ANNO QUARTO

GEORGII IV. REGIS.

Cap. XV.

An Act for repairing and improving the Roads from the Town of *Stockbridge* to the City of *Winchester*, and from the said City of *Winchester* to the Top of *Stephen's Castle Down*, near the Town of *Bishop's Waltham* in the County of *Southampton*, and from the said City of *Winchester* through *Otterborne* to *Bar Gate* in the Town and County of the Town of *Southampton*, and certain Roads adjoining thereto. [2d *May* 1823.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from the Town of* Stockbridge, *in the County of* Southampton, *to the City of* Winchester, *and from the said City through* Bellmour Lane *to the Top of* Stephen's Castle Down, *near the Town of* Bishop's Waltham *in the said County, and from the said City of* Winchester *through* Otterborne *to* Bar Gate, *in the Town and County of the Town of* Southampton: And whereas an Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, for repairing and widening the Roads from the Town of* Stockbridge, *in the County of* Southampton, *to the City of* Winchester, *and from the said City through* Bellmour Lane *to the Top of* Stephen's

31 G. 2. c. 75.

20 G. 3. c. 90.

Stephen's Castle Down, *near the Town of* Bishop's Waltham *in the said County, and from the said City of* Winchester *through* Otterborne *to* Bar Gate, *in the Town and County of the Town of* Southampton: And whereas another Act was passed in the Forty-first Year of the Reign of His said late
41 G. 3. c. 95. Majesty King *George* the Third, intituled *An Act to continue the Term, and alter and enlarge the Powers of Two Acts made in the Thirty-first Year of the Reign of His late Majesty, and in the Twentieth Year of the Reign of His present Majesty, for repairing and widening the Roads from the Town of* Stockbridge, *in the County of* Southampton, *to the City of* Winchester, *and from the said City through* Bellmour Lane *to the Top of* Stephen's Castle Down, *near the Town of* Bishop's Waltham *in the said County, and from the said City of* Winchester *through* Otterborne *to* Bar Gate, *in the Town and County of the Town of* Southampton: And whereas another Act was passed in the Forty-second Year of the Reign of His late
42 G. 3. c. 52. Majesty King *George* the Third, intituled *An Act for altering, amending, and enlarging the Powers of so much of an Act passed in the Forty-first Year of the Reign of His present Majesty, for repairing the Roads from the Town of* Stockbridge *in the County of* Southampton, *to the City of* Winchester, *and from the said City through* Bellmour Lane *to the Top of* Stephen's Castle Down, *near the Town of* Bishop's Waltham *in the said County, and from the said City of* Winchester *through* Otterborne *to* Bar Gate, *in the Town and County of the Town of* Southampton, *as relates to the South District of the* Southampton *Road:* And whereas the said Road from the said City of *Winchester*, through *Otterborne* to *Bar Gate*, in the Town and County of the Town of *Southampton*, was by the said Act of the said Twentieth Year of the Reign of His said late Majesty King *George* the Third, divided into Two separate Districts called respectively 'The North District of the said Road,' and 'The South District of the said Road:' And whereas several considerable Sums of Money have been borrowed on the Credit of the Tolls authorised to be collected upon each of the said Roads and Districts of Road comprised in the said Acts, which still remain due and owing: And whereas the said Sums of Money so borrowed cannot be paid off, nor can the said Roads be effectually repaired, improved, and kept in Repair, unless the Powers and Provisions of the said Acts are enlarged and altered, and the Tolls increased; And whereas it would be of general public Utility if Power were given to repair, improve, and keep in Repair the several Pieces of Road herein-after mentioned, now communicating with the said Roads; *videlicet*, the Lane leading out of the Turnpike Road from *Stockbridge* to *Winchester*, at *Fulflood*, into the Turnpike Road from the said City of *Winchester* to *Andover*; the Lane called *Love Lane*, leading from the South District of the *Southampton* Road, at or near *Rockstone Lane*, to the Town of *Southampton*, by *Saint Mary*'s Church Yard; and also the Road leading from the Turnpike Gate erected on the South District of the *Southampton* Road, within Eight hundred Yards of *Bar Gate*, *Southampton*, Westward, to a Bridge called *Four Posts Bridge*, at the Boundary of the Town and County of the Town of *Southampton*: And whereas it is expedient that the said recited Acts should be repealed, and further Provisions made for those Purposes: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled
3 G. 4. c. 126. *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the

King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts passed in the Thirty-first Year of the Reign of King *George* the Second, and in the Twentieth, Forty-first, and Forty-second Years of the Reign of King *George* the Third, shall be and the same are hereby repealed, and instead thereof this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in Repair the Turnpike Roads herein-after described; that is to say, the present Turnpike Road from the Town of *Stockbridge* in the County of *Southampton*, to the West Gate of the City of *Winchester* in the same County; and the Lane or Road leading out of the said Road from *Stockbridge* to *Winchester*, at *Fulflood*, into a certain other Turnpike Road from the said City of *Winchester* to *Andover*, which shall be called 'The *Stockbridge* and *Winchester* Road;' the present Turnpike Road from the said City of *Winchester*, through *Bellmour Lane* to the Top of *Stephen's Castle Down*, near the said Town of *Bishop's Waltham* in the said County of *Southampton*, which shall be called 'The *Winchester* and *Waltham* Road;' the present Turnpike Road from the Site of the late South Gate of the said City of *Winchester*, through *Otterborne* towards *Southampton*, unto a Stone set up opposite a Pond called *Fernhill Pond*, marked for the different Districts; and the present Turnpike Road adjoining to and leading from the East Side of the last mentioned Road, near a Gate in the North-west Corner of a Close called *Barton Close*, in the Parish of *Saint Faith* in the said County of *Southampton*, to the Pavement belonging to the said City of *Winchester*, in the Parish of *Saint Michael* in the said County of *Southampton*, which shall be called 'The North District of the *Southampton* Road;' and the present Turnpike Road from the said Stone, opposite *Fernhill Pond*, to *Bar Gate* in the Town and County of the Town of *Southampton*; the present Turnpike Road adjoining to and leading from the East Side of the said last mentioned Road, at or near a certain Mansion House and Premises called *Belle Vue*, in the Parish of *All Saints* in the Town and County of the Town of *Southampton*, through *Rockstone Lane* and *Portswood*, into the Turnpike Road leading from the Town of *Romsey* to *Botley*, in the County of *Southampton*, at *Swathling*, in the said County of *Southampton*, near to a Bridge over the River there; the Lane or Road called *Love Lane*, leading from the said last described Turnpike Road at or near *Rockstone Lane* aforesaid, East Side of *Belle Vue* aforesaid, to the Town of *Southampton*, at a Place called *Saint Mary's*, within the Liberties of the said Town of *Southampton*, to the Pavement there; and one other Road leading out of the Road before described, from the Stone near *Fernhill Pond*, to *Bar Gate* in the said Town and County of the Town of *Southampton*, at the Turnpike Gate erected within Eight hundred Yards of *Bar Gate* aforesaid, Westward, to a certain Bridge called *Acorn* or *Four Posts Bridge*, at the Boundary of the Town and County of the Town of *Southampton*, which shall be called 'The South District of the *Southampton* Road.'

Former Acts repealed.

Stockbridge to Winchester.

Winchester to Stephen's Castle Down, near Bishop's Waltham.

North District of the Southampton Road.

South District of the Southampton Road.

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, Authorities, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts

Extending Powers of 3 G. 4. c. 126. to this Act.

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.

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

III. And be it further enacted, That the whole of the Tolls and Duties by this Act granted and imposed for repairing and maintaining the Roads hereby directed to be repaired and maintained, shall, for and during the Term of this Act, be charged with and made subject to the Payment of all Monies heretofore borrowed, or otherwise due to any Person or Persons for the making and maintaining any or either of the Roads directed by the said recited Acts of the Thirty-first Year of the Reign of King *George* the Second, and of the Twentieth, Forty-first and Forty-second Years of the Reign of His said late Majesty King *George* the Third, or any of them, to be made and maintained, and now due and owing upon the Credit or on Account of the said recited Acts, or secured upon or made payable out of the Tolls and Duties thereby granted, or any Part thereof, and of all Interest due and to grow due thereon, in the said Districts respectively, 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; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts, which in anywise concern the said Roads or any of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities, duly entered into by any Person or Persons, to or with the Trustees for executing the said Acts or any of them, for or concerning any Matters or Things respecting the said Roads or any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed, on Account and for the Benefit of the said Roads; and all Contracts or Agreements duly made or entered into by the Trustees, for executing the said Acts or any of them, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said Acts.

Appointment of Trustees for the Stockbridge and Waltham Roads, and the North District of the Southampton Road.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Southampton*, together with the Right Honourable *Richard Plantagenet Nugent Grenville Temple* commonly called Marquis of *Chandos*, Sir *Henry Joseph Tichborne* Baronet, the Reverend Sir *Henry Rivers* Baronet, Sir *Charles Ogle* Baronet, Sir *Edward Hyde East* Baronet, *Francis Baring*, *Alexander Baring*, *Bingham Baring*, *Charles Bailey*, *John James Barlow*, *Edward Deall Bridger*, *Richard Bright*, *Robert Budd* (of *Stakes Farm*), *Robert Barnard* Clerk, *William Burnett*, *William Barnes*, the Right Honourable *William Carnegie* commonly called Lord *Rosehill*, *William Cordery*, *John Crouch*, *William Complin*, the Reverend *Chandler* Clerk, *Liscombe Clarke* Clerk, *George Cox* Clerk, *William Complin*, *Thomas Deane*, *Samuel Deverell*, the Honourable and Reverend *Thomas de Grey* Clerk, *Henry Thomas Dampier* Clerk, *John Vavasour Earle*, *William Earle*, *James Buller East*, *James Edwards*, *Charles Fielder*, *John Fleming*, *Richard Goldfinch*, *James Gauntlett*, *William Gover*,

Gover, *Thomas Garnier* Clerk, *George Godwin* senior (*Crawley*), *William Garnier* Clerk, *Henry Dyson Gabell* Doctor of Divinity, *John Haygarth* Clerk, *Gilbert Heathcote* Clerk, *George Hoare*, *George Hollis*, *John Hopkins* Clerk, *Henry John Hopkins* Clerk, *John Harvey*, *Samuel Heathcote* Clerk, *James Hook* Doctor of Laws; *William Harrison* Clerk, *Henry Huntingford* Clerk, *Charles Brune Henville* Clerk, *Henry Rowland Harley*, *James Hodges* Clerk, *George Purefoy Jervoise*, *Robert Jessett*, *Lascelles Iremonger* Clerk, *Henry Knight*, *Robert Knight*, *Edward Knapp* junior, *Harry Lee*, *Harry Lee* junior, Clerks, *Charles Littlehales* Doctor of Medicine, *Richard Hockley Lavington*, *Langford Lovell*, *Richard Henry Lloyd*, *Richard Littlehales*, the Honourable *Augustus George Legge* Clerk, *George Lovell*, *Giles King Lyford*, *Henry Giles Lyford*, *William Masters* Clerk, *Paulet Saint John Mildmay*, *Charles Marett*, *William Hill Newbolt* Doctor of Divinity, *Francis North* Clerk, *Charles North* Clerk, *George Frederick Nott* Doctor of Divinity, *Edward Nott* Clerk, *William Neville*, *Benjamin Neville*, *James Ogle* Clerk, *Edmund Poulter* Clerk, *John Sayer Poulter*, *Charles Richards* Clerk, *Charles Richards* junior Clerk, *George William Ricketts*, *Robert Rogers*, *James Ralfe*, *William Ross*, *George Robert Goodwin Ricketts*, *William Simonds*, *William Simonds* the younger, *Charles Smith*, *Richard Snow*, *Thomas Walter Smith*, *Stephen Steele*, *William Short* Doctor of Divinity, *Henry Sissmore* Clerk, *John Nicholas Silver*, *James Scott* Clerk, *Alexander Thistlethwayte* Clerk, *Robert Cropp Taunton* Clerk, *Nathaniel Turner*, *Nicholas Waller*, *John White*, *John White* the younger, *John Woodburn* Clerk, *James Woolls*, *Barnard Winter*, *George Henry Ward*, *Philip Williams* Clerk, *Philip Williams* Recorder of *Winchester*, *Charles Williams* Clerk, *David Williams* Clerk, *Francis Swanton* Clerk, *James Woolls*, *Thomas Watkins* Clerk, *Thomas Westcombe* Clerk, *Tugwell Williams* Clerk, and *John Young*, shall be and they and their Successors are hereby appointed Trustees for the Purpose of repairing, improving, and keeping in Repair the *Stockbridge* and *Winchester* Road, the *Winchester* and *Waltham* Road, and the North District of the *Southampton* Road, and for carrying into Execution this Act, and such of the Powers and Provisions of the last recited Act as are not expressly varied, altered, or otherwise provided for by this Act.

For the South District of the Southampton Road.

V. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Southampton*, together with the Right Honourable the Lord Viscount *Palmerston* of the Kingdom of *Ireland*, the Right Honourable the Lord *Ashtown* of the Kingdom of *Ireland*, the Right Honourable *William Sturges Bourne*, Sir *Thomas Freeman Heathcote* Baronet, Sir *John Thomas* Baronet, the Reverend Sir *Charles Rich* Baronet, the Right Honourable Sir *George Henry Rose*, Sir *William Champion de Crespigné* Baronet, Sir *Joseph Yorke*, Sir *James Lind*, *Arthur Atherley*, *George Atherley*, *George Argles*, *Henry Barlow*, *Frederick Beadon* Clerk, *Francis Love Beckford*, *Peter Bernard*, *James Bovill*, *Thomas Bromley* Clerk, *William Chamberlayne*, *Charles Day*, *James Dott*, *Abel Rous Dottin*, *Thomas Durell*, *George Ede*, *Samuel Elliot*, *Henry Eyre*, *William Fitzhugh*, *John Fleming*, *Nat Fletcher* Clerk, *Edward Fiott*, *Philip Carteret Fall*, *Edward James Foote*, *Jacob Gater*, *Edward Gater*, *William Henry Gater*, *John Gater*, *Sloane Gibbons*, *Gage J* *Hall*, *Charles Hilgrove Hammond*, *Arthur Atherley Hammond* Clerk, *John Butler Harrison*, Sir *George Hewett*, *Michael Hoy*, *Edward Horne Hulton*, *John Hunt*,

Hunt, *James Hunt*, *John Rushworth Keele*, *Edwin Godden Jones*, *Stephen Lintott*, *Wilson Lomer*, *John Lukin* Clerk, *William Alexander Mackinnon*, *Martin Maddison*, *Martin Maddison* the younger, *Charles Marett*, *Thomas Mears* Clerk, *Henry Minchin*, *Charles Morris*, *John Sadleir Moody*, *Thomas Sloane Moody*, *William Oke*, *William Joseph George Phillips* Clerk, *Peter Rainier*, *George Rogers*, *William Rogers*, *Matthew Henry Scott*, *Hans Sloane Stanley*, *William Sloane Stanley*, *John Stiles*, *Samuel Silver Taylor*, *Cornelius Trim*, and *Blastus Godly Wright*, shall be, and they and their Successors are hereby appointed Trustees for the Purpose of repairing, improving, and keeping in Repair the South District of the *Southampton* Road only, and for carrying into Execution this Act, and such of the Powers and Provisions of the said last recited Act as are not expressly varied, altered, or otherwise provided for by this Act.

First Meeting of Trustees.

VI. And be it further enacted, That the said Trustees for the *Stockbridge* and *Winchester* and *Winchester* and *Waltham* Roads, and for the North District of the *Southampton* Road, shall meet together at the House of *Richard Staning*, in the City of *Winchester* aforesaid, or at some other Inn or Public House, on the Third *Tuesday* after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of the said last recited Act and this Act; and that the said Trustees for the South District of the *Southampton* Road shall meet together at the Audit House, in the said Town and County of the Town of *Southampton*, on the Third *Saturday* after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of the said last recited Act and this Act.

Power to adjourn.

VII. Provided always, That if Three of the said respective Trustees shall not appear at the said First Meeting herein-before appointed to be held, or at the Time and Place appointed for holding any subsequent Meeting of the said Trustees pursuant to this Act, within One Hour after the Time appointed for holding any such Meeting, the Trustees or Trustee then present shall and may adjourn such Meeting to such Day, Time, and Place as they or he shall think proper, not exceeding One Calendar Month from the Day such Meeting was intended to have been holden.

Qualification of Trustees.

VIII. 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 recited Act, passed in the Third Year of the Reign of His present Majesty, is directed and prescribed, and unless being so qualified, he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said last-mentioned Act, and the Oath hereinafter-mentioned) take and subscribe before One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath following; that is to say,

Trustees to be sworn.

Oath.

'I *A. B.* do swear, 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* [*here set forth the Title of this Act*]; and also an ‘ Act made in the Third Year of the Reign of His said present Majesty, ‘ intituled [*here set forth the Title of the General Turnpike Act.*] ‘ So help me GOD.’

And if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath, 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 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 said Oath 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 previously to his having acted as such Trustee as aforesaid.

Power to appoint Five Trustees, in addition to those hereby appointed.

IX. And be it further enacted, That it shall be lawful for the said respective Trustees, at a Meeting to be held for that Purpose, (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given as is directed by the said last recited Act respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons, not exceeding Five, for the North District of the *Southampton* Road, the *Stockbridge* and *Winchester* Road, and the *Winchester* and *Waltham* Road, and not exceeding Five for the South District of the *Southampton* Road, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed shall be, and they are hereby invested with the same Powers and Authorities for executing the said recited Act of the Third Year of the Reign of His present Majesty and this Act, as if they had been named and appointed by this Act.

Appointment of Officers.

X. 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 Roads, 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 appoint another or others in his or their Stead, and every such Appointment shall be entered in the Book of the Proceedings of the respective Trustees, and the Entry shall be signed by the Trustees making the Appointment, or by the major Part of the Trustees present at the Meeting where the Appointment is made, and Fourteen Days Notice shall be published in some public Newspaper, usually circulated in the said County of *Southampton*, and in the said Town and County of the Town of *Southampton*, and on all the Turnpike Gates standing or being across the said Roads, of every Meeting where any such Appointment shall be intended to be made, after the First Meeting of the said Trustees, specifying the Intention of appointing such Officer or Officers; and the said Trustees shall and may and are hereby

hereby authorized and empowered, by and out of the Monies arising by virtue of the last recited Act and this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed or who shall assist in the Execution of the last recited Act and this Act, for their Services, as they the said Trustees shall think reasonable.

Officers to continue until new ones elected.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer, (except the Treasurer,) who have been appointed under and by virtue of the said former 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 Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority, and shall be subject to the like Pains and Penalties and Power of Removal, and to the same Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Trustees may appoint temporary Collectors.

XII. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall refuse, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Two or more of the said respective Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver, and nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees for the District; which Person 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 had been nominated and appointed at a Meeting under and by virtue of the last recited Act and this Act.

Books, &c. relative to former Acts to be delivered to Trustees.

XIII. And be it further enacted, That all Officers or other Persons who are or have been employed, or who have received or shall receive any Tolls or other Money, by virtue or on account of the said Acts hereby repealed, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or any Things relating to the said Roads, by the before recited Acts directed to be improved and repaired, or either of them, shall account for and pay and deliver over the same and every Part thereof to the Trustees hereby appointed, in like Manner, and under the like Pains and Penalties, and with the like Powers to the Trustees for enforcing the Recovery thereof, as the several Collectors and other Persons receiving any Money by virtue of the said last recited Act and this Act are required to pay or account for the same.

Books used under former Acts to be Evidence.

XIV. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

XV. Pro-

Trustees not to be personally liable.

XV. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or liable to be 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 any other Security, under or by virtue of the said 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 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 Roads hereby directed to be amended and repaired.

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

XVI. And be it further enacted, That it shall be lawful for the said respective Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses, and Side Gates or Side Bars, now standing and being in and upon or across the said respective Roads and Districts of Road, or to discontinue the same or either of them, or to remove and alter the Situation of the same or of either of them, and to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said respective Roads and Districts of Road, or any Part thereof, or at the Entrance of any Road or Lane that doth or shall lead into or out of the said Roads, or either or any of them, when and as they shall judge necessary, any Weighing Machine or Weighing Machines, Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and also one or more Toll House or Toll Houses, with Out-buildings 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 Roads, suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove, or again to put up in a different Situation, or to alter and discontinue the same, or any of them, as they the said respective Trustees shall think proper, and direct or appoint.

Power to sell Toll Houses.

XVII. 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, or Building or Buildings heretofore purchased, erected, or intended for the Purpose of a Toll House or Toll Houses, by virtue of the said Acts hereby repealed, or any of them, or hereafter to be purchased or erected by virtue of this Act, and the Ground whereon the same may stand (except the same shall have been erected on any Highway, or on any Common or Commonable Fields), with the Outhouses, Gardens, and Appurtenances thereunto belonging, which shall be considered by the said Trustees as 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 to convey, assign, and surrender the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, according to the Nature and Tenure of the Estate, by which the same may be holden; and the Person or Persons who shall purchase the same, his, her, or their Heirs, Executors, Administrators, or Assigns shall, upon

Payment of his, her, or their Purchase Money to the said Trustees, or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, according to the Nature and Tenure thereof, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be answerable for the Application or Misapplication of his, her, or their Purchase Money: Provided always, that such Preference of Purchase shall be given to the Person or Persons from whom any Land on which any Toll Houses may have been erected, was purchased, leased, or taken in Exchange, or to the Person or Persons whose Land shall adjoin thereto, as is by the said Act of the Third Year of the Reign of His present Majesty directed to be given, where any Piece or Pieces of Ground, not wanted for the Purposes of any Turnpike Road, is or are authorized to be sold and disposed of.

Power to take Tolls.

XVIII. And be it further enacted, That it shall and may be lawful for the said respective 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 each and every of the several and respective Turnpikes or Toll Gates, or Side Bar or Side Gate, or Chain, which are or is or shall be standing or being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said respective Roads and Districts of Road, or any or either of them, or any Part thereof, 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, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Chair, Phaeton, Hearse, Sociable, Car, Gig, or Litter, or other such like Carriage, on the North and South Districts of the *Southampton* Road respectively, the Sum of Three-pence; and for every Horse or other Beast drawing any such Carriage on the *Stockbridge* and *Winchester* Road, and on the *Winchester* and *Waltham* Road respectively, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Caravan, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, on the North and South Districts of the *Southampton* Road respectively, the Sum of Four-pence Halfpenny; and for every Horse or other Beast drawing any such Carriage on the *Stockbridge* and *Winchester* Road, and on the *Winchester* and *Waltham* Road respectively, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Caravan, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less Breadth than Six Inches at the Bottom or Soles thereof, on the North and South Districts of the *Southampton* Road respectively, the Sum of Four-pence; and for every Horse or other Beast drawing any such Carriage on the *Stockbridge* and *Winchester* Road, and on the *Winchester* and *Waltham* Road respectively, the Sum of Seven-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Caravan, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof,

on the North and South Districts of the *Southampton* Road respectively, if drawn by Five or more Horses or Beasts of Draught the Sum of Two-pence Halfpenny, and if drawn by Four or a less Number of Horses or Beasts of Draught the Sum of Three-pence; and for every Horse or other Beast drawing any such Carriage on the *Stockbridge* and *Winchester* Road, and on the *Winchester* and *Waltham* Road respectively, if drawn by Five or more Horses or Beasts the Sum of Three-pence, and if drawn by Four or a less Number of Horses the Sum of Four-pence;

For every Horse, Mule, or Ass passing laden or unladen, and not drawing, on the North and South Districts of the *Southampton* Road respectively, the Sum of One Penny; and passing on the *Stockbridge* and *Winchester* Road, and on the *Winchester* and *Waltham* Road respectively, the Sum of One Penny Halfpenny:

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

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

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate, or Chain, already erected and continued, or to be erected and continued by virtue of this Act, upon or across the said respective Roads and Districts of Road, or any or either of them, or any Part thereof, or upon or across any Lane or Way leading into the same; provided that the Power hereby granted to take Toll at any Side Gate or Side Bar shall not extend to a Double Charge upon any Horses, Beasts, Cattle, or Carriages passing through any other of the Turnpikes or Toll Gates in the same Roads or Districts of Road, and such of the said respective Tolls as shall be collected on the said *Stockbridge* and *Winchester* Road, and *Winchester* and *Waltham* Road, and the North District of the *Southampton* Road, shall be and are hereby vested in the said Trustees for the said *Stockbridge* and *Winchester*, and *Winchester* and *Waltham* Roads, and the said North District of the *Southampton* Road, and shall be applied for the Purposes of this Act in manner herein-after directed; and such of the said respective Tolls as shall be collected on the said South District of the *Southampton* Road, shall be and are hereby vested in the Trustees for the said South District of the *Southampton* Road, and shall be applied for the Purposes of this Act in manner herein-after directed.

No Toll to be taken at the Toll Bar in the Lane leading to New Barton Farm, of Persons going to or from the said Farm only.

XIX. And be it further enacted, That in case the Toll Bar erected in the Lane leading out of the *Winchester* and *Waltham* Road by *New Barton* Farm to *Chilcomb*, shall be permitted to remain; or if any Toll Gate or other Toll Bar shall be hereafter erected in the said Lane, in lieu of the present Toll Bar, no Toll or Duty shall be demanded or taken of or from the Occupier of the said Farm for the Time being, or any other Person or Persons, for his or their Horses, Cattle, or Carriages passing through the said Toll Gate or Toll Bar to or from the said Farm only.

XX. Pro-

Exemptions for agricultural Produce.

XX. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act, 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, or Manure 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, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of; or for any Horses or other Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said Roads; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall be on the Person claiming the same.

Threshed Corn in certain Cases exempted from Toll.

XXI. And whereas by the said last recited Act it is enacted, that no Toll shall be demanded or taken for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce as therein mentioned; be it therefore enacted, That no Toll shall be demanded or taken at any of the Gates or Turnpikes erected or to be erected on any of the said respective Roads or Districts of Road, for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying any threshed Corn which has grown or arisen on Land or Ground in the Occupation of the Owner of any such threshed Corn, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of.

Side Gates may be erected by Trustees of South District across Commonable Fields.

XXII. And be it further enacted, That to prevent Persons evading the Payment of the Tolls hereby granted within the South District of the *Southampton* Road, it shall and may be lawful for the Trustees acting within the said District, or any Three or more of them, to erect or cause to be erected one or more Fence or Fences, Gate or Gates, Bar or Bars, Turnpike or Turnpikes, with or without a Toll House or Toll Houses, across, along, by, on, or over any Waste, Common, or Commonable Fields, lying near the Town of *Southampton*, and within the Liberties of the County of the same Town, or across, along, by, on, or over any Part or Parts thereof, within a Quarter of a Mile of some Part of the said South District of the said Road, and to take and levy, or cause to be taken and levied thereat respectively, such Tolls as are by this Act made payable at any Gate or Turnpike erected or to be erected by virtue of this Act within the said District, so as the same, or the Tolls to be collected at any Gate or Turnpike erected or to be erected within Eight hundred Yards of *Bar Gate* in the Town and County of the Town of *Southampton*, do not extend to a Double Charge, or subject any Person to

to the Payment of a larger Toll than is hereby appointed to be paid for passing through any other of the Gates or Turnpikes erected or to be erected by virtue of the said recited Acts, or of this Act, within the said South District of the said *Southampton* Road.

Trustees of South District not to take Toll within 800 Yards of Bar Gate in Love Lane, or between Bar Gate and Four Posts Bridge, except at certain Periods.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for the Trustees acting within the South District of the *Southampton* Road to take or levy, or cause to be taken or levied, any Toll whatsoever on any Cattle or Carriages passing through any Gate or Turnpike erected or to be erected within Eight hundred Yards of *Bar Gate* aforesaid, or in the said Lane called *Love Lane*, or in or upon the said Road to *Four Posts Bridge*, but during such Period in every Year, not exceeding Three Calendar Months, as the said Trustees shall think sufficient to enable the said Trustees effectually to support, repair, and maintain the Road lying within the said South District, and defray all the Charges incident thereto, and to raise such Sum of Money as may be necessary to be appropriated as a Sinking Fund in manner herein-after mentioned, but if in any Year it shall appear to the Satisfaction of the said Trustees, at a Meeting to be called expressly for that Purpose, of which Fourteen Days Notice by public Advertisement shall be given, that the Money collected at all the Gates or Turnpikes erected or which shall hereafter be erected within the said South District, shall be insufficient to enable the said Trustees effectually to support, repair, and maintain the Road lying within the said South District, and defray all the Charges incident thereto, in such Case it shall be lawful for the said Trustees in the succeeding Year to take and levy, or cause to be taken and levied, at any such Gate or Turnpike, within Eight hundred Yards of *Bar Gate* aforesaid, the Tolls by this Act granted for any Period not exceeding Four succeeding Calendar Months.

No Toll to be taken at the Southampton Gate for any Cattle or Carriage having paid Toll on the Romsey Road.

XXIV. Provided always, and be it further enacted, That it shall not be lawful for the Trustees acting within the said South District of the *Southampton* Road to take or levy, or cause to be taken or levied, at any Turnpike or Toll Gate erected or to be erected between *Bar Gate* in the Town and County of the Town of *Southampton* and *Acorn* or *Four Posts Bridge*, at the Boundary of the said Town and County of the Town of *Southampton*, any Toll whatever on any Horse, Beast, Cattle, or Carriage passing or repassing to or from the said Town of *Southampton*, for which Toll shall have been paid on the same Day at any Turnpike or Toll Gate already erected or that shall hereafter be erected between the Town of *Romsey* and not less than the Distance of One Mile and a Quarter from *Bar Gate* in the Town and County of the Town of *Southampton* aforesaid, under and by virtue of an Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering the Powers of Two Acts made in the Twenty-ninth Year of the Reign of His late Majesty King* George *the Second, and in the Twenty-second Year of the Reign of His present Majesty, for repairing and widening the Roads leading from a Pond, late belonging to* Henry Eyre *Esquire, in the Parish of* White Parish *in the County of* Southampton, *to the Top of* Dunwood Hill, *and from thence over* Great Bridge *and* Middle Bridge, *through* Romsey Infra, *to* Hundred Bridge *in the County of* Southampton, *and from thence to the County of the Town of* Southampton, on a

43 G. 3. c. 72.

Note or Ticket of the Day being produced denoting such Payment, which Note or Ticket the Collector of the Tolls at any such Turnpike or Toll Gate erected or that shall be erected by virtue of the said last-mentioned Act are hereby required to give *gratis*.

If Trustees of Romsey Road erect a Gate near Southampton, Toll to be taken at Southampton Gate.

XXV. Provided always, and be it enacted, That if the said Trustees named or appointed in or under the said Act of the Forty-third Year of the Reign of His said late Majesty King *George* the Third shall at any Time erect or cause to be erected any Turnpike, Toll Gate, or Bar on any Part of the Road comprised in the said Act, and lying between the Place on the North Side of the Road leading from *Milbrook* in the County of *Southampton* to the Town of *Southampton*, at which the Road from the said Town of *Romsey* joins the last-mentioned Road, and the Boundary of the County of the Town of *Southampton*, at or near a certain Bridge called *Acorn* or *Four Posts Bridge*, where the said first-mentioned Road terminates, then and in such Case it shall be lawful for the Trustees of the said South District of the said *Southampton* Road to demand and receive at any Turnpike Gate or Bar erected or to be erected within Eight hundred Yards of *Bar Gate* aforesaid, or in the said Lane called *Love Lane*, or in the said Road to *Acorn* or *Four Posts Bridge*, the several Tolls hereby granted for all Horses, Cattle, and Carriages passing through any such Turnpike Gate or Bar, although the same Horses, Cattle, and Carriages shall have previously paid a Toll for passing on the said Road leading from the said Town of *Romsey* to the said Town and County of the Town of *Southampton*; any thing in this Act contained to the contrary notwithstanding.

Trustees to take Toll at Weighing Machine.

XXVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or for any Person or Persons authorized by them, and they are hereby empowered to receive, take, demand, levy, and recover, or cause to be received, taken, demanded, levied, and recovered, at any Weighing Machine erected by the said Trustees, or rented or hired by them, the several Sums of Money granted in and by the said Act of the Third Year of the Reign of His present Majesty, as additional Toll for every One hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart, or other such Carriage, together with the Loading thereof, shall weigh at any such Weighing Engine, over and above the Weights in the said last-mentioned Act allowed to them respectively, notwithstanding such Waggon, Cart, or other Carriage shall not pass or not have that Day passed through any Gate or Turnpike on the said Roads or District of Road whereat any Toll or Duty shall be due or payable, provided such Waggon, Cart, or other Carriage shall pass or shall have passed One hundred Yards on the said Roads or District of Road.

Power to agree with Owners, &c. of Weighing Machines for the Use of them.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to contract and agree with any Owner or Owners, Renter or Renters, Occupier or Occupiers of any Crane, Machine, or Engine proper for the weighing of Waggons, Carts, or Carriages conveying any Goods or Merchandize, lying near unto and immediately adjoining any Part of the said Roads, upon such Terms of Renting or Payment for the Use thereof as may be agreed on by the said Trustees and such

Owner

Owner, Renter, or Occupier of such Crane, Machine, or Engine, and to pay for the same such of the Tolls and Duties hereby granted; and by Notice upon a Board for that Purpose to be put up at such Crane, Machine, or Engine, to order and direct all and every such Waggons, Carts, and Carriages to be weighed thereat in the same Manner, and under the same Powers and Penalties as are directed by the said Act of the Third Year of the Reign of His present Majesty, with respect to Weighing Machines thereby authorized to be used.

Only One Toll payable on each Road or District of Road.

XXVIII. Provided always, and be it further enacted, That no more than One Toll in the whole shall be payable for or in respect of the same Horses, Beasts, Cattle, or Carriages for passing and repassing in One Day (to be computed as aforesaid) along the said *Stockbridge* and *Winchester* Road, or along the said *Winchester* and *Waltham* Road, or along each District of the *Southampton* Roads, to be payable at the First Turnpike or Toll Gate erected, or to be erected, on either of the said Roads or Districts of Road, through which such Horse, Beast, Cattle, or Carriage shall pass, and that the same Horses, Beasts, Cattle, or Carriages shall be permitted to pass through the same Gate or Turnpike, or any other Gate or Turnpike on the same Road, or District of Road, Toll-free, at any Time or Times during the same Day (to be computed as aforesaid), on a Note or Ticket of the Day being produced denoting such Payment, which Note or Ticket the Collectors of the Tolls are hereby required to give *gratis*.

StageCoaches to pay each Time of passing, &c.

XXIX. Provided always, and be it further enacted, That all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, shall be again chargeable with Toll for repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for or 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 Road on the same Day, with a Ticket denoting a fresh Hiring.

Proprietors of Northam Bridge to make a Remuneration for no Toll being taken in going to and from Southampton and Northam Bridge.

XXX. And whereas in Consideration of the Injury done and that may be done to that Part of the Road lying within the said South District between the Entrance of the Road leading to *Northam* Bridge and *Bar Gate* in the Town of *Southampton*, by Horses, Cattle, and Carriages passing and repassing to and from *Southampton* and *Northam* Bridge, during the Continuance of this Act, the Company of Proprietors of *Northam* Bridge and Roads established by an Act made in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Bridge over the River* Itchen, *within the Liberties of the Town and County of the Town of* Southampton, *and for making a Road from the said Town to the said Bridge, and from thence to communicate with the Road leading from* West End *to* Botley, *in the County of* Southampton, have agreed to make a Remuneration for such Injury, be it therefore enacted, That the said Company of Proprietors shall, within Twenty-one Days

Days from the passing of this Act, pay or cause to be paid to the Treasurer of the said South District for the Time being the Sum of Seventy-five Pounds Seventeen Shillings and Sixpence; and that in Consideration thereof no Toll or Duty whatsoever shall be demandable or taken at any Toll Gate or Turnpike erected or to be erected by virtue of this Act in any Lane, Waste, Common, Common Field, Bye-way, Place, or other Situation between *Northam* Bridge and the Town of *Southampton*, for or in respect of any Cattle or Carriage passing or repassing *Northam* Bridge or Roads to or from the said Town of *Southampton*, but that all Cattle and Carriages passing or repassing the said Bridge, Roads, or Places shall pass altogether free and exempt from Toll; any thing in this Act contained to the contrary notwithstanding.

Tolls collected on separate Roads deemed separate Funds, and Application thereof.

XXXI. And be it further enacted, That the Tolls to be collected on the *Stockbridge* and *Winchester* Road, and the Money which shall be borrowed on the Credit thereof, and also the Tolls to be collected on the *Winchester* and *Waltham* Road, and the Money which shall be borrowed on the Credit thereof, and also the Tolls to be collected on the North District of the *Southampton* Road, and the Money which shall be borrowed on the Credit thereof, and also the Tolls to be collected on the South District of the *Southampton* Road, and the Money which shall be borrowed on the Credit thereof, shall be deemed so many separate Funds, each of which shall, after Payment of the Costs, Charges, and Expences relative to or attending the obtaining and passing of this Act, with Interest for the same, be applied from Time to Time by the Trustees in keeping down the Interest of the Principal Monies by them respectively borrowed or raised for the said respective Roads and Districts of Road, under or by virtue of the said Three first recited Acts, or any of them, and which may be by the said Trustees respectively borrowed or raised under or by virtue of the Powers of the said last recited Act or this Act, and in repairing, amending, widening, improving, and keeping in repair that particular Road only on which such Tolls shall respectively be collected, and in the Execution of this Act on that particular Road only, and not otherwise; and the said Trustees shall, out of the first Money arising by the said Tolls, or out of such Money as shall be borrowed on the Credit thereof, pay and discharge the Costs, Charges, and Expences relative to or attending the obtaining and passing of this Act, with Interest for the same in the Proportions herein-after mentioned, and shall apply the Remainder of the Money so raised in repairing or erecting Gates or Turnpikes and Toll Houses, and repairing, amending, widening, improving, and keeping in repair the said respective Roads and Districts of Road, and defraying the necessary Costs, Charges, and Expences, attending the putting the said last recited Act and this Act in Execution, and afterwards in paying the Amount of Two Pounds and One Pound *per Centum per Annum* for providing such Sinking Fund, as is herein-before mentioned, and in repaying the Principal Monies already borrowed or raised or otherwise due and owing under or by virtue of the said Three first recited Acts, or to be by them the said Trustees respectively borrowed or raised or otherwise due and owing under or by virtue of the said last recited Act or this Act, and to and for no other Use or Purpose whatsoever.

XXXII. And be it further enacted, That from and after the First Day of *May* One thousand eight hundred and twenty-six, the Sum of Two Pounds *per Centum per Annum* on the aggregate Amount of all the Principal Monies now due and secured on the Tolls of the said *Stockbridge* and *Winchester* Road, and the North and South Districts of the *Southampton* Road, and the Sum of One Pound *per Centum per Annum* on the aggregate Amount of all the Principal Monies now due and secured on the Tolls of the said *Winchester* and *Waltham* Road, and on the Amount of every further Sum of Money which shall be hereafter borrowed or taken up at Interest on the Credit or Security of the Tolls hereby granted and imposed on the said respective Roads and Districts of Road, shall be charged on and during the Continuance of this Act be appropriated and paid out of the Tolls hereby granted and imposed on such Roads and Districts of Road respectively, in order to form a Sinking Fund for the gradual Payment of all and every the said Monies in manner herein-after directed; and that after the Payment of any such Principal Monies, the full Interest which would have been otherwise payable, for or in respect of the same, to the Creditor or respective Creditors, shall from thenceforth and during the Continuance of this Act be charged on and appropriated and paid out of the said respective Tolls in aid of the said Sinking Fund, and that as often as the said Sinking Fund shall amount to the Sum of Fifty Pounds on either of the said Roads or Districts of Road respectively, then and in such Case that Sum, or any further Part of the Balance in the Hands of the Treasurer or respective Treasurers, shall, if the Trustees of the said Roads and Districts of Road respectively think proper, be applied in Payment of an equal Amount of the Principal Monies borrowed under any former Act or Acts upon the Credit or Security of the Tolls of the said Roads and Districts of Road respectively, and then remaining due and owing to or amongst the Creditors, either rateably or by Lot, as the said Trustees respectively shall think proper; and when and as soon as all the Principal Monies so borrowed on either of the said Roads or Districts of Road, under the Authority of the said former Acts or either of them, shall have been paid and discharged, then in Payment of an equal Amount of the Principal Monies which shall, after the passing of this Act, be borrowed or taken up at Interest on the Credit or Security of the Tolls hereby granted and imposed on either of the said Roads or Districts of Road, either rateably or by Lot, amongst the said Creditors, as the respective Trustees shall think proper.

Sinking Fund to be raised.

XXXIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act upon the said respective Roads or Districts of Road, or either of such Roads or 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 case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Seven 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 or Agreement shall in any other Manner become void, then

Enabling Trustees to get Possession of Toll Houses when let to farm, upon Rent being in arrear or Lease void.

then and in either of those Cases it shall and may be lawful for any Justice of the Peace for the said County of *Southampton*, or the said Town and County of *Southampton*, by Warrant under his Hand and Seal, to order any Constable, or such other Peace Officer as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, Weighing Machine, and the Buildings and Appurtenances thereunto belonging; and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, and his, her, or their Servant or Servants, from the Possession thereof, and from the Collection of such Tolls, and to give the said respective Trustees or other Person or Persons acting by or under their Authority respectively Possession thereof; and that thereupon it shall be lawful for the said respective Trustees respectively, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, (save as to the Covenants or Agreements for Payments of Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees Part), as if such Demise or Agreement had never been made; and it shall and may be lawful for the said respective Trustees respectively, 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 Demise, Contract, or Agreement had been made relative thereto.

In case of Non-payment 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.

XXXIV. 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 Fourteen 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 or Treasurers for the Time 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 such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer or Treasurers for the Time being, as the Case may be: Provided always, that every such Treasurer or Treasurers shall and may retain out of any Monies which may come into his or their Hands in pursuance of this Act or the said last recited Act all such Sum or Sums of Money, Costs, and Expences, as he or they shall pay, bear, or be put unto, by reason of such Order to be made by such Justice or Justices as aforesaid.

Regulations as to Performance of Statute Work.

XXXV. 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 Roads or any Part thereof, and the Inhabitants of all such Parishes, Townships, or Places as have at any Time or Times done Statute Work upon or contributed towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereunto in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Southampton*, or for the Town and County of the Town of *Southampton*, and they are hereby respectively empowered and required, (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, 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, 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, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices respectively, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), 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 Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is 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 respective Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and 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 shall from Time to Time order, direct, and appoint; and the said respective Justices may also order and direct the Surveyor or Surveyors of such

such respective Parishes, Townships, or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, 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 for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or 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 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 refused or neglected 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 or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, 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 in which such Highways shall be situate, on Complaint made to such Justices, by the Surveyor of the said respective Trustees.

Notice, &c. directed by the General Turnpike Act to be given to the Surveyor, may be given to his Deputy or the Clerk to the Trustees.

XXXVI. And be it further enacted, That in every Case where it is directed or provided by the said Act passed in the Third Year of the Reign of His present Majesty, or by this Act, that any Notice shall be given or any Act or Thing done by or any Notice or List delivered to or left with any Turnpike Surveyor, it shall and may be lawful for the same to be given or done by or delivered to or left with the Deputy of the Surveyor, or the Clerk or Clerks to the respective Trustees acting in the Execution of this Act, as fully and effectually as if the same were given or done by or delivered to or left with the said Surveyor.

Trustees may contract for Repairs and Works.

XXXVII. And be it further enacted, That it shall be lawful for the said respective Trustees to contract and agree with any Person or Persons for widening, altering, repairing, or improving the said Roads, or erecting Arches or Bridges upon the same, or for doing any other Work in pursu-

pursuance or Execution of the said recited Act of the Third Year of the Reign of His present Majesty and this Act, in such Manner, and for such Sum or Sums of Money annually, or for a Term of Years or otherwise, as the said respective Trustees shall think proper.

Trustees not to repair Foot Pavements.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Trustees to repair or amend the Foot-pavement in the Streets of any Town through which the said Roads do lead, or any County or Hundred, Bridge or Bridges, and that such Bridges, Drains, and Sewers, lying and being in either of the said Roads, and such Parts of the said respective Roads which have been heretofore and ought to be maintained and repaired by any particular Person or Persons, or Bodies Politic or Corporate, or by the Inhabitants of any Town or Place, shall from Time to Time be repaired, maintained, and kept in Repair by such Person or Persons, Bodies Politic or Corporate, or by the Counties, Parishes, Townships, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, liable to the said Repairs, in such Manner as the same were or ought to be respectively kept in Repair before the passing of this Act; and that no such Person or Persons, Bodies Politic or Corporate, Counties, Parishes, Townships, Hamlets, Villages, Places, or Inhabitants, shall, by virtue of this Act, or any thing herein contained, be discharged from any such Repairs.

Trustees may erect Post and Rails to protect Foot-paths.

XXXIX. And be it further enacted, That the said respective Trustees shall and may, and they are hereby authorized and empowered to erect Posts and Rails upon or on the Sides of any Footpaths adjoining the said Roads, at such Places as they may think necessary and proper, and if any Person or Persons shall pull down, injure, or destroy any such Posts or Rails, he or they shall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Expences of the Act to be paid, Three-fourths by the North District and One-fourth by the South District.

XL. And be it further enacted, That the Costs, Charges, and Expences of procuring and passing this Act shall be in the first Place paid and discharged out of the Tolls already collected or to be collected, out of the Money borrowed or to be borrowed on the Credit thereof, within the several and respective Roads or Districts mentioned in this present Act, in the Proportions following; that is to say, Three-fourth Parts of such Costs, Charges, and Expences shall be paid, borne, and defrayed out of the Tolls collected or to be collected, or out of the Money borrowed or to be borrowed on the Credit of the *Stockbridge* and *Waltham* Roads and the North District of the *Southampton* Road, and the remaining One-fourth Part shall be paid, borne, and defrayed out of the Tolls collected or to be collected, or out of the Money borrowed or to be borrowed on the Credit of the South District of the *Southampton* Road.

Public Act.

XLI. 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.

Term of this Act.

XLII. And be it further enacted, That this Act shall commence on the First Day of *May* One thousand eight hundred and twenty-three, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1823.