



ANNO NONO

GEORGIIV. REGIS.

Cap. xlvii.

An Act for repairing the Road from the present Turnpike Road in the Parish of *Hursley* in the County of *Southampton* to *Andover*, and from thence to *Newbury*, and from *Newbury* to *Chilton Pond* in the County of *Berks*.

[13th May 1828.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for repairing and widening the Road from the present Turnpike Road in the Parish of Hursley in the County of Southampton, through the Borough of Andover, to the Town of Newbury in the County of Berks, and from Newbury to Chilton Pond and Newtown River:* 6 G. 3. c. 86.
And whereas another Act was passed in the Twenty-seventh Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act made in the Sixth Year of the Reign of His present Majesty, for repairing and amending the Road from the present Turnpike Road in the Parish of Hursley in the County of Southampton, through the Borough of Andover, to the* 27 G. 3. c. 94.
[Local.] 12 D Town

Town of Newbury in the County of Berks, and from Newbury to Chilton Pond and Newtown River, and for amending and keeping in repair the Road from the South End of Bartholomew Street in the said Town of Newbury to the Turnpike Road at Speenhamland in the said County of Berks: And whereas another Act was passed in the Forty-

47 G. 3. c. 55. *seventh Year of the Reign of His said late Majesty, intituled An Act to continue the Term and alter and enlarge the Powers of Two Acts of the Sixth and Twenty-seventh Years of His present Majesty, for repairing and amending the Road from the present Turnpike Road in the Parish of Hursley in the County of Southampton, through the Borough of Andover, to the Town of Newbury in the County of Berks, and from Newbury to Chilton Pond and Newtown River: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution thereof, and have from Time to Time, for that Purpose, borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road, which Money still remains due and owing, and the same cannot be repaid, nor can the said Road be effectually amended and kept in repair, unless the Terms and Powers of the said Acts are enlarged, and the Tolls increased: And whereas a certain common Highway or public Carriage Road leading from the Turnpike Road in the Parish of Andover aforesaid, between Hurstborne Tarrant and Andover, to the Turnpike Road in the Parish of Andover, between Andover and Whitchurch, is narrow and inconvenient, and cannot be effectually improved and kept in repair by the ordinary Course of Law, and it would be beneficial to the Public if the same were made Turnpike: And whereas an Act was passed in the Third Year of the Reign of*

3 G. 4. c. 126. *His present Majesty, intituled An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: And whereas another Act was passed in the Fourth*

4 G. 4. c. 95. *Year of the Reign of His present Majesty, intituled An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: And whereas another Act was passed in the Fifth Year of the Reign of His*

5 G. 4. c. 69. *present Majesty, intituled An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled An Act to amend the Acts for regulating Turnpike Roads in*

7 & 8 G. 4. c. 24. *England: And whereas it would facilitate the Execution of the Purposes aforesaid if the said first Three recited Acts were repealed, and if the Powers thereby given, and such further and other Powers and Provisions as may be necessary for repairing, maintaining, and widening the said public Carriage Road, were granted and comprised in One Act: 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 upon the Fourth Day of August next after the passing of this Act*

Recited Acts of 6, 27, and 47 G. 3. repealed

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the said recited Acts passed in the Sixth, Twenty-seventh, and Forty-seventh Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby respectively declared to be repealed.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in repair the present Turnpike Road leading from the Turnpike Road in the Parish of *Hursley* in the County of *Southampton* to the Borough of *Andover*, and from thence to the Town of *Newbury*, and from the Town of *Newbury* to the South Side of the Road leading from *London* to *Bath*, and from the North Side of the same Road to *Chilton Pond* in the County of *Berks*, and which said Road passes from, through, or into the several Parishes or Townships of *Hursley*, *Leckford*, *Wherwell*, *Goodworth*, *Clatford*, *Upper Clatford*, *Andover*, *Enham*, *Hurstborne Tarrant*, *Ashmansworth*, *Cruæ Easton*, *Highclere*, and *East Woodlay*, in the County of *Southampton*, and *Newbury*, *Speen*, *Shaw*, *Chieveley*, *Hampstead-Norris*, *Beedon*, *East Ilsley*, *West Ilsley*, and *Chilton*, in the said County of *Berks*; and also for making Turnpike, and maintaining, repairing, widening, and improving a certain common Highway or public Carriage Road leading from the Turnpike Road in the Parish of *Andover* aforesaid, between *Hurstborne Tarrant* aforesaid and *Andover*, to the Turnpike Road in the Parish of *Andover*, between *Andover* and *Whitchurch*, and which Highway or Road is wholly situate within the Parish of *Andover* aforesaid; and for the Purposes of this Act the Borough of *Andover* shall be considered as extending from the Turnpike Gate called the *Winchester Gate*, to the Stream of Water crossing the Road at the North End of *New Street*; and the Town of *Newbury* shall be considered as extending from a Drain at the South End of *Bartholomew Street* to a Stream of Water which divides *Newbury* from *Speenhamland*.

This Act to be put in execution for the Term after mentioned.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed for making, repairing, and maintaining the said Turnpike Road, and now due and owing upon the Credit or on Account of the said Acts hereby repealed, or secured upon or made payable out of the Tolls thereby authorized to be taken upon the said Road, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

New Term and Tolls liable to former Debts.

IV. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said

Powers of General Turnpike Acts to extend to this Act.

said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and also the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Former
Debts, &c.
vested in new
Trustees.

V. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the said Trustees under the said first Three recited Acts or any of them, shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, who shall be and are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law and in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; and all the Costs to be incurred by the Trustees, or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be received by virtue of this Act; and the Monies, when recovered, shall be paid over to the Treasurer or Treasurers of the said Trustees, to be applied for the Purposes of this Act.

Books under
former Acts
to be Evi-
dence.

VI. And be it further enacted, That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in the Execution of the Acts hereby repealed, or any of them, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Bonds, Con-
tracts, &c. to
remain in
force.

VII. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said recited Acts hereby repealed, or any of them, shall remain and continue in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said recited Acts hereby repealed, or any of them, with or to any Person or Persons, for any Purpose relating to the said
Road,

Road, or to the Execution of such Acts, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

VIII. And whereas divers Creditors on the said Road may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees for securing to him, her, or them the Principal Money lent on the Credit of the said Acts hereby repealed, or the Tolls thereby granted, with Interest for the same, or the Transfers of such Mortgages or Assignments, and it is reasonable that in Cases where it can be proved, to the Satisfaction of the Trustees, that any Person is truly and *bond fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Acts or any of them, although they may not be able to produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed for securing the Repayment of the Money due on the Credit of the said Acts, or the Tolls thereby granted; be it therefore further enacted, That in all Cases where it shall appear, by any satisfactory Evidence adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls granted by the said Acts hereby repealed, or any of them, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Trustees to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Where old Securities are lost, new ones may be executed.

IX. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Southampton* and *Berks* respectively, together with *William Alves*, *John Awbery*, *George Barnes*, *James Wilkes Best* Clerk, *James Ebenezer Bicheno*, *Joseph Blount*, *Edward Walter Blunt*, *James Bodman*, *William Budd*, *Charles Bull*, *Edward Brice Bunny*, *Richard Earle Bunny*, *William Burrough Child*, *William Cockell*, *Richard Compton*, *James Croft*, *Sir Lucius Curtis* Baronet, *Charles Dundas*, *Ralph Etwall*, *Ralph Etwall* the younger, *James Hall*, *Charles Harding*, *John Hasker*, *Benjamin Hawkins*, *Charles Heath*, *Thomas Heath*, *William Hawkins Heath*, *William Iremonger*, *Lascelles Iremonger* Clerk, *John Medhurst*, *Matthew Montagu*, *William Morland*, *William Morland* the younger, *Sir John Walter Pollen* Baronet, *Frederick Page Head Pottenger* Clerk, *Robert Saunders*, *Thomas Shephard* Doctor in Divinity, *Samuel Slocock*, *Alfred Slocock*, *Charles Slocock*, *Richard Southby*, *Richard Steele*, *Joseph Tanner*, *William Gilbert Taplin*, *George Thompson*, *John Henry Todd*, *George Vincent*, *John Thomas Wasey*, *William Jones Williams*, and their Successors, being duly qualified accord-

Appointment of Trustees.

[Local.]

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ing to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in repair the said Roads, and for otherwise carrying this Act into Execution.

Meetings of Trustees.

X. And be it further enacted, That the said Trustees shall meet together on the Fourth Day of *August* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, at the *Globe Inn*, or at some other convenient Place in the Town of *Newbury* aforesaid, and shall then and there proceed to carry this Act into Execution; and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places on or near to the said Roads, as the said Trustees, or the major Part of them present at any such Meetings, shall think proper and appoint, so that there be annually a Meeting at *Andover* on the First *Monday* after the Twenty-fifth Day of *March*; Notice of all which Meetings shall be given by the Clerk in Writing, affixed upon all the Turnpike Gates on the said Roads, Ten Days at the least before the respective Meetings, declaring the Time and Place such Meeting is to be held.

Power to appoint Five additional Trustees.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, to elect and appoint any Number of Persons, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, not exceeding Five in the whole in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons, so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Old Officers to continue until new ones elected.

XII. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and not contrary to the Provisions and Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Acts hereby repealed, or any of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in

all respects whatsoever, as if he had been appointed by virtue of this Act.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to continue or to remove all and every or any of the Toll Gates, Turnpikes, Side Bars, and Chains now standing or being in, upon, or across the said Roads or on the Sides thereof, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Roads, or any Part thereof, or upon the Sides thereof, when, where, and as the said Trustees shall judge necessary or expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Bar or Side Bars, Chain or Chains, and also to continue, or, where need shall be, to erect and build, or cause to be erected and built, proper Toll Houses, with sufficient Outhouses and Conveniences thereto, at or near each and every such Toll Gate, Turnpike, Side Bar, or Chain, and to inclose on the Sides of the said Roads suitable Gardens, not exceeding One Eighth Part of a Statute Acre each, for the Use and Convenience of the Occupiers of the said Toll Houses; and from Time to Time to take down and remove or alter and discontinue the aforesaid Toll Gates, Turnpikes, Side Bars, and Chains, Toll Houses and Gardens, or any of them, as the said Trustees shall from Time to Time think proper and expedient.

Power to continue and erect Toll Gates, &c.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required to erect, set up, continue, and keep in repair, during the Continuance of this Act, one or more Toll Gate or Toll Gates, Bar or Bars, upon or across some Part or Parts of each and every Branch of Road comprised in this Act, and to demand and take at such Toll Gate or Toll Gates, Bar or Bars, the several Tolls hereby made payable: Provided always, that no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied to the Repair of any Branch Road upon which there shall not be any Toll Gate or Bar erected or put up and continued under the Authority of the Trustees for carrying this Act into Execution, nor shall any greater Sum of Money be expended in the Repair of any such Branch Road than shall be collected at the Toll Gate or Toll Gates, Bar or Bars to be erected thereon.

Gates to be placed on Branch Roads.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be standing or being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads or any Part thereof, Once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Power to take Tolls.

For

Tolls.

For every Horse or Beast of Draught, drawing any Coach, Chariot, Landau, Berlin, Hearse, Curricule, Chair, Gig, or other such Carriage, the Sum of Sixpence :

For every Horse or Beast of Draught, drawing any Waggon, or such other Four-wheeled Carriage, the Sum of Sixpence :

For every Horse or Beast of Draught, drawing any Cart, Wain, Sledge, Dray, or other such Two-wheeled Carriage, the Sum of Three-pence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten pence *per* Score, and so in proportion for any greater or less Number :

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number :

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast, or Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through any such Turnpike or Toll Gate, Side Bar or Side Gate or Chain; and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after directed.

Tolls to be paid but Once a Day.

XVI. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of the said Toll Gates continued or erected or to be erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced, be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid, except such Horses or Beasts as shall be employed in drawing a different Carriage from that which they were employed in drawing when the Payment was made, in which Case such Horses or other Beasts so drawing shall be again liable to Toll.

No more than Three full Tolls to be paid on Road on the same Day.

XVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Three full Tolls to be demanded or taken, on the same Day, for or in respect of the Passage of the same Horse, Beast, Cattle, or Carriage, through all the several Turnpikes or Toll Gates now erected or to be erected on the said Roads.

Stage Coaches, &c. to pay every Time of passing.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or

or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Roads; and also for and in respect of all Horses or other Beasts drawing any Post Chaise, or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

Post Chaises,
&c. on every
new Hiring.

XIX. And be it further enacted, That out of any Monies already received by virtue of the said recited Acts, or any of them, or out of the first Monies which shall be raised or received by virtue of this Act, the said Trustees shall in the first place pay and discharge all the Expences and Costs relative to the procuring and passing of this Act; and the Remainder of such Monies shall from Time to Time be employed in erecting Turnpikes, Toll Houses, and Weighing Machines, and in amending, widening, altering, and improving the said Roads, and keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into Execution, and in repaying the Principal Monies by this Act charged or to be borrowed, and the Interest due and to grow due thereon.

Application
of Tolls and
other Monies.

XX. And be it further enacted, That all Demises or Leases of the Tolls arising on the said Roads by this Act authorized to be repaired, and all Bonds or other Securities which shall have been given for Payment of the Rents reserved by such Leases respectively, and for the Performance of the Covenants and Agreements in such Leases contained on the respective Lessee's Part, shall respectively continue in force until the respective monthly Days on which the Rents therein respectively reserved shall become payable, and happening next after the Commencement of this Act, on which respective Days the said respective Leases, Bonds, or other Securities aforesaid shall cease and determine, in the same Manner as if such Leases, Bonds, or other Securities had expired by Effluxion of Time (save as to the Obligations, Covenants, or Agreements for Payment of Rent and Performance of Covenants in such Leases, Bonds, or Securities, on the respective Lessee's or Obligor's Part to be observed and performed during the Continuance of such Leases, Bonds, or Securities, by virtue of this Act); and until such Determination of such Leases respectively, the respective Lessees thereof shall be entitled to collect and receive, from the Commencement of this Act, the respective Tolls by this Act granted and made payable.

As to present
Leases of
Tolls.

XXI. And be it further enacted, That in case any of the Lessees of the said Tolls shall claim to be entitled to any Compensation or Satisfaction for or on account of such Continuance or Determination of his or their Lease or Leases as aforesaid, then if the said Trustees and such Lessee or Lessees cannot agree as to the Amount of such Compensation or Satisfaction, such Lessee or Lessees may sue for and recover the same, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Differences
in vacating
Leases how
to be settled.

Public Act.

XXII. 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.

Term of Act.

XXIII. And be it further enacted, That this Act shall commence on the Fourth Day of August next after the passing thereof, and shall continue and be in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

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