ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. XV.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from *Odiham* to *Alton*, in the County of *Southampton*.

[23d *March* 1815.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from* Odiham *to* Alton, *in the County of* Southampton: And whereas the Trustees appointed for putting the said Act into Execution have made considerable Progress in the Repair of the said Road, for which Purpose several Sums of Money borrowed upon the Credit of the Tolls thereby authorized to be taken, have, together with such Tolls, been duly applied: But the said Tolls are insufficient for the Payment of the Interest of the Money so borrowed, and for the proper Maintenance and Repair of the said Road; and the principal Money which is now due and owing cannot be repaid, nor the said Road effectually amended and kept in Repair, unless the Term and Powers of the said Act be continued and enlarged, and the present Tolls increased; 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 the present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Clauses, Powers, Provisions, Matters and Things therein contained (except such Parts thereof as are hereby varied, altered, or repealed) shall be and continue in full Force and Effect, and shall be executed

33 G. 3. c. 182.

Former Act continued.

ecuted for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Alterations and Amendments herein contained; and that this Act ſhall commence and take effect upon the paſſing thereof, and the Term and Powers hereby granted ſhall be, and are hereby declared to be, ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the ſaid recited Act; and of ſuch other Sums of Money as ſhall be borrowed upon the Credit thereof and of this Act, and of all Intereſt due and to grow due thereon reſpectively.

For diſcontinuing the preſent Tolls, and granting new ones.

II. And be it further enacted, That the ſeveral Tolls and Duties, in and by the ſaid recited Act authorized to be demanded and taken at each and every of the Toll Gates, erected under the Authority of the ſaid Act, ſhall, from and after the paſſing of this Act ceaſe and be no longer payable; and that inſtead thereof, the following Tolls ſhall be demanded and taken, before any Cattle or Carriage ſhall be permited to paſs through the ſame; (that is to ſay),

For every Horſe, Mare, Gelding, Mule, or Beaſt of Draught, drawing any Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe Marine, Sociable, Caravan, Curricle, Chair, Car, or other Carriage whatſoever, uſed for the Purpoſes of Pleaſure, or for carrying Paſſengers, the Sum of Sixpence; and for every ſuch Horſe, Mare, Gelding, Mule or Beaſt of Draught, travelling on the Lord's Day commonly called *Sunday*, a further additional Sum of Three-pence:

For every Horſe, Mare, Gelding, Mule, or Beaſt of Draught, drawing any Waggon, Wain, Cart or other Carriage whatſoever, uſed for the Purpoſe of carrying any Goods or Merchandize, the Sum of Four-pence; and for every ſuch Horſe, Mare, Gelding, Mule, or Beaſt of Draught, travelling on the Lords' Day commonly called *Sunday*, the further additional Sum of Two-pence:

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, One Penny Half-penny; and for every ſuch Horſe, Mare, Gelding, Mule or Aſs, travelling on the Lord's Day commonly called *Sunday*, the further additional Sum of One Penny:

For every Drove of Oxen or neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and ſo in Proportion for any leſs Number; and for every ſuch Drove travelling on the Lord's Day commonly called *Sunday*, One Penny *per* Head:

For every Drove of Calves, Hogs, Sheep and Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any leſs Number; and for every ſuch Drove travelling on the Lord's Day commonly called *Sunday*, One Half-penny *per* Head.

Manner of Recovery of Tolls.

III. And be it further enacted, That the ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied to the Purpoſes of the ſaid recited Act and this Act; and if any Perſon ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part or Parts thereof, it ſhall and may be lawful for the Perſon or Perſons authorized and appointed by the ſaid Truſtees, or any Seven or more of them, to collect the ſaid Tolls, to enforce

enforce the Payment of ſuch Tolls, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, and to ſeize or diſtrain any Horſe, Beaſt, or other Cattle upon which any ſuch Toll is by this Act impoſed, together with their Saddles, Geers, Harneſs or Accoutrements, (except the Bridle or Reins of any ſuch Horſe or other Beaſt, ſeparate from ſuch Horſe or other Beaſt) or any Carriage, in reſpect of the Horſes or Beaſts drawing; and if ſuch Toll, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining may ſell the Horſes, Beaſts, Cattle, Carriage or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted.

Tolls to be paid but once a day.

IV. And it is hereby further declared and enacted, That no Perſon having Occaſion to paſs through any Turnpike or Turnpikes where the Tolls are or ſhall be taken, and who ſhall return the ſame Day through the ſame, or any other Turnpike or Turnpikes continued or erected by virtue of the ſaid recited Act or this Act, before Twelve of the Clock in the Night of that Day, with the ſame Horſes, Mares, Geldings, Mules, Aſſes, or any Sort of Cattle, for which ſuch Tolls ſhall have been paid, ſhall be liable or compelled the ſame Day to pay the ſaid Toll more than once, ſuch Perſon producing a Ticket denoting that ſuch Toll hath been paid on that Day; all which Tickets the Collectors of the Tolls are hereby required to give *gratis*, on the Receipt of ſuch Toll, and each Ticket delivered upon receiving Toll for the Paſſage of any Carriage ſhall ſpecify the ſeveral Gates through which any Perſon having once paid Toll ſhall be allowed to paſs on the ſame Day.

Power for Truſtees to vary Tolls.

V. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at any Meeting to be holden for that Purpoſe, whereof at leaſt Twenty Days Notice ſhall be given in Writing, affixed upon all the Toll Gates erected upon the ſaid Road, and inſerted in *The Reading Mercury*, or in ſome other Newſpaper publiſhed or circulated in the ſaid County of *Southampton*, may, and they are hereby authorized and empowered from Time to Time, in caſe it ſhall appear requiſite and expedient, to leſſen and reduce, and again to raiſe and advance the Tolls hereby authorized to be taken, or any Part or Parts thereof, as they ſhall think fit, ſo that the reſpective Tolls ſhall never exceed the Tolls by this Act authorized to be taken; and ſo that ſuch Tolls be never leſſened until the Money borrrowed upon the Credit thereof, together with the Intereſt, be repaid, (except the Perſon or Perſons entitled to Five Sixths or more of ſuch Money conſent thereto); and ſuch Tolls ſo varied, leſſened, or reduced, and every of them, ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, and applied.

Truſtees may ſue and be ſued in the Name of the Clerk or Treaſurer,

VI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for and concerning any thing to be done againſt or by virtue or in purſuance of the ſaid recited Act or this Act, in the Name either of their Clerk or Treaſurer for the Time being; and that no Action or Suit, to be brought or commenced by the Direction of or againſt the ſaid

who is to be reimburſed his Expences.

Truſtees, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by any Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them, at any Meeting to be held in purſuance of this Act, but that the Clerk or Treaſurer for the Time being ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action or Suit; and every ſuch Clerk or Treaſurer, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of the ſaid recited Act or this Act, ſhall be fully reimburſed, out of the firſt Money to ariſe by virtue of the ſaid recited Act and this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event, or in conſequence of any ſuch Action or Suit, or any Proceeding paſt thereon, he ſhall bear, pay, expend or be put unto, or become chargeable with or liable to, by reaſon of his ſo being made Plaintiff or Defendant as aforeſaid.

Collectors of Tolls not to be deemed incompetent Witneſſes.

VII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in any wiſe relating to the ſaid Tolls, or any of them, or the Recovery of any of the Penalties by the ſaid recited Act or this Act to be laid, or to the Execution of any of the Powers of the ſaid recited Act or this Act, no Perſon or Perſons appointed to collect the ſaid Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be deemed to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect the ſaid Tolls.

Exemptions from Tolls.

VIII. And be it further enacted, That no Toll ſhall be demanded or taken, for any Horſe, Cattle, Beaſt, or Carriage, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood Gravel, or other Materials for repairing of the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Road lies; or any Hay, Potatoes, Turnips, Straw or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Barns, Outhouſes, or Yards of the Owner or Owners thereof; or in carrying or conveying any Mould, Manure or Lime for manuring Land, or for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, Corn for ſeeding the Ground, or for any other thing employed in the Management of any Farm or Lands; nor for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed or farried; or from any Perſon reſiding in any Townſhip or Place in which the ſaid Road lies, going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip authorized by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die, and be buried in any of the ſaid Townſhips or Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or going to or returning from his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebtated; or for any Horſe, Cattle,

or

or Carriage, 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, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame, or for any Horſe, Cattle or Beaſt attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them, with their Arms or Baggage; nor for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Cart, Cattle or Beaſt, employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning therefrom; or for any Horſe, Cattle, or Beaſt, carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire, to ſerve in Parliament for the County of *Southampton*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin, or be concluded; and that no Tolls ſhall be demanded or taken for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption as aforeſaid: And if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit for every ſuch Offence the Sum of Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Carriages conveying Military Stores, not to be ſubject to Penalties for Overweight, &c.

IX. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack 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 Over-weight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage 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 any Owner or Driver of any ſuch Waggon, Wain, Cart or other Carriage to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Act contained to the contrary notwithſtanding.

Application of Compenſation Money when amounting to 200 l.

X. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken or uſed by virtue of the Powers of the ſaid recited Act or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hun-

dred 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 Truſtees for executing the ſaid recited Act or this Act, 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, and Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Truſts, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under 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, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement, ſhall be exiſting, undetermined, and 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 Court of Chancery upon Application thereunto, 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 Purpoſes aforeſaid, 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, or Hereditaments, by the ſaid recited Act or this Act directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

XI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, to be placed to his Account as aforeſaid, in order to be applied in Manner before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Seven or more of the ſaid Truſtees for executing the ſaid recited Act and 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

and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 20 l.

XII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 the said Act and this Act, in such Manner as the said Trustees, or any Seven or more of them shall think fit; and in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Directions in case of not making out Titles.

XIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

XIV. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said recited Act or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act

or

or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, and Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities, to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court of Chancery may order Truſtees to pay Expences.

XV. 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 the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, and Hereditaments, to be ſettled to the like Uſes, in purſuance of the ſaid recited Act or this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Seven of more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

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

XVI. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons, under the Authority of the ſaid recited Act or this Act, to dig, gather, get, take or carry away, any Materials for repairing the ſaid Roads, or any Part thereof, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor or Surveyors for the Time being, ſhall have been given to the Owner and Occupier of the Premiſes, or the known Agent of any ſuch Owner, from which ſuch Materials are intended to be taken, or left for ſuch Owner and Occupier, at their reſpective uſual Places of Reſidence, to appear before Two or more Juſtices of the Peace acting for the ſaid County of *Southampton*, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owners and Occupiers, or any of them, or their or his Agent or Agents ſhall not attend, or ſhall attend, purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in either of the ſaid Caſes, the ſaid Juſtices ſhall or may authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, get, gather and carry away ſuch Materials, at ſuch Time or Times, as to the ſaid Juſtices ſhall ſeem proper, and ſhall and may make ſuch Order therein as they ſhall think fit, making or tendering ſuch Satisfaction for the Materials, and for the Damage done to the Owners or Occupiers reſpectively of ſuch Lands or Grounds, where or from whence the ſame ſhall be dug, gathered, taken or carried away, or upon, over, or through which the ſame, or any other Materials ſo dug

for repairing the ſaid Roads, and gathered as aforeſaid, ſhall be conveyed, as any Two or more Juſtices of the Peace for the ſaid County ſhall adjudge reaſonable.

Reſpecting Statute Work.

XVII. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Southampton*, and they are hereby empowered and required, upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who, within ſuch Pariſh or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to

be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Perſon who ſhall come to Work as a Labourer, or ſhall be ſent with any Team or Draught to work upon the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For compounding for Statute Work.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Road or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Pariſhes or Places in which the ſaid Road is ſituate, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees in Advance, on or before the Firſt Day of *October* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

For paying the Expences of this Act.

XIX. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, together with lawful Intereſt for the ſame, from the paſſing thereof, ſhall be paid out of any Money now remaining in the Hands of the Treaſurer to the ſaid Truſtees, or out of the firſt Money to ariſe by virtue of the ſaid recited Act and this Act, in Preference to all other Payments whatſoever, except ſuch Payments as ſhall be made from Time to Time for the Repair and Maintenance of the ſaid Road.

Public Act.

XX. 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.

Commencement and Continuance of this Act.

XXI. And be it further enacted, That the Term granted by the ſaid recited Act ſhall upon the paſſing of this Act ceaſe and determine; and the ſaid recited Act (ſubject to the Alterations, Additions, and Amendments herein-before contained) and this Act, ſhall from thenceforth commence, continue,

continue, and be in force, and be executed, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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