



ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxiv.

An Act to continue and amend Three Acts passed in the Second, Twenty-second, and Thirty-ninth Years of His late Majesty King George the Third, for repairing the Road from the Turnpike Road at *Weyhill*, in the County of *Southampton*, to the Turnpike Road at *Lyde Way*, in the County of *Wilts*. [22d June 1820.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Road from the Turnpike Road at Weyhill, in the County of Southampton, to the Turnpike Road at Lyde Way, in the County of Wilts*: And whereas an Act was passed in the Twenty-second Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term and Powers of an Act passed in the Second Year of His present Majesty, for repairing and widening the Road from the Turnpike Road at Weyhill, in the County of Southampton, to the Turnpike Road at Lyde Way, in the County of Wilts*: And whereas another Act was passed in the Thirty-ninth Year of the Reign of His said late Majesty, intituled *An Act for continuing, for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts passed in the Second and Twenty-second Years of the Reign of His present Majesty, for repairing and widening the Road from the Turnpike Road at Weyhill, in the County of Southampton,*

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to the Turnpike Road at Lyde Way, in the County of Wilts: And whereas the Trustees appointed under and by virtue of the said several Acts have made considerable Progress in the Repair and Improvement of the said Road, and have borrowed and taken up at Interest considerable Sums on the Credit of the Tolls granted by the said several Acts, great Part of which still remains due, and cannot be repaid, unless the Term thereby granted be further extended, the Tolls increased, and additional Powers granted: 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 the several Clauses, Powers, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except such as are varied, altered, or repealed), shall, together with this present Act, be put in Execution, during the Term herein-after mentioned, in like Manner, and as fully and effectually in all respects, and to all Intents and Purposes, as if the said several Clauses, Powers, Exemptions, Penalties, Forfeitures, Matters, and Things contained in the said recited Acts, were repeated and re-enacted in the Body of this present Act; which said additional Term hereby granted shall be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Acts, and also of all further Sums which may be borrowed and become due on the Credit of this Act, and of the Interest due or to grow due for the same respectively.

Acts continued.

Magistrates of Hants and Wilts to be Trustees.

II. And be it further enacted, That the acting Magistrates for the Counties of *Southampton* and *Wilts* shall be, and they are hereby added to and joined with the Trustees for executing the said Acts and this Act, and shall have such and the like Powers and Authorities for carrying the same into Execution, and shall be subject and liable to the like Rules and Regulations as the other Trustees.

Power to elect other Trustees.

III. And be it further enacted, That when and so often as any of the Trustees already appointed, or appointed or elected in pursuance of the said Acts and this Act, shall die, or by Writing under their Hands decline, or for the Space of Two Years at any one Time, shall neglect to act in the Execution of the said Acts and this Act, it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint One or more fit and proper Person or Persons to be a Trustee or Trustees in the Room of every Trustee or Trustees dying, declining, or neglecting to act as aforesaid, provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election, be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Toll Gates then erected upon the said Road, and by inserting such Notice in One or more of the Newspapers published within the County of *Wilts* or *Southampton*, Ten Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee or Trustees, pursuant to the Directions of the said Acts and this Act, shall and may act with the surviving and continuing Trustees in the Execution of the said Acts and this Act, to all Intents and Purposes, as if he or they had been named and appointed a Trustee or Trustees in and by the said Acts or this Act.

IV. And whereas it is by the said first recited Act enacted, that no Person shall act as a Trustee in the Execution thereof, who shall not be possessed of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or be possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount and Value of Eight hundred Pounds: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the same shall be and is hereby repealed.

Repeal of
Qualification
of Trustees.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Acts and this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seized of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the yearly Value of One hundred and fifty Pounds, above Reprizes, or shall be possessed of a Personal Estate, or Real and Personal Estate together, of the Amount or Value of Four thousand Pounds; and if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of the said Acts and this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of the said Acts and this Act: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of the said Acts and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Qualification
of Trustees.

VI. And be it further enacted, That every Trustee appointed, or to be elected and appointed by virtue of the said Acts and this Act, before he shall act as such (except in administering the Oath herein-after mentioned), shall take and subscribe an Oath before Two or more of the said Trustees (who are hereby empowered to administer the same), in the Form or to the Effect following; that is to say,

Trustees to
take an Oath.

‘ I *A. B.* do swear, That I am, in my own Right, [*or*, in the Right of
‘ my Wife,] truly and *bonâ fide* seised or possessed of, and in the actual
‘ Possession or Receipt of the Rents and Profits of Freehold or Copyhold
‘ Messuages, Lands, Tenements, or Hereditaments, of the yearly Value
‘ of One hundred Pounds, above Reprizes; [*or*, am Heir Apparent of
‘ a Person truly and *bonâ fide* seised or possessed of, and in the actual
‘ Possession or Receipt of the Rents and Profits of Freehold or Copyhold
‘ Messuages, Lands, Tenements, or Hereditaments of the yearly Value
‘ of

‘ of One hundred and fifty Pounds, above Reprizes ; or, am truly and
 ‘ *bonâ fide* possessed of a Personal Estate, or Real and Personal Estate
 ‘ together, of the Amount or Value of Four thousand Pounds], and
 ‘ that I will truly and faithfully execute the Powers and Trusts reposed in
 ‘ me by Four Acts of Parliament, passed in the Second, Twenty-second,
 ‘ and Thirty-ninth Years of the Reign of His Majesty King *George* the
 ‘ Third, and in the First Year of the Reign of His Majesty King *George*
 ‘ the Fourth, intituled [*here set forth the Titles of the said Acts.*]

‘ So help me GOD.’

Trustees
holding
Places of
Profit not to
act.

VII. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Acts and this Act, during the Time he shall hold any Place of Profit, or be interested or concerned in any Contract or Contracts under the said Acts and this Act ; but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the said Acts and this Act, or receiving Interest thereout for the same, shall be on that Account deemed unqualified to act as a Trustee in the Execution of the said Acts and this Act.

All Acts may
be done by
Five Trus-
tees, unless
otherwise
directed.

VIII. And be it further enacted, That all the Acts, Matters, and Things relative to the Execution of the said Acts and this Act, may be done and executed by the Majority of the Trustees present at their Meetings, the whole Number present not being less than Five ; and all Acts, Matters, and Things done or executed by such Majority of the Trustees at such Meetings shall be as good, valid, and effectual as if the same had been done by all the Trustees named or appointed by the said Act or this Act, except in the Cases by the said Acts and this Act particularly directed to be done and executed by any greater or less Number of them ; and at every Meeting of the said Trustees a Chairman shall be appointed ; and when and so often as it shall happen that there shall be an Equality of Votes at any such Meeting, upon any Question, including the Vote of the Chairman, then and in every such Case, it shall and may be lawful for the Chairman to give the decisive or casting Vote.

Meetings on
Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees, 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 to the said Trustees, or any Two or more of the said Trustees, upon an Order in Writing signed by Three or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Meeting not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly ; and all the Orders and Determinations of the said Trustees, at all such Meetings, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Repeal of
Provision for
verifying Ac-

X. And be it further enacted, That so much of the said Act passed in the Second Year of the Reign of His late Majesty, as requires any
 Officer

Officer or other Person to verify his Account on Oath, and as authorizes the Trustees for executing the said Act, to administer an Oath to any such Officer or Officers appointed or to be appointed by virtue of the said Acts or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and is hereby repealed.

counts on
Oath.

XI. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by the Chairman at such Meeting; which Book or Books, and also the Book or Books by the said first recited Act directed to be kept for registering Mortgages and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatever.

Orders to be
entered in a
Book.

XII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out and expended for or on account of the said Road, and of the several Articles, Matters, and Things, for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls granted by the said Acts and this Act without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner in the said first recited Act directed.

Accounts to
be kept of
Receipts and
Disburse-
ments.

XIII. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Three or more of the said Trustees, though not assembled at any General Meeting of the Trustees, appointed by virtue of the said Acts and this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself, which Person so nominated and appointed shall have the like Power and Authority and be answerable or accountable in the same Manner in all Respects as the Person who shall die, become incapable, abscond, or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver, who shall die, abscond, absent himself, or be

Trustees may
appoint tem-
porary Col-
lectors, &c.
in certain
Cases.

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discharged,

discharged, or any other Person having the Possession of any Toll House or Buildings to be erected or set up by virtue of the said Acts and this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said Counties of *Southampton* and *Wilts*, or either of them, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for either of the said Counties, with such Assistance as shall be necessary, to enter such House or Building in the Day-time and to remove the Person or Persons who shall be found therein, together with his or their Goods, out of the same, and to put the said Trustees, or any Three or more of them, or any of their Officers, in the possession thereof.

Clerk restrained from acting as Treasurer, and vice versa.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any of them; or if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any of them; or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of the said Acts and this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall 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, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Repealing former Tolls, and granting others in lieu thereof.

XV. And be it further enacted, That from and after the passing of this Act, the several Tolls and Duties granted in and by the said recited Acts shall cease, determine, and be no longer paid or payable, and that instead thereof the respective Tolls or Duties following shall be demanded and taken before any Horse, Beast, or other Cattle, or any Carriage, shall be permitted to pass through any Turnpike or Gate erected or to be erected by virtue of the said Acts or this Act, upon and across the said Road, or upon and across any Lane or Way leading into the same; (that is to say),

Tolls.

For every Horse, Mule, or Ass, drawing any Coach, Chariot, Landau, Landaulet, Phaeton, Marine, Berlin, Barouche, Chaise, Galash, Curricule, Hearse, Gig, Chair, or Taxed Cart, the Sum of Four-pence Halfpenny :

For every Horse or Beast of Draught, drawing any Caravan, Waggon, Wain, Dung Cart, or other such like Carriage, exceeding the Number of One, the Sum of Four-pence Halfpenny; and for One Horse or Beast of Draught so drawing, the Sum of Three-pence :

For every empty Carriage with Four Wheels, fastened to or behind any Waggon, Wain, Dung Cart, or other Carriage, the Sum of Four-pence Halfpenny; and for every empty Carriage with Two Wheels so fastened, the Sum of Two-pence Halfpenny; and if loaded, Double such respective Sums:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number; and,

For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Seven-pence *per* Score, and so in proportion for any greater or less Number.

XVI. And be it enacted, That no Person shall be liable to pay Toll more than once for passing at any Time or Times with the same Horses, Cattle, or Carriages in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, through any one Turnpike erected by virtue of the said Acts or this Act, but all and every such Person and Persons, after having paid such Tolls or Toll respectively as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payments or Payment, afterwards pass with such Horses, Cattle, Beast, or Carriage Toll-free during such Day, to be computed as aforesaid, through the respective Gates or Gate where such Payments or Payment respectively were or was made, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of the Toll.

Persons not to pay at the same Gate for returning.

XVII. Provided nevertheless, and be it further enacted, That no more than One Half of the Tolls by this Act granted shall be taken for the Passage of any Cattle or Carriage through any Gate or Gates upon or on the Side or Sides of the said Road, between the Turnpike or Toll Gate erected at or near *Uphaven* and *Lydeaway*, but that all Persons having paid the said Half Toll, and producing a Note or Ticket denoting the Payment thereof, which the Person receiving the said Half Toll is hereby required to give *gratis*, shall, upon Payment of the other Half of such Toll, be permitted to pass and repass in the same Day through the Turnpike or Toll Gate erected or to be erected upon the said Road, at or near *Uphaven*; any thing herein-before contained to the contrary notwithstanding.

Half Toll to be taken between *Uphaven* and *Lydeaway*.

XVIII. Provided always, and be it enacted, That if any Person shall pay the respective Tolls by this Act granted for the passing of any Horse or Beast, Carriage or Cattle, at any Gate or Turnpike erected in, across, or on the Side of that Part or Division of the said Road lying between the present Turnpike Road at *Weyhill* and *Uphaven*, such Person, upon producing a Note or Ticket of the Day, denoting such Payment, and at what Gate the same was made, shall be permitted to pass, return, and repass with the same Horse or Beast, Carriage or Cattle, Toll-free through the same, or any other Gate or Turnpike upon that Division of the said Road, 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.

Persons to be exempted from Toll on returning along the Road between *Weyhill* and *Uphaven*.

XIX. Provided

Persons to be exempted from Toll on returning along the Road between Uphaven and Lydeway.

XIX. Provided also, and be it enacted, That if any Person shall pay the respective Tolls by this Act granted for the passing of any Horse or Beast, Carriage or Cattle at any Gate or Turnpike erected upon, in, across, or on the Side of that Part or Division of the said Road lying between *Uphaven* and the present Turnpike Road at *Lydeway* aforesaid, such Person, upon producing such Note or Ticket as aforesaid, shall be permitted to pass and repass with the same Horse or Beast, Carriage or Cattle Toll-free through the same, and every or any other Gate or Turnpike on that Division of the said Road, 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 succeeding Night.

Stage Coaches and Post Chaise.

XX. Provided always, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of all Horses or Mules drawing any Stage Coach, every Time they shall pass upon the said Road, and for and in respect of all Post Horses or Mules drawing any Post Chaise or other Carriage, every Time they shall pass through any such Toll Gate or Turnpike; and the Driver thereof shall deliver a Ticket denoting a fresh Hiring, any thing in this Act contained to the contrary thereof notwithstanding.

Tickets to be provided.

XXI. And be it further enacted, That upon Payment of the Tolls by this Act 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.

Power to reduce Tolls and raise them again.

XXII. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen or reduce all or any of the Tolls granted or authorized to be taken by this Act, and to raise them again to any Sum not exceeding the Tolls respectively hereby granted or authorized to be taken; provided that every such Reduction be made with the Consent of the Persons who shall be entitled to Five Sixth Parts at least of the Money then due on the Credit of such Tolls, and that Notice in Writing be given of a Meeting to be holden for that Purpose, by affixing the same upon all the Turnpike Gates then erected upon the said Road, Fourteen Days before the Meeting for making such Reduction; and such Tolls so lessened, varied, or reduced, or raised again, shall be vested in the said Trustees, and shall be collected in such Parts and Proportions at such of the Turnpike Gates on the said Road as they the said Trustees, or any Seven or more of them, shall direct, and shall be collected, recovered, paid, and applied in the same Manner as the Tolls hereby granted or authorized to be taken, are directed to be collected, recovered, and applied.

Power to declare Leases void, on Non-payment of the Rent.

XXIII. And be it further enacted, That if upon or after any Letting or Agreement for Letting the said Tolls, or any Part thereof, by the said Trustees, any Default shall be made in Payment of the Rent agreed to be paid for the same, or any Part thereof, on the Days appointed for Payment thereof, then and in such Case the said Trustees shall and may and

and are hereby empowered, at any Meeting after Notice of the holding of such Meeting shall have been given to the Lessee or Lessees of the said Tolls, and shall have been also affixed upon all the Turnpikes or Gates then erected or standing upon or across the said Road, Ten Days at least before such Meeting, to declare any Lease of the said Tolls, or any Contract or Agreement for letting the same void, and such Lease, Contract, or Agreement, shall thereupon be void to all Intents and Purposes, from the Time of such Declaration; but the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences which the said Trustees, or their Treasurer for the Time being, shall or may pay, sustain, or be put unto by reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement on the Part of such Lessee or Lessees.

XXIV. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby granted, or any Person or Persons claiming under him or them, shall, at any Time after the Expiration of the Term for which such Tolls shall be leased, or for the Space of Two Days after the Demise, Lease, or Agreement for letting of such Tolls shall be declared void as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings, and Premises which shall have been let or demised to him or them, with the Tolls so let or leased, it shall be lawful for any Justice of the Peace for the County or Place where such Toll House or Toll Houses, Buildings, and Premises shall be situate respectively, by Warrant under his Hand and Seal, to order the Constables or other Peace Officers of the Parish or Place where such Toll House or Toll Houses, Buildings, and Premises shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll House or Toll Houses, Buildings, and Premises respectively, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels out of such Toll House or Toll Houses, Buildings, and Premises, and to put any Person or Persons whom the said Trustees, or any Five or more of them, shall appoint, in Possession of the said Toll House or Toll Houses, Buildings, and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees, to be applied as by the said recited Acts or this Act is directed.

XXV. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences, which shall be erected and provided in pursuance of the said Acts and this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Road, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring, or cause to be brought, any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting

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For obtaining Possession of Toll Houses.

Toll Houses, &c. vested in Trustees.

of any Informations or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials aforesaid, stating the Property therein to be in their Clerk or Treasurer.

Power to
remove Toll
Gates.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, as they shall think proper, to cause any of the Toll Gates or Toll Bars which are or shall be erected in, upon, or across, or on the Side or Sides of the said Road, to be removed and placed upon such other Part or Parts of the said Road, or the Side or Sides thereof, as the said Trustees shall from Time to Time order and direct, provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Fourteen Days previous Notice of the Intention to remove the same shall have been given in One or more of the Newspapers published within the Counties of *Southampton* and *Wilts* aforesaid, and also affixed in Writing upon all the Toll Gates then standing upon the said Road.

For settling
Disputes
concerning
Tolls.

XXVII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, taken by virtue of the said recited Acts or this Act, 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, of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness 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.

To prevent
Evasion of
Tolls.

XXVIII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast, drawing or not drawing, in order to avoid Payment of the said Tolls, or any of them, pass through any Land or Ground adjoining to, or lying near any Toll Gate or Toll Bar, to be erected by virtue of this Act (except the Owner or Occupier of any such Land or Ground, or any of his, her, or their Family or Servants); or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons (except as aforesaid) with any Horse, Cattle, or Beast, to pass through the same, with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly

pass

pass through any Toll Gate or Toll Bar with any Horse, Cattle, or Beast, without Payment of Toll, or shall take off any Horse, Beast, or other Cattle, from any Carriage, with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XXIX. And be it further enacted, That so much of the said first re- Former Act cited Act as relates to the Exemptions from Tolls, shall be, and the same is hereby repealed. repealed.

XXX. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Carriage attending His Majesty or any of the Royal Family. Royal Family exempt from Toll.

XXXI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Cattle which shall not pass more than One hundred Yards on the said Road; nor for any Horse or Cattle drawing any Carriage, passing through any of the Toll Gates or Toll Bars to be erected upon or on the Sides of the said Road, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Road, or for repairing any of the Highways or Bridges in the Parishes, Districts, or Places, which are liable to perform Statute Duty upon any Part of the said Road, in their Way to, or on their Return, after having been so employed; nor for any Horse or Cattle drawing any Carriage employed in carrying or conveying Hay or Corn in the Straw, not sold or disposed of, or going to be sold or disposed of, but going to be laid up in the Houses, Out Houses, Barns, or Yards of the Owners thereof, or drawing, carrying, or conveying any Plough, Harrow, or other Implement of Husbandry to be used in the Cultivation of Lands, carried from one Part to another of Lands occupied by the same Person or Persons, or in carrying or conveying Mould, Dung, Ashes, Soil, or Compost for the manuring of Lands, or on their Way to or on their Return after having been so employed; nor from any Rector, Vicar, or Curate, going to or returning from performing his Duty at any Church or Chapel, or to or from visiting any of his sick Parishioners; nor of or from any other Person or Persons for passing through any of the said Toll Gates or Toll Bars, to or from any his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Districts, or Places; nor for any Horse, Mare, Gelding, Mule, Ass, or Cattle, kept within such Parishes, Districts, or Places, going to or returning from Work, in cultivating Lands therein; nor for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod or farried; nor for any Horse or Carriage of whatsoever Description, employed or to be employed, in conveying the Mails of Letters and Expresses, under

under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor for the Horses of Officers and Soldiers on their March or on Duty; nor for Carriages or Horses, or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any wounded or disabled Officers or Soldiers; nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officers, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption, and not otherwise; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Barrack, or other Public or Commissariat Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants, travelling with legal Passes, or returning after having been so employed; nor for any Horse or Carriage going to or returning from any Election of a Knight of the Shire, to serve in Parliament for the said County of *Southampton* or *Wilts*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of the Exemptions aforesaid, not being entitled thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Carriages employed in His Majesty's Service, not to be subject to Regulations for Overweight.

XXXII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any Waggon, Wain, Cart, or other Carriage, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Cattle; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Particular Exemptions from Tolls.

XXXIII. And be it further enacted, That no Inhabitant of the Village of *Appleshaw*, in the County of *Southampton*, or of *Biddesden* and *Chute Forest*, in the County of *Wilts*, shall be liable to any of the Tolls by the said recited Act granted, to arise or to be taken at the present Turnpike or Toll Gate, erected in *Appleshaw* or *Rednam Lane*, in this Act mentioned; or at any Gate or Gates to be erected in *Appleshaw* or *Rednam Lane*, aforesaid, for any Horses, Cattle, or Beasts, his, her, or their Property, passing to or from their Dwelling Houses, Lands, or Hereditaments, in *Appleshaw*, *Biddesden*, or *Chute Forest* aforesaid; nor shall any Inhabitant of *Rednam* be liable to any such Tolls at the present or any future Turnpike

pike or Toll Gate to be erected in *Rednam Lane* aforesaid, for any of their Horses, Cattle, or Beasts, passing to or from their Dwelling Houses, Lands, or Hereditaments, in *Rednam* aforesaid.

XXXIV. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in Farm, to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as any Collector of the said Tolls, appointed under or by virtue of this Act, is by this Act authorized or empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees, is subject or liable to.

Lessees of Tolls may appoint Persons to receive the same.

XXXV. And be it further enacted, That no Lessee or Lessees, or Farmer or Farmers of the Tolls, at any Toll Gate or Toll Bar to be erected upon the said Road, or his or their Deputy or Deputies, Agent or Agents, shall make any Composition, by the Year or otherwise, with the Inhabitants of any Town or Place, or with any Person or Persons whomsoever, for and in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any Engine or Engines to be erected upon the said Road, for or in respect of the Over-weight thereof; and in case any Lessee or Lessees, Farmer, or Deputy, or Agent, shall offend herein, every such Lessee or Farmer, or Deputy or Agent, shall on Conviction thereof, by Confession, or upon the Oath of One Witness, before any One of His Majesty's Justices of the Peace for the County of *Southampton* or *Wilts*, forfeit and pay, besides the Costs and Charges attending the Conviction, any Sum not exceeding Five Pounds, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees shall think proper to order that the same shall be thereupon vacated and made void, and every such Composition shall be, and the same is hereby declared to be null and void; and One Moiety of every such Penalty as aforesaid shall be paid to the Informer, and the other Moiety to the Clerk or Treasurer of the said Road, to be applied towards the Repairs thereof; the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices as aforesaid.

Penalty on Renters of Tolls compounding for Overweight.

XXXVI. And be it further enacted, That every Toll Collector, whether appointed by the said Trustees or by any Lessee or Lessees under them, shall, and he is hereby required to place his 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

Punishing Collectors misbehaving.

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such

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 this Act, or shall demand and 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 to denote the Payment of the Toll, such Ticket having specified thereon the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or to any Person or Persons travelling upon the said Road, 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 for every such Offence any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge and determine.

Collectors declared not to be incompetent Witnesses.

XXXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent on account of his being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Allowing an Action of Ejectment, to be supported by one Mortgagee.

XXXVIII. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by the said recited Acts or this Act shall seek to obtain the Possession of the Toll Gates, Toll Houses, and Buildings erected on the said Road, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession, but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees.

Trustees not to widen or alter Road beyond a certain Extent.

XXXIX. And be it further enacted, That it shall not be lawful for the said Trustees to widen, divert, turn, or alter any Part or Parts of the said Road, beyond the Limits of One hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried.

Application of Money awarded above 200l.

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said Acts and this Act, for the Purposes thereof, which shall belong to any Corporation,

Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, as in the said Acts mentioned, 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 Privy 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 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, or 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 Bank 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, or Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement were made.

XLI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used 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 exceed the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or 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 Privy of the said 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,

Where less than 200l. and above 20l.

Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by 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.

Where not
more than
20l.

XLII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall not exceed 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, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees 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
a good Title,
&c.

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, 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 the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, 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 his Account, to the Credit of the Parties interested in the said Lands, Tenements, 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 said 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 Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem meet, just, and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

XLIV. Provided

XLIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons 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, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, 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, Tenements, 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 be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of a
disputed
Title.

XLV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of 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 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 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 Ex-
pences to be
paid by the
Trustees.

XLVI. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall appoint, to dig, gather, and carry away Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials out of any Common River or Brook, or out of or from any Waste or Common, proper and convenient for repairing and amending the Road aforesaid, without paying any thing for the same, such Surveyor or Surveyors, or other Persons, levelling or causing to be levelled all such Holes and Pits where any Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a safe and sufficient Fence round all such Holes or Pits; and where a sufficient Quantity of Materials cannot be had from such Rivers, Brooks, or Common, for repairing and amending the Road, it shall and may be lawful for such Surveyor or Surveyors, or other Persons as aforesaid, by Order of any Justice or Justices of the Peace for the County in which such Materials are to be gotten, to be made upon the Application of the said Trustees,

Getting Ma-
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or any Five or more of them, to dig and gather such Materials, in and carry the same out of and from the Lands and Grounds of any Person or Persons, (not being the Ground whereon any House stands, or a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, or a Piece or Parcel of Ground set apart or used as a Nursery for Trees), where such Materials are or may be found, in any Parish, Township, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township, or Place, and from Time to Time to carry away the same, or so much thereof as the Surveyor or Surveyors shall judge necessary for repairing and amending the said Road, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Lands or Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of any private Lands or Grounds over which such Materials gotten in any River, Brook, or Waste Ground, shall be carried or conveyed, as the said Trustees or any Five or more of them shall judge reasonable; and in case of Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, then Two Justices of the Peace acting in and for the County in which the Lands shall be situated, shall and may adjudge, assess, and determine the same.

Notice to be given of taking Materials.

XLVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away such Materials for repairing such Road, out of or from any inclosed Land or Ground, until Fourteen 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 usual Place of Abode, to appear before any One or more Justice or Justices of the Peace acting in and for the County in which such inclosed Land or Ground shall be situate, to shew Cause why such Materials ought not to be had from such Lands or Grounds; and in case such Occupier or his 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 such Justice or Justices, by their Order, to authorize such Surveyor, or other Person or Persons, to dig, get, gather, or carry away such Materials at such Time or Times as to the said Justice or Justices shall seem proper, and if such Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Justice or Justices 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 Agent had attended.

Punishing Persons taking away Materials.

XLVIII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making, completing, or amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall be made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Twenty-one Days, (except the Owner or Occupier of any private Ground, and any Person or Persons authorized by such Owner or Occupier

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.

XLIX. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths in or along the Sides of the said Road or any Part thereof, and to cut or make Drains or Watercourses upon and through any Lands lying contiguous to the said Road, and to erect and keep in Repair the Bridges and Arches thereupon; and also to make Ditches or Fences in such Places, and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary, and make sufficient Fences and Barriers, and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, touching such Damages, the same shall be settled by any Two or more Justices of the Peace for the said County of *Southampton* or *Wilts.*

Surveyors
may make
Causeways,
&c.

L. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time to cause to be erected Guide Posts upon such Parts of the said Road, where the same may be crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post or Mile Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks, inscribed thereon; or if any Person shall ride upon any Causeway or Footpath formed by the said Surveyor or Surveyors, upon or on the Side of or adjoining the said Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Causeway or Footpath, or shall leave or suffer any Horse, Beast, Cattle, Sheep, or Swine to graze or be and remain loose on the said Road or any Part thereof; or if any Person shall cause to be drawn upon any Part of the said Road, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Road to the prejudice thereof; or if any Person driving any Pigs upon the said Road, shall suffer the same to root up and damage the said Road, or the Banks or Fences on either Side thereof; or if any Person driving any Carriage upon the said Road, shall ride upon the Shafts or other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage, shall not keep his or her Carriage, on his or her Left or Near Side of the said Road, and also keep on the same Side himself; or if any other Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage, in going up any Hill or rising Ground, not immediately remove from off the said Road, the Stone or other Thing with which such Waggon, Cart, or other Carriage

In erecting
Guide Posts,
and prevent-
ing Nui-
sances.

Carriage shall have been so blocked or stopped ; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, upon any Part of the said Road, or within Eighty Feet of the Centre thereof, or play at Foot Ball on any Part of the said Road, or on the Banks, Land, Streets, or Places adjoining, or laying open thereto, to the Annoyance of any Passenger or Passengers ; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Road, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto ; or in case such Carriage shall not, during such Time, be drawn up to the Side of the said Road as near as conveniently may be ; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road, or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Grounds, and be carried away without being brought over any Part of the said Road, or that the same may be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as by the said Acts and this Act is directed.

Gates to
Fields, &c. to
open inwards.

LI. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Road, shall be so made, hung, and constructed, as to open inward towards such Field or Ground, and not outward towards the said Road ; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field or Ground, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings ; and it shall be lawful for the said Trustees to cause all or any such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field, Ground, Yard, or other Place, as they the said Trustees shall think proper.

Statute La-
bour and
Composition
Money, how
to be per-
formed and
apportioned.

LII. And be it further enacted, That so much of the said recited Acts as relate to the Performance of Statute Labour on the said Road, shall be and the same is hereby repealed ; and that all Persons who by Law are or shall be liable to do Statute Work on the said Road, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore ; and it shall be lawful to and for any Two or more Justices of the Peace, acting in and for the County, Borough, Riding, or Place where the said Road is situate, and they are hereby required and empowered (upon Application made to them by the said Trustees, or by the Treasurer, Clerk, or Surveyor, or by their Order), yearly to adjudge and determine what Part or
Proportion

Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places, in which the said Road or any Part thereof lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any such Township, Parish, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, 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, Township, or Place respectively are by Law subject 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 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 is, are, or may be directed by any Law or Statute in force or effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many 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 Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices 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 such Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, 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 or 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 this 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 last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall, for every Day of his 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 or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject and liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and 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 set to work on any Part of the said Road; all which Forfeitures

feitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists, or to collect or pay over such Composition or any Part thereof, in Manner as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Trustees to compound for Statute Work.

LIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, in all or any of the Parishes or Places in which the said Road is situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be done by all or any of the said Inhabitants and Occupiers on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Parish, Township, or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and the Occupiers of such Parish, or Township, or Place, shall not be permitted to compound for that Year.

For paying the Expences of this Act.

LIV. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said recited Acts, or out of the first Monies which shall be raised or borrowed upon the Credit of the said recited Acts and this Act, or out of any Money to be collected by virtue thereof, in preference to all other Payments whatsoever.

Public Act.

LV. 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.

Commencement and Continuance of Act.

LVI. And be it further enacted, That the Term granted by the said recited Acts shall, upon the Third *Friday* next after the passing of this Act, cease and determine; and that the said recited Acts, (subject to the Alterations and Amendments herein contained), and this Act, shall from thenceforth continue and be in force and effect, 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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