ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxxiii.

An Act for amending and maintaining the Roads from the North Gate of the City of *Winchester*, over *Worthy Cow Down*, through *Whitchurch* and other Places, to *Newtown* River, and from *Worthy Cow Down* aforesaid, through *Wherwell*, to *Andover*, in the County of *Southampton*.

[30th *May* 1823.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for altering, widening, and amending the Road from the North Gate of the City of* Winchester, *over* Worthy Cow Down, *through* Whitchurch *and other Places, to* Newtown *River; and also the Road from* Worthy Cow Down *aforesaid, through* Wherwell, *to the present Turnpike Road at* Andover *in the County of* Southampton: And whereas another Act was also passed in the Twenty-third Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of an Act, passed in the Second Year of His present Majesty's Reign, for altering, widening, and amending the Road from the North Gate of the City of* Winchester, *over* Worthy Cow Down, *through* Whitchurch *and other Places, to* Newtown *River; and also the Road from* Worthy Cow Down *aforesaid, through* Wherwell, *to the present Turnpike Road at* Andover *in the County of* Southampton: And whereas another Act was also passed in the Forty-fourth Year of the Reign of His said late Majesty, intituled *An Act to*

2 G. 3. c. 61.

23 G. 3. c. 109.

44 G. 3. c. 17.

to continue the Term, and alter and enlarge the Powers of Two Acts, passed for amending the Road from the North Gate of the City of Winchester, *over* Worthy Cow Down, *to* Newtown *River*; *and also the Road from* Worthy Cow Down *aforesaid, to the Turnpike Road at* Andover *in the County of* Southampton: And whereas the Trustees appointed by the said first recited Act divided the said Roads into Two Districts, and the Orders and Proceedings of the Trustees for carrying the Purposes of all the said recited Acts into Execution have been made, had, or done at separate Meetings held for each respective Division or District, and inasmuch as such Division has been found advantageous to the said Roads and to the Public, it is expedient that the same should be confirmed: And whereas the Trustees have borrowed considerable Sums of Money on the Credit of the Tolls by the said Acts authorized to be collected, arising upon each of the said Divisions or Districts of the said Roads, which still remain due and owing, and cannot be paid off, nor can the said Roads be sufficiently amended, improved, and kept in repair, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased or altered: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas it would facilitate the Execution of the Purposes aforesaid, if the said Three first recited Acts were repealed, and further Provisions made for the Repair of the said Roads: 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 passing of this Act, the said recited Acts of the Second, Twenty-third, and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and that this Act shall from thenceforth commence and take effect and be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, altering, turning, widening, improving, and keeping in repair the Roads herein-after described; (that is to say), the Road leading from the North Gate of the City of *Winchester*, over *Worthy Cow Down*, through *Whitchurch*, *North Litchfield* and *Whiteway*, to the River at *Newtown*, at the Extremity of the County of *Southampton*, on the Road towards *Newbury*, which shall be and constitute the First District of Roads comprized in this Act, and shall be called by the Name of the *Whitchurch* District; and the Road leading from the said Road at *Worthy Cow Down* aforesaid, through *Wherwell*, to a Place called *Upton Corner*, and from thence to the *Hursley* Turnpike Road, and from *Upton Corner* aforesaid, to the present *London* Turnpike Road at *Andover* in the said County of *Southampton*, which shall be and constitute the Second District of Roads comprized in this Act, and shall be called by the Name of the *Andover* District; and the Tolls hereby granted, and to arise on the Roads in the said *Whitchurch* District (except One-fourth Part of the Gross Rent or Tolls to arise at the *Swan Lane* or *City Arms Gate*, herein-after mentioned, or at any other Gate to be erected in lieu thereof, and which are to be applied as herein-after provided) shall be and are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same District of Roads, under the said first Three recited Acts, or upon which the

3 G. 4. c. 126.

Three first recited Acts repealed.

same shall have been charged, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected on the Roads in the said *Whitchurch* District; and also to the Payment of all Monies which shall or may hereafter be borrowed on the Credit of the Tolls hereby authorized to be collected and to arise on such last-mentioned District of Roads; and the Tolls hereby granted and to arise on the Roads in the said *Andover* District, together with One-fourth Part of the Gross Rent or Tolls to arise at the *Swan Lane* or *City Arms Gate*, or at any other Gate to be erected in lieu thereof, as herein-after provided, shall be and are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the Roads in the said *Andover* District, under the said first Three recited Acts, or upon which the same shall have been charged; and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected on the Roads in the said *Andover* District, and to be payable to the Trustees of the same District, in pursuance of the Provision herein-after mentioned; and also to the Payment of all Monies which shall or may hereafter be borrowed on the Credit of the same Tolls respectively; and that all and every Persons and Person owing any Sum or Sums of Money on account of the said Districts of Roads or either of them, to the Trustees for executing the said first Three recited Acts, shall be liable to the Payment thereof to the Trustees of the Districts of Roads respectively, on account whereof the same shall have been due and owing; and all Bonds, Covenants, Agreements, Contracts, and Securities made to or by, or entered into by any Person or Persons to or with the Trustees who have acted as such, for either of the Districts of Roads herein-before mentioned, shall remain in full force and effect, and be and is and are hereby declared to be available in all Courts of Law and in Equity, until the same be fully satisfied and performed, on account and for the Benefit of the respective Trusts under this Act; and all Bonds, Securities, Bargains, Contracts, Agreements, Conveyances, Orders, Proceedings, or Notices entered into, made, had, or given by the Trustees who have acted as such for either of the Districts of Roads herein-before mentioned, with or to any Person or Persons, shall be and the same is and are hereby declared to be of as full force and effect as if the same had been entered into, made, or given by the respective Trustees under this Act.

Appointment of Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Southampton* for the Time being, together with the Honourable ——— ——— commonly called Lord *Porchester*, the Honourable and Reverend *Augustus George Legge*, the Honourable and Reverend *William Herbert*, the Honourable and Reverend *George Herbert*, the Honourable and Reverend *Thomas De Grey*, the Honourable *Algernon Herbert*, the Honourable *Henry George Powis Townsend*, the Reverend Sir *Henry Rivers* Baronet, Sir *Edward Hyde East* Baronet, Sir *Henry Wright Wilson* Knight, Sir *James Fellows* Knight, *James Hook* Doctor of Laws, *William Hill Newbolt* Doctor in Divinity, *George Frederic Nott* Doctor in Divinity, ——— *Rennell* Doctor in Divinity, Dean of *Winchester*, *Andrew Crawford* Doctor of Medicine, *Charles Littlehales* Doctor of Medicine, *William*

William Allee, *William Birkett Allen*, *Richard Bright*, *Robert Barnard* Clerk, *Hinton Bailey*, *Edward John Bury* Clerk, *Thomas Bingham*, *Richard Bishop*, *William Barnes*, *William Barnes* the younger, Major *Bull*, *Wither Bramstone*, *William Burnett*, *William Criswick*, *Liscombe Clark* Clerk, *John Curtis*, *John Crouch*, *Richard Durnford* Clerk, *Richard Dear*, *Henry Dampier* Clerk, *William Henry Deverell* Clerk, *Samuel Deverell*, *Thomas Deane*, *John Davidson*, *Anthony Dale*, *Thomas Drake*, *Ralph Etwall*, *Moses Edney*, *John Edney*, *Thomas Evans*, *John Freeman*, *William Faithfull*, *Charles Fielder*, *William Garnier* Clerk, *William Gover*, *Robert Gatehouse* Clerk, *Gilbert Heathcote* Clerk, *William Harrison* Clerk, *Henry Huntinford* Clerk, *George Hollis*, *Peter Hawker*, *Edward Hearn*, *Lascelles Iremonger* Clerk, *William Iremonger*, *Robert Jessett*, *Thomas James*, *Francis Kersley*, *William Knapp*, *Edward Knapp*, *Harry Lee* Clerk, *Harry Lee* the younger Clerk, *Richard Littlehales*, *Giles King Lyford*, *David Middleton* Clerk, *John Mant*, *Poulet Saint John Mildmay*, *Francis North* Clerk, *Charles Augustus North* Clerk, *Thomas Nertherclif*, *William Neville*, *Edmund Poulter* Clerk, *Benjamin George Purvis* Clerk, *Robert Pitter*, *Anthony Paice*, *William Portal*, *John Portal*, *Charles Richards* the elder, Clerk, *Charles Richards* the younger Clerk, *James Ralfe*, *Henry Sissmore* Clerk, *John Nicholas Silver*, *William Simonds* the elder, *Samuel Scott*, *William Smith*, *William Simonds* the younger, *John Twynam*, *George Twynam*, *Edward Twynam*, *John Beckley Vincent*, *Thomas Watkins* Clerk, *John Woodburne* Clerk, *James Wickham* the elder, *William Wickham*, *James Woolls*, *James Wickham* the younger, *Barnard Winter*, *David Williams*, *Philip Williams*, *James Eames Waight*, *Thomas Woodham*, *John White* the elder, and *William Young* the elder, and their Successors, shall be and they are hereby appointed Trustees for amending, altering, turning, widening, improving and keeping in repair the Roads in the *Whitchurch* District herein-before described, and for otherwise putting this Act in Execution, so far as relates to such District; and that all His Majesty's Justices of the Peace acting for the County of *Southampton* for the Time being, together with *William Alves*, *George Barnes*, *William Burrough Child*, *Henry Criswick*, *William Courtney*, *Richard Durnford* Clerk, *Joseph Hague Everett*, *Ralph Etwall*, *Robert Evans* Clerk, the Honourable *Newton Fellowes*, *Henry Arthur Powis Fellowes*, *Kingston Fleet*, *Henry Festing*, *William Stanley Goddard* Doctor in Divinity, *John Godden*, *Gilbert Heathcote* Clerk, *Peter Hawker*, *Charles Heath*, *Thomas Heath*, *William Hawkins Heath*, *Lascelles Iremonger* Clerk, *William Iremonger*, *William King*, the Honourable and Reverend *Augustus George Legge*, *Wintringham Loscombe*, *Anthony Lewis*, *John Lywood*, *John Lywood* the younger, *John Mortimore*, Sir *John Walter Pollen* Baronet, *Richard Pollen*, *Thomas Pickering*, *Thomas Pickering* the younger, *Robert Pickering*, *William Pitman*, *Philip Henry Poore*, *William Reding*, *John Reeves*, *Thomas Assheton Smith*, *Thomas Assheton Smith* the younger, *Benjamin Sanders*, *George Thompson*, *John Henry Todd*, *William Gilbert Taplin*, *Henry Tredgold*, *Thomas Willis* Clerk, *Joseph Wakeford* Banker, *William Wakeford*, *Robert Wakeford*, *James Wickham*, *William Wickham*, *James Wickham* the younger, and *John Wildey*, and their Successors, shall be and they are hereby appointed Trustees for amending, altering, turning, widening, improving, and keeping in repair the Roads in the *Andover* District, herein-before described, and for otherwise putting this Act in Execution, so far as relates to such District.

III. And

Powers of 3 G. 4. extended to this Act.

III. And be it further enacted, That all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things contained in the said last recited Act, passed in the Third Year of the Reign of His present Majesty (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.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall and may be lawful for the Trustees hereby appointed for the *Whitchurch* District, and for the Trustees hereby appointed for the *Andover* District respectively, and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be respectively holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Five in the whole for the *Whitchurch* District, and not exceeding Five in the whole for the *Andover* District, in addition to the Number of Trustees herein named and appointed for the said Districts respectively) to be Trustees for the said respective Districts; and such Persons so elected and appointed, and being duly qualified according to the Provisions or Directions of the said last recited Act and this Act, and having taken and subscribed the Oath, or being a Quaker, having made and subscribed the Affirmation in the said last recited Act and this Act mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Trustees to be sworn.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said last recited Act is directed and prescribed, and unless being so qualified, he shall, before he shall act as a Trustee (except in administering the Oath or Affirmation mentioned in the said last recited Act, and the Oath or Affirmation herein-after mentioned) take and subscribe, or being of the People called *Quakers*, shall make and subscribe before One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath or Affirmation following; (that is to say),

'I *A. B.* do swear, [*or being of the People called Quakers*, do solemnly affirm], That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee, by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act*, &c. [*here set forth the Title of this Act*] and of an Act passed in the Third Year of the Reign of His said Majesty, intituled [*here set forth the Title of the 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 being of the People called *Quakers*, have made and subscribed such Affirmation), every such Person shall for every such Offence forfeit and pay the Sum of Fifty 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, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding

touching the Execution of the said last recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath (or being of the People called *Quakers*, to make and subscribe the 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 such Oath, or made such Affirmation, previously to his having acted as such Trustee as aforesaid.

Meetings of Trustees.

VI. And be it further enacted, That the Trustees for the *Whitchurch* District shall meet together at the House known by the Sign of the *George Inn* in *Winchester* aforesaid, and the Trustees for the *Andover* District shall meet together at the House known by the Sign of the *Star and Garter* in *Andover* aforesaid, or some other convenient Places near their said respective Districts, on the Second *Friday* after the passing of this Act, or as soon after as conveniently may be, and respectively shall and may

Adjournments.

then and from Time to Time after adjourn to and meet at such Times and at such Place or Places, on or near their said respective Districts as they shall think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk or Clerks shall, and they and he are and is hereby respectively authorized to adjourn the Meeting to such Place and to such Time as they or he shall think fit, not being more than Thirty Days, nor sooner than Fourteen Days from the Day of such last intended Meeting; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then

If no Adjournment be made, the Clerk or Two Trustees may call a Meeting by Notice.

it shall and may be lawful for the Clerk or Clerks to the said respective Trustees, or for any Two or more of such Trustees, although not assembled at a Meeting, to call a Meeting of such Trustees by Notice, to be inserted in some public Newspaper usually circulated in the said County of *Southampton*, and affixed on all the Turnpike Gates on the respective District of Road for which such Meeting shall be called, appointing the Trustees to meet at such Time and Place near to such Road, as the said Clerks or Clerk, or the Trustees respectively giving such Notice shall think proper, not exceeding Thirty Days, nor sooner than Fourteen Days from the Date of advertising such Meeting; and all the Powers and Au-

Powers of the Act may be executed by Three or more Trustees at Meetings, and the Proceedings of the Majority of the Trustees present shall be as valid as if all the Trustees had been present.

thorities by this Act or the said last recited Act given to, and all the Matters and Things by this Act or the said last recited Act directed or authorized to be done by the said Trustees, shall and may be executed and done by or before the Majority of the Trustees assembled at some Meeting to be held in pursuance of this Act, the whole Number present not being less than Three, and the same shall be of as full Force and Effect as if executed or done by or before all the said Trustees respectively (except in such Cases where any such Power, Authority, Matter, or Thing is by this Act or the said last recited Act particularly directed or anthorized to be executed or done by any other Number of Trustees, or in any other Manner); and at all Meetings to be held in pursuance of this Act, a Chairman shall or may be appointed; and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman) such Chairman shall have the decisive or casting Vote; and

No Order to be revoked unless Five

all Orders made under the Powers and Provisions of this Act or of the said first Three recited Acts may be revoked or altered if occasion shall

require, provided that no such Order shall be revoked or altered, except at some Meeting where not less than Five Trustees for the same District shall be present, nor unless the Majority of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three or more Trustees for such District, although not assembled at a Meeting, shall give Notice in Writing to their Clerk or Clerks under their Hands; and also cause Notice to be inserted in some public Newspaper usually circulated in the said County of *Southampton*, and affixed on all the Turnpike Gates on the Road in such District, specifying that such Revocation or Alteration is intended to be moved for Twenty-one Days at least previous to any Meeting to be holden for that Purpose; and the Trustees shall at their several Meetings pay their own Expences, except any Sum not exceeding Ten Shillings *per Diem*, for the Use of the Room wherein they shall meet.

Trustees present, and major Part concur.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees for either of the said Districts, it shall at any Time be thought necessary, for the better Execution of this Act, that such Trustees should meet on an earlier Day than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for the Clerk or Clerks to such Trustees, by or under an Order in Writing, signed by Two or more of such Trustees, or for any Two or more of such Trustees (although not assembled at a Meeting), to call a Meeting of such Trustees, to be held at such Time and Place, on or near such District as aforesaid, as they shall think proper, by Notice, mentioning the Time and Place and Purpose of such Meeting, to be inserted in some public Newspaper circulated in the said County of *Southampton*, and affixed on all the Turnpike Gates then standing or being across the Road in such District (such Time being not less than Fourteen Days after Publication of such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Meetings on Emergencies.

VIII. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said first Three recited Acts, kept according to the Directions or Provisions thereof, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all which Books, and also all Books of Accounts, of Receipts and Disbursements, made under the said first Three recited Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Clerks or Clerk for the Time being to the Trustees for the District respectively to which such Books relate, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerks or Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such

Books of Proceedings kept under former Acts to be Evidence; and together with all Books of Accounts kept under former Acts, shall be open to the Inspection of the Trustees and Creditors.

Penalty for Refusal of Inspection.

such Clerks or Clerk shall respectively forfeit and pay any Sum of Money not exceeding Five Pounds.

Appointment of Officers.

IX. And be it further enacted, That the said respective Trustees at any of their Meetings 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 respective Districts of Road, and such other Officers as they the said respective Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment and Removal shall be entered in the Book of the Proceedings of such Trustees, and Ten Days Notice shall be inserted in some public Newspaper usually circulated in the said County of *Southampton*, and affixed on all the Turnpike Gates standing or being across the Road in such District, of every Meeting which may be held after the First Meeting of the said respective Trustees under this Act, where any such Appointment or Removal shall be intended to be made, specifying the Intention of appointing or removing such Officer or Officers; and such Trustees shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act on their respective Districts, to pay such Salaries and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying this Act into Execution, as such Trustees respectively shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Beer, Wine, Spirituous Liquors, or Provisions, by Retail.

Persons selling Ale, &c. by Retail, not to hold Places of Profit.

Old Officers to continue until new ones elected.

X. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Third Year of the Reign of His present Majesty, such Appointment being according to the Directions and Provisions of this Act; and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said first Three recited Acts, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versa.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the

the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act; or if any such Treasurer shall hold 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 or Persons 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Treasurer, &c. to give Security.

XII. And be it further enacted, That the said respective Trustees shall, and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office, and also shall or may take such Security from any Collector or Receiver of the Tolls or any other Officer acting in Execution of this Act.

Trustees may appoint temporary Collectors.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls hereby granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or otherwise misbehave or misconduct himself, it shall and may be lawful for any Two or more of the Trustees for the said Districts respectively, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, to nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, or until removed by virtue of the Powers and Provisions of this Act; which Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as if he or they had been nominated and appointed at a Meeting called and held in pursuance of this Act.

Officers to account;

XIV. And be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the first Three recited Acts, and who shall be appointed under or by virtue of this Act for either of the said Districts, shall, if thereunto required by Notice signed by Two or more of the Trustees present at a Meeting legally convened for such District given to him or them, or left at his or their usual Place of Abode from Time to Time, within Twenty-one Days after Service of such Notice, deliver to such Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing, under his or their Hand or respective Hands, of all Monies which shall have been by him or them respectively had, collected, or received, by virtue of the said first Three recited Acts and this Act respectively, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required, within Fourteen Days after so exhibiting their Accounts, or within such other further Time as such Trustees shall order or appoint, to pay all such Monies as upon the Balance

and pay over Balances.

Balance of such Account or Accounts shall appear to be in their or his Hands to such Trustees, or to such Person or Persons as the said respective Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands within the Time or in Manner aforesaid, if thereunto required by such Trustees, or if any such Officers or Persons shall refuse or neglect to deliver up to such Trustees, or to such Person or Persons as they or any Two or more of them shall appoint to take the same, within Fourteen Days after being thereunto required by such Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, in anywise relating to the Execution of this Act or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County, Borough, or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, by such Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, or Person or Persons, to appear before him; and in case such Officer or Officers, or Person or Persons shall not appear upon such Summons (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes to the Satisfaction of the said Justice being shewn for such Nonappearance), to issue a Warrant or Warrants for the Apprehension of such Officer or Officers, or Person or Persons; and it shall be lawful for such Justice, upon the Appearance of such Officer or Officers, or Person or Persons upon such Summons, or upon his or their being apprehended and brought before such Justice by virtue of such Warrant, or upon his or their having absconded or 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 the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, or Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so had, collected, and received, shall be in the Hands of such Officer or Officers, or Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, or Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, or Person or Persons appearing or being brought before the said Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or to the said Roads; then and in any of the Cases aforesaid, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons to the Common Gaol of

the County, Borough, or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall have been made by virtue of this Act in respect thereof, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or to such Justice; but no such Officer or other Person who shall be committed for want of sufficient Distress only shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

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

XV. And be it further enacted, That it shall be lawful for the Trustees for the said respective Districts, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and Toll Houses and Weighing Machines now standing and being in or upon or across the Roads in the said respective Districts or on the Sides thereof; and also to erect and set up, or build, or cause to be erected, set up, and built upon, in, or across the said respective Districts of Road, or either of them, or any Part thereof respectively, or upon or across the Entrance to any public Road, Lane, or Way leading into the same respectively or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose, on the Sides of the said respective Districts of Road, suitable Garden Spots for the same respectively, 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 alter or discontinue the same or any of them, as they the said respective Trustees shall think proper, and direct or appoint: Provided also, that no Toll Gate or Turnpike shall be taken down or removed by Order of such Trustees, unless such Order be made by a Majority of the Trustees present at a Meeting, at which Five Trustees for the same District at the least shall be present, nor unless Fourteen Days Notice of such Meeting, and of the Intention of taking down or removing such Toll Gate or Turnpike, be affixed on all the Toll Gates or Turnpikes then erected on such District, and signed by the Clerk or Clerks to such Trustees.

Removing Turnpikes.

No Toll Gate to be set up where the Roads cross.

XVI. And whereas the said Roads do or may cross or intersect a Turnpike Road leading from *Basingstoke* in the said County of *Southampton* to *Stockbridge* in the said County, and also another Turnpike Road leading from *Basingstoke* aforesaid to *Andover* aforesaid; be it therefore enacted, That no Toll Gate or Turnpike shall be set up or erected in, upon, or on the Sides of the said Roads leading from *Basingstoke* to *Stockbridge*, and from *Basingstoke* to *Andover*, or either of them, or

or in, upon, or on the Sides of the Roads hereby intended to be amended and maintained in Repair, or any of them, where the said Roads do or may cross or intersect each other, so as to subject any Person to the Payment of any Toll only for crossing over any or either of the said several and respective Roads, with Horses, Cattle, or Carriages where they do or may cross and intersect each other.

Toll Houses becoming useless may be sold.

XVII. And be it further enacted, That it shall be lawful for the Trustees of the said Roads absolutely to sell and dispose of any Toll House or Toll Houses already erected on the said Roads, or any Part thereof, or hereafter to be erected or continued on the same by virtue of this Act, together with the Ground whereon the same may stand; and all Outhouses, Gardens, and Appurtenances belonging thereunto, whenever the same shall be considered by the said Trustees to be useless or 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 the said Trustees can obtain for the same; and in case of any such Sale being made as aforesaid, it shall be lawful for the said Trustees to convey the said Toll Houses, Gardens and Premises to the Purchaser or Purchasers thereof; and upon Payment of the Purchase Money to the Treasurer of the said Trustees for the Time being, such Purchaser or Purchasers shall hold and enjoy the Premises in Fee Simple, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of the Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such and the like Preference and Priority of purchasing the Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land, as is by the said last recited Act directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road, and for that Reason sold by the Trustees under the Powers of the said last recited Act.

Power to take Tolls.

XVIII. And be it further enacted, That it shall and may be lawful for the Trustees for the said respective Districts of Roads, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned, at the several and respective Toll Gates or Turnpikes, or Toll Houses or Side Gates, or Side Bars or Chains 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 several and respective Districts of Road, or either of them, or any Part or Parts thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chaise Marine, Chair, Curricle, Phæton, Calash, Sociable, Car, Gig, Caravan, Van, Hearse, or Litter, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, or other such Four-wheeled Carriage, or any Cart or other such Two-wheeled Carriage, the Sum of Three-pence:

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

For

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling *per* Score, and so in proportion for any less Number: And,

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

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horse, Mule, Ass, or other Beast or Cattle, Coach, Stage Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chaise Marine, Chair, Curricle, Phæton, Calash, Sociable, Car, Gig, Caravan, Van, Hearse, Litter, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, Side Gate, or Side Bar, or Chain; and such several and respective Tolls or Sums of Money arising upon or from or in respect of the said respective Districts of Road, shall be and are hereby vested in the Trustees of the respective Districts of Road, upon or from or in respect of which the same shall so arise, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls to be paid but Once a Day.

XIX. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any one of such Toll Gates, Turnpikes, or Side Gates, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls on the whole Line of Road.

XX. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, to demand or take, for or in respect of the same Horse, Beast, Carriage or Cattle for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates or Turnpikes, or Side Gates, along the whole Line of the said *Whitchurch* District, more than Three full Tolls, the Distance between each respective Place of Payment being at least Three Miles; nor more than One full Toll for passing or repassing at any Time or Times in any one Day (to be computed as aforesaid) through all or any of the Toll Gates or Turnpikes, or Side Gates, along the whole Line of the said *Andover* District.

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

XXI. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught, drawing any Stage Coach, Diligence, 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, or either of them.

Horses drawing Post Chaises to be subject again to Toll on

XXII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts of Draught let out to hire, and drawing any Post Chaise or other Carriage every

every new Hiring.

every Time of passing along the said Roads or either of them, whenever any new Hiring thereof shall be made.

General Exemptions from Toll.

XXIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken at any of the Gates or Turnpikes erected or to be erected on either of the said respective Districts of Roads, 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 Dung, Soil, Compost, Chalk, or Manure (save and except Lime) for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry, (unless laden also with some other thing not hereby exempted from Toll), or any Hay, Straw, Fodder for Cattle, Corn in the Straw, threshed Corn, Potatoes, or other agricultural Produce which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, Corn in the Straw, threshed Corn, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor in going to be sold or disposed of; or for any Horses or other Beasts employed in Husbandry, going to or returning from Plough, Harrow, Tilling, or Sowing of Land, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried; or for any Sheep or Lambs going to or returning from Fold, Pasture or Watering Place, such Horses or other Beasts, Sheep or Lambs, not going or returning on any or either of the Occasions aforesaid more than Two Miles on either of the said respective Districts of Roads on which the Exemption shall be claimed: 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 for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same; and such Penalties shall be levied and recovered (together with the necessary Costs and Charges of levying the same), by the same Ways and Means, and in the like Manner, as Penalties, Forfeitures, and Fines are by the said last recited Act directed or authorized to be levied; and one Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the Trustees of the District where such Penalties shall have been incurred, and applied or disposed of for the Purposes of this Act relating to such District of Road.

Penalty on fraudulently taking Benefit of Exemptions.

Leases to be vacated;

XXIV. And be it further enacted, That all Demises, Leases, and Agreements for Lease or Leases, or letting of the Tolls on the said Roads heretofore granted, shall on the Third *Friday* after the passing of this Act cease and be void; and in case any Lessee or Lessees, Farmer or Farmers of such Tolls, or any other Person or Persons, shall, on the Vacation or Avoidance of such Demises, Leases, or Agreements, or letting, refuse or neglect to deliver up the Possession of any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, or the Buildings and Appurtenances thereunto belonging, to the said respective Trustees, or to any Persons acting under their Authority, after Demand thereof made, then it shall be lawful for such Trustees to remove such Lessee or Lessees, Farmer or Farmers, or Person or Persons from the Possession thereof, in such manner as is herein-after directed with respect to the Removal of the

Lessee or Lessees, Farmer or Farmers of the Tolls to arise and be made payable under this Act, whose Lease or Leases, Contract or Contracts shall be avoided or vacated as is herein-after mentioned: Provided always, that such Trustees shall on or before the said Third *Friday* after the passing of this Act, and they are hereby authorized, directed, and required, to make or tender a fair and just Compensation and Satisfaction to the present Lessees or Lessee of such Tolls, for the Loss or Damage which they, he, or she may or might thereby sustain (such Loss or Damage being calculated according to the Amount of the Tolls which were payable at the Time of such Leases or Contracts being entered into, and not according to the Amount of the Tolls hereby made payable); and in case any such Lessees or Lessee shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessees or Lessee shall and may recover Compensation for the Loss or Damage sustained, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, and also (unless the Amount recovered shall be less than the Sum tendered by or on Behalf of the said Trustees) shall have and recover their full Costs of Suit: Provided also, that in case such Trustees and the present Lessees of the said Tolls, or any of them, shall be desirous that such Demises, Leases, or Agreements or Letting, shall continue in force for the Remainder of the respective Terms for which the same or any of them shall have been granted or made, then and in such Case such Lessees or Lessee shall pay such Sums of Money, or such additional Rent to such Trustees as such Trustees shall think fit, as a Consideration for the continuing of such Leases or Lease or Letting; and in case of any Difference or Dispute respecting the Amount of such Sum or Rent, such Difference or Dispute shall be settled by any Two Justices of the Peace for the County, Borough, or Place where the Toll House shall be situate, which such Justices are hereby empowered to do, on Application being made to them for that Purpose by such Lessees or Lessee, and on Proof of Seven Days Notice of the Intention of such Lessees or Lessee having been given in Writing by such Lessees or Lessee, to or at the Office of the Clerk or Clerks of the said Trustees.

but Satisfaction to be made to Lessees.

XXV. And be it further enacted, That during such Time as the Tolls arising on the said Roads, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses, at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls, during so long Time only as such Lessee or Lessees, Farmer or Farmers, shall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants, Agreements, and Conditions of such Lease, Demise, or Letting, but no further or otherwise.

Lessees or Persons appointed by them may occupy Toll Houses.

XXVI. And be it further enacted, That in case all or any of the Tolls arising on the said respective Districts shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in

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

in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Three Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case such Lease, Agreement, or Contract shall in any other manner become void; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said County of *Southampton*, upon Application made by the Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for such Trustees, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Lease, Agreement, or Contract had never been made; and it shall and may be lawful for such Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected, in such and the same manner as if no former Lease, Agreement or Contract had been made relative thereto.

Application of the Tolls and Money to be borrowed.

XXVII. And be it further enacted, That out of the Monies already received by virtue of the said first Three recited Acts, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the Trustees acting for the said respective Districts, or their respective Treasurers, shall in the first place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same, in the Proportions following; that is to say, Two-third Parts thereof by the Trustees for the *Whitchurch* District or their Treasurer, and the other One-third Part thereof by the Trustees for the *Andover* District or their Treasurer; and the Remainder of all such Monies arising within the said Districts respectively shall from Time to Time be applied in the second place in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls collected on or arising from or payable on account of the said respective Districts, and which may be hereafter advanced or borrowed on the Credit of this Act, or of the Tolls to be collected on, or to arise from, or to be paid in respect of the said respective Districts, and in erecting Turnpikes and Toll Houses on the said respective Districts, and in amending, altering, turning, widening, improving, and keeping in repair the said respective Districts of Roads, and in otherwise putting this Act into Execution; and lastly, in repaying the Principal Monies already borrowed on the Credit

Credit of the Tolls collected on, or arising from, or payable in respect of the said respective Districts, and the Principal Monies which may be hereafter borrowed by virtue of this Act or the said last recited Act, so and in such Manner that the Monies received on account of or arising from the Tolls collected on or payable in respect of either of the said Districts of Roads shall not be liable to the Payment of any Sum or Sums of Money already due and owing, or hereafter to become due and owing, on account of or in respect of the other of the said Districts of Roads, subject only to the Provision herein-after mentioned respecting One-fourth Part of the Gross Rent or Tolls arising at the *Swan Lane* or *City Arms Gate*, or at any other Gate to be erected in lieu thereof.

One-fourth of the Tolls collected by the Whitchurch District to be paid over to the Andover District.

XXVIII. Provided always, and be it further enacted, That One-fourth Part of the Gross Rent or Tolls collected at the Gate on the *Whitchurch* District called the *Swan Lane* or *City Arms Gate*, or at any other Gate to be erected in lieu thereof, within the said District of Road within Three Miles of the City of *Winchester*, shall be paid over by the Trustees for the Time being of the *Whitchurch* District to the Trustees for the Time being of the *Andover* District, on the Twenty-ninth Day of *September* in every Year, or within Twenty-one Days thereafter, to be by them applied for the Purposes aforesaid, within or on account of the said *Andover* District in manner aforesaid.

If the Trustees of the Whitchurch District omit to pay over to Trustees of Andover District a Part of Tolls taken at a certain Gate, the Trustees of the Andover District may take Possession of such Gate till same are paid.

XXIX. Provided always, and be it further enacted, That if the One-fourth Part of the Gross Rent or Tolls last-mentioned shall not be paid by the Trustees of the *Whitchurch* District or their Treasurer, to the Trustees of the *Andover* District or their Treasurer, on the said Twenty-ninth Day of *September* in every Year, or within Twenty-one Days next thereafter (the same being first demanded by the Treasurer of the *Andover* District by Notice in Writing, to be given to the Treasurer of the said *Whitchurch* District, or left for him at his most usual or last Place of Abode), then it shall be lawful for the Trustees for the Time being of the *Andover* District from Time to Time, and so often as any such Default in Payment shall be made, to enter upon and take Possession of the Toll Gate, Bar, or Toll House at the *Swan Lane* or *City Arms Gate*, near the City of *Winchester* aforesaid, and to appoint a Collector or other fit Person to receive the Tolls there payable, until the Trustees of the said *Andover* District shall by means thereof or otherwise be fully paid and satisfied the Money due to them in respect of such One-fourth Part of the Gross Rent or Tolls last-mentioned, with all Expences attending the Appointment of such Collector or other Person as last aforesaid, or in collecting and receiving the said Tolls or otherwise, on account of the Non-payment of the said One-fourth Part of the said last-mentioned Gross Rent or Tolls, at the Time aforesaid; and upon every or any such Entry, or taking Possession, to put out or remove the Lessee, Farmer, Tenant, or Collector appointed by the Trustees of the said *Whitchurch* District of the aforesaid Tolls, from the Toll House, Toll Gate, or Bar aforesaid.

Trustees restrained from pulling down Dwelling Houses, &c.

XXX. Provided always, and be it further enacted, That the Powers and Authorities given by the said last recited Act, for amending, altering, turning, widening, and improving the said Roads, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use

use of any Curtilage, Orchard, Lawn, or Shrubbery, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein.

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

XXXI. And be it further enacted, That it shall be lawful for the said respective Trustees, and their respective Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth, as they shall consider expedient for the Purpose of keeping the said Roads dry and conveying the Water from the same, as well on the Side or Sides of the said Roads, as also where necessary, into or through any Lands or Grounds adjoining or lying near the said Roads (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House), and also such sufficient Bridges, Arches, Culverts, Trunks, or Tunnels as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; any thing in the said last recited Act contained to the contrary notwithstanding; and all new Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, or Tunnels to be made in pursuance of this Act, when so made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained by the Occupiers of the adjoining Lands or Grounds; but all such new Bridges, Arches, Culverts, Trunks, and Tunnels, as shall cross or pass through, in, or under the said Roads, shall be maintained and repaired by the said Trustees, subject to the Provisions of the said last recited Act.

Persons, &c. before liable to Repairs to continue so.

XXXII. And be it further enacted, That all and every Person and Persons, Counties, Towns, Parishes, Townships, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, and Bodies Politic, Corporate, and Collegiate, and the Members thereof, who heretofore hath or have used, or of Right ought to repair any Part of the said Roads, or any Bridge, Watercourse, Drain, or Sewer in or upon the same, or to pay any Sum or Sums of Money for or towards the Repairs thereof, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, shall, notwithstanding this Act, be subject and liable to such Repairs, or to the Payment of such Sums of Money, in the same Manner as he, she, or they, and every of them, would have been in case this Act had not been passed.

Statute Labour.

Justices to determine Differences touching Statute Work.

XXXIII. 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 respective Districts of Roads, or any Part thereof, shall still remain liable thereto as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the County, Borough, or Place in which the said Districts of Roads, or either of them, or any Part thereof lies, and they are hereby empowered and required (upon Application made to them for that Purpose by the said respective Trustees, or by their respective 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 Roads by the Inhabitants of the respective Parishes, Townships, Hamlets, Divisions, or Places liable thereto, or in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every

such Parish, Township, Hamlet, Division, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said respective Trustees or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, Division, 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, either personally or leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who within such Parish, Township, Hamlet, Division, 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 or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads 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 Roads, as the said Trustees or their Surveyor or Surveyors by their Order shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Surveyor or Surveyors of every such Parish, Township, Hamlet, Division, or Place, to pay over to the said respective Trustees, or their respective 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 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 any Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off or discharge 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 Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said respective Districts of Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Divisions, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false

false or 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 County, Borough, or Place wherein such Surveyor or Surveyors of the Highways shall live or reside, on Complaint made to such Justices by the Surveyor or Surveyors to the said Trustees.

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

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

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

XXXV. 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 last recited Act 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 respective Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by such Trustees or their Treasurer (which such Treasurer is hereby authorized and empowered to do out of any Monies received or to be received by him as such Treasurer by virtue of this Act), to the Party or Parties entitled to 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 such Trustees or their Treasurer,

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 such Trustees by virtue of this Act, 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 such Sum or Sums of Money, or Compensation or Satisfaction 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 such Overplus shall be returned on Demand to such 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 Costs, Charges, and Expences as he shall be put unto by virtue of any such Order as aforesaid.

Trustees not personally liable for Mortgages.

XXXVI. Provided always, and be it further enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security, under or by virtue of the said first Three recited Acts or this Act: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees, for any thing done by virtue or in pursuance of the said first Three recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution shall be defrayed out of the Tolls arising on the said respective Districts of Roads.

Penalty for certain Offences.

XXXVII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully pull down, break, injure, or damage any Table of Tolls put up or affixed at any Toll Gate or Bar on any Part of the said respective Districts of Roads, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon; or if any Person or Persons shall wilfully pull up, throw down, break, injure, or damage any Posts, Rails, or Fences now or at any Time hereafter to be placed or put up by Order of the said respective Trustees, or their Surveyor or Surveyors, either by the Side or Sides of such Roads, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents; or if any Person or Persons shall wilfully cause any Damage or Injury to be done to any Bridge, Arch, Wall, or other Building or Erection set up or erected or to be set up or erected by virtue of the said former Acts or this Act, on any Part of the said Roads or by the Side or Sides thereof; or if any Person or Persons shall cast or throw any Earth or Rubbish, or other Matter or Thing into any Drain, Ditch, Culvert, Tunnel, or other Watercourse in or by the Side of such Roads, so as to obstruct the Water from running or draining off such Roads; or if any Person or Persons shall, without being thereto

authorized by the Surveyor or Surveyors for the Time being acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil, from off any Footpath or Causeway, or any other Part of such Roads; or if any Person shall turn loose any Horse, Ass, Beast, Sheep, or Swine upon the said Roads, or suffer any Horse, Ass, Beast, Sheep, or Swine to be turned loose or to wander or stray, or to be or remain upon such Roads to graze or depasture on the Sides thereof; or if any Person on Horseback meeting any Coach, Chaise, Waggon, Cart, or other Carriage, or other Person on Horseback upon such Roads, shall not keep his Horse on the Left or Near Side of such Roads; or if any Person or Persons shall dig, make, or use any Pit or Pits for sawing of Timber or Wood on the Side of such Roads, every Person offending in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence; and every such Offender shall also pay to the said Trustees or their Treasurer or Treasurers, or other Person or Persons, such Sum of Money as shall be a full Satisfaction for the Damage or Injury so done or occasioned to any such Table of Tolls, Post, Rail, Fence, Bridge, Arch, Wall, or Building; and such Penalties and Damages shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means, and in the like Manner as Penalties, Forfeitures, and Fines are by the said last recited Act directed or authorized to be levied; and One Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to such respective Trustees, and be by them applied or disposed of for the Purposes of this Act.

Damages and Charges in certain Cases how to be ascertained.

XXXVIII. And be it further enacted, That where by this Act or the said last recited Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, and shall and may be levied and recovered by such and the like Ways and Means as any such Penalty or Penalties may be recovered by virtue of the said last recited Act.

Public Act.

XXXIX. 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.

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

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