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Pig, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Seven Days after such impounding, it shall and may be lawful to and for the said Trustees, or any Five of them, to sell or cause to be sold every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, and the Money arising from such Sale, after deducting the said Penalty and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Gates to open inwards.

XIX. And be it further enacted, That all Gates of any Park, Paddock, Field, Garden, or Inclosure of any Description whatsoever, shall be made to open inward only to such Park, Paddock, Field, Garden, or Inclosure, and not outwards towards the said Roads, under a Penalty not exceeding Forty Shillings to be paid by the Owner or Occupier of such Park or other Place as aforesaid; and that it shall be lawful for the said Trustees or their Surveyor or Surveyors to cause all such Gates as are now or may hereafter be erected or constructed so as to open outwards towards the said Roads, to be altered and made so as to open inwards, and from the said Roads only, and to defray the Expence thereof out of the Tolls arising by virtue of the said Acts and this Act.

In diverting Roads not to deviate more than One hundred Yards.

XX. And be it further enacted, That it shall not be lawful for the said Trustees in diverting, turning, varying, or altering the Course or Path of any Part of the Roads comprized in the said Acts, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration; any Thing in either of the said recited Acts contained to the contrary thereof in anywise notwithstanding.

XXI. And

XXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased or to be purchased by virtue of the said Acts or this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order to be made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made the said Money shall by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Application
of Money
above 200l.

XXII. Provided always, and be it further enacted, That if any Money so agreed and awarded to be paid for any Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said

When less
than 200l.
and not less
than 20l.

[Local.]

Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When under
20l.

XXIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased for the Purposes of the said Acts and this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles, &c.

XXIV. And be it further enacted, That in case the Person or Persons to whom any such Sum or Sums of Money shall be adjudged or awarded by or for the Purchase of any Lands or Hereditaments to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, or Interest of the Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

XXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

In case of
disputed
Titles.

XXVI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said Acts and this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may
order reason-
able Expences
to be paid
by the Trustees.

XXVII. And be it further enacted, That all Waggon, Carts, or other Carriages having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be entitled to an Abatement of One Fourth Part of the Tolls granted by the said Acts.

Abatement
of Toll on
Carriages
constructed
as by 55 G. 3.

XXVIII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and such other Person or Persons as may be employed by him or them for that Purpose, to get, take, and carry away Furze, Heath, Stones, Chalk, Flint, Gravel, Clay, Sand, or other Materials proper for the repairing of the said Roads, from any Commons or Waste Grounds, common Rivers or Brooks, in any Parish, Township, or Place wherein any Part of the said Roads lie, or in any neighbouring Parish, Township, or Place, without paying any Thing for the same, such Surveyor or Surveyors or other Person or Persons filling

Surveyors
may take
Gravel, &c.
filling up
Pits, &c.

filling up the Pits and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same shall not be dangerous to Passengers or Cattle, and also by Order of the said Trustees, or any Five or more of them, but under such Restrictions as herein mentioned, to search for, dig, get, take, and carry away such Materials in, upon, and out of, through, from, and over the Lands of any Person or Persons whomsoever, the same not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, after paying or tendering to the Owners or Occupiers of such Lands such a Sum by way of Recompence for the Damage to be sustained thereby, and for such Materials, as the said Trustees or any Five or more of them shall judge reasonable; and in case the Owners or Occupiers of such Land shall refuse to accept the Sum offered or tendered for Damages, and for such Materials as aforesaid, then the Amount thereof shall be settled by any Two or more Justices of the Peace for the County within which such Materials shall be gotten.

Notice to be given to Occupiers of inclosed Lands, before Materials are taken.

XXIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads out of or from any inclosed Lands or Grounds until Five Days Notice in Writing, signed by such Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his or her Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices by their Order to authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his or her Agent had attended.

Statute Work.

XXX. And be it further enacted, That so much of the said first-recited Act as relates to the Performance of Statute Labour on the Roads shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the Counties of *Southampton* and *Wilts*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Portion of Statute Work shall every Year be done upon the said Roads by the Inhabitants of the Parish, Hamlet, or Place in which the said Roads do lie, according and in proportion to the Extent of the said Roads, and of the other Highways in such Parish, Hamlet, or Place; and also what Proportion (according to

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the Extent aforesaid) of the Money received or to be received by the Surveyor or Surveyors of the Highways of such Parish, Hamlet, or Place; or in case no Surveyor is or shall be appointed, then by some Person or Persons to be appointed by the said Justices, Surveyor or Surveyors of such Parish, Hamlet, or Place (which Appointment they are hereby required and empowered to make), in lieu of or as a Composition for such Statute Work as aforesaid (made or to be made conformable to the Rules fixed or to be fixed by the Justices of the District at their Special Sessions for the Highways held in the Week next after *Michaelmas* yearly), shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for such Parish, Hamlet, or Place, or such other Person or Persons to be appointed by them for that Purpose, as the Case may be, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who, within such Parish, Hamlet, or Place, are by Law subjected and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature and Quantity of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, according and in proportion to the Extent of the said Roads, and of the other Highways in such Parish, Hamlet, or Place; and the same shall be done at such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer at such Time or Times as they the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said first-recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force or Effect for the Repair of the Public Highways; and if any Person who shall come to

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work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject or liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Roads; and if any Surveyor of the Highways for the said Parish, Hamlet, or Place, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case such Surveyor or Surveyors shall omit or wilfully neglect to obey the Order of the said Justices for, and shall make Default in the Payment of such Proportion of the Monies received or to be received by him, her, or them in lieu of or as a Composition for such Statute Work as aforesaid to the said Trustees, or their Treasurer or Treasurers, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Surveyor or Surveyors so making such Default, in like Manner as any Penalty is by the said first-recited Act authorized and directed to be recovered.

For defraying the Charges of this Act.

XXXI. And be it further enacted, That the Expences of obtaining and passing this Act shall be paid as soon as conveniently may be after the passing the same, out of the first Tolls or Duties arising or to arise by virtue of the said recited Acts or of this present Act, or any of them, upon the said Roads, or out of any Money borrowed or to be borrowed upon the Credit thereof.

Public Act.

XXXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance of this Act.

XXXIII. And be it further enacted, That the Term granted by the said recited Acts shall on the passing of this Act cease and determine, and the said recited Acts (subject to the Alterations and Amendments herein contained), and this Act, shall thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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