



ANNO SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. xlv.

An Act for repairing several Roads leading to the Towns of *Basingstoke*, *Odiham*, and *Alton*, in the County of *Southampton*, and for making several Deviations in the Line of the said Roads.

[14th June 1839.]

**W**HEREAS an Act was passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from Odiham to Alton in the County of Southampton*: And whereas an Act was passed in the Fifty-fifth Year of the Reign of His said Majesty, intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty for repairing the Road from Odiham to Alton in the County of Southampton*: And whereas an Act was passed in the Fifty-ninth Year of the Reign of His said Majesty, intituled *An Act for more effectually repairing the Road from the Golden Farmer near Bagshot in the County of Surrey to Hertford, bridge Hill, and from thence to Basingstoke and Odiham, and from Odiham to the Great Western Road at Bartley Heath in the County of Southampton, and also from Odiham aforesaid to a Place called* 33 G. 3. c. 182.  
55 G. 3. c. 15.  
59 G. 3. c. 7.

[Local.] 12 L the

*the Bull Inn, in the Parish of Swallowfield in the County of Wilts, on the Turnpike Road leading from the Town of Reading in the County of Berks to Basingstoke aforesaid: And whereas the Trustees appointed under and by virtue of the said first Two recited Acts have proceeded to carry the said Acts into execution, and have for that Purpose borrowed considerable Sums of Money on the Credit of the Tolls thereby authorized to be collected, which Money still remains due and owing, together with an Arrear of Interest thereon: And whereas the Trustees appointed under and by virtue of the said thirdly-recited Act have also proceeded to carry the Powers and Provisions of such Act into execution: And whereas it would be advantageous to the Public if the several Deviations following were made in the Lines of the said Roads; (that is to say,) a Deviation commencing from and out of the Road by the said first Two recited Acts authorized to be maintained at or near a Place called the *Golden Pot*, in the Parish of *Alton* in the County of *Southampton*, and terminating in the Turnpike Road leading from *Alton* to *Basingstoke* at or near a Place called *Wilhall*, in the said Parish of *Alton*; and another Deviation commencing from and out of the Road by the said thirdly-recited Act authorized to be maintained at or near a Place called *Pot Bridge*, in the Parish of *Odiham* in the said County of *Southampton*, and terminating in the Line of the said Road at or near to the Pond adjoining to the Premises called *Winchfield House*, in the Parish of *Winchfield* in the said County: And whereas it would be more convenient to the said Trustees, and advantageous to the Public, if the several Roads authorized by the said several Acts to be repaired were consolidated into One Trust, and it is expedient that the Tolls authorized to be collected upon the said Roads should be altered or increased, and such beneficial Objects might be better effected if the said recited Acts were repealed, and further, better, and more effectual Powers granted instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 from and after the Commencement of this Act the said recited Acts of the Thirty-third, Fifty-fifth, and Fifty-ninth Years of the Reign of His said Majesty King *George* the Third shall be and the same are hereby repealed.*

Recited Acts repealed.

This Act to be put into execution for the Purposes herein mentioned.

II. And be it further enacted, That from thenceforth the said Roads shall be consolidated, and this Act shall commence and take effect and be put in execution, for and during the Term herein-after mentioned, for the Purpose of repairing, improving, maintaining, and keeping in repair the said Road, commencing at or near a House called or known by the Sign of the *Golden Farmer*, near *Bagshot* in the County of *Surrey*; from thence passing through the several Parishes or Places of *Windlesham*, *Ash*, *Yateley*, *Elvetham*, *Hartley Wintney*, *Odiham*, *Newnham*, *Nately Scures*, *Basing*, *Andwell*, *Mappledurwell*, and *Basingstoke*, to the Eastern Entrance of the Town of *Basingstoke* at or near a Public House called the *White Hart*, and from or near to a certain Toll Gate upon the said Road called the *Hartley*

*Hartley Row Gate*, through the several Parishes of *Hartley Wintney*, *Winchfield*, and *Odiham*, to the West End of the Town of *Odiham*; thence passing through the several Parishes of *Odiham*, *Southwarnborough*, *Shalden*, and *Alton* into the Turnpike Road leading from *Alton* aforesaid to *Basingstoke* at or near a Place called *Wilhall*, and from the West End of the Town of *Odiham* aforesaid to the Entrance upon *Bartley Heath* in the Parish of *Odiham* aforesaid; thence through the several Parishes of *Odiham*, *Nately Scures*, and *Newnham* into the Great Western Road, and from the Entrance upon *Bartley Heath* aforesaid, through the several Parishes of *Odiham*, *Nately Scures*, *Newnham*, *Rotherwick*, *Mattingley*, and *Heckfield*, to a Place called the *Bull Inn*, in the Parish of *Swallowfield* in the County of *Wilts*, on the Turnpike Road leading from the Town of *Reading* in the County of *Berks* to *Basingstoke* aforesaid.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Surrey*, *Southampton*, *Wilts*, and *Berks*, together with *William Apletree*, *Francis Russell Apletre*, *William Bray Clerk*, *Augustus Hill Bradshaw*, *George Bainbridge*, *Richard Booth*, *William Robert Burgess*, *James Brooks*, *James Blatch Clerk*, *John Banister Clerk*, *Frederick Charles Blackstone Clerk*, *Sir John Cope Baronet*, *Francis Cole*, *Abraham Crowley*, *William Clement*, *Charles Dyson Clerk*, *Henry Fowle Clerk*, *Thomas Gregory*, *William Gunner*, *John Toovey Hawley Clerk*, *Robert Toovey Hawley*, *William Harriott Clerk*, *Edward James Clerk*, *Thomas Knight*, *John George Shaw Lefevre*, *George Lamb*, *Thomas May*, *Charles May*, *Richard Marshall*, *Thomas Pearse*, *William Belsher Parfett*, *Henry Rush*, *Tipping Thomas Rigby*, *Henry Rookin Clerk*, *William Seymour*, *Henry Shebbeare*, *Charles Trimmer*, *John Wood*, *Thomas Moore Wayne*, *William Wheeler Doctor of Divinity*, *Thomas Alston Warren Clerk*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution. Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Six in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed shall have and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein and hereby named and appointed. Power to appoint additional Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the *George Inn* at *Odiham*, or at some other convenient Place in the Neighbourhood of the said Roads, upon the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Roads, as they shall think proper. First Meeting of the Trustees.

VI. And

Power to set out and make Deviations in the Line of Roads.

VI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to set out, make, and complete the several Deviations in the Line of the said Roads in the Line or Course, and in, through, or over the Lands delineated on the Map or Plan and described in the Book of Reference herein-after mentioned; (that is to say,) a Deviation commencing from and out of the Roads leading from *Odiham* to *Alton* at or near a Place called the *Golden Pot*, in the Parish of *Alton* aforesaid, passing from thence from, through, or into the Parishes of *Alton* and *Shalden* in the County of *Southampton*, and terminating in the Turnpike Road leading from *Alton* aforesaid to *Basingstoke* aforesaid at or near a Place called *Wilhall* in the said Parish of *Alton*; also a Deviation commencing from and out of the Road leading from *Odiham* to *Hartley Wintney* at or near a certain Place called *Pot Bridge*, in the Parish of *Odiham* aforesaid, passing from thence from, through, or into the several Parishes of *Odiham* and *Winchfield* in the County of *Southampton*, and terminating in the Line of the said Road at or near to the Pond adjoining to the Premises called *Winchfield House*, in the Parish of *Winchfield* aforesaid, in the Occupation of *George Bainbridge* Esquire; and such Deviations shall be made of such Width as the said Trustees may think proper, not exceeding the Width of Forty-five Feet, together with such Footpaths, Arches, Bridges, Ditches, Drains, Fences, and other necessary Works adjoining thereto as they may think requisite; and for the Purposes aforesaid to take and use any Land, and to take and pull down or remove all or any of the Dwelling Houses, Outhouses, Edifices, Buildings, Yards, Gardens, Orchards, or other Hereditaments, which are mentioned and set forth in the Schedule to this Act annexed, making or tendering Satisfaction to the Owners of the said Lands, Hereditaments, and Premises, and other Persons interested therein, for the same, and for the Damage which such Owners and other Persons may respectively sustain thereby; and it shall be lawful for such Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the said Lands and Premises, and to stake out the same for the Purposes of this Act, at such Time or Times and in such Manner as the said Trustees, or their Surveyor or Surveyors under their Direction, shall think necessary or expedient, without such Trustees, Surveyor or Surveyors or Workmen, being deemed Trespassers or a Trespasser, or subject or liable to any Fine, Penalty, or Punishment for or by reason of such Entry.

Map or Plan deposited at the Office of the Clerk of the Peace to remain there, and be open to Inspection.

VII. And whereas a Map or Plan describing the Line of the said Deviations, and the Lands upon, in, through, or over which the same are intended to be made or carried, together with a Book of Reference thereto containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County of *Southampton*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take or have Copies thereof or Extracts therefrom, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at  
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the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

VIII. And be it further enacted, That the said Trustees in making the said Deviations shall have full Power and Authority to deviate from the Line delineated upon the Map or Plan so deposited: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Map or Plan, nor shall any such Deviation extend into the Lands of any Person not described in the said Map or Plan or in the said Book of Reference, or in the Schedule to this Act annexed, without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands any such Deviation shall be proposed to be made: Provided also, that it shall not be lawful for the said Trustees to make any such Deviation as last aforesaid from the Line delineated on the said Map or Plan in passing through certain Property in the several Parishes of *Alton* and *Shalden*, claimed to belong to *John Wood* Esquire, without the Consent of the Owner of the said Property.

Trustees empowered to deviate from Plan to an Extent not exceeding One hundred Yards.

IX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Deviations shall not authorize the said Trustees to take or pull down, or to use or injure any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively (except such as are mentioned in the Schedule to this Act annexed), without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Trustees restrained from pulling down Houses, &c. not mentioned in Schedule without Consent.

X. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Deviations in the Line or Course, and upon, in, through, across, or over the Lands delineated upon the said Map or Plan, although such Line or Course, or such Lands, or any them, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule thereto, or in the said Map or Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Southampton* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

Lands marked on the Plan may be used, notwithstanding Errors in the Book of Reference or Schedule.

XI. Provided also, and be it further enacted, That in case the said Trustees shall not, within the Space of Three Years from the Com-  
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Limiting the Time for purchasing Property.

mencement of this Act, agree for and cause to be valued and paid for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relates to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively; any thing in this Act or in any such Act as aforesaid contained to the contrary thereof notwithstanding.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XII. And be it further enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and, in case the same shall be of any other Tenure, the Estate and Interest, shall not (notwithstanding any Provisions in any of the Act in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and, in case such Lands shall be of any other Tenure, the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or Assurance, or any of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XIII. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act, for the Purposes of the said Deviations or either of them, shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

Trustees to have the same Power of cutting and digging as if they had purchased the Fee Simple.

XIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands taken by them for the Purposes of this Act, and also of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest of the said Lands.

Trustees to be discharged from keeping in repair certain Parts of old Road.

XV. And be it further enacted, That when the said Deviations hereby authorized to be made shall respectively be fit for the Passage of Cattle; Carts, and Carriages, and shall be certified so to be by any Two of Her Majesty's Justices of the Peace acting for the said County

County of *Southampton*, the said Trustees shall be discharged from the Care and Management of such Part of the present Turnpike Road as lies between the Point in the said Road at or near the *Golden Pot* aforesaid at which the said first-mentioned Deviation commences and the Termination of the said Road in the Town of *Alton* aforesaid, and also from the Care and Management of such Part of the said present Turnpike Road as lies between the Point in the said Road at or near *Pot Bridge* aforesaid at which the Deviation secondly before mentioned commences and the Point in the said Road at which the same Deviation terminates.

XVI. And be it further enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, at each and every of the Toll Gates, Turnpikes, Side Bars, or Chains continued or to be erected in, upon, or on the Sides of the said Roads, such Tolls or Sums of Money as the said Trustees at any of their Meetings shall order and direct, not exceeding the several Tolls following; (that is to say,) Power to take Tolls.

For every Horse, Beast, or Cattle drawing any Coach, Chariot, Landau, Phaeton, Chaise, Hearse, Litter, Curricule, Chair, Gig, taxed Cart or Market Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse, Beast, or Cattle drawing any Waggon, Caravan, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Soles thereof, the Sum of Four-pence:

For every Horse, Beast, or Cattle drawing any Waggon, Caravan, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Six Inches at the Bottom or Soles thereof, and not less than Four and a Half Inches, the Sum of Five-pence:

For every Horse, Beast, or Cattle drawing any Waggon, Caravan, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Sixpence:

For every Machine, Engine, or Carriage propelled by Steam, Gas, or any other Power whatever, the Sum of Two Shillings:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence, and so in proportion for any less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Ten-pence, and so in proportion for any less Number:

For every Dog or Goat drawing any Cart, Carriage, or other Vehicle, the Sum of Two-pence.

XVII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Amount of any of the Tolls hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part. Fractional Part of a Halfpenny in Tolls.

XVIII. And be it further enacted, That in case the Tolls hereby imposed shall have been paid for or in respect of any Horse, Beast, Cattle, Limiting Tolls for passing and repassing.

Cattle, or Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected on the said Roads or the Sides thereof, such Horse, Beast, Cattle, or Carriage shall, on the Production and Delivery of a Ticket denoting such Payment, be permitted to pass and repass Toll-free on the same Day through the same or any other Toll Gate freed by such Payment.

Limiting  
Number of  
Tolls to be  
taken in One  
Day.

XIX. Provided always, and be it further enacted, That no more than Five full Tolls (except as herein provided to the contrary) shall be taken, for or in respect of the same Horse, Beast, Cattle, or Carriage, in any One Day, for passing and repassing through all the several Turnpikes or Toll Gates upon the said Roads.

Toll may be  
charged for  
Carriages  
laden with  
Chalk in cer-  
tain Cases.

XX. And whereas great Quantities of Chalk, intended not only for manuring Lands, but for various other Purposes, are carried from the Town of *Odiham*, or Places in the Vicinity thereof, upon and over the said Roads by this Act directed to be repaired, or some of them, and although the Exemption from Toll granted by Law for such Carriages as are laden with Chalk extends only to such Chalk as is used for manuring Lands, yet it is difficult for the Gate-keepers to know for what Uses the same is intended; And whereas in regard to the great Demand in those Parts for Chalk, and the great Injury which the said Roads sustain by the constant Draught thereon in Carts and Waggons with narrow Wheels, it has become highly expedient and just that such Carts and Waggons should be made to contribute, in a reasonable Degree, to the Support of the said Roads; be it therefore enacted, That Toll shall be demanded and taken at the Toll Gates on the said Roads for Carts and Waggons loaded with Chalk, at the Rate of One Half Part of the Toll which such Carts or Waggons would severally be liable to pay if loaded with any other Goods or Commodities; and so that nevertheless such Toll shall not be made to extend to any Carriage loaded with Chalk used or intended to be used *bonâ fide* in manuring Lands lying within the same Parish in which the same shall have been dug or gotten, nor to charge any Toll upon any Cart loaded with Chalk, having the Fellies of the Wheels of the Breadth of Six Inches or more, and not being drawn by more than Three Horses, or by more than Four Oxen or other Beasts of Draught, nor upon any Waggon loaded with Chalk, having the Fellies of the Wheels of the Breadth of Six Inches or more, and not being drawn by more than Five Horses or Six Oxen or other Beasts of Draught; any Exemption granted by any Law or Statute now in force to the contrary notwithstanding.

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

XXI. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or other Cattle drawing any Stage Coach, Van, Caravan, or any other Carriage whatever, conveying Passengers or Goods for Hire or Reward, for each and every Time of passing or repassing through all or any of the said Turnpikes or Toll Gates upon the said Roads: Provided always, that no further or additional Toll shall be payable in respect of the Horses, Beasts, or Cattle drawing any Stage Coach, Van, Caravan, or other such Carriage, on account only of the Horses, Beasts, or Cattle drawing the same having been changed.



XXII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing through all or any of the said Turnpikes or Toll Gates on the same Day, as often as a new or fresh Hiring shall take place.

Post Chaises to pay every Time of passing with a fresh Hiring.

XXIII. And be it further enacted, That no Horse, Beast, or Cattle drawing any Waggon, Wain, Dray, or other Carriage, (not being a Stage Coach, Van, Caravan, or any other Carriage conveying Passengers or Goods for Hire or Reward, or not being a Post Chaise or other Carriage travelling for Hire,) and in respect of which Toll shall have been paid under this Act, shall be exempted or be entitled to Exemption from the Payment of further Toll on repassing on the same Day through any of the said Turnpikes or Toll Gates, and drawing at the Time any Waggon, Wain, Dray, or Carriage which shall be different from that which was drawn by such Horse, Beast, or Cattle when such Toll was previously paid, but in every such Case, and so often as such Circumstances as last aforesaid shall occur, Toll shall be demanded and payable in respect of every Horse, Beast, or Cattle so circumstanced as last aforesaid, in like Manner as if no Toll had been previously paid on that Day in respect of such Horse, Beast, or Cattle.

Horses returning through Toll Gates with different Carriages again liable to Toll.

XXIV. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, or any other such Power, shall be paid every Time of the passing and every Time of the repassing of such Carriage along the said Road.

Steam-Carriages to pay every Time of passing and repassing.

XXV. And be it further enacted, That the Weight to be allowed to Carts or other such Carriages drawn by only One Horse, Beast, or Cattle upon the said Roads shall not exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive), One Ton and Fifteen Hundred Weight for each Cart or other such Carriage and the Lading thereof; and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive), One Ton and Ten Hundred Weight for each such Cart or other Carriage and the Lading thereof.

Weight of One-horse Carts limited.

XXVI. And be it further enacted, That all Carts and other such Carriages drawn by only One Horse, Beast, or Cattle upon the said Roads shall and may be weighed at any Weighing Machine upon the said Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts and other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing on the said Roads drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof respectively.

One-horse Carts may be weighed.

Declaring that the Tolls may be collected, and that Liabilities for repairing Roads shall be enforced, although the whole Road be not completed.

XXVII. Provided always, and be it further enacted, That the Tolls by this Act granted shall be payable in respect of the passing of any Horse, Beast, Cattle, or Carriage through any Turnpike or Toll Gate erected or to be erected on such Part and Parts of the Roads by this Act authorized to be repaired or made as now is or are or as shall from Time to Time be at any Time hereafter made and opened for the Use of the Public, although the Deviations by this Act authorized to be made are not now or shall not be at any Time hereafter made and completed; and that all Persons who by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England* would be liable to the Repair of the said Roads when such Deviations are wholly made and completed shall be and are hereby declared to be liable to the Repair of so much thereof as may at any Time be open to the Public, and also to the Repair of such other Part and Parts of the Roads comprised in this Act as shall from Time to Time be made or open to the Public, although the Deviations by this Act authorized to be made are not now or shall not be at any Time hereafter made and completed.

Trustees empowered to enter into Agreement with Trustees of adjoining Road. 56 G. 3. c. 14.

XXVIII. And whereas the Line of the first herein-before mentioned Deviation will terminate at or near a Place called *Wilhall*, near the Town of *Alton*, by a Junction with the Road leading between the Towns of *Alton* and *Basingstoke*, authorized to be repaired under and by virtue of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty for repairing and widening the Road from Preston Candover to Basingstoke, and from thence to Alton, in the County of Southampton*, and it is expedient that the Trustees of the *Alton* and *Basingstoke* Turnpike Road and the Trustees for executing this Act should be enabled mutually to enter into an Agreement in respect of the Expence of repairing and maintaining the said Piece of Road between the Junction aforesaid and the said Town of *Alton*, and for the exempting from Toll Horses, Cattle, and Carriages passing upon the said Piece of Road; be it therefore further enacted, That it shall be lawful for the said Trustees of the said *Alton* and *Basingstoke* Turnpike Road, at any of their Meetings, and also for the Trustees for executing this Act, at any of their Meetings, to enter into an Agreement in respect of the Expence of repairing and maintaining the said Piece of Road, and for the exempting from Toll Horses, Cattle, and Carriages passing upon the said Piece of Road, upon such Terms and Conditions and in such Manner and Form as the said respective Trustees shall think just and right: Provided always, that such Agreement shall be made and entered into at a Meeting of the said Trustees acting under and by virtue of the said Act passed in the Fifty-sixth Year of the Reign of His said Majesty King *George* the Third, of which Meeting Fourteen Days Notice shall be given in a Newspaper of the said County of *Southampton*, and affixed upon the Toll Gates erected upon the said *Alton* and *Basingstoke* Road, of the Time and Place of holding such Meeting, and that such Agreement is intended to be made thereat.

XXIX. Pro-

XXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls, hereby granted, or any of the Monies raised by virtue of the said recited Acts hereby repealed, or to be raised by virtue of this Act, in repairing or amending any Part of the said Turnpike Roads in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any Local Act of Parliament, nor to collect any Toll thereon.

No Money to be laid out in repairing Streets.

XXX. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any of the said Roads, unless some Turnpike or Toll Gate shall be erected or continued upon such Road or on the Sides thereof, nor unless Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any of the said Roads than shall be collected at the Turnpikes or Toll Gates erected thereon, or than shall be borrowed upon the Credit of the same.

No more Money to be laid out on any Road than is collected there on.

XXXI. And be it further enacted, That the Monies already received by virtue of the said recited Acts, or any or either of them, and now in the Hands of the respective Treasurers of the said Roads, shall be and the same are hereby vested in the Trustees for executing this Act; and out of such Monies, or out of the first Monies which shall arise or be received from the Tolls by this Act granted, or from Mortgages or otherwise by virtue of this Act, the said Trustees shall, in the first place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act; and the Remainder of all such Monies shall from Time to Time be applied in keeping down the Interest now due and owing or to become due and owing on the Principal Monies advanced or borrowed on the Credit of the said recited Acts hereby repealed, or the Tolls thereby granted, or any or either of them, and then the Interest of the Principal Monies which may be advanced or borrowed on the Credit of this Act or the Tolls hereby granted, and then in raising the Sinking Fund as herein-after mentioned, and in repairing, improving, maintaining, keeping in repair, and making the Roads and the Deviations in the Line of such Roads herein-before described, and in otherwise putting this Act into execution, and afterwards in repaying the Principal Monies borrowed or advanced on the Credit of the Acts hereby repealed, or the Tolls thereby granted, and which may be advanced or borrowed on the Credit of this Act or the Tolls hereby granted, and to and for no other Use or Purpose whatsoever.

Application of the Tolls and the Money to be borrowed.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, from and after the Year One thousand eight hundred and forty-two, at their General Annual Meeting, yearly and every Year during the Continuance of this Act, to deduct and retain, from and out of the Tolls arising or to arise and to be received by virtue of this Act, any Sum of Money not being less than Three Pounds nor more than Five Pounds *per Centum* upon the net Receipts of the said Tolls, such Sums of Money to be applied

Trustees may set apart a Portion of the Tolls for the Redemption of the Mortgage Debt.

applied by the said Trustees from Time to Time as they shall think proper for the Purpose of redeeming or reducing the Debt already incurred or hereafter to be incurred by the said Trustees, or for such other Purposes as the Tolls are herein-before directed or authorized to be applied: Provided always, that it shall be lawful for the said Trustees to apply any further Sum or Sums of Money arising from the said Tolls, in order for the more speedy Discharge of the Debt due or to become due on the Security of the said Tolls.

Construction of certain Terms employed in this Act.

XXXIII. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and the Word "Corporation" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations, Civil or Ecclesiastical, Aggregate or Sole; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments, as well as Lands; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Commencement and Duration of Act.

XXXIV. And be it further enacted, That this Act shall commence and take effect upon the Third *Monday* next after the passing hereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

XXXV. 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.

## SCHEDULE to which the foregoing Act refers.

| Description of Property.       | Owner.   | Lessee.       | Occupier.         |
|--------------------------------|--|---------------|-------------------|
| <i>Parish of Alton.</i>        |  |               |                   |
| Barn and Yard                  | Martha Smith                                     | -             | Thomas Chalcraft. |
| Hop Garden                     | Ditto  | -             | Ditto.            |
| Little Brick-kiln, Arable      | John Wood, Esquire                               | -             | Ditto.            |
| Great Brick-kiln, Arable       | Ditto  | -             | Ditto.            |
| Marl Field, Arable             | Ditto  | -             | Ditto.            |
| Round Hill, Arable             | Ditto  | -             | Ditto.            |
| Long Bottom, Arable            | Ditto  | -             | Ditto.            |
| Round Hill, Arable             | Ditto  | -             | Ditto.            |
| The Dean, Arable               | Ditto  | -             | Ditto.            |
| Long Bottom, Arable            | Ditto  | -             | Ditto.            |
| White Hill Bottom, Arable      | Ditto  | -             | Ditto.            |
| Ewe Close, Arable              | Ditto  | -             | Ditto.            |
| The Nineteen Acres, Arable     | Ditto  | -             | Ditto.            |
| Bristow Dell, Arable           | Ditto  | -             | Ditto.            |
| Upper Flood Mead, Meadow       | Ditto  | -             | Ditto.            |
| Long Meadow                    | Warden and Scholars<br>of Winchester<br>College. | -             | William Gunner.   |
| Part of Home Field, Hops       | Ditto  | -             | Ditto.            |
| Part of Home Field, Arable     | Ditto  | -             | Ditto.            |
| Thorn Field, Arable            | Ditto  | -             | Ditto.            |
| Drunken Field, Arable          | Ditto  | -             | Ditto.            |
| Applesome Field, Arable        | Ditto  | -             | Ditto.            |
| Applesome Wood, Wood           | Ditto  | -             | In hand.          |
| <i>Parish of Shalden.</i>      |  |               |                   |
| Great South Wood, Arable       | Edward Knight, Esq.                              | -             | Henry Holding.    |
| Middle South Wood, Arable      | Ditto  | -             | Ditto.            |
| Further South Wood, Arable     | Ditto  | -             | Ditto.            |
| Well Close, Arable             | Thomas Gregory, Esq.                             | -             | Louisa Grinham.   |
| Long Bottom, Arable            | Ditto  | -             | Ditto.            |
| Drawshords, Arable             | Ditto  | -             | Ditto.            |
| Gregory's Coppice, Wood        | Ditto  | -             | In hand.          |
| Goodyer's Wood, Wood           | John Wood, Esquire                               | -             | Ditto.            |
| Gregory's Coppice, Wood        | Thomas Gregory, Esq.                             | -             | Ditto.            |
| Coppice                        | William Lutley Sclater, Esquire.                 | -             | Ditto.            |
| Park Hill, Arable              | Edward Knight, Esq.                              | -             | Henry Holding.    |
| Waste Land                     | Ditto, as Lord of the<br>Manor of Shalden.       | -             | -                 |
| Mitchlett's Pattix, Arable     | Edward Knight, Esq.                              | -             | Henry Holding.    |
| Shalden Park Coppice,<br>Wood. | Ditto  | -             | In hand.          |
| Park Field, Arable             | Ditto  | -             | Henry Holding.    |
| Pightle, Arable                | Ditto  | Henry Holding | George Knight.    |
| Row                            | Ditto  | -             | Henry Holding.    |
| Ditto                          | Ditto  | -             | Ditto.            |

[Local.]

| Description of Property.      | Owner.   | Lessee.                                     | Occupier.                             |
|-------------------------------|--|---|---------------------------------------|
| <i>Parish of Odiham.</i>      |  |   |                                       |
| Common or Waste               | Lady Jane St. John Mildmay, as Lady of the Manor of Odiham.  | —   | —                                     |
| Meadow                        | Lady Mildmay   | —   | James Anderton.                       |
| House and Garden              | Ditto  | —   | Ditto.                                |
| Ditto                         | Ditto  | James Anderton                              | Richard White.                        |
| <i>Parish of Winchfield.</i>  |  |   |                                       |
| Common or Waste               | George Bainbridge, Esq., as Lord of the Manor of Winchfield. | —   | —                                     |
| Burrows Moor                  | George Bainbridge, Esq.                                      | —   | William Burrows.                      |
| Pightle Mead                  | Ditto  | —   | James Hooker.                         |
| Garden                        | Ditto  | —   | Ditto.                                |
| Pightle Mead                  | Ditto  | —   | Ditto.                                |
| Long Moor                     | Ditto  | —   | William Burrows.                      |
| Tithingman's Plat             | Ditto  | —   | Ditto.                                |
| House and Garden              | Ditto  | —   | James Hooker.                         |
| Hooker's Coppice              | Ditto  | —   | Richard Ridgers.                      |
| Gravelly Coppice              | Ditto  | —   | In hand.                              |
| Eight Acres                   | Ditto  | —   | Richard Ridgers.                      |
| Five Acres                    | Ditto  | —   | Ditto.                                |
| Common or Waste               | Ditto, as Lord of Manor.                                     | —   | —                                     |
| The Pightle                   | George Bainbridge, Esq.                                      | —   | Richard Ridgers.                      |
| Little Meadow                 | Ditto  | —   | Ditto.                                |
| Bagnell Field                 | Ditto  | —   | Ditto.                                |
| Little Pightle                | Ditto  | —   | Ditto.                                |
| Homestead (Chiverton's Farm). | Ditto  | —   | Ditto.                                |
| Horseleaze                    | Ditto  | —   | Ditto.                                |
| High Field                    | Ditto  | —   | Ditto.                                |
| Coppice                       | Ditto  | —   | In hand.                              |
| Fir Plantation                | Ditto  | —   | Ditto.                                |
| Hames Rows                    | Ditto  | —   | John Lickfold.                        |
| Driftway                      | Ditto  | —   | Ditto.                                |
| Elvergates                    | Ditto  | —   | Richard Ridgers.                      |
| Great Tassel Field            | Ditto  | —   | John Lickfold.                        |
| Little ditto                  | Ditto  | —   | Ditto.                                |
| Tassel Wood                   | Ditto  | —   | In hand.                              |
| Furzy Moor Coppice            | Ditto  | —   | Ditto.                                |
| Common or Waste               | George Bainbridge, Esq., as Lord of the Manor.               | —   | —                                     |
| Cottage and Garden            | George Bainbridge, Esq.                                      | —   | James Grace.                          |
| Cottage and Premises          | Ditto  | —   | George Norman.                        |
| Cottage and Premises          | Ditto  | The London and Southampton Railway Company. | Mary Pitaway.                         |
| Cottage in Two Tenements      | Ditto  | Ditto                                       | Charles Elliott and William Jennings. |

| Description of Property.         | Owner.   | Lessec. | Occupier.   |
|----------------------------------|--|---------|-------------|
| Common or Waste (Shapley Heath). | George Bainbridge, Esq., as Lord of the Manor of Winchfield. | —       | —           |
| New Inclosure - -                | George Bainbridge, Esq.                                      | - - -   | In hand.    |
| Pond - - -                       | Ditto - - -  | - - -   | Ditto.      |
| Railway and Slopes - -           | London and Southampton Railway Company.                      | - - -   | Themselves. |
| Open Space near the Station      | Ditto - - -  | - - -   | Ditto.      |

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