ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. XXVI.

An Act for amending the Roads leading from *Baſingſtone*, near *Bagshot*, through *Farnham*, in the County of *Surrey*, and *Alton* and *New Alresford*, to *Winchester*, in the County of *Southampton*.

[23d *May* 1817.]

WHEREAS an Act was paſſed in the Twenty-ſixth Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Roads leading from a Place called* Baſingſtone, *near the Town of* Bagſhot, *in the Pariſh of* Windleſham, *in the County of* Surrey, *through* Frimley *and* Farnham, *in the ſame County; and from thence through* Bentley, Hollyborn, Alton, Chawton, Ropley, Biſhop's Sutton, New Alresford, *and* Mattingley *otherwiſe* Matterley Lane, *to the City of* Wincheſter, *in the County of* Southampton: And whereas an Act was paſſed in the Thirteenth Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act to continue the Term and alter the Powers of an Act made in the Twenty-ſixth Year of the Reign of His late Majeſty King* George *the Second, for repairing and widening the Roads leading from a Place called* Baſingſtone, *near the Town of* Bagſhot, *in the Pariſh of* Windleſham, *in the County of* Surrey, *through* Frimley *and* Farnham, *in the ſame County; and from thence through* Bentley, Hollyborn, Alton, Chawton, Ropley, Biſhop's Sutton, New Alresford, *and* Mattingley *otherwiſe* Matterley Lane, *to the City of* Wincheſter, *in the County of* Southampton: And whereas another Act was paſſed in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and Powers of Two Acts paſſed in the Twenty-ſixth Year of the Reign of* 26 G. 2. c. 50.

13 G. 3. c. 51.

35 G. 3.

His late Majeſty King George *the Second, and in the Thirteenth Year of the Reign of His preſent Majeſty, for repairing and widening the Roads leading from* Baſingſtoke, *near the Town of* Bagſhot, *in the Pariſh of* Windleſham, *in the County of* Surrey, *through* Frimley *and* Farnham, *in the ſame County, and from thence through* Bentley, Hollyborn, Alton, Chawton, Ropley, Biſhop's Sutton, New Alresford, *and* Mattingley *otherwiſe* Matterley Lane, *to the City of* Winchester, *in the County of* Southampton: And whereas the ſaid Roads are divided into Two Diſtricts, and conſiderable Sums of Money have been borrowed on the Credit of the Tolls authorized to be collected upon the reſpective Diſtricts of the ſaid Roads, which ſtill remain due and owing: And whereas it would be of Advantage to the ſaid Roads, and alſo of general public Utility, if Power were given to alter or ſtraighten certain Parts of the ſaid Roads in the Hamlet of *Frimley*, in the Pariſh of *Aſh*, in the County of *Surrey*, and in the Pariſh of *Farnborough*, in the County of *Southampton*: And whereas the ſaid Roads cannot be effectually amended, diverted, widened, altered, ſtraightened, improved, and maintained in Repair, unleſs the Powers and Proviſions of the ſaid Acts are enlarged and altered, and the Tolls increaſed; and it is expedient that the ſame ſhould be conſolidated and comprized 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 the ſaid recited Acts of the Twenty-ſixth Year of the Reign of King *George* the Second, and of the Thirteenth and Thirty-fifth Years of the Reign of His preſent Majeſty, ſhall be and ſame are hereby repealed; and this Act, and the Tolls hereby granted, ſhall be and the ſame are hereby made ſubject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the ſaid recited Acts, or any of them, on the ſaid Roads, 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.

Recited Acts repealed.

Truſtees for the Upper Diſtrict.

II. And be it further enacted, That the Vicar of *Alton* for the Time being, the Rector of *Aſh* for the Time being, the perpetual Curate of *Bentley* for the Time being, *Thomas Burningham*, *John Farrington Butterfield*, *Morris Birkbeck*, *Daniel Briſtow*, *Robert Bury*, *Richard Lannoy Couſmaker*, *James Chaundler*, *Thomas Clement*, *John Cock* the elder, *Andrew Collyer*, *James Battine Coulthard*, *William Crump*, *Richard Crump*, *Crawford Davidſon*, *Richard Drinkwater*, *Samuel Eggar*, *John Eggar* of *Alderſhott*, *William Eggar*, *Samuel Eggar* the younger, *James Eggar* of *Holybourne*, the Rector of *Farnborough* for the Time being, the Vicar of *Farnham* for the Time being, the Vicar of *Froyle* for the Time being, *Edward Fulham* Clerk, *John Giles*, *John Hawkins*, *William Heath* of *Bonhams*, *John Holleſt*, *John Leigh Holleſt*, *George Purefoy Jervoice*, *George Coldham Knight*, *John Knowles*, *Samuel Locke* Doctor in Divinity, *John Leech*, *Edward Leech*, *Robert Newton Lee*, *Edward Beeſton Long*, *Henry Lawes Long*, *James Lamport*, *John Languiſh*, *John Thomas Lodge*, Sir *Henry Carew Saint John Mildmay* Baronet, the Reverend Sir *Thomas Miller* Baronet, *Paulet Saint John Mildmay*, *John Manwaring*, *Henry Maxwell*, *Thomas Beddus Mill*, *James More Mollyneux*, Eſquires; *Charles Newnham*, *John Newnham*, *William Newnham*,

John Acworth Ommaney, *William Samways Oke*, *Miles Roole Penfold*, *Richard Paine* of *Tongham*, *Richard Paine* of *Dyehouſe*, *William Pinke Paine*, Sir *Nelſon Rycroft* Baronet, *James Shotter*, *Francis Skurray*, *Francis Skurray* the younger, *Robert Shurlock*, *James Stephen Smither*, *James Stevens*, *John Chitty Stevens*, *Samuel Smith*, *John Thomſon*, *Robert Trimmer*, *William Trimmer*, *John Trimmer* of *Holybourne*, *Robert Trimmer* of *Bentley*, *Charles Trimmer*, *George Trimmer*, *John Underſhell*, the Right Honourable *William Wickham*, *James Ward*, *John Williams*, *Joſeph Richard Williams*, *Ralph Winſtanley Wood*, *Valentine Henry Wilmot*, Eſquires; *George Noell Watkins* Clerk, *George Weſt*, *William Weſt*, *Thomas Wheeler*, *Henry Wheeler*, and *John Wood* of *Seale*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees for making, amending, diverting, widening, altering, ſtraightening, improving, and maintaining in Repair the Upper Diſtrict of the ſaid Roads; that is to ſay, the Roads leading from *Baſingstone*, in the Pariſh of *Windleſham*, through *Frimley*, to and through the Town of *Farnham*, in the County of *Surrey*, and through *Bentley* and the Pariſh of *Hollyborn*, to the Place where the ſame Road cuts the Weſtern Part of the ſaid Pariſh of *Hollyborn*, bounding againſt the Eaſtern Part of the Pariſh of *Alton*, in the County of *Southampton*; and that the Vicar of *Alton* for the Time being, the Rector of *Old Alresford* for the Time being, the Bailiff of *New Alresford* for the Time being, *George Anderſon*, *Thomas Bonham*, *Alexander Baring*, *Charles Barton*, *John Blackburn*, *Thomas Bromley* Clerk, *Henry Bradley*, *Thomas Blake*, *Thomas Bradley*, *Thomas Bulpett*, *James Hinton Baverſtock*, *Richard Bailey*, *William Budd* of *Court Farm*, *John Budd* of *Trinity Farm*, *William Budd* of *North Street*, *William Barnes* the elder, *William Barnes* the younger, *Robert Ballard*, *Thomas Wolſencroft Bower*, *Edward Wolfe Burcher*, the Rector of *Chawton* for the Time being, *William Chute*, *James Battine Coulthard*, *Thomas Coulthard*, *Joſeph Charker*, *Thomas Clement*, *William Cordery*, *Henry Chawner*, *James Coates*, *William Clement*, *John Crouch*, *William Carpenter*, *Thomas Courtenay*, Sir *Thomas Dyer* Baronet, *John Duthy* Eſquire, *Thomas Deane*, *Samuel Deverell*, *Harry Digweed*, *John Dunn*, *John Davidſon*, *Daniel Dipnall*, *Andrew Bréet Docker* Clerk, *William Evans* Clerk, *Harry Eaſton*, *John Vavaſour Earle*, *Benjamin Earle* the elder, *Benjamin Earle* the younger, *William Earle*, *William Henry Earle*, *John Earle*, *William Faithfull*, *Charles Fielder*, *Francis Findon*, *Martin Filer*, *Henry Dyſon Gabell* Doctor in Divinity, *Charles Græme*, *William Gomm*, *Henry Gauntlett*, Clerks; *Frederick Gray*, *William Godwin*, *John Noſs Godwin*, *Richard Goldfinch* the elder, *Richard Goldfinch* the younger, *John Goldfinch*, *George Godwin* of *Tichborne*, *James Goodman*, *James Gaunlett*, *William Gover*, Rear Admiral Sir *Laurence William Halſtead* Knight Commander of the Bath, Sir *William Heathcote* Baronet, *Thomas Freeman Heathcote*, *William Harris*, *Chriſtopher Hodges*, *John Hawkins*, *Henry Rowland Harley*, *George Hollis*, *John Hunt*, *Henry Inglis* Doctor in Divinity, *Evan Jones*, *William Jacob*, *Robert Jeſſett*, *Edward Knapp* the elder, *Edward Knapp* the younger, *John Kerſley*, *William Knight*, *Robert Knight*, *Henry Knight*, *Henry Stephen David King*, *William Lowth* Clerk, *Charles Littlehales* Doctor of Medicine, *William Lee*, *Thomas Lee*, *Richard Littlehales*, *Richard Hockley Lavington*, *James Lampard*, *Giles King Lyford*, Sir *Henry Carew Saint John Mildmay* Baronet, *Paulet Saint John Mildmay*, *Richard Meyler*, *William Maſters*, *Thomas Matthews*, *Charles Abel Moyſey*, Clerks; *Richard Marſhall*, Sir *John Henry Newbolt* Knight, *William Hill Newbolt* Doctor in Divinity, *William Nevill*, *Richard Norris*, *Thomas Nevill*, Sir *Charles Ogle* Baronet, *John Rawſton Papillon*

Truſtees for the Lower Diſtrict.

Papillon Clerk, *Thomas Pink*, *William Prowting*, *Robert Poulſom*, the Reverend Sir *Henry Rivers* Baronet, *George William Ricketts*, *George Robert Goodwin Ricketts*, *John Rawlinſon*, *Charles Richards* the elder, *Charles Richards* the younger, Clerks; *Michael Rivers*, *James Ralfe*, the Honourable *Henry Saint John*, *Hans Sloane*, *James Scott*, *Francis Wickham Swanton* Clerk, *Robert Serle*, *John Shenton*, *Samuel Smith*, *James Snelling*, *William Smither* of *Sutton Farm*, *William Simmonds* the elder, *William Simmonds* the younger, Sir *Henry Tichborne* Baronet, *Henry Joſeph Tichborne*, *John Trimmer*, *Stephen Terry*, *Thomas Terry*, *Charles Trimmer*, *Richard Hall Tombs*, *George Thorn*, *John Trueman Villebois*, the Warden and Fellows of *Saint Mary College* of *Winchester* near *Winchester* for the Time being, the Reverend the Dean and Prebendaries of the Cathedral Church of the *Holy Trinity* of *Winchester* for the Time being, the Mayor, Aldermen, and Recorder of the City of *Winchester* for the Time being, *Edward Woolls*, *William Whitaker*, *Edmund White*, *Robert Wright*, *Thomas Watkins*, *John Woodburn*, *Thomas Weſtcombe*, *David Williams*, *Charles Willaume*, Clerks; *Edward Woolls*, *James Woolls*, *Nicholas Waller*, *John Eames Waight* of *Biſhop's Sutton*, *John Eames Waight* of *Winchester*, *Thomas Woodham*, *James Eames Waight*, *Barnard Winter*, and *William Nicholas Wickham*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, amending, diverting, widening, altering, ſtraightening, improving, and maintaining in Repair the Lower Diſtrict of the ſaid Roads; that is to ſay, the Roads leading from the Termination of the ſaid Upper Diſtrict through the Town of *Alton*, and from thence through *Chawton Ropley* and *Biſhop's Sutton* to and through the Town of *New Alresford*, and from thence through *Mattingley* otherwiſe *Matterley Lane*, by Three ſeveral Branches, to the City of *Winchester*, one Branch thereof leading over *Magdalen Hill*, and down the South Side thereof, and between *Chilcomb Incloſures*, and *Giles's Hill*, down the South Side of *Giles's Hill*, to a Place called *Bar End*; one other Branch leading over *Magdalen Hill* and *Giles's Hill* through the Pariſh of *Saint John in the Soke*; and the Third Branch leading through the Pariſh and Street of *Winnal*, in the ſaid County of *Southampton*.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated for the ſaid Upper Diſtrict of Roads, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the Whole, to be Truſtees for the ſaid Upper Diſtrict of Roads for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and it ſhall be lawful for the Truſtees hereby nominated for the ſaid Lower Diſtrict of Roads or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the Whole, to be Truſtees for the ſaid Lower Diſtrict of Roads for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executiug this Act as if they had been herein named and appointed.

On Death or Refuſal to

IV. And be it further enacted, That when and ſo often as any Truſtee or Truſtees hereby appointed, or to be appointed by virtue of this Act, ſhall

shall die or become disqualified, or refuse to act, it shall be lawful for the surviving or remaining Trustees for the said Districts respectively, or any Five or more of them, from Time to Time, by Writing under their Hands, to elect and appoint some other Person in the room of every Trustee so dying or becoming disqualified, or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing Notice in Writing on all the Turnpike Gates which by virtue of this Act shall be then continued or erected on the District or Districts of the said Roads for which any such Election shall be intended, at least Six Days before such Meeting; and all and every Person and Persons who shall be so elected and appointed shall immediately upon such Election and Appointment be a Trustee or Trustees for the Purposes of this Act, and after taking and subscribing the Oath hereby prescribed shall be vested with the same Powers and Authorities for carrying this Act into Execution as if he or they had been herein nominated and appointed a Trustee or Trustees.

act, other Trustees to be chosen.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath of Qualification herein-after mentioned) unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments situate within that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, either Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements, or Hereditaments, situate as last aforesaid, of the clear yearly Value of Two hundred Pounds, or be possessed of or entitled to a Personal Estate to the Amount of Two thousand Pounds, nor until he shall have taken and subscribed before any Two or more of the said Trustees an Oath or Affirmation in the following Form of Words; and which Oath the said Trustees or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized to administer; (that is to say),

Qualification of Trustees.

'I *A. B.* do swear [*or, being one of the People called Quakers*, do solemnly affirm], That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate within the County [*or* Counties] of of the clear yearly Value of One hundred Pounds above Reprizes; *or*, am possessed of or entitled to a Personal Estate of the Value of Two thousand Pounds; *or*, am Heir Apparent of who to the best of my Knowledge is seised of a Real Estate in Lands, Tenements, or Hereditaments situate within the County [*or*, Counties] of of the clear yearly Value of Two hundred Pounds [*as the Case may happen*]. So help me GOD.'

Oath.

[*or, being a Quaker, omit the Words*, 'So help me God.']

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act, in any Case wherein he shall be personally interested, other than as a Creditor, nor while he holds any Place of Profit under this Act, or who shall sell any Wine, Cider, Ale, Beer, or Spirituous Liquors by Retail, or who shall be interested or concerned in any Contract, or who

Penalty on Truſtees acting not being qualified.

ſhall be Leſſee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Perſon not being qualified as aforeſaid, or being diſqualified by any of the Cauſes aforeſaid, ſhall nevertheleſs act as a Truſtee in the Execution of 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 at *Weſtminſter* by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and the Perſon ſo ſued or proſecuted ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; provided nevertheleſs, that ſuch Acts and Proceedings as ſhall have been done and performed by any ſuch Perſon, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall on that account be deemed unqualified to act as a Truſtee in the Execution of this Act; provided alſo, that ſuch of the ſaid Truſtees hereby nominated or to be appointed by virtue of this Act, as is, are, or ſhall be in the Commiſſion of the Peace for any County or Place in which any Part of the ſaid Roads is ſituate, ſhall not, by reaſon of being ſuch Truſtee or Truſtees, be deemed diſqualified from acting as a Juſtice or as Juſtices of the Peace in the Execution of this Act, except only in ſuch Caſes where he or they ſhall be individually intereſted.

Truſtees being Juſtices may act as ſuch.

Meetings of Truſtees.

VI. And be it further enacted, That the ſaid Truſtees for the ſaid Upper Diſtrict of Roads, or any Five or more of them, ſhall meet together at the Houſe of *Thomas Patrick*, being the *Buſh* Inn in *Farnham* aforeſaid, if then open, or otherwiſe at ſome other Inn or Public Houſe; and the Truſtees for the ſaid Lower Diſtrict of Roads, or any Five or more of them, ſhall meet together at the Houſe of *John Roblin*, being the *White Hart* Inn, in the City of *Wincheſter* aforeſaid, if then open, or otherwiſe at ſome other Inn or Public Houſe, on the Second *Thurſday* after the paſſing of this Act, or as ſoon after as conveniently may be, and proceed in the Execution of this Act, and ſhall then and from Time to Time after adjourn and meet again at ſuch Time as they ſhall think proper, in Manner following; that is to ſay, the Truſtees for the ſaid Upper Diſtrict at ſome public Inn or Place within the ſaid Town of *Farnham*, and not elſewhere; and the Truſtees for the ſaid Lower Diſtrict at ſome public Inn or Place in the City of *Wincheſter*, or Towns of *Alresford* or *Alton*, at their Diſcretion; and that Two Truſtees preſent at any Meeting ſhall be ſufficient for the Purpoſe of adjourning; and that if at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, or in caſe the Truſtees at any Time aſſembled ſhall omit to adjourn, then and in every ſuch Caſe the Clerk to ſuch Truſtees ſhall adjourn the Meeting to the Place where the laſt Meeting was appointed to have been held or was held, as the Caſe may be, and to ſuch Time as he ſhall think fit, not being more than Forty Days nor leſs than Ten Days from the laſt Meeting or intended Meeting, and ſhall thereof give Notice

by Writing affixed on all the Turnpikes then erected by virtue of this Act upon the respective Districts of Roads, at least Six Days before the Day of such intended Meeting; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall be lawful for any Three or more of such Trustees to cause Notice in Writing to be affixed on all the Turnpikes which shall be then continued or erected by virtue of this Act upon the respective Districts of Roads, appointing the Trustees to meet at such Time as they the said Three Trustees shall think proper, not exceeding Fifteen Days nor less than Eight Days from the Time of affixing such Notice, and at the Place where the last Meeting was appointed to have been held or was held, as the Case may be; and the Trustees shall at all their several Meetings pay their own Expences: Provided always, that after holding the said First Meeting of the Trustees for the said Lower District, they the said Trustees for the said Lower District shall meet, for the putting of this Act in Execution, Four Times in the Year; that is to say, on the First *Tuesdays* in the respective Months of *June*, *September*, *December*, and *March* yearly, and as much oftener as they or any Five or more of them shall think proper by their Adjournments to appoint; and that the said Meeting which is to take place on the First *Tuesday* in *June* yearly shall always be held in the Town of *Alton*, and that the said Two Meetings which are to take place on the First *Tuesdays* in *December* and *March* yearly shall always be held in the said City of *Winchester*; and all Orders and Determinations of the respective Trustees in the Execution of this Act shall be made at Meetings consisting of not less than Five Trustees, to be held in pursuance thereof, and not otherwise, except in Cases hereby particularly provided for; and that no Order or Determination shall be valid unless the major Part of the Trustees present at such Meeting shall concur therein; and that no Order made by Five or more of the said respective Trustees shall be revoked or altered at any Meeting where less than Nine Trustees for the same District shall be present, nor without the actual Concurrence of a greater Number of such Trustees than the Number by whom such original Order was made, nor unless Fifteen Days Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Books of Proceedings, and also affixed on all the Turnpikes which by virtue of this Act shall be then continued or erected on the respective Districts of Roads, Six Days at least before such Meeting; and in all Cases where any Justice or Justices of the Peace is or are by this Act authorized or required to examine any Person or Persons on Oath, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and empowered, to administer such Oath.

Meetings on Emergencies.

VII. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the said respective Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, the Clerk, by an Order in Writing, signed by Three or more such Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose, of such Meeting, shall forthwith give Notice of such earlier Meeting by Notice in Writing affixed on all the Turnpikes then continued or erected by virtue of this Act on the respective Districts of Roads, such Time not being less than Six Days after such Notice; and also by Advertisement published Three Days before such Meeting in some Newspaper

paper circulated in the Neighbourhood of the ſaid Roads; and all Proceedings of the Truſtees at ſuch Meetings ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of an Adjournment; and ſuch Meetings or any of them may be adjourned, and every Adjournment of any ſuch earlier Meeting ſhall be conſidered as an Adjournment of the regular Meeting under this Act.

Books to be kept of Proceedings of Truſtees, and of Accounts of Receipts and Diſburſements.

VIII. And be it further enacted, That the ſaid Truſtees for each reſpective Diſtrict of Roads 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 reſpective Clerk or Treaſurer for the Time being, in which Book or Books all their Orders and Proceedings ſhall be regularly entered, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame; and in which Book or Books ſuch Clerk or Treaſurer 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 Roads, and of the ſeveral Articles, Matters, and Things for which ſuch 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 of the Tolls, without Fee or Reward; and the ſaid Truſtees and Creditors, and any of them, ſhall and 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 or Treaſurer, or the Perſon or Perſons who ſhall have the Care and Cuſtody of the ſaid Book or Books, ſhall refuſe to permit the ſaid Truſtees or ſuch Creditors, or any of them, to inſpect the ſame, or to take ſuch Copies or Extracts as aforeſaid, ſuch Clerk or Treaſurer, or Perſon or Perſons, ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned; and the ſaid Book and Books, and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments, and all and every Book and Books heretofore kept of Accounts and Proceedings under the ſaid recited Acts, or Tranſcripts thereof reſpectively, ſhall be admitted in Evidence in all Courts, and by all Judges, Juſtices, and others.

Appointment of Officers.

IX. And be it further enacted, That the ſaid reſpective Truſtees, or any Seven or more of them reſpectively, ſhall and may from Time to Time at any of their Meetings, by Writing under their Hands, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Roads, and any other Officers which ſuch Truſtees ſhall think neceſſary, and from Time to Time remove any ſuch Officer or Officers; and on the Death or Removal of any ſuch Officer or Officers may appoint others in their ſtead, and Eight Days Notice of the Intention of ſuch Appointment ſhall be given in Writing affixed on all the Turnpikes then continued or erected by virtue of this Act on the reſpective Diſtricts of Roads of every Meeting where any ſuch Appointment ſhall be made; and the ſaid reſpective Truſtees or any Nine or more of them reſpectively, ſhall and may and are hereby authorized and empowered, by and out of the Monies ariſing by virtue of this Act, to pay ſuch Salaries and make ſuch Allowances to ſuch Officers and other Perſons employed for their Services in or about the making, amending, diverting,

diverting, widening, altering, ſtraightening, improving, and maintaining in Repair the ſaid Roads, or any Part thereof, or otherwiſe in carrying this Act into Execution, as ſuch Truſtees ſhall think reaſonable: Provided always, that no Perſon ſhall be capable of holding any Place of Profit under this Act, who ſhall ſell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail: Provided alſo, that each and every Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the ſaid recited Acts or any of them for or in reſpect of the ſaid Roads, 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 Clerk, Treaſurer, 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.

Perſons ſelling Wine, &c. not capable of holding Places of Profit.

X. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who 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 this Act, or to appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, 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, nor more than One Imparlance ſhall be allowed.

Offices of Clerk and Treaſurer not to be held by one Perſon.

XI. Provided always, and be it further enacted, That no Truſtee ſhall be capable of voting for or againſt the Revocation or Alteration of any Order or Proceeding of the Truſtees in the Execution of this Act, nor on the Election of any Clerk, Treaſurer, Receiver, Collector, Surveyor, or other Officer, to be employed by the ſaid Truſtees in the Execution of this Act, unleſs ſuch Truſtee ſhall have attended at ſome public Meeting of the ſaid Truſtees, and have acted there as a Truſtee, and ſigned the Book or Books in which the Orders and Proceedings of the ſaid Truſtees are uſually entered, when the ſame ſhall be ſigned by the Truſtees, or unleſs his Name appears in the Entry of the Names of the Truſtees, as attending ſome Meeting or Meetings within the Space of One Year preceding the Day on which ſuch Revocation or Alteration ſhall be made, or ſuch Election ſhall be had.

Truſtees who have not acted within one Year, not to vote in certain Caſes.

XII. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall refuſe, neglect, or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall be lawful for any Five or more of the ſaid reſpective Truſtees, although not aſſembled at a Meeting of the Truſtees appointed by virtue

Truſtees may appoint temporary Collectors.

of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees for the District; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow or any of the Children or Family or other Representative of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be continued or erected by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said respective Trustees, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for either of the said Counties of *Surrey* or *Southampton*, where the Toll House or Building shall be situate, upon Application made by the said respective Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, 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, her, or their Goods, out of the same, and to put such Trustees, or any Three of them respectively, or their new-appointed Officer, into the Possession thereof.

Officers to account.

XIII. And be it further enacted, That all such Officers, and all other Persons already appointed, or who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said respective Trustees for executing this Act, or any Five or more of them respectively, deliver to such Trustees, or to such Person or Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing, under the respective Hands of such Officers or Persons, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in his or their Hands, to such Person or Persons as such Trustees or any Five or more of them respectively shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid; or if any such Officers or others Persons shall refuse or neglect to deliver up to such Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by such Trustees or any Five or more of them respectively, all Books, Accounts, Papers, and Writings in their respective Custody or Power,

anyways relating to the Execution of this Act, or to the ſaid Roads, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, by any Five or more of the ſaid Truſtees, or by any Perſon or Perſons by them authorized on their Behalf, ſuch Juſtice may and he is hereby authorized and required to ſummon ſuch Officer or Officers, Perſon or Perſons, to appear before him; and in caſe of his or their not appearing upon ſuch Summons, the ſame having been ſerved upon him or them perſonally, or left at his or their uſual Place or Places of Abode (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Non-appearance), to iſſue his Warrant or Warrants for his or their Apprehenſion; and upon his or their appearing upon ſuch Summons, or being apprehended and brought before him by virtue of ſuch Warrant, or having abſconded, or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame; or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtice in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Roads, then and in either of the Caſes aforeſaid ſuch Juſtice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol of the County or Place where he or they ſhall live and reſide, or to any Houſe of Correction within the ſame, there to remain without Bail or Mainprize until he or they ſhall have delivered in and ſettled his or their Accounts, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, as ſhall in that reſpect have been made; or until he or they ſhall have compounded with ſuch Truſtees or any Five or more of them reſpectively for the ſame, and paid the Compoſition Money to ſuch Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them reſpectively ſhall appoint to receive the ſame, (and which Compoſition the ſaid reſpective Truſtees, or any Five or more of them reſpectively, are hereby empowered to make and receive); or until he or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof

thereof to ſuch Truſtees; but no ſuch Officer or other Perſon, who ſhall be committed for Default of Diſtreſs only, ſhall be detained in Priſon by virtue of this Act, for any longer Space of Time than Three Calendar Months.

Treaſurer, &c. to give Security.

XIV. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall and they are hereby authorized, directed, and required to take ſufficient Security from the Treaſurer or Treaſurers to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his or their Office or Offices; and may alſo, if they think fit, take ſuch Security from any Collector or Receiver of the Tolls, or other Officer to be appointed by virtue of this Act: Provided always, that any ſuch Security given or taken under or by virtue of the ſaid recited Acts ſhall continue and be of the ſame Force and Effect as if the ſame had been given or taken under or by virtue of this Act.

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

XV. And be it further enacted, That all Actions, Suits, Proſecutions, Informations, Appeals, and other Proceedings whatſoever, to be had, taken, proſecuted, or defended by or againſt the Truſtees of the ſaid reſpective Diſtricts, ſhall be had, taken, proſecuted, or defended in the Name or Names of the Clerk or Clerks of the ſaid Truſtees of the ſaid reſpective Diſtricts for the Time being; and that no Action, Suit, Proſecution, Information, Appeal, or other Proceedings to be had, taken, proſecuted, or defended by or againſt the ſaid Truſtees, or any of them by virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks; but that the Clerk or Clerks to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent in any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, as the Caſe ſhall be: Provided always, that every ſuch Clerk or Clerks in whoſe Name or Names any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings ſhall be had, taken, proſecuted, continued, or defended in purſuance of this Act, ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences as by the Event or in conſequence of any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, he ſhall pay, bear, ſuſtain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reaſon of being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent.

Power to erect Turnpikes, Toll Gates, Side Gates, Weighing Machines, &c.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, if they ſhall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houſes, and Side Gates or Side Bars now ſtanding and being in and upon or acroſs the ſaid reſpective Diſtricts of Roads, or to diſcontinue the ſame, or either of them, or to remove and alter the Situation of the ſame, or of either of them, and to erect and ſet up or build, or cauſe to be erected, ſet up, and built, upon, in, or acroſs the ſaid reſpective Diſtricts of Roads, or any Part thereof, or at the Entrance of any Road or Lane that doth or ſhall lead into or out of the ſaid Roads, or either or any of them, when and as they ſhall judge neceſſary, any

Weighing

Weighing Machine or Weighing Machines, Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and alſo One or more Toll Houſe or Toll Houſes, with Out-buildings and Conveniences ſuitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and incloſe on the Sides of the ſaid Roads ſuitable Garden Spots for ſuch Toll Houſe or Toll Houſes, not exceeding One-eighth of an Acre each, with ſuch Lamp or Number of Lamps at or near the ſaid Toll Houſe or Toll Houſes, as they ſhall think neceſſary; and from Time to Time to take down and remove, or again to put up in a different Situation, or to alter and diſcontinue the ſame, or any of them, as they the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall think proper, and direct or appoint; any Clauſe, Matter, or Thing contained in any Law or Statute relating to the Turnpike Roads of this Realm, to the contrary notwithſtanding.

Power to erect a Turnpike between Winnall and Eaſton.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the Truſtees of the Lower Diſtrict of the ſaid Roads to erect a Turnpike or Toll Gate, and Toll Houſe, Side Gate or Side Bar, on that Branch or Part of the ſaid Roads leading through the Pariſh and Street of *Winnall* to *Eaſton*.

Toll Gates, Houſes, &c. veſted in Truſtees.

XVIII. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpikes, Weighing Machines, Bars, Rails, Fences, Toll Houſes, and other Houſes and Buildings, and the ſeveral Conveniences and Appurtenances thereto belonging, which have been provided or erected under and by virtue of the ſaid recited Acts or either of them, and which ſhall be provided, erected or made by virtue of this Act, and all Materials for repairing or building the ſame, and for repairing the ſaid Roads or any Part thereof, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, on or for either of the ſaid reſpective Diſtricts of Roads, ſhall be veſted in the ſaid reſpective Truſtees for each of the ſaid reſpective Diſtricts; and they or any Five or more of them reſpectively are hereby empowered to ſell and diſpoſe of the ſame reſpectively as they ſhall think proper, and to bring or cauſe to be brought, in the Name of their reſpective Clerk or Clerks for the Time being, any Action or Actions or to prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall without Right keep Poſſeſſion of any ſuch Houſe or Appurtenances, or who ſhall break down or damage, ſteal or take away, any ſuch Turnpikes, Toll Gates, Weighing Machines, Toll Houſes, and other Houſes and Buildings, Conveniences, Appurtenances, or any Part or Parts thereof reſpectively, or any ſuch Materials, Articles, or Things, or who ſhall diſturb them the ſaid reſpective Truſtees or their Agents or Servants in the Poſſeſſion thereof; and in all Actions and Proceedings whatſoever, whether civil or criminal, it ſhall be ſufficient to ſtate the ſame to be the Property of the Truſtees for the Upper Diſtrict of Roads, [*or*, Lower Diſtrict of Roads, as the Caſe may be] acting in Execution of an Act paſſed in the Fifty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act for amending the Roads leading from* Baſingſtone, *near* Bagſhot, *through* Farnham, *in the County of* Surrey, *and* Alton *and* New Alresford, *to* Wincheſter, *in the County of* Southampton, without naming or otherwiſe deſcribing the ſaid Truſtees; and in all civil and criminal Proceedings

Truſtees, &c. not incompetent Witneſſes

whatſoever relating to the ſaid Roads, or any or either of them, or any Part thereof, no Perſon, being a Truſtee, Creditor, Mortgagee, Farmer, Leſſee, or Collector of the Tolls, Clerk, Treaſurer, Surveyor, or other Officer, or Servant of, or other Perſon employed by the ſaid Truſtees, or any of their Officers, or an Inhabitant of any Townſhip, Pariſh, or Place, through or into which the ſaid Roads, or either or any of them, or any Part thereof, doth or ſhall paſs, ſhall be incompetent to give Teſtimony or Evidence therein, by reaſon of his or her being ſuch Truſtee, Creditor, Mortgagee, Farmer, Leſſee, Collector, Clerk, Treaſurer, Surveyor, Officer, or Servant, or Perſon employed as aforeſaid, or Inhabitant as aforeſaid.

Power to take Tolls.

XIX. And be it further enacted, That it ſhall and may be lawful for the ſaid reſpective Truſtees for the ſaid reſpective Diſtricts of Roads, or any Perſon or Perſons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following at each and every of the ſeveral and reſpective Turnpikes, or Toll Gates, or Toll Houſes, or Turnpike, or Toll Gate, or Toll Houſe, or Side Bar, or Side Gate, or Chain, which are or is or ſhall be ſtanding and being, or continued or erected by virtue of this Act, in, upon, acroſs, or on the Side or Sides of the ſaid reſpective Diſtricts of Roads, or either or any of them, or any Part thereof, and 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),

Tolls.

For every Horſe or Beaſt of Draught drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Caravan, Phaeton, Hearſe, or other ſuch like Carriage, the Sum of Four-pence Halfpenny; and on a *Sunday* the additional Sum of Two-pence:

For every Horſe or Beaſt of Draught drawing any Waggon, Wain, Cart, or other ſuch like Carriage, with Wheels of leſs Breadth than Six Inches, the Sum of Four pence Halfpenny; and on a *Sunday*, the additional Sum of Two-pence:

For every Horſe or Beaſt of Draught drawing any Waggon, Wain, Cart, or other ſuch like Carriage, with Wheels of the Breadth of Six Inches or upwards, the Sum of Four-pence; and on a *Sunday*, the additional Sum of Two-pence:

For every Horſe, Mule or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny; and on a *Sunday*, the additional Sum of One Halfpenny:

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

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

Which ſaid Tolls ſhall be demanded and taken, before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any Turnpike or Toll Gate, or Side Bar, or Side Gate, or Chain already erected and continued, or to be erected and continued by virtue of this Act, upon or acroſs the ſaid reſpective Diſtricts of Roads, or any or either of them, or any Part thereof, or upon or acroſs any Lane or Way leading

ing into the ſame; provided that the Power hereby granted to take Toll at any Side Gate or Side Bar ſhall not extend to a Double Charge upon any Horſes, Beaſts, Cattle, or Carriages paſſing through any other of the Turnpikes or Toll Gates in the ſame Diſtricts of the ſaid Roads; and upon Payment of any of the ſaid Tolls the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment; and all ſuch Notes or Tickets ſhall be provided by the ſaid reſpective Truſtees, or their Leſſees, and there ſhall be printed and ſpecified thereon, the Names of the ſeveral or reſpective Gates which ſuch Tickets ſhall free, or which ought under the Proviſions of this Act to be paſſed free for One Payment of Toll; and ſuch of the ſaid reſpective Tolls or Duties as ſhall be collected on the ſaid Upper Diſtrict of Roads, ſhall be, and are hereby veſted in the Truſtees for the ſaid Upper Diſtrict of Roads, and ſhall be applied for the Purpoſes of this Act in Manner herein-after directed; and ſuch of the ſaid reſpective Tolls or Duties as ſhall be collected on the ſaid Lower Diſtrict of Roads, ſhall be and are hereby veſted in the Truſtees for the ſaid Lower Diſtrict of Roads, and ſhall be applied for the Purpoſes of this Act, in Manner herein-after directed.

Tickets to be printed.

XX. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, either at the Gate, Bar, or Chain where ſuch Tolls ſhall be collected, or after paſſing through the ſame, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls as aforeſaid, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize or diſtrain any Horſe or Horſes, Beaſt or Beaſts, Cattle, Carriage or other Thing, upon or for which ſuch Toll is hereby impoſed, together with the Harneſs, Bridles, Reins (except the Bridle or Reins apart from the Horſe or Horſes), Saddles, Gears, or Accoutrements, or their Loading, or a ſufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Poſſeſſion of the Perſon or Perſons, ſo then and there neglecting or refuſing to pay as aforeſaid; and if ſuch Toll, or any Part thereof, ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Beaſt or Beaſts, Cattle, Carriage, Thing or Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any), and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Toll, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted; to be aſcertained or determined, in caſe of Diſpute concerning the ſame, by ſome Juſtice of the Peace of the County or Place where ſuch Diſpute ſhall happen.

Tolls may be diſtrained for.

XXI. Provided always, and be it further enacted, That all and every Perſons and Perſon paying ſuch reſpective Tolls for or in reſpect of any Horſes, Beaſts, Cattle, or Carriges, at any Turnpike or Toll Gate upon the ſaid Upper Diſtrict of Roads, ſhall, on producing a Note or Ticket, Notes or Tickets, denoting ſuch Payment, be entitled to return or repaſs, Once after every ſuch Payment on the ſame Day, (to be computed as aforeſaid) with the ſame Horſes, Beaſts, Cattle, and Carriages, Toll-free through

One Payment for paſſing at any one Gate on the Upper Diſtrict to clear one Return at the ſame Gate, except, &c.

through the Turnpike or Toll Gate at which Toll ſhall have been ſo paid; except Horſes or other Beaſts drawing any Waggons, Carts, or other ſuch like Carriages, laden with any Goods, Wares, or Merchandizes, which it is hereby declared ſhall be ſubject to the Payment of Toll for every Time of paſſing, whether going or returning ſo laden; but no empty Baſket or Baſkets, empty Sack or Sacks, or empty Barrel or Barrels, ſhall be deemed or conſidered a Lading; and alſo except Horſes or other Beaſts drawing any Stage Coaches, or drawing any Poſt Chaiſes, Coaches, or other Carriages let out on Hire, which it is hereby intended ſhall be ſubject to the Payment of Toll as often as a new Hiring or Profit thereon ſhall be made or accrue.

One Payment at any one Gate on the Lower Diſtrict to clear all Times of again paſſing and repaſſing ſame Gate on the ſame Day, except, &c.

XXII. Provided alſo, and be it further enacted, That all and every Perſons and Perſon paying ſuch reſpective Tolls for or in reſpect of any Horſes, Beaſts, Cattle or Carriages, at any Turnpike or Toll Gate upon the ſaid Lower Diſtrict of Roads, ſhall, on producing a Note or Ticket denoting ſuch Payment, be entitled to return and to repaſs any Number of Times on the ſame Day (to be computed as aforeſaid) with the ſame Horſes, Beaſts, Cattle, and Carriages, Toll-free through the Turnpike or Toll Gate at which Toll ſhall have been ſo paid, except Horſes or other Beaſts drawing any Waggons, Carts, or other ſuch like Carriages, laden with any Goods, Wares, or Merchandizes, which it is hereby declared ſhall be ſubject to the Payment of Toll for every Time of paſſing, whether going or returning ſo laden; but no empty Baſket or Baſkets, empty Sack or Sacks, or empty Barrel or Barrels, ſhall be deemed or conſidered a Lading; and alſo except Horſes or other Beaſts drawing any Stage Coaches, or drawing any Poſt Chaiſes, Coaches, or other Carriages let out on Hire, which it is hereby intended ſhall be ſubject to the Payment of Toll as often as a new Hiring or Profit thereon ſhall be made or accrue

Two Tolls only to be payable for paſſing along the whole Line of the Upper Diſtrict, one whereof to be at the Willey Gate.

XXIII. Provided alſo, and be it further enacted, That no more than Two Tolls in the whole ſhall be payable for or in reſpect of the ſame Horſes, Beaſts, Cattle, or Carriages, for paſſing once in one Day (to be computed as aforeſaid) along the whole Line of the ſaid Upper Diſtrict of Roads; that is to ſay, one of ſuch Tolls to be payable at the Turnpike or Toll Gate called the *Willey Gate*, and the other of ſuch Tolls to be payable at one of the other Turnpikes or Toll Gates erected or to be erected on the ſaid Upper Diſtrict of Roads; and alſo, that no more than Two Tolls in the whole ſhall be payable for or in reſpect of the ſame Horſes, Beaſts, Cattle or Carriages, for paſſing Once in one Day (to be computed as aforeſaid) along the whole Line of the ſaid Lower Diſtrict of Roads; that is to ſay, one of ſuch Tolls to be payable at the Turnpike or Toll Gate called the *Alton Gate*, and the other of ſuch Tolls to be payable at one of the other Turnpikes or Toll Gates erected or to be erected on the ſaid Lower Diſtrict of Roads.

Two Tolls only to be payable for paſſing along the whole Line of the Lower Diſtrict, one whereof to be at the Alton Gate.

Carriages with threſhed Corn, &c. to pay Toll but at One Gate on the ſaid Roads.

XXIV. Provided always, and be it further enacted, That no Perſon or Perſons travelling on the ſaid reſpective Diſtricts of Roads with any Waggon, Wain, Cart or other Carriage whatſoever loaded with threſhed Wheat, Oats, Barley, Peas, Beans, or other threſhed Corn or Grain, or Hop Poles only, and having paid the Toll or Duty at the Turnpike Gate now ſtanding at or near the Town of *Alton* aforeſaid, within the ſaid Lower Diſtrict, ſhall be liable the ſame Day to pay any Toll or Duty at

the Turnpike Gate now ſtanding at *Willey*, in the Pariſh of *Farnham* aforeſaid, within the ſaid Upper Diſtrict, whether the Wheels of ſuch Carriages are of the Breadth of Six Inches or not; ſuch Perſon or Perſons producing a Note or Ticket that the ſaid Toll or Duty has been paid, which Note or Ticket the Collector or Collectors is and are hereby required to give *gratis*.

Inhabitants of Wincheſter not travelling more than Two Hours, to pay only a Moiety of the Toll.

XXV. And be it further enacted, That all the Inhabitants of the City, Cloſe, and Suburbs of *Wincheſter*, going merely for the Purpoſe of taking the Air in their own Chaiſes, Chariots, Coaches, or other Carriages, or on Horſeback, and not travelling out from the ſaid City of *Wincheſter* on the ſaid Turnpike Road, for more than the Space of Two Hours each Time, ſhall be permitted to paſs through any Turnpike Gate erected or to be erected on the ſaid Road, within the Diſtance of One Mile from the ſaid City, on Payment of One Moiety of the Tolls hereby granted; ſuch Inhabitants firſt entering their reſpective Claims for the Enjoyment of the ſaid Privilege, in Writing under their Hands, and ſpecifying in reſpect of what Carriage and Horſes they claim the ſame, at ſome public Meeting of the Truſtees for the ſaid Lower Diſtrict: Provided always, that the ſame Privilege ſhall not take place during the Days on which *Giles Hill* and *Magdalen Hill* Fairs ſhall be held, nor for Three Days immediately before and after the ſaid reſpective Fairs.

Penalty on avoiding Tolls.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go or paſs with any Horſe, Beaſt, Cattle or Carriage, through or over any Gate, private Paſſage, Land, Ground, or Place lying by the Side of or near to any Part of the ſaid Roads, (except the Owner or Occupier of ſuch Land or other Premiſes, or any of his, her, or their Family or Servants); or if any Perſon or Perſons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the ſaid Roads or any Part thereof, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons (except as aforeſaid) to go or paſs with any Horſe, Beaſt, Cattle or Carriage, through or over ſuch Gate, private Paſſage, Lands or Grounds, in order to or with Intent thereby to evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon ſhall forge or counterfeit, or ſhall give to or receive from any Perſon or Perſons any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or if any Perſon or Perſons ſhall take off or ſuffer to be taken off, any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or having paſſed through any Toll Gate ſhall afterwards add or put any Horſe or Beaſt to any Carriage, for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads, or ſhall leave upon or near any Part of the ſaid Roads any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage, chargeable with the Payment of any of the ſaid Tolls, with Intent to avoid or evade Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate with any Horſe or other Cattle or Beaſt without Payment of the Toll or any Part thereof, all and every ſuch Perſon or Perſons ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds (over and beſides ſuch Damage and Puniſhments as he, ſhe, or they ſhall otherwiſe be liable to by Law), to be recovered in ſuch Manner as is herein after provided for the Recovery of Penalties and Forfeitures; One Moiety whereof when raiſed ſhall be

paid to the Informer, and the other Moiety to the Treaſurer of the Truſtees for the Diſtrict in which the Caſe ſhall ariſe, to be applied to the Purpoſes of this Act.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXVII. And be it further enacted, That in caſe any Diſpute or Diſputes ſhall happen reſpecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or ſelling any Diſtreſs, ſuch Diſpute or Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the County or Place in which the Cauſe of Diſpute ſhall ariſe, who, upon Application to him made for that Purpoſe, ſhall examine the Matter upon Oath of the Parties, or other Witneſs or Witneſſes, (which Oath every ſuch Juſtice is hereby authorized and empowered to adminiſter) and ſhall determine the Amount of the Toll due, and other Matters in Diſpute between the Parties, and alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping and Sale, and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, and may alſo award ſuch Coſts to be paid by either Party to the other, as to ſuch Juſtice ſhall ſeem juſt and reaſonable; all which Coſts, in caſe the ſame ſhall not be forthwith paid, ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo awarded or directed to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant every ſuch Juſtice is hereby empowered to iſſue); and the Overplus (if any), after Payment of ſuch Coſts, and the Coſts of ſuch Diſtreſs and Sale, ſhall be returned upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained.

Collectors of Tolls competent Witneſſes.

XXVIII. 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 by or under the Authority of the ſaid reſpective Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or by reaſon of his, her, or their acting under the Authority of the ſaid Truſtees.

Penalty on Collector, &c. ſuffering Carriages to paſs without weighing.

XXIX. And be it further enacted, That when any Weighing Machine ſhall be erected on any Part of the ſaid Roads, in order the better to prevent Frauds and Colluſions reſpecting Carriages carrying Overweight, if any Leſſee or Leſſees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Toll Gates continued or erected, or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Perſon or Perſons appointed or to be appointed to the Care of any ſuch Weighing Machine or Machines which is or may or ſhall at any Time hereafter be ſo erected on the ſaid Roads, ſhall ſuffer or permit any Waggon, Wain, Cart, or other Carriage liable to be weighed at any ſuch Machine or Machines, to paſs through the Toll Gate or Toll Gates continued or erected or to be erected on the ſaid Roads, without weighing the ſame, or ſhall ſuffer or permit any ſuch Waggon, Wain, Cart, or other Carriage to proceed on the ſaid Roads, or any Part thereof, without having firſt paid the Toll payable for and chargeable upon ſuch Waggon, Wain, Cart, or other Carriage, and for all ſuch Overweight or Overweights as ſuch Waggon, Wain, Cart, or other Carriage reſpectively ſhall or may

happen to have therein or thereon, each and every ſuch Perſon ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Collector, &c. compounding for Overweight.

XXX. And be it further enacted, That if any Leſſee or Leſſees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the ſaid Roads, or either or any of them, or any Collector or Collectors, or Perſon or Perſons appointed to the Care of any ſuch Weighing Machine or Machines as aforeſaid, ſhall make or enter into any Bargain, Contract, Compoſition, or other Agreement verbal or written, wherein or whereby any ſpecific Sum or Sums of Money, in groſs or otherwiſe, is or are to be paid by any Perſon or Perſons for the Carriage of Overweight, in reſpect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at ſuch Weighing Machine or Machines, each and every ſuch Leſſee or Leſſees, Taker or Takers, Renter or Renters, Collector or Collectors, and Perſon or Perſons appointed to the Care of any ſuch Weighing Machine or Machines, ſo bargaining, contracting, compounding, or otherwiſe argreeing as aforeſaid, ſhall for every ſuch Bargain, Contract, Compoſition, or Agreement, forfeit and pay any Sum not exceeding Five Pounds.

Carriages for His Majeſty's Service not to be weighed.

XXXI. Provided always, 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, 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 ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in or upon any ſuch Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horſes or Oxen, 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, for drawing the ſame; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Exempting the Royal Family from Toll.

XXXII. Provided always, and be it further enacted, That this Act ſhall not extend or be conſtrued to extend to charge with Toll any Horſes or Carriages belonging to Their Majeſties, or any of the Royal Family, or any Horſes or Carriages attending Their Majeſties, or any of the Royal Family.

General Exemptions from Tolls.

XXXIII. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or received at any of the Toll Gates, Bars, or Chains to be erected upon the ſaid Roads, or either or any of them, for any Horſes, Cattle, or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſ-

abled

abled Officers or Soldiers, or returning empty after having been ſo employed; 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, Barrack or Commiſſariat, or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry reſpectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exerciſe (provided that ſuch Perſon or Perſons be dreſſed 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); nor from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or on other his Parochial or Miniſterial Duty, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their Parochial Church, Chapel, or other uſual Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Surrey*, or for the ſaid County of *Southampton*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded, or of carrying or conveying Vagrants ſent by legal Paſſes, or of carrying or conveying Hay or Corn in the Straw not ſold or diſpoſed of, or paſſing to be ſold or diſpoſed of, but to be laid up in the Houſes, Barns, Outhouſes or Yards, or on the Lands of the Owners thereof, or of carrying or conveying any Lime, Dung, Mould, Marle, Soil, Manure, or Compoſt to be uſed only for manuring of Land, or going or returning empty in that Employment; nor for any Horſe, Beaſt, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow or other Implements of Huſbandry, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implements of Huſbandry, be alſo laden with ſome other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle paſſing to or repaſſing from Water or Paſture; nor for any Horſe, Beaſt, or other Cattle going to be or returning from being ſhoed or farried, not beyond the Diſtance of Two Miles; nor for any Horſe, Beaſt, or Cattle uſed or employed for the Purpoſe only of carrying or conveying Gravel, Stones, Sand, or other Materials for the making or repairing the ſaid Roads hereby directed to be repaired, or any other Highway or public Road within any ſuch Pariſh, Townſhip, Chapelry, Hamlet, or Place as aforeſaid, or for building, rebuilding, or repairing any preſent or any future Bridge or Bridges on the ſaid Roads; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Penalty on fraudulently taking Benefit of Exemptions.

XXXIV. Pro-

Exemption for the Inhabitants of Winnall and Eaſton at certain Gates.

XXXIV. Provided alſo, and be it further enacted, That none of the Inhabitants of the ſaid Pariſh of *Winnall*, or of the Pariſh of *Eaſton*, ſhall be charged or chargeable to or with any of the aforeſaid Tolls or Duties in reſpect of his, her, or their Horſes, Beaſts, Carriages or Cattle, (Sheep only excepted), going or paſſing through the Turnpike or Toll Gate, Side Bar or Side Gate, herein-before authorized to be erected on that Branch or Part of the ſaid Roads leading through the Pariſh and Street of *Winnall* to *Eaſton*.

Exemption for Hops, &c. at Alton Gate.

XXXV. And be it further enacted, That no Perſon ſhall be charged with any of the Tolls by this Act granted, for paſſing through the Turnpike Gate now ſtanding at or near the Town of *Alton* aforeſaid, within the ſaid Lower Diſtrict, or at any other Gate to be hereafter erected in the ſame Diſtrict, and within One Mile of the ſaid Town, for any Waggons, Wains, Carts, or other Carriages or Cattle paſſing through ſuch Gate, laden with or going for, or returning after having been laden with Hops, brought directly from the Gardens or Plantations where the ſame ſhall have been picked, or any other Crops in Huſbandry or Gardening, belonging to any of the Inhabitants of the Pariſh of *Alton*, and brought from Lands in the Occupation of ſuch Inhabitants reſpectively, to be houſed or laid up within the ſaid Pariſh of *Alton*, any thing in this Act contained to the contrary thereof in anywiſe notwithſtanding; but ſubject nevertheleſs to the ſame Penalty for unlawfully claiming and uſing the ſeveral Exemptions from Toll, as is by this Act inflicted on Perſons unduly claiming other Exemptions from Toll.

Exemption for Inhabitants of Chilcomb, at the Shortſledge Gate.

XXXVI. Provided alſo, and be it further enacted, That no Toll ſhall be demanded or taken for or in reſpect of the Paſſage of any Cattle or Carriage, belonging to and being actually the Property of any Inhabitant of the Pariſh of *Chilcomb* for the Time being, through the Gate now erected at *Shortſledge*, or through any Gate to be erected in lieu thereof, any Thing in this Act contained to the contrary notwithſtanding; and if any Perſon ſhall claim or take the Benefit of ſuch Exemption or Privilege, not being entitled thereto, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings.

Tolls may be leſſened, &c.

XXXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid reſpective Truſtees, or any Nine or more of them reſpectively, at any Meeting to be holden for that Purpoſe, whereof at leaſt Fourteen Days Notice ſhall be given in Writing, to be affixed on all the Toll Gates continued or erected or to be erected on the reſpective Diſtricts of Roads, and publiſhed in ſome public Newſpaper circulated in the Neighbourhood thereof, from Time to Time as they ſhall think proper, to leſſen or reduce, and again to raiſe and advance, all or any of the Tolls hereby granted, and to order the ſame to be taken in ſuch Manner, Parts, and Proportions as they ſhall think fit, ſo that the reſpective Tolls ſo to be raiſed or advanced do not exceed the Tolls by this Act authorized to be taken, and ſo as ſuch Reduction be made with the Conſent in Writing of the ſeveral Perſons who ſhall be entitled to Five-ſixth Parts of the Money then due on the Credit of the ſaid Tolls; and ſuch Tolls ſo reduced or advanced, and every of them, ſhall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be compounded for.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, or any Nine or more of them reſpectively, from Time to Time to compound, for any Term not exceeding One Year at any one Time, with any Perſon or Perſons, for any Horſes, Beaſts, or Carriages travelling on the ſaid reſpective Diſtricts of Roads, for all or any of the ſaid Tolls to be paid in reſpect of ſuch Horſes, Beaſts, or Carriages; and ſuch Compoſition Money ſhall be paid in advance quarterly, and in default of ſuch Payment, the Compoſition or Agreement with ſuch Perſon ſo making Default ſhall from thenceforth be void; and all ſuch Compoſition Money ſhall be applied in the ſame Manner as the Tolls are directed to be applied by this Act.

Tolls may be leaſed.

XXXIX. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, from Time to Time to demiſe or let to farm, or agree to demiſe or let to farm, all or any of the Tolls ariſing by virtue of this Act, and all or any of the Toll Houſes, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the higheſt Bidder, and for the beſt Price or Rent ſuch Truſtees reſpectively can get for the ſame, payable monthly in advance, or at ſuch other Time or Times as the ſaid Truſtees reſpectively ſhall think proper, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid reſpective Truſtees or any Five or more of them reſpectively ſhall think fit, without being compelled to put up the ſaid Tolls at the Sum at which they were laſt let, or to have any other Meeting for the letting thereof; and if the ſaid reſpective Truſtees, at any ſuch Meeting for letting the ſaid Tolls, ſhall be of Opinion that a Combination exiſts among the Bidders to undervalue the ſame, they reſpectively may then proceed in ſuch Letting in ſuch Manner as to them reſpectively ſhall ſeem moſt likely to create a real *bonâ fide* and an advantageous Competition for the ſame; and at ſuch Letting the Truſtees preſent ſhall have and be entitled to One or more Bidding or Biddings for the ſaid Tolls, either by themſelves or their reſpective Clerk or Treaſurer, or other Perſon by them reſpectively authorized, any Thing in any Law or Statute to the contrary thereof notwithſtanding; and the Rent or Money ariſing by ſuch Letting ſhall be applied in ſuch Manner as the Tolls under this Act are directed to be applied.

Leſſees, or Perſons appointed by them, may collect Tolls.

XL. And be it further enacted, That during ſuch Time as the ſaid Tolls or any Part or Parts thereof ſhall be leaſed, demiſed, or let to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall authorize or appoint, to occupy and enjoy the Toll Houſe or Toll Houſes at which the ſaid Tolls ſo let are to be collected and to ariſe, with all the Appurtenances and Conveniences to the ſame Toll Houſe or Toll Houſes belonging, for the Purpoſe of collecting ſuch Tolls, during ſo long Time only as ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements and Conditions of ſuch Leaſe, Demiſe, or Letting, but not further or otherwiſe; and that ſuch Leſſee or Leſſees, Farmer or Farmers, and the Perſon or Perſons ſo to be by him, her, or them appointed (ſuch Rents and Covenants being

being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, farmed, or let, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed or continued by virtue of this Act is by virtue of this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and 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 or continued by virtue of this Act is subject or liable to.

Penalty on Collector, &c. taking greater or less Toll than allowed.

XLI. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized and directed by the said respective Trustees to be taken under the Authority of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said respective Trustees or any Seven or more of them respectively shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

For preventing Toll Collectors from misbehaving, &c.

XLII. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either under this Act, or by the Trustees for executing the same, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian aud 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 either 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 same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in any ways 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 in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or shall unnecessarily detain, or, upon the legal Toll being paid or tendered, shall wilfully

wilfully obſtruct, hinder, or prevent any Paſſenger, Horſe, Beaſt, Carriage, or Cattle from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, or any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied: Provided alſo, that if any Perſon or Perſons ſhall at any Time aſſault, obſtruct, hinder, or moleſt any Collector, who ſhall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing Collectors.

Enabling Truſtees to take Poſſeſſion of Toll Houſes when let to farm.

XLIII. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act upon the ſaid reſpective Diſtricts of Roads, or either of ſuch Diſtricts, ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let; or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in arrear for the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Leaſe, Agreement, or Contract for demiſing or letting thereof; or in caſe ſuch Leaſe or Agreement ſhall in any other Manner become void, then and in either of thoſe Caſes it ſhall and may be lawful for any Juſtice of the Peace for the ſaid County of *Surrey*, or the ſaid County of *Southampton*, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer, as ſhall be neceſſary, to enter upon and take Poſſeſſion of every or any Toll Houſe, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereout reſpectively, from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give to the ſaid reſpective Truſtees, or other Perſons acting by or under their Authority reſpectively, Poſſeſſion thereof; and that thereupon it ſhall be lawful for the ſaid reſpective Truſtees, or any Seven or more of them reſpectively, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes (ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſee's Part), as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid reſpective Truſtees or any Seven or more of them reſpectively in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract, or Agreement had been made relative thereto.

Arrears and Property belonging to

XLIV. 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 reſpective Truſtees

Truſtees under the ſaid recited Acts of the Twenty-ſixth Year of the Reign of King *George* the Second, and the Thirteenth and Thirty-fifth Years of the Reign of His preſent Majeſty, ſhall immediately on the Commencement of this Act be veſted in the reſpective Truſtees named in or to be elected and appointed by virtue of this Act, who ſhall be and are reſpectively hereby enabled to recover the ſame; and for that Purpoſe reſpectively to cauſe to be commenced and proſecuted all Actions and Suits, at Law or in Equity, in the Name of their reſpective Clerk or Clerks for the Time being, and to act in reſpect thereof as effectually as if the ſame had become due to or had been veſted in ſuch reſpective Truſtees under and by virtue of this Act; or ſuch Arrears of Tolls or Rents, or other Monies ſo due to the reſpective Truſtees under the ſaid recited Acts as aforeſaid, by virtue of any Deed or Specialty, ſhall or may be ſued for and recovered in the Name of the Truſtee or Truſtees to or with whom ſuch Deed or Specialty ſhall have been ſo made or entered into, at the Option or Election of the reſpective Truſtees named or to be appointed by virtue of this Act; and that 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 reſpective Funds or Monies to be raiſed by virtue of this Act; and the Monies, when recovered, ſhall be paid over to the Treaſurer of the ſaid reſpective Truſtees, as the Caſe may be, to be applied for the Purpoſes of this Act.

former Truſtees, veſted in the Truſtees named in this Act.

XLV. And whereas, at the Time of paſſing this Act, divers Sums of Money are due and owing upon the Credit of the Tolls by the ſaid recited Acts authorized to be taken on the ſaid Upper Diſtrict of Roads, and divers Sums of Money are alſo due and owing upon the Credit of the Tolls by the ſaid recited Acts authorized to be taken on the ſaid Lower Diſtrict of Roads; be it therefore further enacted, That the Tolls hereby granted or authorized to be taken on the ſaid Upper Diſtrict of Roads, ſhall be and are hereby made ſubject and liable to the Payment and Diſcharge of all Sums of Money ſo due and owing on account of the ſaid Upper Diſtrict of Roads, and of all Intereſt thereon; and that the Tolls hereby granted or authorized to be taken on the ſaid Lower Diſtrict of Roads, ſhall be and are hereby made ſubject and liable to the Payment and Diſcharge of all Sums of Money ſo due and owing on account of the ſaid Lower Diſtrict of Roads, and of all Intereſt thereon.

Each Diſtrict made liable to its reſpective Debt.

XLVI. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them reſpectively, at any of the Meetings to be holden under or by virtue of this Act, may and they are hereby reſpectively authorized and empowered from Time to Time to borrow and take up at Intereſt, on the Credit of the Tolls hereby granted or authorized to be taken on each of the ſaid reſpective Diſtricts of Roads, ſuch Sum or Sums of Money as they or any Five or more of them reſpectively ſhall think neceſſary; and they are hereby alſo reſpectively authorized and empowered, either at every ſuch Meeting, or afterwards, by any Writing or Inſtrument under their Hands and Seals, to mortgage all or any Part of the Tolls (to ariſe in their reſpective Diſtricts) hereby granted (the Charges of mortgaging the ſame to be paid out of ſuch Tolls), for any Term, or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, as

Power to borrow Money, and to aſſign Tolls.

shall advance and lend the same; which Mortgage shall be made in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here insert the Title of this Act*] We, of the Trustees for the Upper District of Roads, [*or* Lower District, *as the Case may be*,] acting in Execution of the said Act, in consideration of the Sum of to the Treasurer of the said Trustees in Hand paid, do grant, bargain, sell, and demise unto *A. B.*, his, [her *or* their] Executors, Administrators, or Assigns, such Proportion of the Tolls arising within the said District by virtue of the said Act, and of the Toll Gates and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole of the Monies owing and secured on the Credit thereof; to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of Pounds *per Centum per Annum*, shall be sooner paid and satisfied. Given under our Hands and Seals, this Day of in the Year of our Lord.'

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said respective Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said former Acts or any of them, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing, before One credible Witness, an Instrument, whether indorsed or not indorsed upon such Mortgage or Assignment, in the following Words, or in Words to the like Effect; (that is to say),

Form of Transfer;

'I *A. B.* do transfer this Mortgage or Security [*or* a certain Mortgage or Security, *shortly stating it, as the Case may be*] with all my Right and Title to the principal Money thereby secured, and all the Interest now due thereon, unto *C. D.* his [*or*, her *or* their] Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord

'Witness *E. F.* *A. B.*'

which must be entered with the Clerk.

Which said Transfer shall be produced and notified to the respective Clerk or Treasurer to the said respective Trustees, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry such Clerk or Treasurer shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees may in like Manner assign and transfer the same again, and so *toties quoties*; and it shall not be in the Power of any

Perſon or Perſons (except the Perſon or Perſons to whom the ſame ſhall be laſt transferred) to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof.

Application of the Tolls and Money to be borrowed.

XLVII. And be it further enacted, That all the Coſts, Charges, and Expences relative to or attending the obtaining and paſſing of this Act, with Intereſt for the ſame, ſhall be paid and diſcharged in preference to all other Payments whatſoever, and the ſame ſhall be paid in equal Portions or Moieties by the ſaid Truſtees of the Upper Diſtrict, and the ſaid Truſtees of the Lower Diſtrict, or any Five or more of them reſpectively, out of the Monies already received by virtue of the ſaid recited Acts or any of them, or out of the firſt Money which ſhall ariſe or be received by virtue of this Act; and the Remainder of all ſuch Monies ariſing upon or from each of the ſaid reſpective Diſtricts of Roads, ſhall from Time to Time be reſpectively applied by the Truſtees of each ſuch reſpective Diſtrict, in keeping down the Intereſt of the principal Monies by them reſpectively borrowed or raiſed under or by virtue of the ſaid recited Acts, or any of them, and which may be by the ſaid reſpective Truſtees reſpectively borrowed or raiſed under or by virtue of the Powers of this Act, or on the Credit thereof, and in making, amending, diverting, widening, altering, ſtraightening, improving, and maintaining in Repair the ſaid reſpective Diſtricts of Roads, and in otherwiſe putting this Act into Execution, and afterwards in repaying the principal Monies already borrowed or raiſed under or by virtue of the ſaid former Acts, or to be by them the ſaid Truſtees reſpectively borrowed or raiſed under or by virtue of this Act, upon the Credit of the Tolls ariſing on each of the ſaid reſpective Diſtricts of Roads, and to and for no other Uſe or Purpoſe whatſoever.

Truſtees of the Lower Diſtrict to allow 30l. per Annum towards Repair of the Roads in the Upper Diſtrict.

XLVIII. And whereas a much greater Number of Carriages, loaded with threſhed Wheat, Oats, Barley, Peas, Beans, or other threſhed Corn or Grain, and with Hop Poles, paſs and travel from different Parts of the Lower Diſtrict to the Town of *Farnham* in the Upper Diſtrict, than in the contrary Direction, which Carriages having paid a Toll at one of the Gates in the ſaid Lower Diſtrict will, by virtue of the Proviſions hereinbefore contained, be entitled to paſs through one or more of the Gates in the ſaid Upper Diſtrict, without paying any Toll, although ſuch Carriages will generally travel further on the Roads in the ſaid Upper Diſtrict than on thoſe in the ſaid Lower Diſtrict; be it therefore further enacted, That (for making Compenſation to the ſaid Upper Diſtrict for ſuch Diſadvantage) the Truſtees of the ſaid Lower Diſtrict, or their Treaſurer, ſhall and they are hereby required, yearly and every Year during the Continuance of this Act, out of the Tolls ariſing in the ſaid Lower Diſtrict, to pay or cauſe to be paid unto the Truſtees of the ſaid Upper Diſtrict, or the Treaſurer, the Sum of Thirty Pounds of lawful Money of *Great Britain*, at the Feaſts of *Saint Michael* the Archangel, and the Annunciation of the Bleſſed Virgin *Mary*, by equal Portions; the firſt Half-yearly Payment thereof to be made at the Feaſt of *Saint Michael* the Archangel now next enſuing; which yearly Payment of Thirty Pounds ſhall be applied to the Amendment of the Roads in the ſaid Upper Diſtrict; and in caſe any Half-yearly Payment of the ſaid Annual Sum of Thirty Pounds ſhall happen to be in Arrear and unpaid, by the Space of Three Calendar

Calendar Months next after the reſpective Feaſts on which the ſame ought to be paid as aforeſaid, the ſame ſhall and may be ſued for and recovered, with full Coſts, by an Action of Debt to be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, at the Suit of the Treaſurer of the Truſtees for the ſaid Upper Diſtrict for the Time being, againſt the Treaſurer of the Truſtees for the ſaid Lower Diſtrict, or other Receiver of the Tolls of the ſaid Lower Diſtrict for the Time being, (who ſhall be reimburſed and indemnified by the Truſtees of the ſame Diſtrict, out of the Tolls ariſing within the ſame); in which Action no Eſſoign, Protection, Wager of Law, nor more than One Imparlance, ſhall be admitted or received.

Annual Payment may be made to the Wincheſter Paving Commiſſioners, by Truſtees for Lower Diſtrict.

XLIX. And whereas the Commiſſioners for executing Two ſeveral Acts, the one paſſed in the Eleventh Year of the Reign of His preſent Majeſty, intituled *An Act for the better paving, repairing, cleanſing, lighting, and watching the Streets and other public Paſſages within the City of* Wincheſter, *and alſo within the ſeveral Pariſhes of* Saint Bartholomew Hyde, Saint John's in the Soke, Saint Peters Cheeſehill, Saint Swithin, *and* Saint Michael in the Weſt Soke, *in the Suburbs of the ſaid City, and for preventing Nuiſances and Annoyances therein, and for widening and rendering the ſame more commodious;* and the other paſſed in the Forty-eighth Year of the Reign of His preſent Majeſty, intituled *An Act for amending and enlarging the Powers of an Act of His preſent Majeſty, for paving, cleanſing, lighting, and watching the Streets and public Paſſages in the City of* Wincheſter, *and ſeveral Pariſhes in the Suburbs thereof, and for removing and preventing Nuiſances therein;* are empowered to take certain Tolls at a Gate called *Shortſledge Gate*, belonging to the Lower Diſtrict of the ſaid Turnpike Road, (the ſame being ſituated within One Mile of the ſaid City) on particular Days and Times in every Year; *videlicet*, from the Morning of the Day next before the Firſt Day of the Races commonly called *Wincheſter Races*, during that and the Five following Days; from the Morning of the Day next but One before *Magdalen Hill* and *Giles's Hill* and the Two *Wincheſter* Fairs, for that and the Four following Days; from the *Monday* Morning to *Saturday* Night in the Week in which the Election of the College near *Wincheſter* ſhall be holden, in the Name of and for a Street Toll, by virtue whereof a double Toll is taken and collected at the ſaid Gate called *Shortſledge Gate*, on the reſpective Days and Times aforeſaid; therefore, in order to prevent a double Toll from being taken and collected on the ſaid Days and Times, or ſuch of thoſe Days and Times as ſhall be ſpecified in any Agreement or Agreements to be entered into by and between the ſaid Commiſſioners of the Pavement and Truſtees of the Turnpike Road for the Time being in that Reſpect; be it further enacted, That it ſhall be lawful for the ſaid Truſtees for the ſaid Lower Diſtrict, whenever to them ſhall ſeem meet and proper, and it ſhall appear to them that the ſame can be done without injuring the Security of the Creditors of the ſaid Lower Diſtrict, to pay or cauſe to be paid to the ſaid Commiſſioners of the Pavement, or to ſuch Perſons as they ſhall authorize and appoint to receive the ſame, ſuch Sum or Sums of Money annually as the ſaid Truſtees for the ſaid Lower Diſtrict, or any Seven or more of them, ſhall at any public Meeting think fit to order and direct, as an Allowance to and Compoſition with the ſaid Commiſſioners of the Pavement, in conſideration

ſideration that they do not take or cauſe to be taken, ſuch Street Tolls at the ſaid Gate called *Shortſledge Gate*, or any Gate which may hereafter be erected in lieu thereof, within One Mile of the ſaid City, on the Days and Times mentioned in the ſaid Act, or ſuch of thoſe Days and Times as ſhall be ſpecified in any Agreement to be made in that reſpect as aforeſaid.

Power to enter upon Lands to ſtake out and make the Improvements on the Roads.

L. And be it further enacted, That it ſhall and may be lawful for the Truſtees of the ſaid Upper Diſtrict, or any Five or more of them, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered, to alter and ſtraighten or cauſe to be altered or ſtraightened, certain Parts of the ſaid Roads in the Hamlet of *Frimley*, in the Pariſh of *Aſh* in the County of *Surrey*, and in the Pariſh of *Farnborough* in the County of *Southampton*, upon, over, and through certain private Lands, Grounds, and Hereditaments, delineated and deſcribed in the Plans and Books of Reference herein-after mentioned, and under and upon ſuch Terms and Satisfaction as are herein-after mentioned; and alſo that it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and for their Surveyor or Surveyors and Workmen with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments through which or whereupon the Alterations of Road hereby authorized to be made are intended to paſs, and to ſtake out and make the ſame in ſuch Manner as the ſaid Truſtees or any Five or more of them as aforeſaid ſhall think neceſſary and proper, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands, Grounds, and Hereditaments reſpectively, for any of the Purpoſes of this Act, making and tendering Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain; and it ſhall and may alſo be lawful to and for the ſaid reſpective Truſtees of both the ſaid Diſtricts, or any Five or more of them reſpectively, at any Time hereafter to widen, enlarge, alter, ſtraighten, improve, and complete the ſaid reſpective Diſtricts of Roads, or either of them, or any Part thereof reſpectively, through or over any Common or Waſte, or open and unincloſed Grounds to the Extent of Sixty Feet, without making any Satisfaction for the Land or Ground to be uſed for that Purpoſe; and alſo in, upon, through or over any private Lands, Grounds, or Premiſes, firſt having the Conſent in Writing of the Owners thereof and Perſons intereſted therein, or which ſhall be previouſly purchaſed by the ſaid Truſtees for that Purpoſe.

Reſtraining the Truſtees from deviating from the Plan depoſited with the Clerk of the Peace further than One hundred Yards.

LI. And whereas a Map or Plan deſcribing the Line of the now intended Alterations or ſtraightening of the ſaid Roads, and the Lands through which ſuch Alterations are intended to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Surrey*, and another ſuch Map or Plan and Book of Reference at the Office of the Clerk of the Peace for the County of *Southampton*; be it therefore further enacted, That the ſaid Maps or Plans and Books of Reference ſhall remain in the Cuſtody of the ſaid reſpective Clerks of the Peace, to the end that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and

to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan, and Book of Reference; and that the said respective Trustees, in making the said Alterations, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

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

LII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them to make the said Alterations or straightening of the said Roads into, through, across, and over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land or Premises over which the same is set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Surrey*, or the said County of *Southampton*, and be certified by Writing under their respective Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling down Dwelling-houses, &c. without the Consent of the Owners.

LIII. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees shall not extend to the pulling down any Dwelling-houses or other Buildings, or to the taking in of any Orchard, Garden, Yard, Park, Paddock, 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, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, except such as are marked and described in the said Maps or Plans and Books of Reference.

Trustees may contract for the Purchase of Land.

LIV. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Five or more of them respectively, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments to be taken or made use of for the Purposes of this Act, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, altering, straightening, widening, diverting, varying, turning, shortening, or improving the said Roads, or any of them, or any Part thereof respectively, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, not only for and on the behalf of themselves, their Heirs and Successors, but also for and on behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of, or interested in any such Lands or Hereditaments, to

contract with the ſaid reſpective Truſtees, or any Five or more of them reſpectively, for the Satisfaction to be made for ſuch Damages as aforeſaid, or ſell and convey unto ſuch reſpective Truſtees, or any Five or more of them reſpectively, any ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical, or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

When Perſons neglect or refuſe to treat,

LV. And be it further enacted, That if any Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, Tenants in Tail or for Life, or any other Perſons or Perſon intereſted in any Lands or Hereditaments by this Act authorized to be taken and uſed for altering or ſtraightening the ſaid Roads as aforeſaid, upon Notice to them, him, or her given, or left in Writing at the Dwelling Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of ſuch Lands or Hereditaments, ſhall, for the Space of Ten Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall cauſe ſuch Damage or Recompenſe to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County of *Surrey*, or of the ſaid County of *Southampton*, as the Caſe may be; and in order thereto, the ſaid reſpective Truſtees, or any Five or more of them reſpectively, are hereby empowered and required, from Time to Time as Occaſion ſhall be or require, to ſummon and call before ſuch Jury, and examine upon Oath, any Perſon or Perſons whomſoever (which Oath any One or more of ſuch Truſtees is and are hereby empowered to adminiſter); and the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means as well for their own Information as for the Information of the ſaid Jury in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompenſe, ſuch Truſtees or any Five or more of them reſpectively ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition and Judgment, Order or Determination thereupon, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Remainder, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical, or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning ſuch Jury,

Damages to be ſettled by a Jury.

the

Truſtees to iſſue their Warrant to the Sheriff to ſummon the Jury.

the ſaid reſpective Truſtees, or any Five or more of them reſpectively are hereby empowered to iſſue their Warrant or Warrants to the Sheriff in the ſaid County of *Surrey*, or the ſaid County of *Southampton*, requiring ſuch Sheriffs reſpectively to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries, to appear before ſuch reſpective Truſtees, or any Five or more of them reſpectively, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff or Sheriffs, or his or their Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, ſuch reſpective Truſtees, or any Five or more of them reſpectively, ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen ſo returned, ſuch Sheriff or Sheriffs, or his or their Deputy or Deputies, or any Five or more of ſuch reſpective Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon any ſuch Sheriff, or Deputy or Deputies, Bailiffs or Agents, making default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, without ſhewing any reaſonable and ſufficient Excuſe, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons, who, being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, without any reaſonable and ſufficient Excuſe, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, ſo that no ſuch Fine be more than Twenty Pounds upon any ſuch Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Perſon, for One Offence.

How Expences of the Jury ſhall be paid.

LVI. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompenſe for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or their reſpective Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompenſe and Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Differences, ſhall be borne and paid by the reſpective Treaſurer or Treaſurers to the ſaid reſpective Truſtees, out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and

and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or their reſpective Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning the ſaid Jury, as a Recompenſe or Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid reſpective Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County of *Surrey*, or County of *Southampton*, not intereſted in the Matter in queſtion, (who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame ſhall not be paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid ſhall and may be recovered by the Clerk or Clerks to ſuch reſpective Truſtees, by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon ſhall by reaſon of Abſence have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid reſpective Truſtees out of the Money to be raiſed or received under or by virtue of this Act.

Money agreed upon or aſſeſſed, how to be paid or tendered.

LVII. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompenſe, or Satisfaction to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to ſuch Perſons or their Agents, it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, their reſpective Surveyors, Workmen, or Agents, to make or alter and ſtraighten ſuch Roads through or over ſuch Lands or Hereditaments, and to do all and every ſuch Acts, Matters, and Things, with relation to ſuch Lands or Hereditaments, as the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which ſhall be made a Part or Parts of any Road by virtue of this Act, ſhall to all Intents and Purpoſes be deemed a common Highway, and ſhall be repaired and kept in Repair as ſuch; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and the Land conſtituting Part or Parts of any former Road, in lieu whereof ſome new Road ſhall be made by virtue of this

Old Road to be ſold.

this Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place, ſhall be veſted in, and ſhall and may be ſold, either by public Sale or private Contract, and conveyed by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, for the beſt Price that can or may be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers of ſuch reſpective Premiſes ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money; and all Conveyances of ſuch Roads as ſhall be adjoining to Lands of Freehold Tenure, being executed by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, and enrolled with the Clerk of the Peace for the County in which ſuch Lands are ſituate, ſhall be good and effectual in the Law to all Intents and Purpoſes; and all ſuch Roads and Premiſes as ſhall be adjoining to Lands of Copyhold or Cuſtomary Tenure, being conveyed by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, by Surrender or other Conveyance, ſanctioned by the Cuſtom of the Manor of which ſuch Lands ſhall be holden, ſhall be taken to be well and effectually conveyed to the Purchaſer or reſpective Purchaſers of ſuch Roads and Premiſes.

Truſtees empowered to ſell overplus Grounds, &c.

LVIII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeized of ſome Piece or Pieces of Ground over and above what are or ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid reſpective Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit, to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which ſuch Ground is ſituate, (who are hereby reſpectively empowered to take ſuch Affidavit), by ſome Perſon or Perſons, no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of ſuch Truſtees, and that ſuch Offer was then and thereupon refuſed or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed, or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground,

When Pieces of Land are to be ſold, the firſt Offer to be made to the original Proprietor.

In caſe the Perſons can-

and he, she, or they, and the said respective Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises, to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed, with respect to such Purchases made by the said respective Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the respective Trustees to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

not agree, the Value to be determined by a Jury.

LIX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act respectively, as the Case may be, 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 or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Encumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; 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, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements or 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 and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the

Application of Compensation when amounting to 200l.

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 or Intereſt 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, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and amounting to 20l.

LX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be 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 or amount to the Sum of Twenty Pounds, then and in all 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, Idiotcy, Lunacy or other Incapacity, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in Order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the reſpective Truſtees for executing this Act, as the Caſe may be (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 and Produce ariſing thereon and therefrom may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where under 20l.

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

LXII. And

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion, or Petition.

LXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of 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 respective Trustees, or any Five or more of them respectively; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said respective Trustees, or any Five or more of them respectively, 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 there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Control, 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 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 therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

LXIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant-General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or 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 have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown 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.

Court may order reasonable Expences to be paid by Trustees.

LXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said respective Trustees, or any Five or more of them respectively, out of the respective 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.

Power to get Materials.

LXV. And be it further enacted, That it shall and may be lawful for the respective Surveyor or Surveyors to the said respective Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, get, take, and carry away any Materials for making or repairing the Roads by this Act intended to be amended, or made and maintained, or either or any of them, or any Part thereof, and Footways and Paths on the Sides thereof, or building, rebuilding, or repairing any Toll House or Toll Houses, Fence Wall or Walls, on or by the Sides thereof respectively, or any Bridge or Bridges, Culvert or Culverts thereon, out of any common River or Brook, or out of or from any Waste or Common, in any Township, Hamlet, Parish, or Place in which any Part of the said Roads lies, or in any adjoining Township, Hamlet, Parish, or Place, without paying any Thing for such Materials, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for the said respective Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees, and which shall have existed as such for One Year at least previous thereto, or Land planted with Hops), making or tendering such Satisfaction for the Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried

carried away, or over which the ſame ſhall be carried, as the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall judge reaſonable; and in caſe of any Difference between ſuch Truſtees, Surveyors, or other Perſons appointed or employed as aforeſaid, and the Owners and Occupiers of ſuch Lands, or any of them, concerning ſuch Payments and Damages as aforeſaid, any Two or more Juſtices of the Peace for the County wherein the Place from whence ſuch Materials ſhall have been taken ſhall be ſituate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages.

Notice to be given to the Occupiers of Lands before Materials are got.

LXVI. Provided always, and be it further enacted, That no Surveyor, or any other Perſon or Perſons acting under the Authority of this Act, ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Roads, or any the Purpoſes aforeſaid, out of or from any incloſed Land, until Notice in Writing, ſigned by ſuch Surveyor, ſhall have been firſt given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at the uſual Place of Abode of ſuch Owner or Occupier, to appear before any Two Juſtices of the Peace acting for the County of *Surrey* or County of *Southampton*, to ſhew Cauſe why ſuch Materials ſhall not be dug, got, gathered, taken, and carried away; and in caſe ſuch Owner, Agent, or Occupier ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall, if they think proper, and they are hereby empowered, to authorize ſuch Surveyor or other Perſon to dig, get, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier, or his or her Agent had attended; and the Order of ſuch Juſtices ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials raiſed by Surveyors.

LXVII. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall be dug, gotten, or gathered for the Repair or Uſe of the ſaid Roads, and any of the Purpoſes aforeſaid; or ſhall raiſe or carry away any Materials out of or otherwiſe interfere with or obſtruct the working of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for making and repairing the ſaid Roads, or any of the Purpoſes aforeſaid, before ſuch Surveyor and Surveyors, or his or their Workmen, ſhall have diſcontinued working therein for the Space of Three Calendar Months, (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made, as to Materials for his own private Uſe only, and not for Sale,) every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

For removing Annoyances and Nuiſances.

LXVIII. And be it further enacted, That it ſhall be lawful for every ſuch Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint,

appoint, from Time to Time to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Roads, by Timber, Wood, Stone, Carriages, Saw Pits or other Pits, Trees, Aſhes, Dung, Filth, Rubbiſh, Straw, or other Matter or Thing, and to turn any Watercourſes, Gutters, Sinks, Conduits, or Drains running into, along, or out of the ſaid Roads, to the Prejudice thereof, and to open, ſcour, or cleanſe, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to the ſaid Roads, or any Part or Parts thereof reſpectively, and to make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary; and alſo to prune, cut down, lop, or top, at proper Seaſons of the Year, any Branches, Shrubs, or Buſhes growing on the ſaid Roads, or in the Hedges or Fences adjoining the ſaid Roads, ſo as the ſame be not planted for Ornament or Shelter to any Houſe or other Building, or in any Garden, Orchard, planted Walk, Avenue to a Houſe, or Nurſery for Trees, and to take and carry away the Prunings or Loppings thereof, or in ſuch other Manner that the ſaid Roads ſhall not be prejudiced thereby, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be ſhall neglect ſo to do for Five Days after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges whereof to be ſettled by the ſaid reſpective Truſtees, or any Two of them reſpectively, or by any Juſtice of the Peace of the County or Place where the ſame ſhall occur, by Writing under their or his Hands or Hand, ſhall from Time to Time be reimburſed to the ſaid Surveyor or Surveyors, by ſuch reſpective Owners or Occupiers neglecting to turn, open, ſcour, or cleanſe, or to deepen, widen, and enlarge any ſuch Gutter, Ditch, Conduit, Drain, or Watercourſe, or to prune, cut down, lop, or top ſuch Trees, Branches, Shrubs, or Buſhes, or to cut or reduce ſuch Hedges, or by the Perſon or Perſons occaſioning or neglecting or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be impoſed are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Annoyances any Perſon or Perſons ſhall offend again in like Manner, every ſuch Perſon ſhall for every ſuch ſecond or ſubſequent Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for erecting Encroachments on the Side of Roads.

LXIX. And be it further enacted, That if any Perſon ſhall from and after the paſſing of this Act, encroach by making or cauſing to be made any Dwelling Houſe or other Building, Wall, Hedge, Ditch, or other Fence, within the Diſtance of Fifteen Feet from the Middle or Centre of ſuch Roads (except Turnpike Houſes erected by Order of the ſaid reſpective Truſtees), every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds, to ſuch Perſon as ſhall give Information of the ſame; and it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, by Order under their Hands, made at a Public Meeting, or ſome Adjournment thereof, directed to their Surveyor, to cauſe ſuch Dwelling Houſes, Buildings, Walls, Hedges, Ditches, or other Fences, to be pulled down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong;

belong; and it shall and may be lawful for any Justice or Justices of the Peace, in and for the said County of *Surrey*, or County of *Southampton*, upon Proof thereof to him or them made upon Oath (which Oath such Justice or Justices is or are hereby empowered to administer), to levy as well the Expences of taking down such Dwelling Houses, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner or Owners on Demand.

Power to make Causeways and Drains.

LXX. And be it further enacted, That it shall and may be lawful for the said respective Trustees, or any Five or more of them respectively, or for the said respective Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them respectively), to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways, for the Use of Foot Passengers, along any Part of the said Roads, in such Manner as they shall think proper, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads, (such Grounds respectively not being the Site or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a Public Highway, whilst such ruinous or narrow Part of the said Roads be repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompense to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said respective Trustees or any Five or more of them respectively; and in case of any Difference concerning the same, between such Owners or Occupiers and such Trustees, that then it shall be lawful for any Two or more Justices of the Peace for the County of *Surrey*, or County of *Southampton*, within their respective Jurisdictions, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompense shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Roads to be measured, and Mile Stones set up.

LXXI. And be it further enacted, That the said respective Trustees, or any Five or more of them respectively, shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every Stone or Post from any Town or Place; and also such and so many Direction Posts as to the said

reſpective Truſtees, or any Five or more of them reſpectively, ſhall ſeem meet.

Gates to open inwards.

LXXII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever, ſhall be made to open into or towards any Part of the ſaid Roads, or be ſuffered to continue ſo to open, except the Hanging-Poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch Part of the ſaid Roads; and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure, having any Gate opening contrary to the Directions of this Act, ſhall within Fourteen Days after Notice to him, her, or them given, either perſonally or in Writing from the Surveyor of the ſaid Roads, cauſe ſuch Gate to be hung in the Manner hereby directed, whenever the ſame ſhall be practicable, but in every Caſe in ſuch a Manner as that no Part of the Gate, when open, ſhall project over any Part of the ſaid Roads or any Foot-path belonging thereto; and in Default thereof, the Surveyor of the ſaid Roads is hereby authorized to cauſe ſuch Gate to be ſo hung; and the Perſon or Perſons guilty of ſuch Neglect or Default, ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace acting in and for the ſaid County of *Surrey*, or the ſaid County of *Southampton*, and upon Conviction thereof upon the Oath of one credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct, to defray the Expence of making the Alteration and hanging ſuch Gates; and ſhall alſo forfeit and pay any further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Direction of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made as aforeſaid.

Juſtices to determine Differences touching Statute Work.

LXXIII. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace acting within the ſaid County of *Surrey*, or the ſaid County of *Southampton*, within their reſpective Juriſdictions, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or by their reſpective Clerk or Surveyor, by their Order reſpectively) from Time to Time to adjudge, apportion, and determine what Part or Proportion and how much of the Statute Work or Duty ſhall every Year be done and performed upon the ſaid reſpective Diſtricts of Roads, by the Inhabitants of the reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſion, or Places in which the ſaid Diſtricts of Roads do lie; and alſo what Proportion and how much of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place, in lieu of or as a Compoſition for ſuch Statute Work or Duty, ſhall be by him, her, or them paid to the ſaid reſpective Truſtees, or to their reſpective Treaſurer; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion, or Place, to bring in Liſts unto and before ſuch Juſtices, at ſome Place and Time to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), containing the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip, Hamlet, Diſtrict, Diviſion,

Diviſion, or Place, are by Law ſubject and liable to do and perform Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work or Duty, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and ſpecifying 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 limited, directed, and appointed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of ſuch Liſts the ſaid Juſtices reſpectively ſhall or may allot, appoint, order, and direct ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work or Duty as aforeſaid, to do and perform ſuch Number of Days Statute Work or Duty in every Year upon the ſaid reſpective Diſtricts of Roads as the ſaid Juſtices ſhall think reaſonable and proper; and the ſame ſhall be done on ſuch Days, and at ſuch Times (not being Seed-time, Hay-time, or Harveſt), and on ſuch Part or Parts of the ſaid Roads, as the ſaid reſpective Truſtees, or their reſpective Surveyor or Surveyors for the Time being, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order apportion, direct, and appoint the Perſons who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work or Duty as aforeſaid, to pay ſuch Proportion thereof as the Juſtices ſhall think proper to the ſaid reſpective Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid reſpective Truſtees 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 to be recovered; and each and every Perſon who ſhall neglect or refuſe to do and perform 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 reſpective Truſtees) ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught, Horſe or Beaſt, to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid reſpective Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe the Perſon ſo coming to work, or ſending ſuch Labourer as aforeſaid, ſhall be ſubject and liable to the reſpective Forfeitures and Penalties aforeſaid, as if he had neglected or refuſed to come or ſend a Labourer, or furniſh ſuch Team or Draught, Horſe or Beaſt, to work on any Part of the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, Hamlets, Diſtricts, Diviſions, or Places in which the ſaid reſpective Diſtricts of Roads lie, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect

imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures shall be paid to the respective Treasurers to the said respective Trustees, and applied towards amending the said respective Districts of Roads.

Trustees may compound for Statute Duty.

LXXIV. And be it further enacted, That it shall and may be lawful for the said respective Trustees, or any Five or more of them respectively, and they are hereby authorized and empowered, to compound or agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments, of or in any of the Parishes, Townships, or Places in which the said respective Districts of Roads shall lie and be situate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any such Parishes, Townships, or Places, for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in Repair of the said respective Districts of Roads.

For enforcing the Payment of Composition Money.

LXXV. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll Gate, or in lieu of any such Repairs for Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace for the said County of *Surrey* or County of *Southampton*, within their respective Jurisdictions, by Writing under his or their Hand and Seal or Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money, (Oath having been first made before such Justice or Justices that the same hath been demanded and remains due, which Oath such Justice or Justices is or are hereby empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, or of the Surveyor or Surveyors of the Highways so agreeing to make such Composition in lieu of any such Repairs for Statute Work (as the Case may be), returning the Overplus (if any) upon Demand, after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

Surveyors, &c. may recover the same.

LXXVI. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

LXXVII. And

Truſtees may contract for altering or repairing the Roads, &c.

LXXVII. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize or appoint, ſhall and may, and they and he are and is hereby empowered to contract with any Perſon or Perſons for making, altering, ſtraightening, diverting, widening, or repairing the ſaid Roads, or any Part or Parts thereof, and for erecting Mile or Direction Stones or Poſts thereon, or for doing any other Works to be performed in the Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money, as the ſaid reſpective Truſtees or any Five or more of them reſpectively ſhall think proper; and that all Contracts or Agreements in Writing entered into purſuant to any Order of the ſaid reſpective Truſtees, or any Five or more of them reſpectively, by their Clerk or Treaſurer, Surveyor or other Officer, with any Workmen or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her, or their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or by their reſpective Clerk or Clerks, Treaſurer or Treaſurers, and in his or their Name or Names reſpectively, and Damages and Coſts recovered againſt the Party or Parties, or Perſon or Perſons failing in the Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sum or Sums of Money as ſhall be requiſite for making or repairing the ſaid Roads, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by ſuch Contracts or Agreements reſpectively the Parties ought to have done, ſhall be the Meaſure of the Damages to be recovered in any Action or Suit againſt ſuch Party or Parties, or Perſon or Perſons, ſo as aforeſaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Uſage to the contrary in anywiſe notwithſtanding.

Truſtees not to repair the Pavement in Streets of Towns, &c.

Perſons chargeable to the Repairs of Bridges, Drains, and Sewers, to continue ſo.

LXXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize the ſaid Truſtees to repair or amend the Foot Pavement in the Streets of any Town through which the ſaid Roads do lead, or any County or Hundred Bridge or Bridges; and that ſuch Bridges, Drains, and Sewers, lying and being in either of the ſaid Roads, and ſuch Parts of the ſaid reſpective Roads, which have been heretofore and ought to be maintained and repaired by any particular Perſon or Perſons, or Bodies Politic or Corporate, or by the Inhabitants of any Town or Place, ſhall from Time to Time be repaired, maintained, and kept in Repair by ſuch Perſon or Perſons, Bodies Politic or Corporate, or by the Counties, Pariſhes, Townſhips, Hamlets, Villages, and Places, and the Inhabitants thereof reſpectively liable to the ſaid Repairs, in ſuch Manner as the ſame were or ought to be reſpectively kept in Repair before the paſſing of this Act; and that no ſuch Perſon or Perſons, Bodies Politic or Corporate, Counties, Pariſhes, Townſhips, Hamlets, Villages, Places, or Inhabitants, ſhall, by virtue of this Act or any Thing herein contained, be diſcharged from any ſuch Repairs.

Penalty on defacing Mile Stones;

LXXIX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the ſaid Roads,

riding, &c. upon Cauſeways.

Roads, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſons or Perſon ſhall ride upon any Footway or Footways, Cauſeway or Cauſeways, or any other Way or Ways to be made upon the ſaid Roads for the Uſe of Foot Paſſengers, or ſhall lead or drive any Horſe or Horſes, Carriage or Carriages, Cattle or Swine, or ſhall draw, carry, or wheel any Hurry, Truck, or Wheelbarrow upon any ſuch Footway or Footways, Cauſeway or Cauſeways, or ſhall cauſe any Injury or Damage to be done to the ſame, or to any Hedges, Fences, Breaſt Walls, Poſts, Rails, or Paling ſet up along the Side of or upon any ſuch Footway; or if any Perſon or Perſons ſhall haul or draw or cauſe to be hauled or drawn upon any Part of the ſaid Roads, 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 any Part of the ſaid Roads to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer ſuch Pigs or Swine to root up and damage the ſaid Roads, or the Fences, Banks, or Copſe on either Side thereof; or if any Perſon driving any Carriage, Waggon, Wain, or Cart upon the ſaid Roads, and meeting another Carriage, Waggon, Wain, or Cart, ſhall not keep his or her Carriage, Waggon, Wain, or Cart upon his or her left or neareſt Side of the ſaid Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage, Waggon, Wain, or Cart under his or her Care, upon the ſaid Roads; or if any Perſon ſhall kill or ſinge any Hog, Pig, or Swine; or 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, on any Part of the ſaid Roads, or on the Side or Sides thereof, or on the Banks or Lands adjacent or lying open thereto, or play at Foot-ball or any other Game or Games upon the ſaid Roads or any Part thereof; or if any Perſon ſhall leave any Carriage, Waggon, Wain, or Cart, (except in caſe of Accident), upon any Part of the ſaid Roads, or on the Side or Sides thereof, longer than may be neceſſary to load or unload the ſame, or ſhall not place the ſame, during the Time of ſuch loading or unloading thereof, as near to the Side of the Road as conveniently may be, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon any Part of the ſaid Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Perſons travelling thereon; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon the ſaid Roads or any Part thereof, without the Leave of the ſaid Truſtees, or their Surveyor or Surveyors; or if the reſpective Surveyor or Surveyors of the ſaid Roads, or any Undertaker or Undertakers for the Repairs of the ſaid Roads or any Part thereof, or any Perſon or Perſons acting by or under their Authority, ſhall lay or cauſe to be laid upon the ſaid Roads or the Sides thereof, or upon any Part of the ſaid Roads, any Heaps of Stones or other Materials for repairing the ſaid Roads or any Part thereof, and ſhall permit or ſuffer the ſame to remain in Heaps longer than ſhall be neceſſary for ſpreading or laying ſuch Stones and Materials over or upon the ſaid Roads; every Perſon offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein con-

tained ſhall extend to prevent or hinder the erecting, placing, or putting up any Hurdles, Coops, or Pens for Sheep, Hogs, or Cattle, or any Standings for the vending of Goods or other Purpoſes at Markets and Fairs, in any of the Streets through which the ſaid Roads lead, in ſuch Manner as the ſame hath been heretofore immemorially uſed and accuſtomed.

Recovery and Application of Penalties.

LXXX. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) with the Coſts and Charges attending the Conviction, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of His Majeſty's Juſtices of the Peace for the ſaid County of *Surrey*, or the ſaid County of *Southampton*, within their reſpective Juriſdictions, rendering the Overplus of ſuch Diſtreſs (if any there be) to the Party or Parties, after deducting the Charges of making the ſame; which Warrant every ſuch Juſtice is hereby empowered and required to grant, upon Conviction of the Offender, by Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes; and ſuch Penalties and Forfeitures, when ſo levied, ſhall be paid, the one Moiety to the Informer, and the other Moiety to the Surveyor of the reſpective Diſtricts of the ſaid Roads, to be applied towards the Repair thereof, unleſs otherwiſe directed by this Act; but if the Surveyor ſhall be the Informer, then the whole ſhall be applied towards the Repair of the ſaid Diſtricts of Roads reſpectively; and in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for ſuch County, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty or Forfeiture, with the Coſts and Charges attending the Conviction and Commitment, ſhall be ſooner paid.

For ſecuring unknown Perſons guilty of Offences.

LXXXI. And be it further enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any Perſon or Perſons (being unknown to ſuch Truſtees, Collectors, Surveyors, or other Officers) who ſhall commit any Offence or Offences againſt this Act, and take him, her, or them before any Juſtice or Juſtices of the Peace, near to the Place where the Offence or Offences ſhall be committed, or ſuch Offender or Offenders ſhall be ſeized and apprehended; and ſuch Juſtice or Juſtices ſhall and is and are hereby required to proceed and act with reſpect to ſuch Offender or Offenders according to the Proviſions of this Act.

Form of Conviction.

LXXXII. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtices and Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence

Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words (as the Caſe ſhall happen), or in any other Form of Words to the ſame Effect;

'County of } BE it remembered, That on the
' Day of in the
' to wit. } Year of His Majeſty's Reign, and in the Year of our
' Lord *A. B.* is convicted
' before of His Majeſty's Juſtices of the
' Peace for the ſaid County, by virtue of an Act of the Fifty-ſeventh
' Year of the Reign of King *George* the Third, intituled *An Act, &c.*
' [*here ſet forth the Title of this Act, and ſpecify the Offence, when and*
' *where committed*]. Given under our Hands and Seals, [*or*, my Hand
' and Seal] the Day and Year firſt above written.'

Proceedings not to be quaſhed for want of Form.

LXXXIII. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, ſhall be quaſhed, ſet aſide, or vacated for want of Form only, nor ſhall be removed or removable by Certiorari or otherwiſe into any of His Majeſty's Courts of Record at *Weſtminſter*; and where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or any other Proceeding relating thereto; and if any Irregularity ſhall be afterwards committed by any Perſon or Perſons diſtraining, he, ſhe, or they ſhall not on that Account be deemed a Treſpaſſer or Treſpaſſers *ab initio*, but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage ſuſtained thereby, in an Action upon the Caſe; but the Plaintiff or Plaintiffs ſhall not recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends ſhall be made by or on behalf of the Party diſtraining before ſuch Action brought.

Appeal to Quarter Seſſions.

LXXXIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Mode of Relief hath been already appointed, ſuch Perſon or Perſons may, within Fourteen Days next after ſuch Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace, at their General Quarter Seſſions to be holden for the County in which the Cauſe of Complaint ſhall ariſe, unleſs ſuch Complaint ſhall ariſe within Twenty-eight Days preceding ſuch Seſſion, in which Caſe ſuch Appeal may be brought at the Second Seſſion after ſuch Cauſe ſhall ariſe; and the ſaid Juſtices are hereby authorized and required to take Cognizance thereof, and to hear and determine ſuch Complaint or Complaints, and if they ſee Cauſe, ſhall and may by Order of ſuch Seſſion mitigate, at their Diſcretion, all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at liberty, or otherwiſe

wiſe may ratify or confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and the ſaid Juſtices are hereby authorized and required to levy, by their Order or Warrant, ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for want of ſufficient Diſtreſs to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction for ſuch County, for any Time not exceeding Six Calendar Months, or until Payment of ſuch Coſts: Provided always, that the Perſon or Perſons ſo appealing as aforeſaid ſhall and is and are hereby required to give Notice in Writing to the Clerk or Clerks of the Truſtees of the reſpective Diſtricts of Roads, of ſuch his or their Intention of bringing and proſecuting an Appeal, Fourteen Days before the ſaid Quarter Seſſion, and ſhall before ſuch Notice given enter into a ſufficient Recognizance before One or more Juſtice or Juſtices of the Peace, with Two ſufficient Sureties, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal ſhall be determined againſt the Party or Parties ſo appealing. Notice of appealing to be given.

LXXXV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or pretended to be done in purſuance of this Act, until after Fifteen Days Notice thereof ſhall be given to the Clerk or Clerks to the Truſtees of the reſpective Diſtricts of Roads, nor after a ſufficient Satisfaction, or a Tender thereof, ſhall be made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the County in which the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Fifteen Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall have been given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any Caſe by Law. Limitation of Actions.

LXXXVI. 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. Public Act.

Commencement and Term of this Act.

LXXXVII. And be it further enacted, That this Act shall commence upon the passing thereof; and shall continue and be in force for 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. 1817.