ANNO NONO

GEORGII IV. REGIS.

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1 G.4. c.31. the Reign of His present Majesty, intituled *An Act for continuing the Term, and altering and amending the Powers, of Two Acts, for repairing and widening the Roads from* Gosport, *through* Fareham *and* Wickham, *to* Bishop's Waltham, *and from* Wickham *aforesaid to* Chawton Pond *in the Parish of* Chawton, *all in the County of* Southampton: And whereas considerable Sums of Money have been borrowed on the Credit of the said recited Acts, and charged on the Tolls arising upon the said Roads, which still remain due; and such Sums of Money cannot be repaid, nor can the said Roads be effectually maintained and improved, unless the Term of the said Acts be extended, and some of the Powers and Provisions thereof be altered, amended, and enlarged: And whereas it would tend greatly to the Improvement of the Communication between the Towns of *Gosport* and *Fareham* and the Village of *Droxford* aforesaid, and would render the travelling much more commodious and expeditious between the Towns of *Gosport* and *Fareham* aforesaid and the Metropolis, if the Trustees of the said recited Acts were enabled to make a new Line of Road or Deviation from the Archway near a Meadow in the Occupation of the Misses *Benett*, near the Town of *Fareham*, to a certain Point of the present Road North of a Plantation on the North Side of the Road leading to *Furze Hall Farm*, in the Occupation of Mister *William May*, and also from a Point of the present Road between the Town of *Fareham* aforesaid and the Village of *Wickham* aforesaid, and near the said Village of *Wickham*, to the South End of the Village of *Droxford* aforesaid, from, through, or into the several Parishes of *Wickham*, *Soberton*, and *Droxford*: And whereas an Act was passed in the

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

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

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

7 & 8 G.4. c.24. Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: 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 from and after

Recited Acts of 20 & 29 G.3. and 1 G.4. repealed. the passing of this Act the said recited Acts of the Twentieth and Thirty-ninth Years of the Reign of His said late Majesty King *George* the Third, and of the First Year of the Reign of His present Majesty, shall be respectively repealed.

This Act to be put in execution for repairing Roads herein described. II. And be it further enacted, That this Act shall thenceforth commence and take effect and be put in execution during the Term hereinafter mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in repair the

the Roads from *Gosport*, through the Hamlets of *Forton* and *Brockhurst*, and through *Fareham* and *Wickham*, to *Bishop's Waltham*, and from *Wickham* aforesaid, through the Villages of *Droxford*, *Warnford*, *Corhampton*, and *West Meon*, to *Chawton Pond* in the Parish of *Chawton*, all in the County of *Southampton*.

Powers of the General Turnpike Acts to extend to this Act.

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

New Term and Tolls liable to the former Debts, &c.

IV. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the said recited Acts hereby repealed, or any of them, to be taken at all and every the Toll Gates and Side Gates erected or to be erected upon, across, or by the Sides of any Part of the said Roads by this Act directed to be made, widened, improved, and kept in repair, 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 or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Acts hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum or Sums of Money to the Trustees for executing this Act.

Bonds, &c. to continue in force.

V. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

Books used under former Acts to

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited

be Evidence under this Act.

recited Acts hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Books relative to former Acts to be delivered to Trustees under this Act.

VII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the Roads by this Act directed to be widened, improved, and kept in repair, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees appointed for the Execution of this Act, in like Manner, and under the like Penalties and Forfeitures, as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Southampton*, together with *William Abbott*, *Thomas Alexander*, *James Anderson*, *Elias Bruce Arnaud*, the Reverend *Henry Atkins*, *Peter Barfoot*, the Reverend *Edward Barnard*, the Reverend *Henry Vincent Bayley*, the Reverend *John Baynes*, the Reverend *John Benn*, the Reverend *Richard Bingham*, *Thomas Blatherwick*, *John Bligh*, *John Bogue*, *Edward Brace*, *John Frederick Breton*, *William Burney*, *George Butler*, *Thomas Butler*, *Thomas Butler* the younger, *George Butler* of *Soberton*, *Joseph Carter*, *Henry Ducie Chads*, *William Catherwood Chads*, *Henry Chawner*, *David Colby*, *Edward Griffith Colpoys*, *Robert Cruickshank*, *Robert Curry*, *William Deacon*, *Henry Peter Delme*, *Peter John Douglas*, *William Dumarsq*, *John Duthy*, *Joseph Eastwood*, *John Ellis*, *John Fleming*, *Stephen Fitchett*, *Edward James Fook*, *Thomas Fox*, the Honourable *Thomas William Gage*, Sir *James Whalley Smythe Gardiner* Baronet, *William Hall Gage*, *Edward Gregory*, *Morant Gale*, *William Gale*, the Reverend *William Garnier*, the Reverend *Thomas Garnier*, *William Garnier*, Sir *George Garrett*, *William Garrett*, *Thomas Grant*, *William Grant*, *George Grant*, *Pitt Burnaby Greene*, *William Greenwood*, *John Guitton*, *William Gunner*, Sir *William Heathcote* Baronet, *John Huskisson*, *Edward Hale*, *Peter Halkett*, *John Halkett*, the Reverend *William Harrison*, the Reverend *William Dann Harrison*, *Moses Hawker*, *Henry Clement Hawker*, the Reverend *John Haygarth*, the Reverend *James Henville*, the Reverend *Charles Brune Henville*, *John Hicks*, *William Higgens*, *John Hornby*, *William Hornby*, *John Hornby* the younger, *Samuel Jellicoe* the younger, *John Theophilus Kelsall*, *Edward Knight*, *Edward Knight* the younger, *William Knight*, the Reverend *Richard Hume Lancaster*, *Robert Newton Lee*, *Thomas Lee*, *Henry James Leeke*, the Reverend *Thomas Longlands*, the Reverend Sir *Thomas Miller* Baronet, the Reverend *James Mansfield*, *Matthias March*, *Henry Minchin*, *Edward Morant*, *Thomas Naghten*, *Richard Norris*, *Aaron Fernandez Nunes*, the Reverend *Edward Nott*, the Reverend *James Ogle*, *Joseph Paddon*, *John Payne*, *Samuel George Pechell*, *James Phillips*, *George*

George Player, *George Collins Poore*, *Richard Poulden*, the Reverend *Edmund Poulter*, *Henry Prescott*, *William Prowting*, *John Brett Purvis*, *Sir Thomas Maitland Purvis*, *Daniel Quarrier*, the Reverend *Jonathan Stackhouse Rashleigh*, the Reverend *Richard George Richards*, *William Henry Ricketts*, *James Scott*, *James Scott* the younger, *George Francis Seymour*, *Thomas Smith*, *Thomas Stares*, *Thomas Stares* the younger, *Robert Hatch Stares*, the Reverend *William St. John*, the Reverend Sir *Henry Thomson* Baronet, *Thomas Thistlethwayte*, *William Thresher*, the Reverend *William Thresher*, *James Thresher*, *John Henry Waddington*, *Thomas William Whalley*, *James White*, the Reverend *Edmund White*, *Wadham Wyndham*, and their Successors, being duly qualified in manner directed by the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying into Execution this Act and the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees of this Act, at any Meeting from Time to Time to be held for that Purpose, (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies,) to nominate, elect, and appoint any Number of fit Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to the Number of Trustees hereby nominated and appointed; and such Trustees, so elected and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, as if they had been named and appointed in and by this Act.

First Meeting of Trustees.

X. And be it further enacted, That the said Trustees shall meet at the *King's Head* Inn at *Wickham* on the Sixteenth Day of *May* One thousand eight hundred and twenty-eight, or as soon after as conveniently may be, between the Hours of Twelve in the Morning and Two in the Afternoon, and shall then and there proceed to put the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution.

Former Officers (except the Treasurer) to continue.

XI. And be it further enacted, That the Clerk, Surveyors, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said recited Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

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

XII. And be it further enacted, That it shall and may be lawful for the said Trustees to continue or remove all and every or any of the Toll Gates or Turnpikes, Toll Houses and Weighing Machines, now standing and being in or upon or across the said Roads, or on the Sides thereof, and also to erect, set up, or build, or cause to be erected, set up, or built, upon, in, or across the said Roads, or the said new Line of Road or Deviation, or any Part thereof respectively, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads, and the said new Line of Road or Deviation, suitable Gardens for the same respectively, not exceeding One Eighth Part of a Statute Acre to each, as they shall think necessary, and from Time to Time to take down, remove, alter, or discontinue the same, or any of them, as they the said Trustees shall direct or appoint.

Footways.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to make and keep in repair, or cause to be made and kept in repair, any Footway or Causeway for the Accommodation of Foot Passengers in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper; and also to amend and keep in repair such Footways or Causeways as are already made on the Sides of the said Roads; and where such Footways or Causeways shall be paved or pitched, it shall and may be lawful to and for the said Trustees to repair and amend them in the same Manner.

Power to take Tolls.

XIV. And be it further enacted, That the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained,) be demanded and taken at each and every Turnpike, Toll Gate, Side Bar, or Chain, as is now set up and continued, or shall hereafter be set up, upon, across, or by the Side of the said Roads, or the said new Line of Road or Deviation, by such Person or Persons as the said Trustees shall from Time to Time continue or appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle shall be permitted to pass through any such Turnpike, Toll Gate, Side Gate, Side Bar, or Chain; (that is to say,)

Tolls.

For every Horse, Mule, Ass, or other Beast, drawing any Coach, Landau, Chariot, Curricle, Berlin, Phaeton, Chaise, Calash, Hearse, Gig, Chair, or other such like Carriage, the Sum of Three-pence; but if drawing any Stage Coach, Van, Caravan, or other such Four-wheeled Carriage for Conveyance of Passengers or Goods for Pay, Hire, or Reward, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or more, the Sum of Three-pence; and in case the Fellies of the Wheels thereof are of less Breadth

than

than Six Inches, and not more than Four and a Half Inches, the Sum of Three-pence Three Farthings; and in case the Fellies of the Wheels thereof are of less Breadth than Four and a Half Inches, the Sum of Four-pence Halfpenny:

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

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

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

Tolls to be paid only once a Day.

XV. And be it further enacted, That in case Toll shall have been paid for or in respect of any Horse, Beast, or Cattle, for passing through any of the Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, now erected and continued, or hereafter to be erected, upon, across, or on the Sides of the said Roads, or on the said new Line of Road or Deviation, no Toll shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle, for returning, passing, or repassing through the same Turnpike, Toll Gate, Side Gate, Side Bar, or Chain, the same Day before Twelve of the Clock at Night; but that Production of a Note or Ticket denoting the Payment of such Toll, such Horse, Beast, or Cattle shall (except in the Cases hereinafter mentioned) be permitted to pass Toll-free through such Turnpike, Toll Gate, Side Gate, Side Bar, or Chain.

Limiting the Number of Tolls.

XVI. And be it further enacted, That it shall not be lawful to and for the said Trustees to take or demand more than Two Tolls for or in respect of any Horse, Beast, or Cattle passing and repassing on the same Day between the Towns of *Gosport* and *Bishop's Waltham*, nor more than Four Tolls in any One Day between *Gosport* and *Chawton Pond*.

Horses, &c. drawing different Carriages to pay each Time of passing.

XVII. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, returning the same Day through the same Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, drawing any other or a different Waggon, Wain, Cart, or other such Carriage, shall be permitted to pass Toll-free through the same Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, on the same Day; any thing herein contained to the contrary thereof in anywise notwithstanding.

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

XVIII. Provided also, and be it further enacted, That the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing and repassing through every such Turnpike, Toll Gate, Side Gate, Side Bar, or Chain.

XIX. And

Post Chaises to pay for every fresh Hiring.

XIX. And be it further enacted, That the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road on the same Day as often as a fresh Hiring thereof shall take place.

Tolls vested in Trustees.

XX. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, recovered, paid, applied, disposed of, and assigned in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

New Line of Road may be made.

XXI. And be it further enacted, That the said Trustees are hereby authorized and empowered to make the said new Line of Road or Deviation from the Archway near a Meadow in the Occupation of the Misses *Benett*, near the Town of *Fareham* aforesaid, to a Point in the present Road North of a Plantation on the North Side of the Road leading to *Furze Hall Farm* aforesaid, and also from a Point of the present Road between the Town of *Fareham* aforesaid and the Village of *Wickham* aforesaid, and near the said Village of *Wickham*, through the said several Parishes of *Wickham*, *Soberton*, and *Droxford*, to the South End of the said Village of *Droxford*; and that such new Deviation of Road, when made, shall be maintained, repaired, and supported by the said Trustees by virtue of the Provisions contained in the said recited Acts and this Act.

Map or Plan deposited at the Office of the Clerk of the Peace to remain there, and Road not to deviate therefrom.

XXII. And whereas a Map or Plan, describing the Line of the said intended new Line of Road, together with a Book of Reference containing a List of the Names of the several Owners and Occupiers of the Lands, Hereditaments, and Premises through which the same is intended to pass, has been deposited at the Office of the Clerk of the Peace for the said County of *Southampton*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace aforesaid, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of such Map or Plan and Book of Reference; and the said Trustees in making such new Line of Road shall not deviate more than One hundred Yards from the Line described in such Map or Plan, without the Consent 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.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Lands or Grounds over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such

Person or Persons may happen to be omitted or misstated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Southampton*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

No House, Garden, &c. to be taken, excepting those herein specified.

XXIV. Provided also, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees for putting this Act into Execution shall not extend to the taking down of any Dwelling House or other Building, or taking in the Scite of any House or other Building, or the taking of any Garden, Orchard, Yard, Court, Park, Paddock, inclosed Shrubbery, planted Walk, or Avenue to a House, provided the same shall have been built or in existence prior to the First Day of *April* One thousand eight hundred and twenty-eight, without the Consent in Writing of the Owners and Occupiers thereof respectively, other than and except Part of a House, Garden, and Yard belonging to the Reverend *John Baynes*, and now in the Occupation of Miss *Elizabeth Martin*; and also Part of a Garden or Court Yard belonging to *George Butler* Esquire, and now in the Occupation of *George Oliver* Esquire; and also Part of a Garden belonging to the Reverend *William Burrows*, and now in the Occupation of *John Rogers*; and also Part of an Orchard or planted Field belonging to and in the Occupation of *Thomas Bedford*, respectively situate in the Village of *Droxford* aforesaid; and also an Orchard or Garden in the Parish of *Soberton* aforesaid, belonging to and in the Occupation of *Joseph Jannury*; and also Parts of a Farm Yard, Sheds, and Brick Yard belonging to Sir *James Whalley Smythe Gardiner* Baronet, and in the respective Occupations of *William May* and *John Strugnell*, and situate in the Parish of *Fareham* aforesaid; and also a Garden belonging to *Thomas Clutterbuck* Esquire, and in the Occupation of *Mary Ward* Spinster, also situate in the said Parish of *Fareham*; for the Purpose of widening and improving the Road, which it shall be lawful for the said Trustees to purchase and take with or without any such Consent as aforesaid, first making adequate Compensation to the respective Owners and Occupiers thereof for the Damages they shall sustain thereby.

Power of Purchase to cease after Five Years.

XXV. And be it further enacted, That in case the said Trustees shall not purchase the Houses, Gardens, and other Premises herein mentioned and described, within the Space of Five Years from the passing of this Act, all the Powers hereby or by the said recited Acts given for purchasing the same shall cease and determine, save and except as to such Parts thereof as have been already purchased, and save and except with the Consent in Writing of the Owners of such Houses, Gardens, and other Premises which the said Trustees shall desire to purchase.

When new Line is completed, Road from Sherril Heath to Droxford to cease to be Turnpike.

XXVI. Provided also, and be it enacted, That when and so soon as the said new Line of Road or Deviation shall be made and completed, fit for the Passage of Horses, Cattle, and Carriages, then and in such Case so much of the old Line of Road as leads from or near the Direction Post on *Sherril Heath* to the South End of the Village of *Droxford* aforesaid, in lieu and instead of which such Deviation shall

shall be made, shall cease to be under the Direction, Control, or Management of the said Trustees.

Application of Tolls and Money borrowed.

XXVII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby as aforesaid repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in obtaining Plans, Estimates, and Consents, and of applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls or Duties payable on the Roads by this Act directed to be maintained, improved, and kept in repair; thirdly, in defraying the Expences of diverting, widening, improving, repairing, and preserving the Road by this Act directed to be improved and kept in repair, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Road, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

No Priority of Mortgages.

XXVIII. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or for advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment hath heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority.

For stopping up unnecessary Roads.

XXIX. And whereas the making of the said new Road will render useless and unnecessary certain Roads and Footways; be it therefore enacted, That it shall be lawful for the said Trustees, and they are

are hereby authorized and empowered, at any Meeting or Meetings to be held under this Act, by Order under their Hands and Seals, to stop up and discontinue and prevent the using for the future of the said useless and unnecessary Roads and Footways or any of them; and it shall not be lawful for any Person or Persons whomsoever afterwards to use the said Roads and Footways or any of them so ordered to be stopped up and discontinued as aforesaid, but the same shall thenceforth cease to be Common Highways or a Common Highway, to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Roads and Footways so ordered to be stopped up and discontinued as aforesaid, and also upon the Porch Door of the Church belonging to the Parish or Parishes within which such Roads and Footways shall be situate, immediately before Divine Service upon Three successive *Sundays* next after the making of such Order, and shall also be once inserted in some public Newspaper usually circulated in the County of *Southampton*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make his, her, or their Appeal against the same as hereinafter provided; and no such Road shall be stopped up or discontinued until after the Expiration of Four Calendar Months from the Day of making such Order.

Allowing an Appeal against the Order.

XXX. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for stopping up and discontinuing the said old Roads and Footways, or any of them, to appeal against the same at any General or Quarter Sessions of the Peace for the said County of *Southampton* which shall be held within the Space of Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal to (to be duly signed by such Appellant or Appellants) or leaving the same at the usual Place of Residence of the Clerk to the said Trustees for the Time being, at least Twenty-eight clear Days next before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and, upon the quashing or Confirmation of the said Order, to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only.

If no Appeal, Order to be conclusive.

XXXI. Provided also, and be it further enacted, That in case no such Appeal shall be made as aforesaid, the said Order or Orders shall be final and conclusive upon all Persons whomsoever.

Public Act.

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

XXXIII. And

Term of Act. XXXIII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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