ANNO QUARTO

GEORGII IV. REGIS.

Cap. xlvi.

An Act for more effectually repairing the Road leading from the *Botley* Turnpike Road on *Curdridge Common* in the Parish of *Bishops Waltham*, to the *Gosport* Turnpike Road at or near *Filmer Hill* in the Parish of *Westmeon*, with a Branch from the said Road on *Corhampton Down* to the Village of *Corhampton*, all in the County of *Southampton*. [23d *May* 1823.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a convenient Carriage Road from the* Botley *Turnpike Road on* Curdridge Common *in the Parish of* Bishops Waltham, *to join the* Gosport *Turnpike Road at or near* Filmer Hill *in the Parish of* Westmeon, *with a Branch from the said Road on* Corhampton Down *to the Village of* Corhampton, *all in the County of* Southampton: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls granted by the said recited Act, which still remain due; and such Sums of Money cannot be repaid, nor can the said Road be properly amended and kept in repair, unless the Term of the said Act be extended, and further Powers and Provisions made for those Purposes: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas it is expedient that the said recited Act of the Forty-first Year of the

41 G. 3. c. 8.

3 G. 4. c. 126.

the Reign of His said late Majesty should be repealed, and that other Provisions should be made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most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 Second *Thursday* next after the passing of this Act, the said recited Act of the Forty-first Year of the Reign of His said late Majesty shall be and the same is hereby repealed and made void; and that this Act, and the Tolls, Powers, Provisions, Clauses, Matters and Things herein contained, shall from thenceforth be applied and put in Execution for and during the Term herein-after mentioned, for making, amending, widening, improving and keeping in repair the said Turnpike Road leading from the *Botley* Turnpike Road on *Curdridge Common* in the Parish of *Bishops Waltham*, to the *Gosport* Turnpike Road at or near *Filmer Hill* in the Parish of *Westmeon*, with a Branch from the said Road on *Corhampton Down* to the Village of *Corhampton*, all in the County of *Southampton*; and that the same be called "The *London* and *Southampton* Turnpike Road through "*Bishops Waltham*."

41 G. 3. c. 8. repealed.

Provisions of 3 G. 4. to extend to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Matters and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act), shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

Debts and Credits under the former Act secured by this Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby declared to be subject and liable to the Payment of all Sums of Money, Debts, and Demands now due and owing on the Credit or Security of the said recited Act of the Forty-first Year of His late Majesty's Reign hereby repealed, and all Interest due and to grow due on any of them respectively; and all and every Person and Persons owing any Sum of Money to the Trustees for executing the said recited Act of the Forty-first Year of the Reign of His said late Majesty, shall be liable to the Payment thereof to the Trustees of the same Road hereby appointed or authorized to be appointed; and all Bonds, Covenants, Agreements, Contracts and Securities entered into by any Person or Persons to or with the Trustees of the said recited Act of the Forty-first Year of the Reign of His said late Majesty, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account of and for the Benefit of the Trustees under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, made and entered into by the Trustees of the said recited Act of the Forty-first Year of the Reign of His said late Majesty, shall, so far as the same are not altered or avoided by the said General Act of the Third Year of the Reign of His present Majesty, or this Act, remain in full Force and Effect, and be observed and kept by the Trustees of the same Road, appointed or to be appointed by this Act, according to the Stipulations thereof respectively, the Repeal of the said recited Act of the Forty-first Year of the Reign of His said late Majesty, or any Law to the contrary notwithstanding.

IV. And

Books of Proceedings, under former Act made Evidence.

IV. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said former Act, provided according to the Directions or Provisions thereof, and thereby made Evidence, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes, touching any thing done by virtue or in pursuance of the said last recited Act or this Act, or in anywise relating thereto.

Trustees appointed.

V. And be it further enacted, That the several Persons herein-after named, (that is to say), all His Majesty's Justices of the Peace acting for the County of *Southampton*, *Henry Atkins* Clerk, *Augustus Atkins*, *John Atkins*, *John Aylward* of Exton, *John Baynes* Clerk, *Matthew Barton Bradby*, *Thomas Butler*, *John Barney*, *George Chandler* Clerk, *William Chute*, *William Chamberlayne*, *Edward Griffith Colpoys*, *Richard Cowdry*, *James Crabb*, *J G Crabb*, *John Carter*, *John Dampier* Clerk, *James Dott*, Sir *William Champion De Crespigny* Baronet, *Ezekiel Donniger*, *Henry Eyre*, *Thomas Fox*, *John Fleming*, *William Grant*, *William Garnier* Clerk, *William Garnier* the younger, *Thomas Garnier* Clerk, Honourable *William Gage*, *John Gage*, *William Hall Gage*, *John Guitton*, Sir *Thomas Freeman Heathcote* Baronet, Honourable *Alfred Harris* Clerk, *John Haygarth* Clerk, *George Purefoy Jervoise*, *Edward Knight* the younger, Sir *James Kempt*, *Hugh Perry Keane*, *Walter Long*, *Charles Shaw Lefevre*, *Francis Lys*, *John Ingram Lockhart*, *Thomas Lewin*, *William Lynne*, *Richard Hume Lancaster*, *Martin Maddison*, *William Woodrow Maidman*, *Henry Minchin*, *Henry James Bunbury Minchin*, *Thomas Osborne*, *James Ogle* Clerk, *Edmund Poulter* Clerk, *John Poulter*, *George Collins Poore*, *Joseph Paddon*, *George Parsons*, *Thomas Roger Ridge*, Right Honourable Sir *George Henry Rose* Baronet, *Edward Jervoise Ridge*, *Mark Robinson*, *Jonathan Stackhouse Rashleigh* Clerk, *Hans Sloane*, *William Stackpoole*, *Henry Hanson Simpson*, *Thomas Stares*, *Thomas Hobbes Scott*, *George Francis Seymour*, *Alexander Shearer*, *John Goolding Seymour*, *John Scott*, Sir *Henry Joseph Tichborne* Baronet, *Samuel Silver Taylor*, *William Tinling*, *Thomas Thistlethwayte*, *Charles Walters* Clerk, Sir *Thomas Williams*, *George Waring*, *William Waring* Clerk, *Wadham Wyndham*, Sir *Joseph Sidney Yorke*, and Right Honourable *Charles Yorke*, together with such other Persons (not exceeding the Number of Five) as the said Trustees shall at their First or any subsequent Meeting nominate in that behalf, shall be and they are hereby appointed Trustees for repairing, widening, improving, keeping in Repair, and for the Care and Management of the said Road and Branch herein-before described, and for carrying into Execution the several Powers, Purposes, and Trusts of this Act.

Meetings of Trustees.

VI. And be it further enacted, That the said Trustees shall meet at the House of *John Artheridge*, known by the Sign of *The Crown*, in *Bishops Waltham* aforesaid, or at some other convenient House in the Neighbourhood, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and the said Trustees shall then and from Time to Time afterwards adjourn themselves to meet at the same House, or at some other House near some Part of the said Roads, and at such Times as the said Trustees shall from Time to Time order and direct (provided that no Adjournment shall be made for a longer Time than Three Calendar Months); and if at any Meeting appointed to be holden by virtue of this Act there shall not appear a sufficient Number of Trustees to act or to adjourn

adjourn to another Day, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk or Treasurer of the said Roads shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed upon all the Turnpikes then erected across the said Roads, and also to be inserted in One or more of the Newspapers published or generally circulated in the said County of *Southampton*, at least Seven Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been holden, or at any other Place near any Part of the said Roads, on the Day Three Weeks after the Day on which such last Meeting was appointed.

Trustees to be sworn.

VII. And be it further enacted, That no Person hereby appointed, or who shall hereafter be chosen or appointed a Trustee for the said Road, shall be qualified or capable of becoming and acting as a Trustee in the Execution of this Act, (except in administering the Oath or Affirmation herein-after set forth) until he shall have taken and subscribed the Oath, or (being one of the People called *Quakers*) the Affirmation following, before any One or more of the said Trustees, who are hereby respectively authorized and empowered to administer the same, in the Words or to the Effect following; (that is to say),

'I do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm], That I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act.*] So help me GOD.'

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

And if any Person shall act as a Trustee in the Execution of this Act (except as aforesaid), before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*: Provided always, that no Act or Proceeding touching the Execution of the said recited Act of the Third Year of the Reign of His present Majesty, or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the Oath or Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Person had taken and subscribed such Oath or Affirmation previously to his having acted as such Trustee as aforesaid.

Old Officers to continue until new ones appointed.

VIII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (save and except the Treasurer) nominated and appointed under and by virtue of the said Act hereby repealed, shall hold or enjoy their respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations,

Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Power to appoint Officers;

X. And be it further enacted, That the said Trustees at any of their Meetings, by Writing under their Hands, shall and may from Time to Time appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary; and may from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers, may appoint others in their Stead; but Ten Days Notice shall be given of every Meeting where any such Appointment shall be made, of the Intention of making such Appointment, by affixing such Notice on all the Gates then erected on the said Road; and the said Trustees shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers, and also to other Persons employed, and who shall assist in the Execution of this Act, for their Service in and about the carrying of this Act into Execution, as the said Trustees shall think reasonable.

and to allow Salaries.

Power to continue present Toll Gates and erect others.

XI. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper (subject to the Provisions herein-after contained), to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses now standing and being in and upon or across the said Road or on the Sides thereof, and also to erect, set up, and build upon, in, and across the said Road or any Part thereof, or upon or across the Entrance to any public Road, Lane, or Way leading into the same or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Sidebar or Sidebars, Chain or Chains,

Weighing Machine or Weighing Machines, Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Parcels of Land for Gardens for such Toll House or Toll Houses, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove or to alter and discontinue the same, or any of them, as the said Trustees respectively shall think proper, and direct or appoint.

Power to remove Toll Gates.

XII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and so often as they shall think proper, to cause any of the Toll Gates or Turnpikes which shall have been erected in, upon, or across, or on the Sides of the Road by this Act authorized to be repaired and maintained, or any of them, to be removed to and erected in, upon, or across, or on the Side of such other Part or Parts of the said Road, as the said Trustees shall from Time to Time order and direct; but none of the said Toll Gates or Turnpikes shall be removed as aforesaid, unless Seven Days previous Notice of the Intention to remove the same shall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected across the same Road, and inserted in some Newspaper published in the said County of *Southampton*.

Power to sell the present Toll Houses.

XIII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Act hereby repealed on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, where they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances, to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said last recited Act directed to be given where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to take Tolls.

XIV. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls following at the several Turnpikes or Toll Gates, or Side Bars or Gates or Chains, which

which are or shall be standing and being or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Road, or any Part thereof; (that is to say),

For each and every Horse or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Chair, Curricle, Calash, Hearse, or other such Carriage, not being a Stage Coach, Machine, Caravan or Diligence, the Sum of Four-pence Halfpenny: Tolls.

For each and every Horse or other Beast of Draught, drawing any Stage Coach, Machine, Caravan, or Diligence, the Sum of Sixpence:

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Sixpence *per* Score, and so on in proportion for a greater or less Number:

For every Drove of Calves, Hogs, Goats, Sheep, or Lambs, the Sum of Three-pence *per* Score, and so in proportion for a greater or less Number:

For each and every Horse or other Beast of Draught, drawing any Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches or upwards, and rolling a Surface of that Breadth so flat or level as not to deviate more than Half an Inch from a flat Surface, and drawn by Eight or more Horses, Oxen, or other Beasts of Draught, the Sum of Three-pence; and drawn by Six or Seven Horses, Oxen, or other Beasts of Draught, the Sum of Three-pence Halfpenny; and drawn by Four or Five Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence; and drawn by Two or Three Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence Halfpenny:

For each and every Horse or other Beast of Draught drawing any Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches or upwards, and rolling a Surface of that Breadth so flat as not to deviate more than Half an Inch from a flat Surface, the Sum of Three-pence:

For each and every Horse or other Beast of Draught, drawing any Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches and under Nine Inches, and rolling a flat or level Surface of that Breadth, and drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; and drawn by Four or Five Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence; and drawn by One, Two, or Three Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence:

For each and every Horse or other Beast of Draught drawing any Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches and under Nine Inches, and rolling a flat or level Surface of that Breadth, and drawn by Five or more Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence Halfpenny; and drawn by One, Two, Three, or Four Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence:

For each and every Horse or other Beast of Draught, drawing any Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or

Gauge

Gauge than Six Inches, and drawn at any Time between the First Day of *April* and the First Day of *November* in each Year, by Four or more Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; by Three Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence; by Two Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence Halfpenny, and by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence:

For each and every Horse or other Beast of Draught, drawing any Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, and drawn at any Time between the First Day of *April* and the First Day of *November* in each Year by Four or more Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; by Three Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence; by Two Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence; and by One Horse, Ox, or other Beast of Draught, the Sum of Four Pence: And

For each and every Horse or other Beast of Draught, drawing any Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, and drawn at any Time between the First Day of *November* and the First Day of *April* then next following, by Four or more Horses, Oxen, or other Beasts of Draught, the Sum of Ten-pence Halfpenny; and by One, Two, or Three Horses, Oxen, or other Beasts of Draught, the Sum of Eight-pence:

For each and every Horse or other Beast of Draught, drawing any Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, and drawn at any Time between the First Day of *November* and the First Day of *April* then next following, by Four or more Horses, Oxen, or other Beasts of Draught, the Sum of Seven-pence Halfpenny; and by One, Two, or Three Horses, Oxen, or other Beasts of Draught, the Sum of Eight-pence.

Tolls to be paid but Once a Day.

XV. And be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once at any one Toll Gate or Turnpike to be erected by virtue of this Act, for passing and repassing any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night,) with the same Horses, Cattle, Beasts and Carriages, through the same Toll Gate or Turnpike, (except as herein-after is excepted), but that all and every Person and Persons having paid Toll Once as aforesaid, and producing a Ticket denoting the Payment of such Toll (which Ticket the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll), shall afterwards pass and repass with the same Horses, Cattle, Beasts, and Carriages Toll-free, during the same Day, through the same Toll Gate or Turnpike where such Toll was paid, except such Carriages as shall be laden with Copper, Iron, Lead, Coals, Cinders, Lime or Stones, which shall not pass through any Toll Gate or Turnpike oftener than Twice in the same Day, without again paying the Toll by this Act imposed.

Number of Tolls limited.

XVI. Provided always, That no more than Three Tolls shall be demanded or taken from any Person or Persons for passing and repassing the same Day, with the same Horses, Cattle, Beasts, and Carriages, through all the Toll

Toll Gates or Turnpikes to be erected by virtue of this Act; and that all and every Person and Persons having paid the said Tolls, and producing a Ticket or Tickets denoting the Payment thereof, (which Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of such Toll,) shall pass and repass with the same Horses, Cattle, Beasts and Carriages Toll-free, during such Day, through all other the Toll Gates or Turnpikes to be erected on the said Roads.

Trustees to put up a Table of the Tolls.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required to put up, or cause to be put up, and afterwards to be continued, at every Toll Gate erected or continued by virtue of this Act, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls, and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein; and also a List of the several Gates which shall be wholly or partially cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and the said Trustees shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Payment, one of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned as being cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

Stage Coaches and Post Chaises to pay every Time.

XVIII. Provided, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads, upon every Time of a new Hiring of such Post Chaise or other Carriage, on a Ticket being produced denoting a fresh Hiring.

Limitation as to Exemptions.

XIX. Provided always, and be it enacted, That none of the Exemptions granted or allowed by the said recited Act of the Third Year of the Reign of His present Majesty shall extend or be construed to extend to or include any Carriages laden with Chalk, or the Horse or Horses drawing the same, which shall pass on the said Road or Branch above the Distance of One Mile, nor to any Carriages so laden having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches.

For stopping up certain Lanes.

XX. And whereas there is a certain Lane or Bye-way leading from the said Road at the Bottom of *Gallow Down*, and there is also another Lane or Bye-way leading from *Dundridge Lane* towards a Highway which joins the said Road near to *Northbrook*, by means of which said Two Lanes or Bye-ways the Tolls hereby granted may frequently be evaded, and it is therefore expedient that the same should be discontinued as Public Roads or Highways, which may be done without Inconvenience to the Public; be

be it therefore enacted, That it shall be lawful for the said Trustees to stop up and discontinue the said Two Lanes or Bye-ways as Public Roads, when and so often and for so long a Time as they shall think necessary, for preventing the Tolls hereby granted being evaded, subject nevertheless at all Times to a free Passage and Right of Way to and for the Owners and Occupiers of the adjoining Lands and Tenements and others, to and from such Lands and Tenements, with Horses, Cattle, Carts and Carriages: Provided that neither of such Lanes or Bye-ways be stopped up or discontinued without the Order and Concurrence of Two Justices of the Peace acting in and for the District in which the same Lanes or Bye-ways are respectively situated, and not interested in the Repair thereof, which Order shall be subject to Appeal to the Quarter Sessions in like Manner as if the same Order had been made by such Justices; and also subject to the Regulations and Directions contained in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

55 G. 3. c. 68.

Trustees restrained from pulling down Houses.

XXI. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees, in repairing, widening, and improving the said Roads, or either of them, to take or pull down any Dwelling House or other Building, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained for that Purpose.

Statute Labour.

XXII. 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 the repairing and amending said Road and Branch, shall be and remain liable thereto in like Manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the said County of *Southampton*, and they are hereby required and empowered, from Time to Time, upon Application made to them by the Treasurer, Clerk, or Surveyor of the said Road, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, and Places in or through which the said Road and Branch do or shall lie, lead, or pass; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, 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 or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in a List before the said 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, Township, 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 List of Names shall be made in such Manner and under such Regulations and

Restrictions as is or are or may be directed by any Law or Statute in force or effect for the Repairs of the Public Highways; and out of such List the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Road and Branch, 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 and Branch as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Surveyor or Surveyors of such Parishes, Townships, or Places respectively, to pay over to the said Trustees, or their Treasurer, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; 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, by any Surveyor 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 Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for Repairs 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 on any Part of the said Road or Branch, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 as 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 or Branch; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Southampton*, on Complaint made to such Justices by the Surveyor to the said Trustees.

Application of the Money.

XXIII. And be it further enacted, That all the Monies which have arisen and been produced by the said recited Act hereby repealed, and are now remaining in the Hands of the said Trustees or their Treasurer, and all Monies which shall arise and be produced from the Tolls by this Act granted, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the First Place, in Payment of the Costs,

Costs, Charges, and Expences of preparing and passing this Act; in the Second Place, in paying the Salaries and Wages of all Officers and other Persons employed by the Trustees in the Execution of this Act; in the Third Place, in paying the Interest accruing upon the several principal Sums of Money which shall from Time to Time be due and owing on the several Mortgages and Securities of the Tolls granted by this Act; in the Fourth Place, in defraying the Expences of repairing, widening, and altering the said Roads, and of executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several principal Sums last aforesaid.

In case of Nonpayment of Compensation for Materials, Damages or Injury done by the said Trustees, &c. the same to be levied by Distress on the Goods of such Trustees or their Treasurer.

XXIV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Tmie being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case the Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Sums, Costs, Charges, and Expences as he shall pay or be put unto by virtue of any such Order as aforesaid.

Public Act.

XXV. 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.

Continuance of Act.

XXVI. And be it further enacted, That this Act shall commence on the Second *Thursday* next after the passing of this Act, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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