ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap.92.

An Act for amending the Roads and Highways in the *Iſle of Wight*. [21ſt *May* 1813.]

WHEREAS the ſeveral public Roads and Highways in over and through the *Iſle of Wight*, are in many Parts in very bad Condition, narrow and incommodious, and in ſome Places dangerous for Travellers and Carriages; and the ſame cannot be properly widened and repaired by the Laws now in being; and it would be of great Advantage to the Inhabitants of the ſaid Iſle, and to the Public in general, if the ſaid Roads and Highways were properly amended, widened, altered, turned, improved, and maintained in Repair: And whereas from the great Increaſe of the Population and Trade of the ſaid *Iſle of Wight*, and from the large Military Eſtabliſhments therein, and alſo from the Number of Perſons who viſit and travel the ſaid Iſle, the Amendment and Improvement of the public Roads in the ſaid Iſle or Iſland, are become Matters of great Neceſſity, and the ſame will in a very eſſential Manner contribute, not only to the Advantage and Accommodation as before-mentioned of the Inhabitants of the ſaid Iſland, and to the Perſons travelling the ſaid Iſland, but will alſo afford to ſuch Military Eſtabliſhments more ſpeedy and expeditious Means of Communication with each other: And whereas it would greatly tend to the effecting of ſuch beneficial Purpoſes, if the ſeveral Pariſhes and Places of *Arreton, Binſtead, Bonchurch, Brading Brixton, Brook, Calbourn Cariſbrook, Chale, Freſhwater Gatcombe, Godſhill, Kingſton, Mottiſton, Newchurch, Niton,*

Northwood, *Saint Hellen's*, *Saint Lawrence*, *Shalfleet*, *Shanklin*, *Shorwell*, *Thorley*, *Whippingham*, *Whitwell*, *Wooton*, *Yarmouth*, and *Yaverland*, in the ſaid Iſland, and that Part of the Pariſh of *Saint Nicholas* that does not lie within the Liberties of the Borough of *Newport* in the ſaid Iſland, and alſo the Borough, Towns, or Liberties of *Yarmouth*, otherwiſe *Eremuth*, *Newtown*, otherwiſe *Frankville*, and *Brading*, and the ſeveral Extra-parochial Parts of the ſaid Iſland, were conſolidated, ſo far as relates to the Duty of Statute Labour, and a Payment in Money ſubſtituted in lieu thereof, and to the Rates to be levied for widening the ſeveral Highways within and over the ſaid Iſland: But the ſaid ſeveral beneficial Purpoſes cannot be carried into effect without the Aid of Parliament; 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 the Eleventh Day of *October* One thouſand eight hundred and thirteen, the ſeveral Pariſhes of *Arreton*, *Binſtead*, *Bonchurch*, *Brading*, *Brixton*, *Brook*, *Calbourn*, *Cariſbrook*, *Chale*, *Freſhwater*, *Gatcombe*, *Godſhill*, *Kingſton*, *Mottiſton*, *Newchurch*, *Niton*, *Northwood*, *Saint Hellen's*, *Saint Lawrence*, *Shalfleet*, *Shanklin*, *Shorwell*, *Thorley*, *Whippingham*, *Whitwell*, *Wooton*, *Yarmouth*, and *Yaverland*, in the ſaid Iſland, and that Part of the Pariſh of *Saint Nicholas* that does not lie within the Liberties of the Borough of *Newport* in the ſaid Iſland, and alſo the Borough, Towns, or Liberties of *Yarmouth*, otherwiſe *Eremuth*, *Newtown*, otherwiſe *Frankville*, and *Brading*, and the ſeveral Extra-parochial Parts of the ſaid Iſland, ſhall be, and the ſame are hereby conſolidated, for the Purpoſe of widening, repairing, maintaining and ſupporting the ſeveral Roads or Highways within the ſaid ſeveral Pariſhes, Liberties, Borough-Towns, and Extra-parochial Parts, and for otherwiſe carrying the ſeveral Powers and Proviſions of this Act into Execution; any Law, Statute, Uſage, or Cuſtom to the contrary thereof in anywiſe notwithſtanding.

Commiſſioners appointed.

II. And be it further enacted, That the Honourable *James Edward Fitz Harris*, commonly called Lord Viſcount *Fitz Harris*, and the Governor of the *Iſle of Wight* for the Time being, the Honourable *Henry Seymour*, commonly called Lord *Henry Seymour*, the Honourable *Charles Anderſon Pelham*, the Honourable Sir *Naſh Groſe*, Sir *John Barrington* Baronet, Sir *Leonard Thomas Worſley Holmes* Baronet, Sir *William Oglander* Baronet, Sir *Thomas Tancred* Baronet, Sir *John Pinhorn* Knight, *John Barwis* Clerk, *Barrington Pope Blachford*, *Maurice George Biſſett*, *Richard Henry Alexander Bennet* junior, *Alexander Campbell*, *John Delgarno*, *Edward Ruſhworth*, *Henry Worſley* Doctor in Divinity, *James Worſley* Clerk, *Thomas Auldjo*, *Richard Arnold* of Newbarn, *William Arnold* of Waitcourt, *Iſaac Arnold* of Tepnel, *George Burrard* Clerk, *John Watſon Beadon* Clerk, *Thomas Bowreman* Clerk, *Fitz-William Barrington*, *Richard Henry Alexander Bennet* ſenior, *Richard Baſſett*, *Robert Bloxham*, *Barnabas Bull*, *William Brown* of Cridmore, *James Ruffin Blake*, *James Bull* of Mottiſton, *James Beer*, the Honourable *Thomas De Gray* Clerk, *John Cole* Doctor of Laws, *Robert Clarke*, *James Clarke*, *James Cull*, *William Cooke*, *James Cheverton* of Apſa, *Thomas Cheverton*, *James Cole* of *Cheverton*, *Benjamin Cotton* of Hill Farm, *Noel Digby* Clerk, *Thomas Dalton* Clerk, *John Dennett* of Foreland, *John Duke*, *John Fleming*

Fleming of Hazeley, *John Nicholas Fazakerly*, *Anthony William Glynn* Clerk, *John Gray*, *Thomas Ghrimes* of Yafford, *Sere Gough* Clerk, *Charles Grant*, *Robert Gibbs*, *Benjamin Holmes* Clerk, *Andrew Hamilton* Clerk, *Juſtly Hill* Clerk, *Michael Hoy*, *Graham Eden Hamond*, *Richard Fleming*, *Worſley Holmes*, *Robert Holford*, *Richards Hutt*, *Robert Hicks*, *William Home*, *James Howe*, *Brown Hearn*, *George Hearn*, *James Harvey* of Whitecraft, *James Harvey* of Gatcombe, *Thomas Hillier* of Sheat, *James Hillier*, *Thomas Hardley*, *Henry Hardley*, *William Horlock*, *Charles Hobbs*, *Benjamin Jolliffe*, *James Jolliffe* of Padmore, *James Jolliffe* of Little Park, *James Jolliffe* of Luccombe, *John Jolliffe* of Park, *Joſeph Jolliffe* of Shankling, *William Jacobs* of Chale, *John James* of Morton, *Iſaac Jacobs*, *Oſmond Johnſon*, *James Kirkpatrick*, *Joſeph Kirkpatrick*, *William Keach*, *Walter Lock*, *William Mitchell*, *John Naſh*, *William Hill Newbolt* Clerk, *Samuel Oſborne*, *Henry Oglander* Clerk, *Miles Pople* Clerk, *John Popham*, *George Player*, *George Pearſon*, *Henry Ridley* Doctor of Divinity, *Charles Richards* Clerk, *Samuel Rolleſton*, *William Rawkins* of Quor, *James Rogers* of Hatherfield, *William Shepard Rogers*, *Henry Roach* of Redway, *Richard Simeon*, *Dean Shute*, *John Smith*, *George Sheddon*, *Nicholas Smith* of Yaverland, *William Spanner*, *Joſeph Tarver*, *Matthew Trickett*, *Richard Walton White* Clerk, *Henry Worſley* Clerk, *George Ward*, *John White*, *John Ward*, *George Forſter Wiſe*, *William Thatcher*, *James Weeks* of Barnſley, *David Way*, *Thomas Woodman*, *James Way* of Bowcombe, *William Way* of Newbarn, *Thomas Whitewood* of Bagwich, *Thomas White* of Leſsland, *William Woodford* of Park, *William Weſtmore*, *Henry Way* of Weſtcourt, *Thomas Way* of Churchills, *Cook Weeks*, *James White* of Ford, *William Urry* of Shalcombe, *James Urry* of Appleford, *John Young* of Corſham, and *George Young* of Watchingwell, ſhall be, and they and their Succeſſors to be appointed in Manner hereinafter mentioned, ſhall be, and they are hereby appointed, Commiſſionersfor carrying the ſeveral Purpoſes of this Act into Execution, and for repairing, amending, widening, altering, improving, maintaining, and keeping in Repair, the ſeveral public Roads and Highways in, over, and through the ſaid *Iſle of Wight*; provided, that no Perſon ſhall be qualified to act as a Commiſſioner for the Purpoſes of this Act, the Whole of whoſe Property forming ſuch Qualification ſhall lie and be in the Town of *Newport*.

Power to appoint Ten additional Commiſſioners.

III. And be it further enacted, That it ſhall be lawful for the Commiſſioners hereby nominated, or any Three 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 Commiſſioners for the Purpoſes of this Act, in Addition to the Commiſſioners hereby appointed; and ſuch Commiſſioners ſo elected, and being duly qualified, ſhall be, and are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been herein named and appointed.

New Commiſſioners to be appointed on Death, &c.

IV. And be it further enacted, That when and ſo often as any of the Commiſſioners hereby appointed, or to be appointed by virtue of this Act, ſhall die or become diſqualified, the ſurviving or remaining Commiſſioners, or any Three or more of them, by Writing under their Hands, ſhall elect and appoint ſome other Perſon in the Room of every Commiſſioner ſo dying or becoming diſqualified; and Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the

the ſaid Commiſſioners, by affixing the ſame in Writing on the Town Hall in *Newport*, and on all the Turnpike Gates which by virtue of this Act ſhall be then erected or ſet up on the ſaid Roads, at leaſt Seven Days before every 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 Commiſſioner for the Purpoſes of this Act, and ſhall be veſted with the ſame Powers and Authorities for putting this Act in Execution, as the Commiſſioner or Commiſſioners, in whoſe Room or Stead he or they ſhall be ſo elected and appointed, is, or are, or ſhall be veſted with by virtue of this Act.

Qualification of Commiſſioners.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, Tythes, or Hereditaments, which ſhall be rated to the Poors Rates in any One or more Pariſh or Pariſhes within the ſaid *Iſle of Wight*, at the Value of Eighty Pounds in the Whole, or be Heir Apparent of ſome Perſon poſſeſſed of Lands, Tenements, Tythes or Hereditaments, rated as aforeſaid at the Value of One hundred and ſixty Pounds *per annum*; or unleſs he ſhall be a Rector or Vicar for the Time being of ſome Pariſh within the ſaid Iſland, or be rated to the Poors Rate in ſome One or more Pariſh or Pariſhes within the ſaid *Iſle of Wight*, for Lands, Tenements, Tythes, or Hereditaments, occupied and enjoyed therein by him or them, at the Value of Two hundred Pounds *per annum*; or be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, Tythes or Hereditaments which ſhall be rated in ſome One or more of the Pariſhes or Places in the ſaid *Iſle of Wight* as aforeſaid, at the Value of Forty Pounds, or be Heir Apparent of ſome Perſon poſſeſſed of Lands, Tenements, Tythes, or Hereditaments rated as aforeſaid, at the Value of Eighty Pounds, the ſaid laſt Perſons and Heirs Apparent reſpectively being at the ſame Time Occupiers of Lands, Tythes, or Hereditaments, in One or more Pariſh or Pariſhes within the ſaid *Iſle of Wight*, which ſhall in the Whole be rated to the Poors Rate to the Value of One hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit or Information, wherein no Eſſoign, Protection or Wager of Law, or more than one Imparlance ſhall be allowed, or by Information before any Two of His Majeſty's Juſtices of the Peace for the County of *Southampton*, acting within the ſaid *Iſle of Wight*; and in caſe of any Action, Bill, Suit or Information, the Proof of the Qualification ſhall reſt on the Perſon againſt whom ſuch Action, Bill, Suit, or Information ſhall be commenced or brought, without any other Proof on the Part of the Plaintiff or Proſecutors than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Commiſſioner or Commiſſioners in the Execution of this Act, though not duly qualified as aforeſaid previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual,

effectual, as if such Person or Persons had been qualified according to the Directions of this Act.

Victuallers, &c. incapable of acting, &c.

VI. Provided also, and be it enacted, That no Person or Persons who shall keep a Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, or Spirituous or Strong Liquors by Retail, shall be capable of acting as a Commissioner in the Execution of this Act, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Commissioners, or of collecting the Tolls and Rates hereby granted and made payable, during such Time as he or they shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, or Spirituous or other Strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they do employ a Person or Persons to collect such Tolls who shall not be under such Incapacity.

Commissioners may act as Justices, except where personally interested.

VII. And be it further enacted, That such of the said Commissioners as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners, except only in such Cases where they shall be personally interested.

No Act valid except at a Meeting.

Majority empowered to act.

VIII. And be it further enacted, That no Act of the said Commissioners shall be, or be deemed to be good, valid or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except as may be herein excepted); and that all the Powers and Authorities by this Act granted to the said Commissioners shall and may be exercised from Time to Time by the major Part of them, who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Commissioners present at every such Meeting not being less than Three; and all the Orders and Proceedings of the major Part of the Commissioners present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all the Commissioners for the Time being (save and except as may be herein excepted); and at every Meeting of the said Commissioners a Chairman shall be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question, (including the Vote of the Chairman) then and in every such Case, it shall and may be lawful to and for such Chairman to give the decisive or casting Vote.

Chairman to have the casting Vote.

First and other Meetings of Commissioners.

IX. And be it further enacted, That the said Commissioners shall meet at the Guildhall in *Newport*, in the said *Isle of Wight*, or in some other public Place in *Newport*, on the Twelfth Day of *October* next after the passing of this Act, between the Hours of Twelve in the Forenoon and One in the Afternoon, and shall then proceed to carry this Act into Execution; and if none of the said Commissioners shall attend such Meeting, then and in such Case such Meeting shall be and be deemed to be adjourned to the next Day, and so *toties quoties*, from Day to Day (*Sunday*, *Good Friday*, *Christmas-day*, and Fast-days by Proclamation only excepted, and then to the next Day) until a sufficient Number of

Commiſſioners ſhall attend at ſuch Meeting to act in the Execution of this Act, or until a Commiſſioner or Commiſſioners ſhall attend ſo as to adjourn ſuch Meeting; and the ſaid Commiſſioners ſhall and may at ſuch Meeting, and at their ſeveral Meetings to be holden for the Purpoſes of carrying this Act into execution, from Time to Time adjourn and appoint the next Meeting to be holden at any Place in *Newport* aforeſaid, as to the ſaid Commiſſioners ſhall appear convenient, and at ſuch Time as to them ſhall ſeem proper; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of the ſaid Commiſſioners to act in the Execution of this Act, the Commiſſioner or Commiſſioners then preſent, or the Clerk to the ſaid Commiſſioners, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day, within Fourteen Days then following, to be holden at the ſame Place, and the ſaid Clerk ſhall cauſe Notice thereof to be affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Roads, at leaſt Seven Days before the Day to which ſuch Meeting ſhall be ſo adjourned; and the ſaid Commiſſioners ſhall at their ſeveral Meetings defray their own Expences; and no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, during ſuch Time as he ſhall hold any Place of Profit under this Act.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary by Three or more of the ſaid Commiſſioners that a Meeting of the Commiſſioners ſhould be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then, and in every ſuch Caſe, the Clerk to the ſaid Commiſſioners (an Order in Writing ſigned by Three or more of the ſaid Commiſſioners, mentioning the Time and Place of ſuch earlier Meeting, being given to him, or left at his laſt or uſual Place of Abode), ſhall forthwith give Notice of ſuch earlier Meeting in Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Commiſſioners (ſuch Time not being leſs than Five Days after ſuch Notice); and all Proceedings of the ſaid Commiſſioners at ſuch earlier Meeting ſhall be as good and valid as they would have been in caſe ſuch Commiſſioners had met in purſuance of any Adjournment.

General Annual Meeting to be held, and Thirty Commiſſioners to go out of Office, and Thirty choſen in their Stead every Year.

XI. And be it further enacted, That a General Meeting of the Commiſſioners for executing this Act, ſhall be held on the laſt *Thurſday* in *October* in every Year, at the Guildhall aforeſaid, or ſome other public Place in *Newport* aforeſaid, at which General Annual Meeting there ſhall be a Ballot for Thirty of the ſaid Commiſſioners to go out of Office; and at the ſame Annual Meeting the like Number of Thirty Perſons (qualified according to the Directions of this Act) ſhall be choſen by Ballot in the Room and Stead of the Commiſſioners ſo going out of Office; and the Perſons who ſhall be ſo choſen, together with the then remaining Commiſſioners, ſhall be Commiſſioners for carrying the ſeveral Purpoſes of this Act into Execution: Provided always, that no Perſon ſhall be diſqualified to be ballotted for, or to ſerve as Commiſſioner for any enſuing Year, by reaſon of his being ballotted to go out of Office, but any Commiſſioner ſo going out of Office may be ballotted for and re-elected for any enſuing Year: Provided alſo, that in caſe any ſuch General

General Annual Meeting ſhall at any Time be omitted to be held, then the Commiſſioners for the Time being ſhall continue Commiſſioners for carrying the ſeveral Purpoſes of this Act into Execution, until ballotted to go out of Office as aforeſaid.

Commiſſioners to appoint Committees.

XII. Provided always, and be it further enacted, That the ſaid Commiſſioners, or ſuch of them as ſhall be preſent at ſuch Firſt Meeting, or at any Annual Meeting to be held for the Execution of this Act, ſhall, and they are hereby authorized, by Agreement among themſelves, to ſubdivide themſelves into Committees of Three each, and to order and direct ſuch Committees of Three, to meet or be held, and to act for each Month in every Year, but ſo as not to preclude any of the other Commiſſioners for executing this Act from being preſent, or acting at any of ſuch Meetings; and the ſaid Commiſſioners ſo to be appointed for Committees, ſhall and they are hereby required to hold a Meeting as Commiſſioners for the Execution of this Act, once at leaſt in every Month, and at ſuch Time and Place as ſhall be fixed at ſuch General Annual Meeting for the Purpoſe of carrying this Act into Execution; and if there ſhall not be preſent at any Meeting ſo appointed to be held, Three of the ſaid Commiſſioners, who by any ſuch Agreement as aforeſaid ought to have attended, or ſome other or others of the ſaid Commiſſioners for him or them, and in his or their Stead, ſo as to make the Number of Three as aforeſaid, then and in that Caſe every Commiſſioner ſo neglecting to attend, ſhall for every ſuch Offence forfeit the Sum of Five Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Commiſſioner or Commiſſioners, by Warrant under the Hands and Seals of any Two Juſtices of the Peace for the County of *Southampton*, acting in and for the Diviſion of the ſaid *Iſle of Wight*, and ſuch Forfeiture ſhall be paid to the Treaſurer of the ſaid Commiſſioners, and ſhall be added by him to the common Fund, for the Purpoſes of this Act.

Committees to meet once a Month.

Penalty for Non-attendance.

No Order to be revoked unleſs at a Meeting for that Purpoſe, nor unleſs a Majority of the Commiſſioners preſent ſhall decide in Favour of the Revocation or Alteration.

XIII. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the ſaid Commiſſioners holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be called and holden for that expreſs Porpoſe, nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Commiſſioners, be affixed on every the Turnpikes that ſhall be ſtanding on the ſaid Roads, at leaſt Seven Days before ſuch ſubſequent Meeting, nor unleſs Three-fourths of the Commiſſioners preſent at ſuch ſubſequent Meeting ſhall decide in Favour of ſuch Revocation or Alteration, nor unleſs a greater Number of Commiſſioners ſhall be preſent at ſuch ſubſequent Meeting than were preſent at the Meeting when ſuch Order, Appointment, or Proceeding was had or made.

Proceedings to be entered in Books.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Commiſſioners as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman and Clerk then preſent, or either of them, ſhall be deemed Originals, and ſhall

ſhall be allowed to be read as Evidence in all Courts, Suits, and Actions, touching or concerning any Thing done in purſuance of this Act; and ſuch Book or Books, ſhall at all the Meetings of the ſaid Commiſſioners, be open and liable to the Inſpection of all and every of the ſaid Commiſſioners, and of the Creditors of the Tolls, and of the Perſons paying to the Rates hereby granted and made payable; and any of the ſaid Commiſſioners, Creditors, and other Perſons, ſhall and may have, and take Copies thereof, paying for every Copy not exceeding Ninety Words, the Sum of One Shilling, and ſo in Proportion for any greater or leſs Number of Words.

Appointment of Officers.

XV. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby empowered, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and any Number of Perſons, not exceeding Four, to be Surveyors of all and every or any Part of the ſaid Roads, and alſo ſuch other Officers and Perſons for the Execution of this Act as they the ſaid Commiſſioners ſhall think proper, and from Time to Time to remove ſuch Treaſurer, Clerk, Collectors, Surveyors, Officers, and Perſons reſpectively, as they the ſaid Commiſſioners ſhall ſee Occaſion; and out of the Monies to be received by the Tolls to ariſe by virtue of this Act, to allow and pay ſuch Salaries, Wages, and Allowances to the ſaid Treaſurer, Clerk, Collectors, Surveyors, Officers, and other Perſons, as the ſaid Commiſſioners ſhall think reaſonable: Provided nevertheleſs, that every ſuch Appointment of Surveyor or Surveyors ſhall be approved of and ratified by Two or more of His Majeſty's Juſtices of the Peace acting within the ſaid *Iſle of Wight*, at their General or ſome Special Seſſions for the Highways, before any ſuch Surveyors ſhall be allowed to act in the Execution of this Act: And in caſe either the ſaid Clerk, Treaſurer, Surveyors, Collectors, or other Officers, ſhall neglect or refuſe to obey and perform the lawful Orders, Precepts, or Commands of the ſaid Commiſſioners, or of any Juſtice or Juſtices of the Peace, or ſhall otherwiſe miſbehave and ill-conduct himſelf in his Office, every ſuch Clerk, Treaſurer, Collector, Surveyor, or other Officer ſo offending, being convicted thereof, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered, levied, and applied as other Penalties are by this Act directed to be recovered, levied, and applied.

Officers not doing their Duty, liable to a Penalty.

Commiſſioners may appoint temporary Collectors.

XVI. And be it further enacted, That upon the Incapacity, Abſconding, Miſbehaviour, Negligence, or Abſence of any Collector or Receiver of the Tolls, it ſhall be lawful for any Three or more of the ſaid Commiſſioners, or the Clerk of the Commiſſioners, by their Order, to diſcharge any ſuch Collector or Receiver of the ſaid Tolls, and to appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, (or in the Place of any Collector or Receiver who ſhall die) to continue until the then next Meeting of the ſaid Commiſſioners, in the Stead of ſuch Collector or Receiver as ſhall ſo become incapable, abſcond, miſbehave, or abſent himſelf, or die, which Perſon ſo appointed ſhall have the like Power and Authority, and be anſwerable or accountable in the ſame Manner in all Reſpects, as the Perſon he or ſhe ſhall ſucceed had or was ſubject to; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his ſaid Office by the ſaid Com-

missioners, or their Clerk, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person, shall refuse to deliver up t he Possession of any Toll-house, Buildings, or Premises to be erected and made by virtue of this Act, for the Space of Ten Days, after Demand thereof made, and Notice in Writing given for that Purpose by any Three of the said Commissioners, or by the Clerk of the Commissioners, by their Order, then and in any of the said Cases it shall be lawful for any Two Justices of the Peace for the said County of *Southampton*, acting for the *Isle of Wight*, (or in case such Toll-house, Buildings, and Premises, shall be situated within the Liberties of the Borough of *Newport*, then for any Two Justices of the Peace of the said Borough of *Newport*) by Warrant under their Hands and Seals respectively, to order any Constable or other Peace-Officer, with such Assistance as shall be necessary, to enter such House, Buildings, and Premises, 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 the said Commissioners, or their new appointed Officer in the Possession thereof.

For recovering Possession of Toll Houses from Collectors.

XVII. And be it further enacted, That the said Clerk, Treasurer or Treasurers, Collector or Collectors, of the Tolls, Surveyor and Surveyors, and other Officers to be appointed as herein mentioned, shall from Time to Time, when thereunto required by the said Commissioners, deliver to such Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account, in Writing, under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how and to whom, and for what Purpose the same and every Part thereof have been disposed of, together with the Vouchers and Receipts for such Payments; and shall verify their said Accounts upon Oath, if required by the said Commissioners (which Oath any one of the said Commissioners is hereby empowered to administer), 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 their Hands, to such Person or Persons as the said Commissioners shall appoint to receive the same; and if the said Officers or Persons shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Commissioners, or to such Person or Persons as they, or any Three or more them, shall appoint, within Three Days after being thereunto required by the said Commissioners, all Books, Papers, or Writings in their Custody or Power relating to the Execution of this Act, then, and in every such Case, Complaint being made by the said Commissioners, or any Three or more of them, or by their Clerk, of any such Neglect or Refusal, to any Two Justices of the Peace for the County, City, Borough or Place, where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, such Justices may, and they are hereby authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons to be brought before them; and upon his or their appearing, or

Officers to account.

not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Commiſſioners might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom ſuch Complaint ſhall be made by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtices that any of the Monies which have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and they are hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, 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 can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of taking and making ſuch Diſtreſs, and of ſelling the ſame, or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtices at the Time and Place appointed for that Purpoſe, or if appearing, ſhall refuſe or neglect to give and deliver to the ſaid Juſtices an Account or Accounts of Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts and of the Articles thereof, on Oath, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or to deliver up all ſuch Books, Papers, or Writings as aforeſaid, then and in either of the ſaid Caſes the ſaid Juſtices may, and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol or Houſe of Correction at *Newport* aforeſaid, there to remain without Bail or Mainprize until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in 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 have compounded with the ſaid Commiſſioners, and paid the Compoſition Money to the ſaid Commiſſioners, or to ſuch other Perſon or Perſons as they, or any Three or more of them, ſhall appoint to receive the ſame (and which Compoſition the ſaid Commiſſioners, or any Three or more of them, are hereby empowered to make and receive), and until he and they ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Commiſſioners: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs ſhall be detained in Priſon for any longer Time than Three Calendar Months.

Officers to give Security.

XVIII. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to take ſufficient Security from every Treaſurer or Receiver to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his Office; and if they think fit, may alſo take ſuch Security from any other Officer to be appointed under or by virtue of this Act.

Commiſſioners may ſue and be ſued in the Name of their Clerk.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſue and be ſued for or concerning any Thing to be done in purſuance of this Act, in the Name of their Clerk for the Time being; and

that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Commiſſioners by virtue of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, nor by the Act of ſuch Clerk, without the Conſent of the ſaid Commiſſioners; but that the Clerk for the Time being to the ſaid Commiſſioners ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action or Suit: Provided always, that every ſuch Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid out of the Money which ſhall ariſe from any Rates, Aſſeſſments, or Tolls, to be levied under this Act, all ſuch Coſts, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceeding, he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Power to erect Turnpikes and Toll Houſes.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to erect, or cauſe to be erected, ſuch Number of Gates, Bars, or Turnpikes, and Side Bars or Side Gates in, upon, or acroſs the ſaid ſeveral Roads or Highways, or any of them, within the Pariſhes and Places aforeſaid, and in, upon, or acroſs any Roads, Lanes, or Ways leading or that may hereafter lead into or out of the ſame, and alſo one or more Toll Houſe or Toll Houſes, with ſuitable Conveniences thereto, and to take in and incloſe on the Sides of the ſaid Road, ſuitable Garden Spots for ſuch Toll Houſes, not exceeding One-fourth of an Acre each, and from Time to Time to take down and remove ſuch Turnpikes and Toll Houſes, as they the ſaid Commiſſioners, or any Three or more of them, ſhall think proper and direct or appoint; and to erect others in the Place thereof, or at ſuch other Place or Places as they ſhall think proper.

Turnpikes to be veſted in Commiſſioners.

XXI. And be it further enacted, That the Right and Property of all the Turnpikes and Side Gates, and Toll Houſes and other Buildings to be erected by virtue of this Act, with the Grounds, Fences, and Appurtenances thereto reſpectively belonging, and of all Gates, Poſts, Rails, Bars, Fences, Mileſtones, Tables of Tolls and Poſts to be erected on the ſaid Roads; and alſo of all Materials, Tools, and Implements, which ſhall be provided for making and repairing the ſaid Roads by virtue of this Act, ſhall be veſted in the ſaid Commiſſioners, and they are hereby empowered to cauſe any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred againſt any Perſon who ſhall ſteal, break down, take away, injure, or ſpoil any ſuch Turnpike, Toll Houſe, or other Building, Fence, Mileſtone, Table of Tolls, Gates, Rails, Bars or Poſts, or any of ſuch Materials, Tools or Implements as aforeſaid, or any of them, or any Part or Parts thereof; and in all ſuch Actions and Bills of Indictment reſpectively, it ſhall be and be deemed to be ſufficient to ſtate generally that the Article or Articles, Thing or Things, for or in reſpect of which Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commiſſioners for maintaining and repairing the Roads in the *Iſle of Wight*, without particularly mentioning or ſpecifying the Name or Names of all or any of the ſaid Commiſſioners.

XXII. And

Power to take Tolls.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Perſon or Perſons 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, which ſhall be erected in, upon, acroſs, or on the Sides of the ſaid Roads, or any of them, by virtue of this Act, 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 Coach, Chariot, Landau, Sociable, Berlin, Chaiſe, Curricle, Phaeton, Vis-à-vis, Diligence, Caravan, Gig, or other Carriage, drawn by Six or more Horſes, Mules, or other Beaſts, the Sum of One Shilling and Sixpence:

For every Coach, Chariot, Landau, Sociable, Berlin, Chaiſe, Curricle, Phaeton, Vis-à-vis, Diligence, Caravan, Gig, or other Carriage, drawn by Five Horſes, Mules, or other Beaſts, the Sum of One Shilling and Three-pence:

For every Coach, Chariot, Landau, Sociable, Berlin, Chaiſe, Curricle, Phaeton, Vis-à-vis, Diligence, Caravan, Gig, or other Carriage, drawn by Four Horſes, Mules, or other Beaſts, the Sum of One Shilling:

For every Coach, Chariot, Landau, Sociable, Berlin, Chaiſe, Curricle, Phaeton, Vis-à-vis, Diligence, Caravan, Gig, or other Carriage, drawn by Three Horſes, Mules, or other Beaſts, the Sum of Nine-pence:

For every Coach, Chariot, Landau, Sociable, Berlin, Chaiſe, Curricle, Phaeton, Vis-à-vis, Diligence, Caravan, Gig, or other Carriage, drawn by Two Horſes, Mules, or other Beaſts, the Sum of Six-pence:

For every Coach, Chariot, Landau, Sociable, Berlin, Chaiſe, Curricle, Phaeton, Vis-à-vis, Diligence, Caravan, Gig, or other Carriage, drawn by One Horſe, Mule, or other Beaſt, the Sum of Three-pence:

For every Waggon, Wain, Cart, or other ſuch Carriage, with Wheels of leſs Breadth than Three Inches, and drawn by One Horſe, or other Beaſt, a Sum not more than Eight-pence, nor leſs than Four-pence:

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

For every Score of Oxen, Cows, Bullocks, or Neat Cattle, the Sum of Ten-pence, and ſo in Proportion for a greater or leſs Number than a Score: And,

For every Score of Calves, Sheep, Hogs, or Lambs, the Sum of Five-pence, and ſo in Proportion for any greater or leſs Number than a Score:

Double Toll on Sunday.

And for every Coach, Chariot, Landau, Berlin, Hearſe, Chaiſe, Curricle, Calaſh, Waggon, Wain, Cart, or other Carriage, and for every Horſe, Mare, Gelding, Mule or Aſs, and for every Drove of Oxen, Cows, Bullocks, Calves, Hogs, Sheep or Lambs, which ſhall paſs through any of the ſaid Gates on a *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on the *Sunday*

day Night) during the Continuance of this Act, double the Tolls hereinbefore mentioned.

And the ſaid reſpective Tolls ſhall (ſubject to the Proviſions hereinafter mentioned) be demanded and taken, before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt or other Cattle, Coach, Chariot, Landau, Sociable, Berlin, Chaiſe, Curricle, Phaeton, Vis-à-vis, Diligence, Caravan, Gig, Waggon, Wain, Cart, or other Carriage whatſoever, be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate, to be erected by virtue of this Act, upon or acroſs the ſaid Roads, or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame; 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 which ſaid reſpective Tolls or Duties ſhall be, and are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the Purpoſes of this Act, as hereinafter is directed.

Tolls to be levied by Diſtreſs in caſe of Non-payment.

XXIII. And be it further enacted, That in caſe any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize and diſtrain any ſuch Horſes or other Cattle or Beaſts, or the Bridles, Saddles, Gears, Harneſs, Accoutrements, or a ſufficient Part thereof (except the Bridles or Reins apart from any Horſe or Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, ſhall not be paid within the Space of Three Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, or other Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be) and what ſhall remain unſold, upon Demand, to the Owners thereof after ſuch Tolls, and the reaſonable Charges of making ſuch Diſtreſs, and keeping and ſelling the ſame, ſhall be deducted and paid; to be aſcertained, in caſe of Diſpute concerning the ſame, by ſome Juſtice of the Peace for the County of *Southampton*, acting for the Diviſion of the *Iſle of Wight*, as hereinafter mentioned.

Diſputes reſpecting Tolls and Charges to be ſettled by a Juſtice.

XXIV. And be it further enacted, That if any Diſpute ſhall ariſe about the Amount of the Tolls due, or the Coſts and Charges of diſtraining, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful to and for the Collector or Perſon ſo diſtraining, to detain the Diſtreſs, or the Money ariſing from the Sale thereof, until the Amount of the Tolls, or the Charges of diſtraining, keeping and ſelling the Diſtreſs (as the caſe may be) ſhall be aſcertained by ſome Juſtice of the Peace for the ſaid County of *Southampton*, acting for the Diviſion of the *Iſle of Wight*, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter upon the Oath or Oaths of the Parties, or other Witneſs or Witneſſes (which Oath and Oaths ſuch Juſtice is hereby empowered to adminiſter); and ſhall determine the Amount of Tolls due, and ſhall alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and all other reaſonable Coſts; all which Sum or Sums ſo determined or aſſeſſed, ſhall be paid to the Collector before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after the Sale thereof, or any Part thereof.

Collector of the Tolls to be competent Witneſs.

XXV. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe touching, or in anywiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Commiſſioners, ſhall not, by reaſon thereof, be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

One Toll only in Eight Miles.

XXVI. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be liable to pay at more than one ſuch Gate or Turnpike or Side Gate, within the Diſtance of every Eight Miles he, ſhe, or they may travel in, upon, over, or through any of the ſaid Roads: And provided alſo, that the Payment of Toll at any Side Gate, to be erected by virtue of this Act, ſhall not extend to a double Charge, in caſe of paſſing through any other Gate or Turnpike to be erected by virtue of this Act.

Perſons returning through Toll Gates the ſame Day, not to pay Tolls more than once;

XXVII. Provided alſo, and be it further enacted, That all and every Perſon and Perſons who ſhall paſs through any of the ſaid Turnpike or Turnpikes where the Tolls or Duties hereby granted are or ſhall be taken, and ſhall pay ſuch Toll, and who ſhall have occaſion to return the ſame Day through the ſame Turnpike or Turnpikes before Twelve of the Clock at Night, with the ſame Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage, Horſe, Gelding, Mare, Mule, or any other Sort of Cattle, for which ſuch Tolls or Duties ſhall have been paid, and ſhall produce a Note or Ticket denoting ſuch Payment, ſhall be entitled to repaſs Toll-free; and no Perſon or Perſons ſhall in any Caſe be liable or compellable the ſame Day to pay the ſaid Tolls or Duties more than once at ſuch Turnpike or Turnpikes: Except that in caſe any Poſtchaiſe or other Carriage, drawn by the ſame Horſes, travelling for Hire, ſhall on the ſame Day return through any Gate or Turnpike to be erected by virtue of this Act, at which any Toll ſhall be payable, and the Driver or other Perſon ſhall deliver to the Gatekeeper the Stamp Office Ticket, as required by Law, then ſuch Poſtchaiſe or other Carriage, ſhall be liable to pay the like Toll as would have been payable by virtue of this Act, if ſuch Chaiſe or Carriage had not before paſſed through ſuch Gate or Turnpike: Provided nevertheleſs, that ſuch return Carriage ſhall not be liable to more than one Toll for a Diſtance of Eight Miles as before limited.

Except on a new Hiring.

No Toll to be taken at any Side Gate for croſſing the Roads only.

XXVIII. Provided alſo, and be it further enacted, That no Toll or Duty ſhall be taken at any Toll Gate or Turnpike to be erected by virtue of this Act, on the Side of any Part of the ſaid Roads hereby directed to be repaired, for any Horſe, Cattle, Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, which ſhall only croſs any of the ſaid Roads.

Waggons with 6-Inch Wheels, and not more than Five Horſes, and Carts, &c. with Two Wheels of

XXIX. Provided always, and be it further enacted, That no Perſon or Perſons ſhall, before the Firſt Day of *July* One thouſand eight hundred and fourteen, be charged with or be liable to pay any of the Tolls or Duties impoſed or to be impoſed by this Act, who ſhall paſs through any of the Turnpikes authorized to be erected by virtue of this Act, with any Waggon, Wain, Cart, or other Carriage, not being ſuch as is liable

to

to be charged to the Aſſeſſed Taxes, and not being drawn with more than Five Horſes: Nor ſhall any of the Tolls or Duties aforeſaid be demanded or taken after the ſaid Firſt Day of *July* from any Perſon or Perſons who ſhall paſs through any of the ſaid Turnpikes or Toll Gates with any ſuch Waggon, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or more, and drawn with not more than Five Horſes; nor with any ſuch Cart or other Carriage with Two Wheels, and having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Four Inches or more, and drawn with not more than Two Horſes; nor with any ſuch Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels, of the Breadth or Gauge of Three Inches, or more, and which ſhall not be drawn with more than One Horſe, any Thing hereinbefore contained to the contrary notwithſtanding; provided, that no Perſon or Perſons ſhall from and after the ſaid Firſt Day of *July* One thouſand eight hundred and fourteen, except in the Times and for the Purpoſes of Hay and Corn Harveſt, uſe on any of the ſaid public Roads or Highways within the ſaid *Iſle of Wight*, any ſuch Waggon, Wain, or other ſuch Carriage, having Four Wheels, with Fellies of a leſs Breadth than Six Inches, which ſhall be drawn by Two Horſes or more, or any Cart with Two Wheels, with Fellies of a leſs Breadth than Four Inches, which ſhall be drawn by more than One Horſe, without compounding with the ſaid Commiſſioners for the ſame as hereinafter mentioned, for a Sum not exceeding Ten Pounds *per Annum*, excepting only where ſuch Waggon, Wain, or Cart ſhall *bonâ fide* be employed for the Purpoſe of Farming Work only, in and upon the Lands or Grounds occupied by the Perſon to whom the ſame Waggon, Wain, or Cart ſhall belong; and that in caſe any Perſon or Perſons ſhall, after the ſaid Firſt Day of *July* One thouſand eight hundred and fourteen, uſe any ſuch Waggon, Wain, Cart, or other Carriage, on any of the ſaid Roads or Highways, drawn as aforeſaid, (except as aforeſaid) without having compounded with the ſaid Commiſſioners for the ſame, every ſuch Perſon or Perſons ſhall for every Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered and applied as any other Penalty under this Act is directed to be recovered and applied.

4-Inches and not more than Two Horſes, to be exempt from Tolls.

XXX. And be it further enacted, That if any Perſon or Perſons whomſoever, owning, renting, or occupying any Tenements, Lands, or Grounds, near to any of the ſaid Roads, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons to paſs through any Ground, Gate, Paſſage or Way, with any Coach, Chaiſe, Chariot, Landau, Berlin, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, Horſe, Mare, Gelding, Mule, or other Sort of Cattle, on which a Toll or Duty is hereby granted, with an Intent to evade the Payment of the ſaid Toll or Duty; or if any Perſon or Perſons owning, riding in, or driving any Coach, Chaiſe, Chariot, Landau, Berlin, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, or owning, riding, or driving any Horſe, Mare, Gelding, Mule, or other Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage or private Way, with an Intent to evade the ſaid Toll or Duty; or if any Perſon or Perſons, with the like Intent, ſhall take off or cauſe to be taken off any Horſe, Mare, Gelding, or other Cattle, from any Coach, Chaiſe, Chariot, Landau, Berlin,

Penalty on evading Tolls.

Berlin, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, by reaſon whereof the Payment of any of the Tolls or Duties by this Act granted ſhall be avoided or leſſened; each and every Perſon and Perſons offending in all, every, or any Manner or Manners aforeſaid, and being thereof convicted on the Oath of one or more Witneſs or Witneſſes, before any one or more Juſtice or Juſtices of the Peace for the County of *Southampton*, acting for the Diviſion of the *Iſle of Wight* (which Oath the ſaid Juſtice or Juſtices is and are empowered and required to adminiſter), ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds to the ſaid Commiſſioners, to be applied in Aid of the Monies to be raiſed for the Repairs and Improvements of the ſaid Highways: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to ſubject to any Penalty any Perſon for paſſing through any ſuch Tenements, Lands, or Premiſes, of which he or ſhe ſhall be the Owner or Occupier, notwithſtanding the Tolls may be thereby evaded, nor any of his or her Family or Servants.

Penalty on Perſons diſpoſing of or receiving Tickets to avoid Payment of Tolls.

XXXI. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall give or diſpoſe of any Note or Ticket, Notes or Tickets, ſignifying the Payment of any of the Tolls or Duties by this Act granted to any Perſon or Perſons, in order to evade the Payment of the ſaid Tolls or Duties, every ſuch Perſon giving or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon receiving and making Uſe of the ſame, or either of them, being thereof convicted reſpectively upon Oath, before any one or more of the ſaid Juſtice or Juſtices (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter), ſhall reſpectively forfeit and pay any Sum not exceeding Ten Pounds, to be levied, recovered, and diſpoſed of as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and diſpoſed of.

Exemptions from Toll.

XXXII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken of or from any Perſon or Perſons, for any Horſe, Cattle, or Beaſt, or Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for making or repairing any of the Roads in any of the Townſhips or Pariſhes, or in the Borough of *Newport* in the *Iſle of Wight*, or for building or repairing any public Bridge in the ſaid Iſland, or any of the ſaid Toll Houſes or Turnpikes; or with Seed for ſeeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe or Beaſt of Burden loaded with or carrying Corn or Griſt to or from any Mill or Mills, or for ſuch Horſe, Gelding, or Mare, as is or ſhall be uſed only to ride on by the Owner or Driver of any Waggon, Cart, or Carriage, for which any Toll or Duty ſhall have then been paid for as ſuch Horſe, Gelding or Mare paſs through the Turnpike, where ſuch Toll or Duty was paid at the ſame Time with ſuch Waggon, Cart, or Carriage; or for any Horſe, Beaſt or other Cattle, or Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning

empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows or Implements of Husbandry, or any Mould, Dung, Compost or Manure employed in Husbandry for manuring or improving Land, or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering-place, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship, on *Sundays*, or any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die or be buried in any of the Parishes or Places within the said Island; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever 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 or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying or returning empty from having been employed only in carrying or conveying any sick, wounded or disabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same employed in conveying any Ordnance, or Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for Horses, Carts or Waggons travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Southampton* on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; nor for any Pig or Pigs, Swine or Sheep going to or returning from the Market of *Newport*, holden on any *Saturday* during the Continuance of this Act: And if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Passengers on Election Days for Knights of the Shire, exempted.

XXXIII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart or other Carriage, provided

Exempting Carriages

conveying King's Stores, &c. from Penalties for Overweight.

vided for the Service of His Majesty's Forces, or conveying any Ordnance or Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may be let.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered at any Meeting, upon Fourteen Days Notice in Writing, signed by the Clerk to the said Commissioners, being fixed on all and every the Turnpikes that shall be standing on the said Roads, to let or farm the said Tolls or Duties in Whole or by Parcels, for the best Rent that can be got for the same, to any Person or Persons, provided that the Leases, Contracts or Agreements for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by Three or more of the said Commissioners; and the same shall not be let for more than Three Years at any one Time; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable, and shall be paid to the Treasurer to the said Commissioners, so as that One-half Year's Payment of such Rents shall always be in advance, or sufficient Security shall be given for the Payment of such Rents to the Satisfaction of the said Commissioners, or in Default thereof every such Lease, Contract or Agreement, shall be null and void to all Intents, Purposes and Constructions whatsoever.

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

XXXV. And be it further enacted, That during such Times as the said Tolls, or any Part or Parts thereof, shall be demised, leased, or in farm 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, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised or farmed with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Commissioners is hereby authorized and empowered to demand, take and receive the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Commissioners is subject or liable to.

In case of Non-performance of Agreement, Commissioners may take Possession of Toll Houses, &c.

XXXVI. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act 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 by the Space of Fourteen Days next after

any of the Days on which the ſame ought to be paid, purſuant to the Agreement for demiſing or letting thereof, then, and in either of thoſe Caſes it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under the Hands of any Three or more of them, and they are hereby authorized to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls, from the Poſſeſſion thereof, and from the Collection of ſuch Tolls; and that thereupon it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, (if they ſhall think fit,) to vacate and determine the 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 Covenants or Agreements on the Part of the Leſſees) as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, 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, as if no former Demiſe, Contract or Agreement, had been made relative thereto.

Tolls may be reduced.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, from Time to Time, when and as often as they ſhall think proper, to leſſen or reduce all or any of the Tolls hereby granted or made payable, at all or any of the Turnpikes to be erected by virtue of this Act, and to cauſe the ſame to be collected in ſuch Manner, Parts, and Proportion, as they ſhall think fit, and to raiſe the ſame again, ſo as they do not at any Time exceed or be leſs than the Tolls by this Act granted, limited, and made payable, and ſo as every Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Five-ſixth Parts of the Money then due on the Security of the Tolls; but no ſuch Reduction ſhall be made unleſs Fourteen Days previous Notice thereof ſhall be affixed in Writing upon all the Turnpikes then erected upon or acroſs the ſaid Roads, and alſo inſerted in ſome one or more of the Newſpapers publiſhed or generally circulated in the ſaid *Iſle of Wight*.

Commiſſioners may compound for Tolls.

XXXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, to compound with any Perſon or Perſons, for any Period of Time, not exceeding One Year, for leave to uſe on the ſaid Roads or Highways any Wain, Waggon, Cart or other Carriage, with the Fellies of the Wheels of leſs Breadth than is authorized by this Act, at ſuch Annual or other Sum as the ſaid Commiſſioners ſhall think proper, not exceeding the Sum of Ten Pounds; and alſo to compound with any Perſon or Perſons by the Year or otherwiſe, for any Coach, Chaiſe, Waggon, Wain, Cart or other Carriage, Horſes, Beaſts or Cattle, paſſing on the ſaid Roads, or on any Part or Parts thereof, for all or any Part of the Tolls to be paid in reſpect of ſuch Coach, Chaiſe, Waggon, Wain, Cart or other Carriage, Horſes, Beaſts or other Cattle; and all ſuch Compoſition Money ſhall be paid in advance Three Months, or otherwiſe, as the ſaid Commiſſioners

ſhall

shall appoint, and in Default thereof, every such Composition shall be null and void, to all Intents and Purposes whatsoever.

Commissioners may borrow Money.

XXXIX. And for the more speedy and effectually carrying the Purposes of this Act into Execution; be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, from Time to Time, to borrow and take up at Interest any Sum and Sums of Money as they shall judge necessary for the Purposes of this Act, not exceeding in the Whole the Sum of Four thousand Pounds; and by Writing under their Hands and Seals, or under the Hands and Seals of any Three or more of them, to assign over or mortgage the Tolls hereby granted, or any Part thereof, and the several Turnpikes and Toll Houses to be erected on the said Road (the Charges of such Assignments and Mortgages to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators and Assigns, such Interest to be paid and payable by equal Half-yearly Payments at the Dwelling House of the Treasurer of the said Commissioners for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following:

Form of Mortgage.

'BY virtue of an Act, made in the Fifty-third Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] We whose Names are hereunto subscribed, and Seals affixed, (being of the Commissioners acting in Execution of the said Act) in Consideration of the Sum of to the Treasurer of the said Roads in Hand paid by Executors, Administrators and Assigns, Do hereby assign unto the said Executors, Administrators and Assigns, such Proportion of the Tolls, to arise by virtue of the said Act, and also of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum charged and advanced, or to be charged and advanced on the Credit of the said Tolls; 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 after the Rate of *per Centum* *per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord

Copies of Mortgages to be entered.

And all Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Commissioners, and such Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid and effectual to all Intents and Purposes whatsoever: And all Persons to whom any such Mortgages or Assignments respectively shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage thereof, and all their Right, Title and Interest

Intereſt to the Principal and Intereſt Money thereby reſpectively ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Form of Transfer.

'I *A. B.* being entitled to the Sum of
'ſecured to
'Executors, Adminiſtrators and Aſſigns, by virtue of a Mortgage or
'Aſſignment, bearing Date the
'Day of under the Hands and Seals of
'
'the Commiſſioners acting in Execution of an Act made in the Fifty-
'third Year of the Reign of King *George* the Third, intituled [*here ſet*
'*forth the Title of this Act*] upon the Credit of the ſaid Act, Do
'hereby transfer all my Right and Title in and to the ſame, and all
'the Principal and Intereſt Money now due and owing thereon,
'unto *C. D.* Executors, Adminiſtrators and Aſſigns.
'Dated this Day of
'in the Year of our Lord

Transfers to be notified to Clerk.

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Commiſſioners, within one Month next after the Date thereof, who ſhall cauſe an Entry or Memorial thereof to be made, containing the Dates, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments to be made by virtue of this Act, and for which Entry the Clerk, who ſhall enter the ſame, ſhall be paid the Sum of One Shilling, and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof, and Payment thereon; and after ſuch Entry or Memorial made thereof as aforeſaid, it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer, to make void, releaſe or diſcharge the ſame, or the Monies thereby due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfers, ſhall be made as aforeſaid, ſhall be in Proportion to the Sums therein reſpectively mentioned, Creditors, on ſuch Tolls, Turnpikes and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Monies, or of the Dates of ſuch Mortgages or Aſſignments: Provided nevertheleſs, that before any Sum or Sums of Money ſhall be taken up or borrowed, Fourteen Days Notice in Writing at the leaſt, ſigned by the Clerk to the ſaid Commiſſioners, ſhall be given of the Intention of borrowing ſuch Money, by affixing the ſame on all and every the Turnpike Gates erected on the ſaid Roads.

Commiſſioners to give Fourteen Days Notice previous to borrowing Money.

XL. And be it further enacted, That all and every the Sum and Sums of Money to ariſe under or by virtue of this Act, ſhall be applied and diſpoſed of by the ſame Commiſſioners in Manner following; that is to ſay, the Monies to ariſe, from Time to Time, from the Aſſeſſments or Rates to be made by virtue of this Act, ſhall be applied in, for, and towards the amending, widening, altering, diverting, turning, improving and keeping in Repair the ſeveral Roads and Highways in the ſeveral Pariſhes or Places aforeſaid; and the Monies to ariſe out of the Tolls by this Act granted, or to be borrowed on the Credit thereof, by virtue of this Act, ſhall (after Payment of the Coſts, Charges, and Expences of ob-

Application of the ſeveral Monies to ariſe by virtue of this Act.

taining and paſſing this Act, as hereinafter mentioned) be applied in, for, and towards the making and erecting of Turnpikes and Toll Houſes, with the Appurtenances, and in defraying the other neceſſary Expences of carrying this Act into Execution, and in paying the Intereſt of the Money to be borrowed on the Credit of the ſaid Tolls; and the Remainder ſhall be applied in Aid of the ſaid Aſſeſſments or Rates, for repairing and improving the ſaid ſeveral Roads and Highways.

Expences of the Act to be firſt paid.

XLI. Provided always, and be it further enacted, That the Coſts, Charges and Expences of ſoliciting, obtaining, and paſſing this Act, ſhall be paid and diſcharged by the ſaid Commiſſioners, or any Three or more of them, out of the firſt Monies which ſhall be borrowed by virtue of this Act, or from the Tolls to be collected by virtue thereof; and that all Monies which ſhall have been advanced by any Perſon or Perſons towards Payment of ſuch Coſts, Charges and Expences, ſhall be repaid, with lawful Intereſt, from the Time of advancing the ſame.

Juſtices may widen and alter Roads, according to the Highway Act of the 13th of His preſent Majeſty, ſo as not to exceed Thirty Feet in Width.

XLII. And be it further enacted, That it ſhall and may be lawful to and for any Two or more of the Juſtices of the Peace for the ſaid County of *Southampton*, acting within the ſaid Iſland, teſtified by any Writing under their Hands (after the ſaid Juſtices ſhall have viewed the ſame) to widen, divert, turn, ſhorten, vary and alter the Courſe or Path of any Part or Parts of the ſeveral Roads or Highways within the Pariſhes or Places aforeſaid, ſo that the ſaid Roads or Highways, when enlarged and diverted, ſhall not exceed Thirty Feet in Breadth, as preſcribed by an Act paſſed in the Thirteenth Year of the Reign of his preſent Majeſty, intituled *An Act to explain, amend, and reduce into one Act of Parliament, the Statutes now in being for the Amendment and Preſervation of the public Highways within that Part of Great Britain called England, and for other Purpoſes*; and, for the Purpoſes of amending, widening, altering, diverting, or turning the ſaid Roads or Highways, or any of them, the ſaid Juſtices ſhall be, and are hereby inveſted with all the Powers and Authorities given to Magiſtrates for thoſe Purpoſes by the ſaid recited Act, of the Thirteenth Year of the Reign of his preſent Majeſty, or by any public General Statute now in Force relating to Highways, and the Recompence or Compenſation to be given for Land and Damages, ſhall be aſcertained and ſettled in ſuch and the like Manner as the ſame is preſcribed by the ſaid Act of the Thirteenth Year of the Reign of his preſent Majeſty.

Juſtices to make a Rate, not exceeding Sixpence in the Pound, on Conſolidated Pariſhes, to pay for Purchaſe of Land for widening, agreeably to 13 Geo. III. cap. 78.

XLIII. Provided always, and be it further enacted, That for the Purpoſes of widening or altering, enlarging or diverting any ſuch Road or Highway, or making Recompenſe or Compenſation for Lands or Hereditaments to be uſed for that Purpoſe, or for Damages to be occaſioned thereby, it ſhall and may be lawful for the ſaid Juſtices aſſembled at any General Seſſions for the Highways, to be holden in and for the ſaid Diviſion of the *Iſle of Wight*, to order an Aſſeſſment or Aſſeſſments, not exceeding in any one Year Sixpence in the Pound, to be made, levied and collected, upon all and every the Occupiers of Lands, Tythes, and Hereditaments, within all the reſpective Pariſhes and Places aforeſaid, on ſuch annual Value as the Aſſeſſments hereinafter directed to be made in lieu of Statute Labour, and to be paid to the Treaſurer of the Commiſſioners, and applied in ſuch and the ſame Manner, in all Reſpects, as the

Assessment to be made under the said recited Act, passed in the Thirteenth Year of his present Majesty's Reign, is directed to be made, levied, collected, and paid.

Justices at Sessions may order unnecessary Bridle Roads to be stopped up.

XLIV. And be it further enacted, That if it shall at any Time hereafter appear to the Satisfaction of the Justices acting in and for the Division of the said *Isle of Wight*, assembled at any Sessions for the Highways, that it will be beneficial for the Purposes of this Act, that any Bridle Roads or Pack Roads, within any of the Parishes or Places aforesaid, should be diverted, stopped up, or converted into a Foot Road only, it shall and may be lawful for the said Commissioners, with the Consent of such Justices, to order such Bridle Roads or Pack Roads either to be diverted or stopped up, or to be converted into Foot Roads, as shall appear to them necessary, and the Soil thereof shall from thenceforth become the Property of the Person or Persons to whom the Land through or over which any such Bridle Road or Pack Road shall have passed.

Contract for Lands.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or of their Interest therein; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for, and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique Trusts*, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and also for all Femes Covert who are, or shall be seized of or interested in their own Right, and for all and every Person and Persons whomsoever who are, or shall be possessed of, or interested in any such Lands or Hereditaments, to contract with the said Commissioners, or any Three or more of them, for the Purchase thereof, and to sell and convey unto them the said Commissioners, or any Three or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales and Conveyances, which shall be so made, shall be good and valid to all Intents and Purposes, any Law, Statute, or Usage, or other Matter to the contrary in anywise notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, Femes Covert, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Lands to be laid into the Road, and former Roads may be stopped up, except in certain Cases.

XLVI. And be it further enacted, That every Sum of Money which shall be agreed to be paid for any Lands or Hereditaments to be purchased by the said Commissioners for the Purposes of this Act, shall be paid by the said Commissioners, or any Three or more of them, out of the Tolls or other Money to arise by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, (or in case of incapacitated Persons, upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Court directed), and after Twenty-one Days Notice given to such Parties or Persons, or his, her, or

or their Agent or Agents, or left at his, her, or their Place or Places of Abode, ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Roads in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall direct, and ſhall to all Intents and Purpoſes become and be, and be deemed to be a common Highway, and ſhall from thenceforth for ever be deemed as Part of the Roads by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; ſaving nevertheleſs to the Owner or Owners of ſuch Grounds, all Mines, Minerals, and Foſſils under the ſame, which can or may be got without breaking the Surface of ſuch Road or Highway; provided, that nothing herein contained ſhall extend, or be conſtrued to extend, to authorize any Perſon or Perſons to undermine any ſuch Road, ſo as to be dangerous to Paſſengers or Cattle; and after the new Road ſhall be formed and completed, then the old or former Road ſhall or may be ſtopped up by the ſaid Commiſſioners, by any Inſtrument in Writing, ſigned by any Three or more of them, with the Conſent of any Two Juſtices of the Peace acting in and for the Diviſion of the ſaid *Iſle of Wight*, ſuch Conſent to be ſignified under their Hands and Seals, affixed to the ſaid Inſtrument; and upon Notice being given, by a Duplicate of ſuch Inſtrument being affixed to the Church Door of the Pariſh wherein ſuch Road ſhall lie, One Month at the leaſt previous to the ſtopping up of ſuch Road, and after ſuch Road ſhall have been ſo ſtopped up, and declared to be ſo ſtopped up, the Soil of ſuch Road, or over which ſuch Road ſhall have paſſed, ſhall thereafter be veſted in the the Proprietor or Proprietors of the Soil, on each Side of the Road ſo declared to be ſtopped up; or in caſe the Soil on each Side of the Road ſo declared to be ſtopped up, ſhall be the Property of different Proprietors, then and in ſuch Caſe ſo much of the Soil of the ſaid Road as ſhall extend Half of the Breadth of the ſaid Road ſo ſtopped up, ſhall be veſted in the one, and Half in the other of the ſaid Proprietors: Provided always, that no ſuch old or former Road ſhall be ſtopped up by virtue of this Act, if ſuch Road ſhall continue to be neceſſary for the convenient Occupation of any Meſſuages, Lands, or Tenements; it ſhall be lawful for Two Juſtices of the Peace acting for the ſaid *Iſle of Wight*, and they are hereby required upon Application to them made by the Owner or Occupier of any ſuch Meſſuages, Lands, or Tenements, or by any Perſon or Perſons on his or their Behalf, and on Proof made that ſuch Old Road is neceſſary for ſuch convenient Occupation, to order and direct the ſaid Commiſſioners to keep the ſaid Old Road in ſufficient Repair, for the Uſe of the Owner or Occupier, Owners or Occupiers of ſuch Meſſuages, Lands, or Tenements; and in all Places where the Courſe of any Part of the preſent Road ſhall be diverted by virtue of this Act from the Old Line of Road, or a new Road ſhall be made (except over and through any Common Field Land, or Common or Waſte Ground), or where the Old Road ſhall be widened, in all ſuch Caſes (except as aforeſaid) the ſaid Commiſſioners, or any Three or more of them, ſhall, and they are hereby required to cauſe good and ſufficient Mounds, Rails, and Fences to be made and provided, and Quickſets to be planted in an huſband-like Manner, or ſufficient Stone Walls to be built on both Sides of ſuch Roads, where the ſame is neceſſary; and ſhall ſupport ſuch Mounds, Walls, Rails, and Fences, for and during the Term of Seven Years from the firſt making thereof; and it ſhall

Roads to be fenced.

ſhall be lawful for the Owner or Occupier, Owners or Occupiers of Lands, on the Side or Sides of ſuch Roads or Highways, to give Notice in Writing to the Surveyor or Surveyors of ſuch Pariſh or Place, Pariſhes or Places, in which any of ſuch Roads or Highways ſhall lie or be ſituate, of any Want of Repair of ſuch Fences at any Time or Times, within Seven Years from the making thereof, and ſuch Surveyor or Surveyors ſhall, and he or they is and are hereby required, within Forty-eight Hours after having received ſuch Notice, cauſe ſuch Fences to be put into proper Repair; and if he or they ſhall refuſe or neglect to repair ſuch Fences, within the Time ſo limited as aforeſaid, he or they ſhall for each ſuch Refuſal or Neglect, forfeit and pay any Sum not exceeding the Sum of Forty Shillings, to be recovered and levied in a ſummary Way (on Oath) before any Two Juſtices of the Peace acting in and for the ſaid *Iſle of Wight*, in the ſame Manner as any other Penalty may be recovered and levied under this Act, and to be applied to the general Purpoſes of this Act; and it ſhall and may be lawful for ſuch Juſtices to authorize and empower ſuch Owner or Occupier, Owners or Occupiers, (in caſe of any ſuch Neglect or Refuſal of the ſaid Surveyor or Surveyors) to repair ſuch Fences, and to order and direct the Treaſurer or Treaſurers of the ſaid Commiſſioners to pay the Coſts and Charges of ſuch Repairs, the ſame having been approved and allowed by ſuch Juſtices.

Truſtees empowered to ſell Ground not wanted, for the Purpoſes of this Act.

XLVII. And whereas by reaſon of the Purchaſes which the ſaid Commiſſioners are empowered 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 ſeiſed of ſome Piece or Pieces of Ground, over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, to ſell and diſpoſe of ſuch Piece or Pieces of Land, either together or in Parcels, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame; and the Conveyance to be made of ſuch Lands, being executed by Three or more of the ſaid Commiſſioners, and enrolled with the Clerk of the Peace for the County of *Southampton*, ſhall be good, valid, and effectual to all Intents and Purpoſes; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Ground as aforeſaid, ſhall be applied 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.

First Offer to whom to be made.

XLVIII. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed; 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 Two of His Majeſty's Juſtices of the Peace for the ſaid County of *Southampton*, acting for the Diviſion of the *Iſle of Wight*, (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 the ſaid Commiſſioners, 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, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices in Seſſions aſſembled for the ſaid County of *Southampton*, upon Application made to them by or on Behalf of the ſaid Commiſſioners, on Seven Days Notice of ſuch Application having been firſt given to the Perſon or Perſons ſo deſirous of purchaſing ſuch Piece or Pieces of Ground; and the ſaid Juſtices are hereby empowered and required to hear, ſettle, and aſcertain ſuch Price or Prices accordingly, and alſo the Coſts of ſuch Application.

Application of Money awarded above 200l.

XLIX. And be it further enacted, That if any Money ſhall be agreed to be paid for any Lands, Tenements, or Hereditaments, purchaſed by virtue of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any other Diſability or Incapacity, 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 *ex parte* the ſaid Commiſſioners, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting, undetermined, or capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the ſaid Purpoſes, the Dividends and Annual

Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall, from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed under the Authority of this Act, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and above 20l.

L. Provided always, and be it further enacted, That if any Money ſo agreed to be paid for any Lands, Tenements, or Hereditaments, purchaſed 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 amount to or exceed 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 or Lunacy, 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 Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore 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 Three or more of the ſaid Commiſſioners for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where under 20l.

LI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed to be paid as next 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 Commiſſioners, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Court may order reaſonable Expences to be paid by the Commiſſioners.

LII. 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 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 to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Commiſſioners out of the Monies to be received by virtue of this

this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Labour converted into a Money Payment.

LIII. And be it further enacted, That from and after the Eleventh Day of *October* One thousand eight hundred and thirteen, the Duty and Service called Statute Labour, now liable to be done and performed by any Person or Persons, Bodies Politic or Corporate, or Companies, in any of the said Parishes or Places (so to be consolidated as aforesaid) towards the Repairs of the several Roads and Highways therein respectively, shall cease and be no longer done or performed; and that from and after the said Eleventh Day of *October*, the said Commissioners, or any Three or more of them, shall at the Times, and under the Regulations hereinafter specified, make an Assessment of Sixpence in the Pound on all and every such Person and Persons, Bodies Politic and Corporate, and Companies, so liable to the Duties and Services of Statute Labour, on the Annual Value of all and every the Messuages, Lands, Tenements, Tythes, and Hereditaments, occupied by him, her, and them, in any of the Parishes or Places aforesaid, as a Payment in Money by him, her, and them respectively in lieu of such Services; which Annual Value shall be estimated, rated, and fixed, at such Sum and Sums as they the said Commissioners shall at any Annual or Special Meeting direct.

Overseers to transmit Copies of Poors' Rates to Clerk of Commissioners, within Six Days after the Eleventh Day of October, under the Penalty of Five Pounds.

LIV. And for the more effectually carrying this Act into Execution, so far as relates to the Rates and Assessments to be made for Payments in Money in lieu of Statute Duty, and other Rates to be made and levied as hereinafter mentioned, be it enacted, That the Overseers of the Poor of the several Parishes and Places aforesaid, shall within Six Days after the Eleventh Day of *October* in every Year, make, or cause to be made, a fair and correct Copy of the last Assessment which shall then have been made towards the Support and Relief of the Poor within the said Parishes and Places respectively, and transmit the same to the Clerk of the said Commissioners; and in case any Overseer or Overseers shall wilfully neglect or refuse to make out and transmit a Copy of the said Assessments within the Time aforesaid, every Overseer or Overseers so offending shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered by the Ways and Means any Penalty is by this Act directed to be recovered, and be paid into the Hands of the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

Commissioners at General or Special Meetings, to make an Assessment not exceeding Sixpence in the Poand, in lieu of Composition.

LV. And be it further enacted, That the said Commissioners shall Yearly at a General Annual Meeting to be holden by the said Commissioners, or at some Special Meeting to be appointed by them, not exceeding Two Months from the Time of such General Annual Meeting, (and of which said Special Meeting Seven Days Notice, under the Hand of the said Clerk of the said Commissioners, shall be given by inserting an Advertisement in some Newspaper printed within the said Island, or in the said County of *Southampton*, and usually circulated within the said Island) with the Consent and Approbation of Two or more of His Majesty's Justices of the Peace for the said County of *Southampton*, assembled at a Special or General Sessions of the Highways, and such Consent and Approbation to be testified in Writing under the Hands of such Justices, make or cause to be made an Assessment on all and every the Occupier

Occupier and Occupiers of Meſſuages, Lands, Tenements, Tythes, and Hereditaments, within the ſaid ſeveral Pariſhes and Places reſpectively, at ſuch Annual Value of the ſaid Meſſuages, Lands, Tenements, Tythes, and Hereditaments, as the ſaid Commiſſioners ſhall think fair and equitable, and at and after the Rate of Sixpence in the Pound on ſuch Annual Value, and which ſaid Rate and Aſſeſſment ſhall be and is hereby declared to be in Lieu and Stead of the Duty called Statute Duty, and of all Compoſitions which, previous to the paſſing of this Act, Perſons were liable to pay in lieu thereof (ſubject nevertheleſs to be increaſed to a Rate of Eight-pence in the Pound as hereinafter mentioned).

If at any Annual Meeting, Commiſſioners think that the Compoſition ſhould be increaſed to Eight-pence, then on Application to Juſtices in Seſſions, the Compoſition to be increaſed to Eight-pence, inſtead of Sixpence.

LVI. And be it further enacted, That if it ſhall appear to the ſaid Commiſſioners aſſembled at any ſuch General, Annual, or Special Meeting, to be neceſſary that the ſaid Rate and Aſſeſſment of Sixpence in the Pound, in lieu of Statute Duty, ſhould be increaſed in the then enſuing Year to a Rate and Aſſeſſment of Eight-pence in the Pound, in lieu of ſuch Rate of Sixpence in the Pound, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered to make the ſaid Aſſeſſment in lieu of Statute Duty at a Rate of Eight-pence in the Pound, inſtead of Sixpence as hereinbefore mentioned, provided that ſuch Rate and Aſſeſſment of Eight-pence be made by and with the Conſent and Approbation, to be teſtified in Writing, of Two at the leaſt of His Majeſty's Juſtices of the Peace for the ſaid County of *Southampton*, aſſembled at a Special or General Seſſions of the Highways, and allowed by them under their Hands, and not otherwiſe.

Copies of Aſſeſſments to be entered in Books, and another Copy to be ſent to Parochial Surveyors, who are to give Notice thereof in the Church.

LVII. And be it further enacted, That when the ſaid Aſſeſſments ſhall be ſo made and allowed as aforeſaid, the ſaid Commiſſioners ſhall forthwith enter a Copy thereof in a Book to be kept by their Clerk for that Purpoſe, and ſhall alſo within Seven Days tranſmit another Copy of the ſaid Aſſeſſment, ſo far as the ſame ſhall relate to each Pariſh, to the Surveyor or Surveyors of the Highways to be appointed for every ſuch Pariſh as hereinafter mentioned, who ſhall give public Notice thereof in the Church on the Second *Sunday* after the Allowance of the ſaid Aſſeſſments by the ſaid Juſtices, in ſuch Manner as Overſeers are required to give Notice of the Allowance by Juſtices, of Rates granted for the Relief of the Poor; provided, that the Neglect of the ſaid Surveyor or Surveyors in giving ſuch Notice ſhall in nowiſe invalidate the ſaid Aſſeſſments.

Rates may be inſpected and Copies taken.

LVIII. And be it further enacted, That the Clerk to the ſaid Commiſſioners, and alſo the ſaid Surveyor and Surveyors reſpectively, and every of them, ſhall permit every Inhabitant of the reſpective Pariſhes and Places aforeſaid to inſpect ſuch Aſſeſſments at any Time between the Hours of Ten in the Forenoon and Four in the Afternoon, on Payment of Sixpence for each Aſſeſſment, and ſhall alſo upon Demand forthwith give Copies thereof, or of any Part thereof, to any ſuch Inhabitant, upon Payment of One Shilling for every Fifty Names; and if the ſaid Clerk, or the ſaid Surveyor or Surveyors, or any of them, ſhall not permit any Inhabitant to inſpect the ſaid Aſſeſſments, or ſhall refuſe or neglect to give Copies thereof for the Space of Two Days after Demand, the Party ſo offending ſhall forfeit any Sum not exceeding the

Sum of Ten Pounds, One-half to be paid to the Party aggrieved, and the other Half to be paid and applied for the Purpoſes of this Act, to be recovered in like Manner as any other Penalty under this Act may be be ſued for and recovered.

Power of Appeal to Two Juſtices, and if it ſhall appear that the Aſſeſſment is higher than the Average Rack Rent reſerved and paid for the Seven preceding Years, the Juſtices to lower the Aſſeſſment to that Average.

LIX. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons, Bodies Politic or Corporate, or Companies, who ſhall think himſelf, herſelf, or themſelves aggrieved by any ſuch Aſſeſſment or Aſſeſſments, or any other Aſſeſſment or Aſſeſſments to be made by virtue of this Act, to appeal againſt ſuch Aſſeſſment or Aſſeſſments to any Two or more of His Majeſty's Juſtices of the Peace acting in and for the ſaid *Iſle of Wight*, at any General or Special Seſſions for the Highways (giving Seven Days Notice thereof to the ſaid Commiſſioners, by leaving the ſame in Writing at the Dwelling-houſe or Place of Abode of their Clerk for the Time being); and if it ſhall appear to the Juſtices aſſembled at ſuch Seſſions, by Proof on Oath, or otherwiſe, that the Perſon or Perſons, Bodies Politic or Corporate, or Companies, ſo appealing, are rated in any ſuch Aſſeſſment or Aſſeſſments at an higher or greater Annual Value than the Average of the full Annual Rack Rent reſerved for the Meſſuages, Lands, Tenements, Tythes, or Hereditaments, on account of which ſuch Appeal ſhall be made for the Seven preceding Years, in caſe the ſame ſhall have been ſo long occupied by a Tenant or Tenants at Rack Rent, then, and in ſuch Caſe, the ſaid Juſtices are hereby authorized, empowered, and required, to reduce the Aſſeſſment or Aſſeſſments ſo made on the Perſon or Perſons, Bodies Politic or Corporate, or Companies as aforeſaid, to the Average of ſuch full Annual Rent as ſhall have been reſerved and paid as the Rack Rent of ſuch Meſſuages, Lands, Tenements, or Hereditaments, within the then laſt Seven Years, without making any Deduction from ſuch Rent for Taxes, or otherwiſe; and if in any Leaſe or Agreement by which ſuch Rent ſhall have been reſerved, the Tenant or Tenants ſhall have paid, or agreed to pay, any Taxes or Outgoings impoſed on Landlords to pay, then ſuch Taxes and Outgoings ſhall be conſidered as Part of, and added to the Rent or Rents reſerved and made payable by any ſuch Leaſe or Agreement: Provided, that if on any ſuch Appeal or Appeals, it ſhall appear to the ſaid Juſtices that the Meſſuages, Lands, Tenements, Tythes, or Hereditaments, on account of which ſuch Appeal or Appeals ſhall be made, ſhall not then for the Seven preceding Years have been letten to a Tenant or Tenants at Rack Rent, it ſhall be lawful for ſuch Juſtices, and they are hereby authorized and empowered (in caſe the ſaid Aſſeſſment or Aſſeſſments cannot otherwiſe be made to the Satisfaction of the ſaid Commiſſioners and Party or Parties ſo appealing) to appoint One or more Perſon or Perſons, as they may deem expedient, to ſurvey and value the Meſſuages, Lands, Tenements, Tythes, or Hereditaments, on account of which ſuch Appeal or Appeals ſhall have been made, and which Survey and Valuation being verified upon Oath before any Two Juſtices of the Peace acting in and for the ſaid *Iſle of Wight*, (which Oath the ſaid Juſtices are hereby authorized and empowered to adminiſter,) ſhall be binding on all Parties, and the Amount thereof ſhall be the Annual Value at which ſuch Meſſuages, Lands, Tenements, Tythes, and Hereditaments, ſhall be rated in ſuch Aſſeſſment or Aſſeſſments; and if on ſuch Survey or Valuation it ſhall appear that the Annual Value of the ſaid Meſſuages, Lands, Tenements, Tythes, and Hereditaments,

If the Appeal is made by Perſons occupying their own Lands, which have not been let for Seven Years, then Juſtices to direct Survey and Valuation to be made.

ſhall be leſs than the Annual Value originally charged by the ſaid Commiſſioners; then the Charges and Expences of making ſuch Survey and Valuation ſhall be paid and borne by the ſaid Commiſſioners, but if more, then by the Party or Parties appealing; and the ſaid Juſtices are hereby empowered, by Writing under their Hands, to order and require the Treaſurer or Treaſurers of the ſaid Commiſſioners (if to be paid by them) to pay and diſcharge ſuch Charges and Expences out of any Monies then in or thereafter to come to his or their Hands; and if to be paid by the Party or Parties ſo appealing, by Diſtreſs and Sale of his, her, or their Goods and Chattels, in caſe of Non-payment thereof for the Space of Three Days after an Order to be made for that Purpoſe, by any Two Juſtices acting in and for the ſaid *Iſle of Wight*, and duly ſerved on the ſaid Party or Parties.

Surveyors to collect Rates, and pay them to Treaſurers.

LX. And be it further enacted, That the reſpective Surveyors of the Highways to be appointed for the ſeveral Pariſhes and Places aforeſaid as hereinafter mentioned, ſhall, and they are hereby required to collect all and every Sum and Sums of Money charged in ſuch Aſſeſſments, on their ſaid reſpective Pariſhes and Places, and to pay the Amount of the Sums ſo aſſeſſed unto the Treaſurer or Treaſurers of the ſaid Commiſſioners for the Time being, on ſuch Day or Days, Time or Times, and in ſuch Proportions, and either in Part or in Whole, as the ſaid Juſtices ſhall direct and appoint by any Order or Orders, to be ſigned by them at the Time of the Allowance of ſuch Aſſeſſment and Aſſeſſments by them as herein directed; and the ſaid Sum and Sums ſo raiſed, collected, and paid in, ſhall be laid out and applied by the ſaid Commiſſioners in the Repairs of the Roads and Highways within the Pariſhes and Places aforeſaid, or any of them, in ſuch Manner as they ſhall think proper; and if any ſuch Surveyor or Surveyors ſhall neglect or refuſe to collect and pay the ſaid Sum and Sums of Money ſo be aſſeſſed into the Hands of the ſaid Treaſurer or Treaſurers within the Time aforeſaid, every Surveyor and Surveyors ſo neglecting or refuſing, ſhall forfeit and pay any Sum not exceeding Five Pounds, to be applied for the Purpoſes of this Act, and to be recovered, in caſe of Non-payment, as any other Penalty under this Act is made recoverable; Provided alſo, that any Appeal that may be made againſt any ſuch Aſſeſſment ſhall not be conſidered as a Juſtification to any Perſon or Perſons, Bodies Politic or Corporate, or Companies, charged thereby, to withhold or refuſe the Payment of the Sum or Sums therein charged upon them reſpectively; but on the Determination of every ſuch Appeal, if given in Favour of the Appellant or Appellants, the Juſtices who ſhall hear and determine the ſame, ſhall by their Order, direct the ſaid Commiſſioners to repay to the ſaid Appellant or Appellants ſuch Sum or Sums of Money as they the ſaid Juſtices ſhall think proper.

Appeal not to be a Juſtification to withhold Payment of Aſſeſſment.

Aſſeſſments to be recovered as Highway Rates.

LXI. Provided alſo, and be it further enacted, That the ſaid ſeveral Sum and Sums of Money to be raiſed and aſſeſſed by virtue of this Act, in caſe of Refuſal to pay the ſame, or Non-payment thereof, for the Space of Four Days (after Demand in Writing by the ſaid Surveyor or Surveyors) by the Perſon or Perſons, Bodies Politic or Corporate, or Companies, who ſhall reſpectively be aſſeſſed thereto as aforeſaid, ſhall and they are hereby directed to be raiſed and levied by ſuch and the like Means, in all reſpects, as Rates made or to be made for

for the Repair of the Highways, by the ſeveral Statutes relating thereto, are directed to be raiſed and levied in caſe of Non-payment thereof.

If Money, in lieu of Statute Labour, be inſufficient, Commiſſioners, with Approbation of Juſtices, to have Power to make other Aſſeſſments, on conſolidated Pariſhes, not exceeding Nine-pence in the Pound.

LXII. And, for the more effectually repairing and amending the ſeveral Highways within the Pariſhes and Places aforeſaid; be it further enacted, That whenever it ſhall happen in any one Year, that the ſeveral Sums of Money hereinbefore directed to be raiſed and aſſeſſed on the ſeveral Pariſhes and Places aforeſaid, in lieu of the Service called Statute Labour, together with the Sums hereinbefore authorized to be raiſed by Tolls, to be levied as hereinbefore directed, and any other Sum or Sums of Money then remaining in the Hands of the ſaid Commiſſioners on a Balance of any former Year, ſhall be inſufficient for the Purpoſes of repairing, amending, and improving all the Roads and Highways within the ſaid ſeveral Pariſhes and Places reſpectively in ſuch Year, according to the Purport, true Intent, and Meaning of this Act, the ſaid Commiſſioners acting under this Act for the Time being, or any Three or more of them, ſhall and they are hereby authorized and required to make Application to the Juſtices of the Peace for the ſaid County of *Southampton*, acting within the ſaid *Iſle of Wight*, at their General or ſome Special Seſſions for the Highways, of which Application, Seven Days Notice in Writing ſhall be given in every Pariſh or Place, by affixing ſuch Notice at the Church Door, or other uſual Place therein reſpectively; and if upon ſuch Application the ſaid Juſtices ſhall be fully ſatisfied, by Proof on Oath, or otherwiſe, that the Sum and Sums before mentioned have been expended, and that the Common Roads and Highways within any of the ſaid ſeveral Pariſhes and Places are in Want of Repair, and that the ſaid Commiſſioners have no Funds to reimburſe or diſcharge the Expences to be incurred in ſuch Repairs, or for the Purchaſe of Materials for that Purpoſe, or for making Satisfaction to the Owner or Owners of incloſed Lands for Damages which may be done by getting and carrying of ſuch Materials, or for rendering Satisfaction for Damages done to the Lands by the making of new Ditches or Drains, then, and in either of the ſaid Caſes, and ſo often as the ſame ſhall happen, it ſhall be lawful for the ſaid Juſtices to authorize and empower the ſaid Commiſſioners to make an Aſſeſſment or Aſſeſſments upon all and every the Occupier and Occupiers of Lands, Tenements, Tythes, and Hereditaments, within the Pariſhes and Places aforeſaid, on ſuch Annual Value as the Aſſeſſment and Aſſeſſments hereinfore directed are to be made, and at ſuch Rate or Rates as they the ſaid Commiſſioners, with the Conſent of ſuch Juſtices, ſhall direct, and which ſaid laſt mentioned Aſſeſſment or Aſſeſſments ſhall be approved of and allowed by Two ſuch Juſtices as aforeſaid, by Writing under their reſpective Hands, and the Sum and Sums thereby expreſſed ſhall be raiſed, collected, and paid, in ſuch and the ſame Manner, by ſuch and the ſame Perſons, and within ſuch Time and Times as they the ſaid Juſtices ſhall order, and under ſuch and the ſame Penalties for neglect, and in all other reſpects in the ſame Way as the Aſſeſſment hereinbefore directed to be made in lieu of Statute Labour, are directed to be raiſed, levied, and paid; provided, that ſuch Aſſeſſment or Aſſeſſments laſt hereinbefore authorized do not in any one Year exceed, together, the Amount of Nine-pence in the Pound.

LXIII. And

Justices may order Roads to be repaired.

LXIII. And be it further enacted, That when and as often as it ſhall appear to any Two Juſtices, either by their own View, or by the Evidence on Oath of any one credible Witneſs (which Oath ſuch Juſtices are hereby authorized to adminiſter), that any Road or Highway within any of the Pariſhes or Places aforeſaid is out of Repair, it ſhall be lawful for the ſaid Juſtices to iſſue an Order under their Hands, to any Surveyor or Surveyors of the ſaid Roads, requiring him or them to repair ſuch Road or Highway within ſuch Time as to the ſaid Juſtices ſhall ſeem reaſonable; and in caſe ſuch Road or Highway ſhall not be repaired within the Time ſpecified in ſuch Order (and no reaſonable Cauſe ſhall be ſhewn to the ſaid Juſtices for the ſame not having been done), it ſhall be lawful for the ſaid Juſtices to cauſe the Road or Highway mentioned in ſuch Order, or ſo much thereof as ſhall not have been repaired, to be repaired by any Perſon or Perſons whom they may appoint for that Purpoſe; and the ſaid Juſtices ſhall by Warrant or Order under their Hands and Seals, direct the Treaſurer or Treaſurers of the ſaid Commiſſioners to pay ſuch Surveyor or Surveyors, or other Perſon or Perſons, the Amount of the Expences of repairing ſuch Road or Highway as aforeſaid, as the ſame ſhall be ſettled by the ſaid Juſtices, and the ſaid Treaſurer or Treaſurers ſhall, and he and they is and are hereby required forthwith to pay ſuch Surveyor or Surveyors, or other Perſon or Perſons, the Sum or Sums of Money mentioned in ſuch Warrant or Order; and if the ſaid Treaſurer or Treaſurers ſhall have no Funds in his or their Hands wherewith to pay the ſame, then it ſhall be lawful for the ſaid Juſtices to make a general Aſſeſſment or Aſſeſſments on the Pariſhes and Places conſolidated under the Proviſions of this Act, to defray the Expences of ſuch Repairs, and which ſaid Aſſeſſment or Aſſeſſments ſhall be raiſed and collected by the Ways and Means by which any other Aſſeſſment is by this Act directed to be raiſed and collected: Provided nevertheleſs, that the Aſſeſſment or Aſſeſſments ſo to be made by the ſaid Juſtices, together with the Aſſeſſment or Aſſeſſments laſt hereinbefore mentioned to be made by the ſaid Commiſſioners, do not exceed together, in any one Year, the Amount of Nine pence in the Pound as laſt aforeſaid.

Commiſſioners to produce Annual Accounts to Magiſtrates.

LXIV. And be it further enacted, That the ſaid Commiſſioners appointed or to be appointed for the Purpoſes of this Act, ſhall keep particular Accounts with each of the reſpective Pariſhes and Places aforeſaid, of all Monies paid by and expended for them reſpectively; and at the General Annual Seſſions for the Highways, to be holden as hereinbefore directed, ſhall and they are hereby required to make up and produce to the Juſtices then aſſembled, an Account in Writing of all and every Sum and Sums of Money which ſhall have been received and paid by them within the current Year, diſtinguiſhing the Amount of the ſeveral Sums that ſhall have been raiſed under any Aſſeſſment or Aſſeſſments to be made under the Authority of this Act, and the ſeveral Sums that may have been collected or received from the Tolls to be collected, and the Compoſitions hereby authorized to be made, and alſo any Sum and Sums that may be paid for any Fine or Fines that may be inflicted or impoſed under the Authority of this Act; and the ſaid Commiſſioners ſhall in ſuch Account diſtinguiſh in the Payments to be made by them, the Amount of the Sums to be paid for Salaries and Expences incurred

in each current Year, in carrying this Act into effect, and also the Amount of the Sums that shall be laid out in repairing, widening, altering, or improving the Roads or Highways, within the several Parishes or Places respectively; and which Accounts so produced, after having been examined by the said Justices, and found by them to be correct, shall be signed and allowed by them by Writing under their Hands.

Justices to hold a Sessions to appoint Parochial Surveyors to assist in the Execution of the Act, and at each Sessions to fix the Price for hire of Teams, &c.

LXV. And, for the more easy and effectual Means of obtaining the Carriage of the Materials necessary for the repairing, widening, altering, and improving the several Roads and Highways within the Parishes and Places aforesaid, and for appointing Surveyors within every such Parish and Place respectively for the Purpose of assisting the Surveyors with Salaries, in carrying this Act into Execution, it shall and may be lawful to and for the Justices of the Peace acting within the said *Isle of Wight*, and they are hereby required to hold a Special Sessions for the Highways on some Day and at some Place within the said *Isle of Wight*, to be appointed by them, in every Year within One Month after the Feast of *Saint Michael*; and at such Meeting to settle and fix the Rate and Sum which shall in the ensuing Year be paid and payable by the Day, Journey, or otherwise, to the Owner or Owners of every Waggon, Wain, or Cart, which shall be hired or employed by the said Commissioners or Surveyors for the Carriage of Materials for the repairing, widening, altering, or improving the said Highways as aforesaid; and the said Justices at such Sessions shall by Writing under their Hands and Seals, appoint such Number of Surveyors (but without Salaries) in every of the said Parishes and Places as they the said Justices are authorized to do by any Act or Acts now in force relative to the Highways, and as such Justices shall think fit and deem necessary, to aid and assist in carrying this Act into Execution; and the said Surveyors so to be appointed, shall obey and perform all the Orders and Directions they shall from Time to Time receive from any Two of the said Justices, or any Three or more of the said Commissioners, and shall be liable to such and the same Penalties for Neglect thereof, to be recovered in such and the same way as any Penalty may be levied and recovered of any Surveyor or Surveyors, by the several Statutes now in Force for the Preservation of the Highways, for neglect of Duty.

Persons keeping Teams, to be obliged to cart Materials for any Number of Days, on receiving Notice, not exceeding Six Days for each Team, at the Price to be settled by the Justices.

LXVI. And be it further enacted, That all and every Person and Persons keeping any Team or Teams within any of the Parishes or Places aforesaid, shall, and they are hereby required, on receiving Three Days Notice thereof in Writing from the said Commissioners, or any Three or more of them, or any Surveyor or Surveyors to be appointed by them or by the said Justices, to be left at the House or usual Place of Abode of such Person and Persons respectively, to send one or more Waggon or Waggons, Cart or Carts, with able and sufficient Horses and Men to draw and drive the same, for any Number of Days, not exceeding in any one Year the Number of Six Days, for every such Team that shall be kept by such Person or Persons respectively, for the Purpose of carting and carrying Materials for the repairing, altering, widening, or improving any of the Roads or Highways within the several Parishes and Places aforesaid; provided, that the said Surveyors or other

Person

Perſon or Perſons who may give Notice for ſuch Teams to be ſent as aforeſaid, do pay to the Owner or Owners of the ſame reſpectively, the Sum or Sums of Money which ſhall be ſo ſettled and fixed by the ſaid Juſtices for the Hire or Work of any ſuch Team or Teams reſpectively; and provided, that no Perſon or Perſons ſhall be bound to ſend his Team or Teams to cart Materials for the Repairs or Improvements of any Road or Highway that ſhall lie at the Diſtance of more than Two Miles from the Place where ſuch Team or Teams ſhall be ſo kept, or at any Time or Times of the Year in which Perſons are now exempted from doing Statute Labour; and provided, that the ſaid Surveyor or Surveyors, or other Perſon or Perſons, do, as near as can be, require the Perſon or Perſons keeping ſuch Team or Teams, to ſend the ſame as often, and in Proportion to the Number they ſhall reſpectively keep, ſo that every Perſon or Perſons keeping ſuch Team or Teams may be called upon in regular Rotation, according to the Number he or they ſhall reſpectively keep; and if any Perſon or Perſons keeping ſuch Team or Teams, ſhall, after having had Notice, and Payment or Tender as before directed, refuſe or neglect to ſend his, her, or their Team or Teams purſuant thereto, ſuch Perſon or Perſons ſo neglecting or refuſing, ſhall for every Day or Journey which ſuch Team or Teams ought to have been ſent or gone, forfeit and pay any Sum not exceeding Five Pounds, to be recovered as any other Penalty under this Act is made recoverable, and paid and applied One-half to the Informer, and the other Half thereof for the general Purpoſes of this Act.

Bridges repaired by Tythings or Places, to be conſidered County Bridges.

LXVII. And be it further enacted, That all Bridges, Drains, and Sewers, within the ſaid Pariſhes and Places aforeſaid, which have, previous to the paſſing of this Act, been accuſtomed to be repaired by any Pariſhes, Tythings, Diviſions, or Townſhips, within the ſaid Iſland, ſhall from and after the Eleventh Day of *October* One thouſand eight hundred and thirteen, be for ever repaired and kept in Repair in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means as other Bridges, Drains, and Sewers, uſually called County Bridges, within the ſaid Iſland, have been and are accuſtomed to be repaired; and that from and after the ſaid Eleventh Day of *October* ſuch particular Pariſhes, Tythings, Diviſions, and Townſhips, ſhall be diſcharged from the excluſive Burthen of keeping and maintaining ſuch Bridges, Drains, and Sewers in Repair.

Commiſſioners may compound with Perſons liable to repair Bridges, &c. in reſpect of Tenure.

LXVIII. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners from Time to Time, to compound and agree with any Perſon or Perſons, Body Politic or Corporate, who is or are, or ſhall be liable or chargeable for or towards the repairing of any particular Bridges, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, for a certain Sum of Money by the Year, or otherwiſe, as the ſaid Commiſſioners ſhall think fit, in lieu of ſuch Repairs to be done by ſuch Perſon or Perſons, Body Politic or Corporate, by reaſon of the Tenure of ſuch Lands, Tenements, or Hereditaments, or otherwiſe however as aforeſaid.

LXIX. And

Lands, &c. chargeable to the Highways, to continue so.

LXIX. And be it further enacted, That if it shall appear to the said Commissioners that any Lands, Tenements, or Hereditaments, or any Rents, Profits, or Sum or Sums of Money issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be liable or chargeable towards the repairing or amending any of the said Roads, or any Part thereof by this Act directed to be repaired, such Lands, Tenements, or Hereditaments, Rents, Profits, Sum or Sums of Money issuing as aforesaid, shall remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Commissioners, or any Three or more of them shall appoint to receive the Tolls and Duties granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered and received, shall be applied from Time to Time for and towards amending the said Roads, and to no other Use or Purpose whatsoever.

Commissioners may contract for repairing the Roads.

LXX. And be it further enacted, That the said Commissioners may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the making, repairing, widening, altering, turning, or amending the said Roads, or any Part or Parts thereof, or for the erecting of any Building to be made, or doing any other Work to be performed in the Execution of this Act, in such Manner, and for such Sum or Sums of Money as the said Commissioners shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order made at any Meeting by the said Commissioners, shall be binding on all Parties who shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contract or Agreement.

Power for Commissioners to remove present Gates on making Fences to inclose adjoining Lands.

LXXI. And be it further enacted, That it shall and may be lawful for the said Commissioners to make an Order for the taking down and removal of, and to cause to be taken down and removed all and every or any of the Gates or Gate that now are or is, in, upon, or across any of the public Roads or Highways within any of the Parishes or Places aforesaid, whenever they the said Commissioners shall think proper or advantageous to the Public; provided, that no Gate or Gates shall be taken down or removed by the said Commissioners, unless they shall have previously made on each Side of the Road or Highway into which such Gate or Gates so intended to be removed shall open, a good and proper Bank and Fence planted with Thorn, with Frith Hedges to protect and preserve the same, and also proper Gates to lead into and from the respective Fields and Inclosures adjoining such Roads or Highways, and which Fences, Hedges, and Gates, they are hereby authorized and empowered to erect and make, and also to keep and maintain such Frith Hedges for

for the Protection of the Thorns ſo to be planted, for the Space of Seven Years from the Time of firſt making the ſame, or otherwiſe to ſettle with the Owners and Occupiers of ſuch Gate or Gates, for the Removal of ſuch Gate or Gates, to their reſpective Satisfaction, previous to the Removal thereof.

Surveyors may dig Gravel, &c. from Waſte Grounds;

LXXII. And be it further enacted, That the ſeveral Surveyor or Surveyors of the ſaid Roads and Highways, and ſuch Perſons as ſhall be employed by him or them, or by the ſaid Commiſſioners, are hereby empowered to cut, dig, gather, take and carry away any Furze, Heath, Stones, Gravel, Sand or other Materials, proper for the making or repairing of the ſaid Roads, out of or from any Waſte Ground, Common, River or Brook (except within One hundred Feet of any Bridge) in any Townſhip, Pariſh or Place in which any Part of the ſaid Roads ſhall lie or be ſituate, or in any adjoining Townſhip, Pariſh, or Place, without paying any Thing for the ſame, ſuch Surveyor or Surveyors, or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing off or fencing ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers and Cattle; and the ſaid Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, may, by Order of the ſaid Commiſſioners (ſuch Order to be made at ſome Meeting of the ſaid Commiſſioners to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk to the ſaid Commiſſioners), ſearch for, cut, dig, gather, take and carry away all ſuch Materials as aforeſaid, in, upon, or out of, from and over the Lands of any Perſon or Perſons (not being a Yard, Garden, Park, Paddock, planted Walk or Avenue to any Houſe, or planted or ſet apart as a Nurſery for Trees) in any Townſhip, Pariſh, or Place in which any Part of the ſaid Roads ſhall lie or be ſituate, or in any adjoining Townſhip, Pariſh, or Place, paying or tendering Payment for the Damages done to the Owners and Occupiers reſpectively of the Grounds where, or from, or upon, over or through which the ſame or any other Materials ſo cut, dug, or gathered as aforeſaid, ſhall be conveyed, ſuch Equivalent in Money as the ſaid Commiſſioners ſhall adjudge reaſonable, they the ſaid Surveyors, or other Perſons filling up the Pits and levelling the Ground from which ſuch Materials ſhall have been ſo taken, or cauſing the ſame to be done; and in caſe any Difference between the Commiſſioners, Surveyor or Surveyors, or other Perſons appointed or employed as aforeſaid, and the Owners and Occupiers of private Lands, or any of them, concerning ſuch Payments and Damages as aforeſaid, any Two or more Juſtices of the Peace for the ſaid County of *Southampton*, acting within the ſaid Iſland, ſhall and may, on Three Days Notice thereof to be given by the ſaid Commiſſioners, or Surveyor or Surveyors, to the ſaid Owner or Owners, Occupier or Occupiers, or by them the ſaid Owner or Owners, Occupier or Occupiers, to the ſaid Commiſſioners, or Surveyor or Surveyors, to be left with the Clerk of the ſaid Commiſſioners, or at the Places of Abode of the ſaid Surveyor or Surveyors, or other Perſon or Perſons, hear, ſettle and determine the Matter of

making Satisfaction to the Owners of the Ground.

the ſaid Damages, and of the Coſts attending ſuch Hearing and Determination; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Notice to be given to Occupiers of Lands, before Materials are taken for repairing Roads.

LXXIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take and carry away Materials for making or repairing the ſaid Roads, out of or from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his or her uſual Place of Reſidence, to appear before any Two or more Juſtices of the Peace acting for the ſaid Iſland, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall (if they think proper) authorize ſuch Surveyor, or other Perſon or Perſons, to dig, gather, take and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may (upon Proof on Oath of the Service of ſuch Notice, and which Oath they are hereby empowered to adminiſter) make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his or her Agent had attended.

Penalty on taking away Materials got by Surveyor.

LXXIV. And be it further enacted, That if any Perſon ſhall take away any Materials which have been dug or gathered in any Lands, Fields, Waſtes or Grounds, Rivers or Brooks, for the Purpoſe of making or amending the ſaid Roads, or ſhall dig or take away any Materials out of any Pit or Quarry which ſhall have been made by the ſaid Surveyors for the Purpoſe of getting Materials for the ſaid Roads, before the Surveyors or other Workmen ſhall have diſcontinued working therein for the Space of Twenty Days (except the Owner or Occupier of any private Grounds, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings.

Surveyors may remove Annoyances.

LXXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, or their Surveyor, or Surveyors by their Order, or the Surveyor or Surveyors to be appointed by the ſaid Juſtices, and they are hereby required from Time to Time to remove all Annoyances made on any Part of the ſaid Roads by Timber, Stone, Carriages, Saw Pits, Pits, Hovels, Filth, Dung, Aſhes, Rubbiſh, Straw or otherwiſe, and diſpoſe of the ſame for the Benefit of the ſaid Roads, in caſe the Owners thereof ſhall refuſe to remove the ſame for the Space of Two Days after Notice in Writing.

LXXVI. And

Surveyors to lop Trees, &c.

LXXVI. And be it further enacted, That it ſhall be lawful for ſuch Surveyor or Surveyors from Time to Time, at proper Seaſons of the Year, to lop any Timber Trees, and to lop or top any other Trees, and cut down any Shrubs or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, and cut down or reduce all ſuch Hedges to the Height of Six Feet from the Level of the higheſt Ground, and to carry away and ſell the Wood ſo cut, and apply the Money ariſing therefrom in repairing of the Road wherefrom or near whereunto the ſame ſtood, in caſe the Owners or Occupiers ſhall neglect to lop or top, cut down and remove ſuch Shrubs or Buſhes, or reduce ſuch Hedges within the Time aforeſaid, or within any other Time they are now by Law directed; and the Charges attending the ſame, except for ſtopping up Ditches, ſhall, in addition to the Penalties to which ſuch Owners or Occupiers are now liable for ſuch Neglect, be reimburſed by ſuch Owner or Occupier, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures are hereinafter directed to be recovered and applied; and if after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in like Manner, every ſuch Perſon ſhall, for every ſuch ſubſequent Offence, forfeit any Sum not exceeding Twenty Shillings.

And cleanſe and turn Ditches.

And cut down Buſhes.

LXXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and any ſuch Surveyor and Surveyors, to ſtop up or turn any Watercourſes, Sinks or Drains running along into or out of the ſaid Roads, to the Prejudice thereof, and to ſtop up, open, ſcour, cleanſe, widen, make new or deepen, all or any Watercourſes or Ditches adjoining the ſaid Roads, which ſhall be within Fifteen Feet of the Centre of any ſuch Road, as he or they ſhall think neceſſary; and that every Occupier of Lands or Tenements ſhall once in every Year, in the Month of *October*, and before the laſt Day thereof, cut, prune, and plaſh the Hedges belonging to any Lands occupied by him or her reſpectively, which ſhall adjoin any of the High Roads within any of the Pariſhes or Places aforeſaid.

Soil, &c. to be carried away by the Occupiers of adjoining Lands.

LXXVIII. And be it further enacted, That the Earth, Soil, and other Cleanſings of all and every the Ditches, Drains, and Watercourſes which ſhall be made, opened or cleanſed either by the Occupier or Occupiers of the adjoining Lands, or by the ſaid Commiſſioners or Surveyors, or any of them, ſhall be carted and carried away by the Occupier or Occupiers of the Lands or Grounds immediately adjoining ſuch Ditches, Drains, or Watercourſes, within Two Days after the ſame ſhall have been ſo made, opened, or cleanſed by ſuch Occupier or Occupiers, or within Two Days after Notice thereof, to be given to them by the ſaid Commiſſioners or Surveyors, or any of them, in caſe ſuch Ditches, Drains, or Watercourſes, ſhall be made, opened or cleanſed by ſuch Commiſſioners or Surveyors; and if any ſuch Occupier or Occupiers ſhall neglect or refuſe to remove any ſuch Earth, Soil or other Cleanſings for the Space of Two Days as aforeſaid, every ſuch Occupier or Occupiers ſhall forfeit and pay any Sum not exceeding the

Sum

Sum of Five Pounds, to be recovered and applied as the laſt-mentioned Penalties are directed.

For preventing Annoyances.

LXXIX. And be it further enacted, That if any Perſon ſhall leave any Waggon, Carr, or other Carriage in, upon, or on the Side of any Part of the ſaid Roads longer than ſhall be neceſſary for the loading or unloading thereof, and the ſame being drawn up as near to the Sides of the ſaid Road as conveniently may be, without any Horſe or other Beaſt of Draught yoked or harneſſed thereto to draw the ſame, or ſhall ſuffer any Horſe, Mule, Cow, Hog, Pig, or other Cattle, to ſtray or run looſe on any of the ſaid Highways, being incloſed Roads, within Twenty Feet; or ſhall feed or tether, or ſuffer to be fed or tethered on any of the ſaid Roads or Ways, or the Sides thereof, any Horſe, Mule, Cow, Hog, Pig, or other Cattle, the ſame being held with Bridle, Halter, or Cord; or ſhall knowingly or wilfully lay any Sort of Timber, or any Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever in any Part of the ſaid Roads, or on the Sides thereof, to the Prejudice thereof; or if any Perſon or Perſons ſhall draw or cauſe to be drawn upon any Part of the ſaid Roads any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages; or if any Perſon or Perſons ſhall kill, ſlaughter, ſinge, ſcald, or dreſs any Beaſt, Swine, Calf, Sheep, Lamb, or other Cattle, in or upon any Part of the ſaid Roads, or hew or ſaw any Piece of Wood, Stone, or Timber, or bind, make, or repair the Wheel of any Carriage, unleſs in caſe of Accident; or ſhoe, bleed, or farry any Horſe or other Beaſt, except in caſe of Accident; or ſlack, mix, or wet any Lime, or make or mix up any Mortar in or upon any Part of the ſaid Roads, to the Prejudice or Annoyance thereof, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Iron Slide to be uſed down Hill.

LXXX. And be it further enacted, That from and after the ſaid Firſt Day of *July* One thouſand eight hundred and fourteen, no Perſon or Perſons ſhall with any Waggon, Wain, or Cart, uſe in going down any Hill or other Place on the ſaid public Roads or Highways any Chain round the Wheel of any ſuch Carriage, unleſs ſuch Wheel be put into a Drag-iron or Shoe of not leſs than Six Inches Breadth, under the Penalty of Ten Shillings, to be recovered as any other Penalty is made recoverable under this Act, to be paid and applied, One-half to the Perſon or Perſons who ſhall inform and proſecute for the ſame, and the other Half for the general Purpoſes of this Act (except any Carriage to be employed in Conveyance of Mails and Expreſſes, or in His Majeſty's Service).

Surveyors may make Cauſeways,

LXXXI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, by Direction and under the Hands of the ſaid Commiſſioners, or any Three or more of them, to make or cauſe to be made Cauſeways, and alſo Ditches or Drains, in and upon

upon or on the Sides of the ſaid Roads, and alſo through any Ground lying contiguous thereto, and alſo to make a Road through the Grounds adjoining, or lying near to any hollow Way, narrow or ruinous Part of the ſaid Roads (ſuch Ground reſpectively not being Ground whereon any Houſe ſtands, nor 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 as a public Highway whilſt the old Road is repairing and widening; and alſo by Direction and under the Hands of any Three or more of the ſaid Commiſſioners, to build, erect, repair, and keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Roads, and acroſs any River, Stream, Brook, Water, Ditches, or Drains therein or contiguous thereto, making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Commiſſioners; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Commiſſioners, that then it ſhall be lawful for the ſaid Juſtices of the Peace acting in and for the Diviſion of the *Iſle of Wight*, at their Special Seſſions, or at any Adjournment thereof, to hear, ſettle, adjudge, and finally determine the Recompence to be made to ſuch Owners or Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

and erect Bridges.

LXXXII. And be it further enacted, That the ſaid Commiſſioners ſhall, if they think fit, cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be placed in or near the ſame, with Inſcriptions thereon denoting the Number of Miles and Diſtance of Places, as they ſhall think proper, and ſhall alſo cauſe to be ſet up ſuch and ſo many Direction Poſts as they ſhall think neceſſary; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of the Stones or Poſts ſo to be erected as aforeſaid, or ſhall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Juſtice of the Peace acting within the Diviſion of the *Iſle of Wight*, where the Offence ſhall have been committed, without the Borough of *Newport*, and when the Offence ſhall have been committed within the ſaid Borough, before any Juſtice of the Peace for the ſaid Borough, by the Confeſſion of the Party, or by the Oath of one credible Witneſs, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be paid to the ſaid Commiſſioners or to their Clerk, to be applied for the Purpoſes of this Act.

Roads to be meaſured, and Mileſtones erected.

Penalty on defacing Stones.

LXXXIII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, or diſturb, or cauſe, promote or encourage to be aſſaulted, interrupted, hindered or diſturbed, any or either of the Collectors of the Tolls in the Execution of this Act, or any Surveyor or Surveyors, or other Perſon or Perſons, by them or either of them, or by the ſaid Commiſſioners employed in the cutting, digging, taking,

Penalty on obſtructing Surveyors, &c.

taking, or carrying of any Furze, Heath, Sand, Gravel, Stones or other Materials for the altering, widening, or repairing the Roads by this Act intended to be repaired, or in topping, lopping, cutting down, or carrying off any Tree, Top, Lop, or Overhangings, or digging, cleanſing, or ſcouring any new or other Ditch, Drain, or Watercourſe as aforeſaid, or doing any other Act in or for repairing, widening, or altering, varying, turning, ſhortening, or amending the ſaid Roads, by virtue of the Powers by this Act given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Surveyors for Neglect of Duty.

LXXXIV. And be it further enacted, That in caſe it ſhall appear to the ſaid Juſtices that the Surveyor or Surveyors to whom ſuch Order for Repairs ſhall from Time to Time have been directed as aforeſaid, have wilfully and contemptuouſly, and without any reaſonable Cauſe, neglected to obey the ſame, and to repair and to put into good and complete Repair the Road or Highway, or Part of Road or Highway ſpecified in ſuch Order, then and in every ſuch Caſe it ſhall be lawful for the ſaid Juſtices to impoſe a Fine on ſuch Surveyor or Surveyors ſo offending, of any Sum not exceeding Five Pounds, to be applied for the general Purpoſes of this Act, and to cauſe the ſame to be levied by Warrant under their Hands and Seals, by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders; and in caſe ſufficient Diſtreſs ſhall not be found, or the ſaid Fine ſhall not be forthwith paid, it ſhall be lawful for the ſaid Juſtices to commit the Offender or Offenders to the Common Gaol or Houſe of Correction for the County of *Southampton*, for any Term not exceeding One Calendar Month, unleſs the ſaid Fine ſhall be ſooner paid.

Penalty on Conſtables, &c. neglecting their Duty.

LXXXV. And be it further enacted, That if any Conſtable, Petty Conſtable, Headborough, Tythingman, or other Perſon whatever, duly authorized for that Purpoſe, ſhall wilfully, knowingly, or contemptuouſly neglect or refuſe to obey and execute any Summons or other Precept in Writing, under the Hands and Seals of any Three or more of the ſaid Commiſſioners for putting this Act into Execution, every ſuch High Conſtable, Petty Conſtable, Headborough, Tythingman, or other Perſon ſo authorized, offending in the Premiſes, ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety to be paid to the Informer, and the other Moiety thereof to the ſaid Commiſſioners, or to their Treaſurer or Treaſurers, to be applied for and towards the amending and repairing the ſaid Roads, to be levied on ſuch Perſon or Perſons in the ſame Manner as the other Penalties and Forfeitures are in and by this Act directed to be levied; and the ſaid Commiſſioners, or any Three or more of them, may and are hereby empowered to direct the Treaſurer for the Time being to reimburſe ſuch Conſtable or other Officer or Officers for his and their Loſs of Time, Trouble, or other neceſſary Expences, in the due Execution of his or their Duty, in purſuance of this Act, ſuch Sum or Sums of Money as ſuch Commiſſioners ſhall think fit, and out of ſuch Tolls or Duties as ſhall be collected by virtue of this Act.

LXXXVI. And

Recovery of Penalties.

LXXXVI. And be it further enacted, That all Penalties, Forfeitures and Fines, impoſed or authorized to be impoſed by virtue of this Act, if the Manner of levying and recovery thereof is not herein otherwiſe directed, ſhall be recovered before any one Juſtice of the Peace for the County or Borough reſpectively where the Offence or Offences ſhall have been committed, or any One Juſtice of the Peace for the County, Borough, or Place wherein the Offender ſhall be and reſide, either by the Confeſſion of the Parties offending, or by the Oath of one or more Witneſs or Witneſſes, and be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, which Warrant ſuch Juſtice is hereby empowered and required to grant for thoſe Purpoſes; and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer or Treaſurers of the ſaid Commiſſioners, and applied in the Repairs of the ſaid Roads; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any one Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place where the Offender or Offenders ſhall be or reſide, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges ſhall be ſooner paid and ſatisfied: Provided always, that nothing in this Act ſhall extend or be conſtrued to extend to give the Juſtices of the Peace for the ſaid County of *Southampton*, any Juriſdiction within the Borough of *Newport*, or the Liberties thereof; or to give the Juſtices of the Peace for the ſaid Borough of *Newport* any Juriſdiction in the ſaid County of *Southampton*, without the Liberties of the ſaid Borough.

LXXXVII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any 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 Form of Words to the ſame Effect:

Form of Conviction.

'BE it remembered, That on the Day of in the Year of His Majeſty's Reign, is convicted before of His Majeſty's Juſtices of the Peace for the County, [*or*, Borough of] (*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be*). Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year aforeſaid.'

LXXXVIII. And

Proceedings not to be quashed for want of Form, nor removable by Certiorari.

LXXXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that 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 to be 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 other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Limitation of Actions.

LXXXIX. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof shall be given to the Clerk or Treasurer to the said Commissioners, nor after a sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, nor after six Calendar Months next after the Fact committed; and every Action or Suit shall be laid, brought and tried in the County of *Southampton*, or where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, may at his, her, or their Election, plead specially, or 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 the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought after the Time limited for bringing the same as aforesaid, or in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

General Issue.

General Laws to extend to this Act.

XC. And be it further enacted, That all and every Public General Statutes now in Force for the Amendment and Preservation of the Highways, and all and every the Clauses, Regulations, and

Enactments, in the ſame Statutes reſpectively contained (except as hereby varied or altered) ſhall be in Force and be applicable and applied to this Act; any Thing herein contained to the contrary notwithſtanding.

Perſons aggrieved may appeal to the Quarter Seſſions.

XCI. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General or Quarter Seſſions of the Peace, to be held for the County or Borough aforeſaid, wherein the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Seven Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within Three Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County or Borough, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch General or Quarter Seſſions; and the ſaid Juſtices at ſuch General or Quarter Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch General or Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Notice of Appeal to be given.

Power to compel Payment of Subſcriptions.

XCII. And be it further enacted, That the ſeveral Perſons who have ſubſcribed or ſhall ſubſcribe any Sum or Sums of Money towards amending and repairing the ſaid Roads, or for or towards defraying the Expences of obtaining and paſſing of this Act, and their reſpective Heirs, Executors, or Adminiſtrators, ſhall, and they are hereby required to pay the reſpective Sums ſo ſubſcribed to the Treaſurer or Treaſurers to the ſaid Commiſſioners, within ſuch Time or Times, and in ſuch Parts and Proportions, as the ſaid Commiſſioners ſhall order and direct; and in Default thereof it ſhall be lawful for the ſaid Commiſſioners to ſue for and recover the ſame in the Name or Names of their Treaſurer or Treaſurers, Clerk or Clerks, in any of His Majeſty's Courts of Record by Action of Debt, or on the Caſe; and all ſuch Monies ſhall be and are hereby declared to be veſted in the ſaid Commiſſioners for the Purpoſes of this Act.

Commencement and Continuance of this Act.

XCIII. And be it further enacted, That this Act ſhall (ſo far as reſpects the Turnpikes and Tolls and Monies advanced or to be borrowed on the Credit thereof) commence and take place on the Eleventh Day of *October* next, and ſhall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Public Act. XCIV. 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.

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