ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 14.

An Act for repairing, altering, and improving the Road from *Titchfield* to *Cosham*, in the County of *Southampton*. [21st *March* 1810.]

WHEREAS the Road or publick Highway leading from the Town of *Titchfield* to the Village of *Cosham* in the Parish of *Wymering*, in the County of *Southampton*, by reason of the great Increase of Traffick thereon since the Erection of certain Bridges, commonly called *The* Northam *and* Burfledon *Bridges*, whereby a more direct and extensive Communication has been established between the Eastern and Western Parts of the Coast, is become very much out of Repair, and Parts thereof are narrow, circuitous, and dangerous, and the said Road cannot be effectually repaired, widened, straightened, and rendered safe and commodious, by means of the Laws in being for the Amendment and Preservation of publick Highways: 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 *Arthur Artherley*, *Arthur Artherley* junior, *Henry Atkins* Clerk, *Elias Bruce Arnaud*, Sir *William Benett*, *Thomas Blatherwick*, *James Burrell*, *William Chute* M.P. Sir *Roger Curtis* Baronet, *Lucius Curtis*, *Edward Carter*, *Henry Ducie Chads*, *William Deacon*, *Edward D'Auvergne*, *Thomas Durell*, *John Davies* Clerk, *James Dott*, *William Dore*, *John English* *Thomas Fitzherbert*, *Edward James Foote*, *Edward Fiott*, *Stephen Fitchett*, Sir *James Whalley Smythe Gardiner* Baronet, *George Garnier*, *John Godwin*, *William Garrett*, *Richard Goodlad*, *Thomas Grant*, *William Grant*, *George Grant*, *William Garnier* Clerk, *Thomas Garnier* Clerk, *George Garrett*, *Henry Garrett*, *John Giffard*, *Richard Grindall*, *Joseph Gilbert*, *James*

Trustees appointed.

James Godwin, *Thomas Freeman Heathcote* M. P. *John Hornby*, *Moſes Hawker*, *Michael Harris*, *Clement Hilgrove*, *John Hellyer*, *Joſias Jackſon* M.P., *Samuel Jellicoe*, *Arthur Kelſey* junior, *James Lys*, *George Hanbury Mitchell*, *Richard William Miſſing*, *John Moyle*, *John Marſhall*, *Allan Mackenzie*, *Edward Middleton* M.D., *Jeſſe Mitchell*, *William Woodrow Maidman*, Sir *Yelverton Peyton* Baronet, *George Porter* M. P., *Philip Patton*, *Robert Patton*, *John Child Purvis*, *George Purvis*, *John Brett Purvis*, *John Pooke* *Robert Porter* junior, the Right Honourable *George Roſe* M. P., *George Henry Roſe* M. P., *Alexander Radcliffe* Clerk, A. M., *Griffith Richards* Clerk, *Jonathan Stackhouſe Raſhleigh* Clerk, *Richard Vernon Sadlier*, *Thomas Stares*, *Thomas Stares* junior, *Benjamin Stow*, *Samuel Spicer*, *Thomas Revell Shivers*, *William Smith*, *John Henry Stewart*, *John Stuart*, Sir *Thomas Williams* Baronet, *Wither* of *Wymering*, and the Honourable Sir *Joſeph Sydney Yorke*, ſhall be and they are hereby appointed Truſtees for amending, altering, widening, repairing, diverting, improving, and keeping in Repair, a Carriage Road from the North-eaſt Corner of a certain Lane called *Bay Tree Lane*, in the Town of *Titchfield* aforeſaid, through or by the ſeveral Pariſhes or Places of *Titchfield*, *Fareham*, *Portcheſter*, and *Wymering*, to the Village of *Coſham* in the ſaid County of *Southampton*, there to join the *Portſmouth* Turnpike Road, and alſo for putting this Act in Execution.

Road deſcribed.

Power to appoint new Truſtees.

II. And be it further enacted, That when and as often as any of the Truſtees hereby nominated and appointed, or who ſhall be elected and appointed in the Manner herein-after mentioned, ſhall die or by Writing under their reſpective Hands refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or continuing Truſtees from Time to Time at any Meeting to be holden in purſuance of this Act, by Writing under their reſpective Hands, to elect and appoint ſome fit Perſon to be a Truſtee in the room of every Truſtee ſo dying or refuſing to act as aforeſaid, Ten Days previous Notice of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election being given by the Clerk or Treaſurer herein-after directed to be appointed, by affixing ſuch Notice in Writing upon all the Turnpike Gates then erected acroſs the ſaid Road, and publiſhed in One or more of the Newſpapers printed or circulated in the ſaid County of *Southampton*; and every Perſon who ſhall be elected and appointed a Truſtee purſuant to the Directions of this Act, ſhall and may act with the ſurviving and continuing Truſtees in the Execution of this Act, to all Intents and Purpoſes, as if he had been named and appointed a Truſtee in and by this Act.

All Acts may be done by Five Truſtee, unleſs otherwiſe directed.

III. And be it further enacted, That all Proceedings, Orders, Matters, and Things, relative to the Execution of this Act, may be done and executed by any Five or more of the ſaid Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, except only in the Caſes hereby particularly directed or authorized to be done and executed by any greater or leſs Number of ſuch Truſtees.

Qualifications of Truſtees

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, ſeiſed of or entitled to Meſſuages, Lands, or Hereditaments, for ſome Eſtate for Life, or of Inheritance in Poſſeſſion of the clear yearly Value of Fifty Pounds above

above Reprizes, or ſhall be Heir Apparent to ſome Perſon or Perſons ſo ſeiſed of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life, or of Inheritance, of the clear yearly Value of Two hundred Pounds above Reprizes, or ſhall be poſſeſſed of a Perſonal Eſtate of the Amount or Value of One thouſand five hundred Pounds above what will be ſufficient to pay all his juſt Debts; and if any Perſon not being ſo qualified ſhall preſume to act as a Truſtee in the Execution of this Act, every Perſon ſo offending ſhall forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act: Provided always, that all the Acts and Proceedings of any Perſon as a Truſtee in the Execution of this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been duly qualified according to the Directions of this Act; provided alſo, that every Truſtee before he ſhall act as ſuch (except in adminiſtering the following Oath), ſhall take an Oath before One or more of the ſaid Truſtees (who is and are hereby empowered to adminiſter the ſame) in the Form following; (that is to ſay),

The Acts of unqualified Truſtees previous to Conviction, ſhall be valid.

Truſtees to be ſworn.

The Oath.

'I *A. B.* do ſwear, that I am truly and *bonâ fide* in my own Right [*or*, in Right of my Wife] ſeiſed of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life, or of Inheritance in Poſſeſſion, of the clear yearly Value of Fifty Pounds above Reprizes, [*and, in caſe of an Heir Apparent*], I *A. B.* do ſwear, That I am Heir Apparent to *C. D.* who, to the beſt of my Knowledge and Belief, is truly and *bonâ fide* ſeiſed of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life, or of Inheritance, of the clear yearly Value of Two hundred Pounds above Reprizes,] [*and, in caſe of Perſonal Eſtate*], I *A. B.* do ſwear, That I am truly and *bona fide* poſſeſſed of a Perſonal Eſtate of the Amount or Value of One thouſand five hundred Pounds above what will be ſufficient to pay all my juſt Debts, and that I will truly and impartially, according to the beſt of my Judgement, execute and perform the ſeveral Powers, Authorities, and Truſts repoſed in me as a Truſtee, by virtue of an Act paſſed in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Meetings of the Truſtees.

V. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe of *John Coghlan*, bearing the Sign of the *Red Lion* in the Town of *Fareham*, or at ſome other convenient Houſe in the ſame Town, on the Day of the Commencement of this Act, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution; and that the ſaid Truſtees, or any Two or more of them, ſhall then and from Time to Time afterwards adjourn themſelves to meet at the ſame Houſe, or at ſuch other Houſe or Place near ſome Part of the ſaid Road, and at ſuch Times as they ſhall from Time to Time order and direct (provided that no Adjournment ſhall be made for a longer Time than Three

How Meetings shall be adjourned.

Calendar Months); and if at any Meeting appointed to be holden by virtue of this Act there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk or Treasurer of the said Road shall from Time to Time, as often as such Case shall happen, (by Notice in Writing to be affixed upon all the Turnpike Gates then erected across the said Road, at least Ten Days before the next intended Meeting), appoint the Trustees to meet at the Place where the last Meeting was appointed to have been holden, or at any other Place near any Part of the said Road, on the Day Three Weeks after the Day on which such last Meeting was appointed.

Meetings on Emergencies.

VI. Provided always, and be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Treasurer of the said Road, upon an Order in Writing signed by any Three or more of the said Trustees (mentioning the Time, Place, and Purpose of such Meeting), shall forthwith give Notice thereof, and of the Time, Place, and Purpose mentioned in such Order, in the Manner last herein-before directed (such Time not being less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly; and the said Trustees at all their Meetings shall defray their own Expences.

Trustees to pay their own Expences.

How Orders of the Trustees are to be made and revoked.

VII. And be it further enacted, That it shall be lawful for the said Trustees, or the Majority of them present at any Meeting which shall be held in pursuance of this Act, from Time to Time to make all necessary Orders, Directions, Appointments, Agreements, and Determinations in the Execution of this Act, and no such Order, Direction, Appointment, Agreement, or Determination shall be made, unless the Number of Trustees by this Act authorized to make the same shall be present, and the Majority of the Trustees present shall concur therein; and no such Order, Direction, Appointment, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless Fifteen Trustees shall be present, and Ten of them at least shall concur therein.

Trustees not to hold any Place of Profit.

VIII. And be it further enacted, That if any Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by reason of the same Act, or the Tolls or Duties hereby imposed, such Person or Persons shall from the Time of accepting such Place be incapable of acting as a Trustee or Trustees, during his or their Continuance in such Place of Profit as aforesaid.

Trustees not to deal in Spirituous Liquors.

IX. And be it further enacted, That no Person shall be capable of acting as a Trustee, or of holding any Place of Profit under this Act, during the Time he shall sell Wine, Ale, Beer, or Spirituous Liquors by Retail.

Trustees in Commission of the Peace may act as Justices.

X. And be it further enacted, That such of the Trustees of this Act for the Time being as are or shall be in the Commission of the Peace for the said County of *Southampton*, shall and may act as Justices of the Peace in

in the Execution of this Act, notwithſtanding ſuch Juſtices being Truſtees as aforeſaid.

Power to erect Toll Gates;

XI. And be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall appoint, ſhall and may erect or otherwiſe provide ſuch and ſo many Toll Gates or Turnpikes in, upon, or acroſs ſuch Parts and in ſuch Places of the ſaid Road, and alſo ſuch and ſo many Toll Gates or Turnpikes on the Sides of the ſaid Road, and in, upon, or acroſs any Lane or Bye Way that doth or ſhall lead into or out of the ſame, as the ſaid Truſtees ſhall think proper; and alſo ſhall and may erect or otherwiſe provide a Toll Houſe to each of the ſaid Toll Gates or Turnpikes, with ſuitable Buildings and other Conveniences thereto, and incloſe from the Sides of the ſaid Road convenient Gardens for the ſame

and take Tolls.

XII. And be it further enacted, That the ſeveral Tolls herein-after particularly mentioned ſhall be demanded and taken, at each and every of the Toll Gates or Turnpikes which ſhall be erected or provided in purſuance of this Act, (except as herein-after is expreſsly directed or provided to the contrary), before any Horſe, Cattle, or Carriage, upon which any Toll is by this Act impoſed, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Stage Coach, Machine, Caravan, or Diligence, the Sum of Sixpence, and drawing any Hearſe, Coach, Chaiſe, or other ſuch Carriage, the Sum of Three-pence:

For every Horſe, Mare, Gelding, Mule, Ox, Aſs, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage, not above deſcribed, the Sum of Three-pence:

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

For every Drove of Oxen, or other Neat Cattle, Five-pence *per* Score, and ſo in proportion for any greater or leſs Number:

For every Drove of Calves, Sheep, Lambs, or Hogs, Two-pence *per* Score, and ſo in proportion for any greater or leſs Number:

Power for compelling Payment of Tolls.

Which ſaid reſpective Tolls or Sums of Money ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time authorize and appoint to receive the ſame; and if any Perſon or Perſons ſubject to the Payment of any ſuch Tolls, or any Part or Parts thereof ſhall, after Demand thereof made by any Collector or Collectors, or other Perſon or Perſons authorized to receive the ſame, neglect or refuſe to pay the ſaid Tolls, or any of them, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe or Cattle, Beaſt or Carriage, upon which any Toll is by this Act impoſed, or any of the Loading, Harneſs, or Accoutrements thereof reſpectively, or any of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Coſts of ſuch Diſtreſs and keeping the ſame, ſhall not be paid within the Space of Four Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may at any Time or Times thereafter ſell the Horſe, Cattle, Beaſt, Carriage, Goods and Chattels ſo diſtrained, and out of the Monies which ſhall ariſe by ſuch Sale pay or retain ſuch Tolls and all reaſonable Charges incurred

by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale and what ſhall remain unſold (if any) upon Demand to the Owner or Owners thereof.

For ſettling Diſputes concerning Tolls.

XIII. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Perſon or Perſons ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the County or Diſtrict in which ſuch Diſtreſs ſhall be made, who upon Application made to him for that Purpoſe ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Toll due and aſſeſs the Charges of ſuch Diſtreſs, and of the Collector's Attendance upon the ſaid Juſtice for that Purpoſe; all which Sums ſo determined and aſſeſſed ſhall be paid to the ſaid Collector before he or ſhe ſhall be obliged to return the Goods ſo diſtrained, or the ſaid Overplus or any Part thereof reſpectively.

Collectors declared competent Witneſſes.

XIV. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in any Way relating to the ſaid Tolls, and the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting under the Authority of the ſaid Truſtees, ſhall not be incompetent on account of his being appointed to collect ſuch Tolls to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Tolls may be varied.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, when and as often as they ſhall think proper, to leſſen, vary, or alter all or any of the Tolls hereby granted or made payable at all or any of the Turnpikes to be erected or provided by virtue of this Act, and to raiſe the ſame again ſo that they do not at any Time exceed the Tolls by this Act granted or made payable, and ſo as every ſuch Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Five-ſixth Parts of the Money then due on Security of the ſaid Tolls; but no ſuch Alteration ſhall be made after the Second Meeting of the ſaid Truſtees, unleſs Twenty one Days previous Notice thereof ſhall be affixed in Writing upon all the Turnpikes then erected acroſs the ſaid Road, and alſo inſerted in one or more of the Newſpapers printed or generally circulated in the County of *Southampton*; nor if the Tolls ſhall be reduced ſhall they be again raiſed, unleſs Fourteen Days previous Notice thereof ſhall be given by the Clerk or Treaſurer of the ſaid Road to the Clerk of the Company of Proprietors of the *Nartham* Bridge and Roads, and alſo to the Clerk of the Company of Proprietors of the *Burſledon* Bridge and Roads.

Tolls to be paid but once on the whole of the Road.

XVI. And be it further enacted, That no more than one Toll ſhall be demanded or taken from any Perſon or Perſons for paſſing and re-paſſing with the ſame Horſes, Cattle, Beaſts and Carriages on the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock the ſucceeding Night, through all the Turnpikes to be continued or erected on the whole Extent of the ſaid Road by virtue of this Act.

Power to apportion the Tolls.

XVII. Provided nevertheleſs, That in caſe more than Three Toll Gates or Turnpikes ſhall at any Time be erected or continued in the whole

Extent

Extent of the ſaid Road hereby directed to be repaired, it ſhall be lawful for the ſaid Truſtees from Time to Time, when and as often as they ſhall think proper, to divide and apportion all or any of the Tolls or Sums of Money herein-before charged or made payable at each Toll Gate or Turnpike, into ſuch Parts and Proportions, and to collect the ſame at ſuch ſeveral Toll Gates or Turnpikes as they ſhall order and appoint; but no ſuch Diviſion and Apportionment ſhall be made as laſt aforeſaid, unleſs Twenty-one Days previous Notice thereof ſhall be given in Writing upon all the Turnpikes or Toll Gates erected acroſs the ſaid Roads.

Number of Tolls limited.

XVIII. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall have paid the Toll or Duty for paſſing through any of the ſaid Turnpikes or Toll Gates, ſhall be liable to pay any Toll or Duty for repaſſing through any of the ſame Turnpikes or Toll Gates with the ſame Horſes, Cattle, Beaſts and Carriages the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the ſucceeding Night, ſuch Perſon producing a Ticket denoting the Payment of ſuch Toll, which Ticket the Collectors of the Tolls are hereby required to give *gratis* upon the Payment of ſuch Toll.

Exemptions from Tolls.

XIX. And be it further enacted, That no Tolls ſhall be demanded or taken for any Horſe or Carriage paſſing through any of the Turnpikes or Toll Gates to be erected upon or on the Sides of the ſaid Road, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stone, Bricks, Lime, Timber, Wood, Heath, Chalk, Gravel, or other Materials to be uſed on or about the ſaid Road, or for the repairing any Highways in the Pariſhes, Townſhips, Diſtricts, or Places in which any Part of ſuch Road lies, nor carrying or conveying Hay, Corn in the Straw, or other Produce of the Lands not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or on the Lands of the Owners, nor any Ploughs, Harrows or other Implements of Huſbandry to be uſed in the Cultivation of Lands, nor any Lime, Chalk, or Manure to be uſed or laid upon Lands, except as is herein-after mentioned; nor ſhall any Toll be paid by any Rector, Vicar or Curate going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worſhip, or when viſiting his ſick Pariſhioners, or upon any other his Parochial or Miniſterial Duty; nor by any other Perſon or Perſons reſiding in the ſaid Pariſhes, Townſhips, Diſtricts, or Places, who ſhall paſs through the ſaid Turnpikes or Toll Gates to or from Church, Chapel, or other Place of Religious Worſhip, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes, Townſhips, Diſtricts, or Places; nor for any Horſes, Mares, Geldings, Mules, Aſſes or Cattle which are kept within ſuch Pariſhes, Townſhips, Diſtricts or Places by or through which the ſaid Road ſhall paſs, going to or returning from Work in cultivating the Lands within the ſame, or any of them; nor for any Horſes, Mares, Geldings, Mules, Aſſes, Cattle, Sheep, Lambs, Goats, or Hogs, kept within the ſaid Pariſhes, Townſhips, Diſtricts or Places, going to or returning from Paſture on the Commons or other grazing Grounds, or watering Places, or Blackſmith's Shops within the ſame or any of them; nor for any Horſe or other Beaſt of Draught

or

or Carriage employed in carrying or conveying any Furze, Peats, Turf, or Heather for Fuel, or returning empty having been ſo employed; nor for any Horſes or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching or guarding the ſame, or in returning back from conveying the ſame; or for the Horſes of Soldiers on the March or on Duty, or Carriages, or Horſes or other Beaſts employed in carrying Arms or Baggage of ſuch Soldiers; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat or other Publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or for any Carriage, Horſe or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes, or travelling with Vagrants ſent by legal Paſſes; nor for any Horſe or Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Southampton*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled thereto, every ſuch Perſon for every ſuch Offence ſhall forfeit and pay a Sum not exceeding Five Pounds; provided nevertheleſs, that Horſes and Carriages carrying or conveying Chalk to be uſed as Manure as aforeſaid, at any Time of the Year between the Thirty-firſt Day of *October* and the Firſt Day of *April*, ſhall be liable to One Half of the Tolls herein-before mentioned and made payable, except Horſes and Carriages carrying or conveying Chalk to be uſed as Manure as aforeſaid within the Pariſh of *Fareham*, ſuch laſt-mentioned Carriages having the Bottom of the Fellies of the Wheels of not leſs Breadth or Gauge than Six Inches.

Carriages employed in His Majeſty's Service not to be ſubject to Regulations for Overweight.

XX. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, Commiſſariat, or other Publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any Waggon, Wain, Cart or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

To prevent evading the Tolls.

XXI. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt or Carriage, upon which any Toll is by this

Act impoſed, paſs through any Land or Ground within the Diſtance of One Mile from any Toll Gate or Turnpike which ſhall be erected or provided by virtue of this Act, the ſame not being a publick Road; or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any other Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage to paſs through the ſame, whereby the Payment of any of the ſaid Tolls or any Part or Parts thereof ſhall be evaded; or if any Perſon or Perſons ſhall give to or receive from any Perſon (other than a Collector of the ſaid Tolls), or ſhall forge or counterfeit any Ticket by this Act directed to be given by a Collector of the ſaid Tolls, or ſhall forcibly paſs through any ſuch Toll Gate or Turnpike as aforeſaid, with any Horſe, Cattle, Beaſt, or Carriage; or ſhall at any Time or Times take off or cauſe to be taken off any Horſe, Cattle, or Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls or any Part or Parts thereof ſhall be evaded; or if any Perſon or Perſons ſhall leave or cauſe to be left upon or near to any Part of the ſaid Road any Horſe, Cattle, Beaſt, or Carriage, with an Intent to evade the Payment of any of the ſaid Tolls or any Part or Parts thereof, or with ſuch Intent ſhall unload any Horſe, Cattle, Beaſt, or Carriage; every Perſon offending in any of the Caſes aforeſaid, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted, one Moiety whereof ſhall be for the Uſe of the Informer or Informers, and the other Moiety thereof ſhall be applied for the Purpoſes of this Act, in Manner herein-after mentioned.

Power to compound for Tolls.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time as they ſhall ſee convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the ſeveral Pariſhes through which the ſaid Road leads, for the Paſſage of their Horſes, Cattle, or Carriages, through all or any of the Toll Gates or Turnpikes to be erected on the ſaid Road, or the Sides thereof.

Power to leaſe Tolls.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, after giving Twenty-one Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes then erected acroſs the ſaid Road, and to be inſerted in One or more of the Newſpapers publiſhed or generally circulated in the County of *Southampton*, from Time to Time to leaſe and demiſe the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the beſt Rent or Price that can reaſonably be gotten for the ſame, payable at ſuch Times and in ſuch Manner, and with, under, and ſubject to ſuch Covenants, Conditions, and Agreements as the ſaid Truſtees or any Seven or more of them ſhall think fit, they the ſaid Truſtees having a Counterpart of ſuch Leaſe or Leaſes, and taking ſuch other ſufficient Security for Payment of the Rents and Performance of the Covenants to be reſerved and comprized in ſuch Leaſe or Leaſes, as the ſaid Truſtees or any Seven or more of them ſhall think fit.

Power to remove Toll Gates.

XXIV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, from Time to Time when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Turnpikes which ſhall be erected in, upon, or acroſs, or on the Side

Side of the ſaid Road, to be removed to and erected in, upon, acroſs, or on the Side of ſuch other Part or Parts of the ſaid Road, as the ſaid Truſtees or any Nine or more of them ſhall from Time to Time order and direct; but none of the ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Twenty Days previous Notice of the Intention to remove the ſame ſhall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected acroſs the ſaid Road, and inſerted in One or more of the afor eſaid Newſpapers.

Toll Houſes &c. veſted in the Clerk and Treaſurer.

XXV. And be it further enacted, That the Right, Intereſt and Property of and in all the Toll Gates or Turnpikes and Toll Houſes, which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniencies and Appurtenances thereunto belonging reſpectively, and the Materials of which the ſame ſhall conſiſt, and all Materials, Matters, and Things which ſhall be purchaſed or provided for the Purpoſes of this Act, ſhall be veſted in the Clerk or Clerks and Treaſurer of the ſaid Road for the Time being, and he and they is and are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame as Occaſion ſhall require, and as the ſaid Truſtees ſhall from Time to Time order, direct and appoint; and under the like Order, Direction, and Appointment of the ſaid Truſtees to bring or cauſe to be brought any Action or Actions, or to prefer and proſecute any Indictment or Indictments againſt any Perſon or Perſons who ſhall dig up, break or pull down, ſteal, take, or carry away, ſpoil, deſtroy, injure, or damage any of the ſaid Toll Gates, Turnpikes or Toll Houſes, or any of the Conveniences or Appurtenances thereunto belonging, or any of the Materials, Matters or Things aforeſaid, or any new Fences which ſhall be made and repaired by the ſaid Truſtees, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act.

For recovering the Subſcription.

XXVI. And be it further enacted, That if the ſeveral Perſons who have become Subſcribers or who ſhall become Subſcribers towards the Expences of obtaining and paſſing this Act, and of carrying the ſame into Execution, or any of them, ſhall after Twenty Days previous Notice in Writing under the Hand of the Treaſurer or Clerk of the ſaid Road, for that Purpoſe to him, her, or them given, or left at his, her, or their Dwelling-houſe or uſual Place of Abode, refuſe or neglect to make Payment of the reſpective Sums by him or them ſo ſubſcribed or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action of Debt, or on the Caſe, Bill or Suit, againſt any Perſon or Perſons ſo refuſing or neglecting as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; and on Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and of ſuch Notice being given as aforeſaid, ſuch reſpective Sum or Sums ſo ſubſcribed or agreed to be ſubſcribed, or ſo much thereof as ſhall be required to be paid in ſuch Notice, ſhall be recovered with full Coſts of Suit.

For borrowing Money on Security of the Tolls.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any of their Meetings to borrow and take up at Intereſt, upon the Credit of the Tolls to ariſe by virtue of this Act, any Sum or Sums of

Money which they ſhall think neceſſary for the Purpoſes of this Act; provided that no Money ſhall be borrowed after the firſt Meeting of the ſaid Truſtees, unleſs Twenty-one Days previous Notice thereof ſhall be affixed in Writing upon all the Toll Gates or Turnpikes then erected acroſs the ſaid Road, and alſo publiſhed in one or more of the aforeſaid Newſpapers; and the ſaid Truſtees are hereby empowered, by any Writing or Writings under their reſpective Hands and Seals from Time to Time to aſſign or mortgage the ſaid Tolls or any Part or Parts thereof, during the Continuance of this Act, as a Security or Securities to any ſuch Subſcriber or Subſcribers as aforeſaid, or other Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money as aforeſaid, their reſpective Executors, Adminiſtrators and Aſſigns, for the Money ſo to be advanced with Intereſt for the ſame, which Writing or Writings may be made in the Form, or in Words, or to the Effect following; that is to ſay,

Form of the Security.

'BY virtue of an Act of Parliament, made in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of the Act*] We of the Truſtees for putting the ſaid Act into Execution, in conſideration of the Sum of paid by *A. B.* of to the Treaſurer of the ſaid Road, do hereby bargain, ſell, and aſſign unto the ſaid *A. B.* ſuch Proportion of the Tolls to ariſe upon the ſaid Road as the Sum of doth or ſhall bear to the whole Sum now due or hereafter to become due on the Security thereof, to hold the ſame unto the ſaid *A. B.* his Executors, Adminiſtrators and Aſſigns from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt for the ſame, after the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord

Copies to be entered.

Mortgages may be transferred.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer of the ſaid Road, which Book or Books may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and it ſhall be lawful to and for all and every Perſon and Perſons to whom any Mortgage or Security ſhall be made as aforeſaid, his, her, and their Executors and Adminiſtrators reſpectively, by Writing or Writings under their reſpective Hands and Seals to aſſign and transfer his, her and their Right, Title and Intereſt in and to ſuch Mortgage or Security, and the Principal Money and Intereſt ſecured thereby to any other Perſon or Perſons; which Aſſignment and Transfer may be made in the Form or in Words to the Effect following; (that is to ſay),

Form of Transfer.

'I *A. B.* of or *C. D.* of Executor or Adminiſtrator of *A. B.* late of [*or otherwiſe as the Caſe may happen to be*] in conſideration of the Sum of to me paid by *E. F.* of do hereby aſſign and transfer unto the ſaid *E. F.* his Executors, Adminiſtrators, and Aſſigns, a certain Mortgage or Security bearing Date the Day of in the Year of our Lord under the Hands and Seals of the Truſtees for putting in Execution an Act of Parliament

'ment

'ment passed in the Fiftieth Year of the Reign of His Majesty King *George* 'the Third, intituled [*here set forth the Title of the Act*] with all my Right 'and Title to the Principal Sum of thereby secured, 'and all Interest now due and hereafter to grow due thereon. Dated this 'Day of in the Year of 'our Lord

Transfers to be entered.

Which Transfer shall be produced to the said Clerk or Treasurer within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the Book or Books last-mentionad, for which Entry the Sum of Two Shillings and Sixpence and no more shall be paid, and such Transfer shall then entitle such Assignee or Assignees, his, her or their Executors, Administrators and Assigns, to the Benefit of such Mortgage or Security; and every such Mortgage or Security may be again assigned and transferred in like Manner, and so from Time to Time as often as Occasion shall require; and it shall not be in the Power of any other than the Person or Persons to whom the same shall be last assigned as aforesaid, his, her or their respective Executors or Administrators, to release, discharge or make void the original Mortgage or Security so transferred as aforesaid, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Security shall be made as aforesaid, their respective Executors, Administrators and Assigns, shall in Proportion to the Sums of Money thereby secured be Creditors on the Tolls by this Act granted in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities.

Application of the Money.

XXVIII. And be it further enacted, That all Monies which shall arise and be produced by Subscriptions as aforesaid, and from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied to and for the several Uses, Intents and Purposes, and in the Order and Manner following; that is to say, in the first Place in Payment of the Costs, Charges and Expences of preparing and passing this Act; in the second Place in paying the Interest accruing upon the several Principal Sums of Money, which shall from Time to Time be due and owing on the several Mortgages or Securities made in pursuance of this Act; in the third Place in defraying the Expences of erecting and providing Turnpikes, Toll Houses and other Buildings, and of making, forming, repairing, widening, and altering the said Road, and purchasing Lands for those Purposes, and of erecting and maintaining necessary and convenient Bridges upon the said Road, and of executing the several other Powers and Purposes of this Act; and lastly in reducing, paying off and discharging the several Principal Sums for the Time being due on such Mortgages or Securities as aforesaid.

Appointing Officers.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees by Writing under their respective Hands to appoint one or more Collector or Collectors of the said Tolls, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerk,

Clerks, Treaſurers, Surveyors and other Officers, or any of them from Time to Time to remove, and on the Removal, Death, or Reſignation of any of them to appoint others in their Stead, (provided that no Perſon being a menial Servant of any Truſtee ſhall be capable of holding any Place of Profit or Truſt under this Act); and the ſaid Truſtees are hereby authorized to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting in the Execution of this Act, ſuch Salaries and Allowances for their Trouble, Labour, and Service, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to them or to ſuch Perſon or Perſons as they ſhall appoint, true, exact and perfect Accounts in Writing under their Hands upon Oath (which Oath any one or more of the ſaid Truſtees is and are hereby empowered to adminiſter) of all Monies which they reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed and for what Purpoſes, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and if any ſuch Officer or Perſon ſhall refuſe or neglect to give ſuch Account, or to produce or deliver up ſuch Vouchers as aforeſaid, or to verify ſuch Account upon Oath, or to pay the Money due upon ſuch Account in Manner aforeſaid, or to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers and Writings in his or her Cuſtody or Power relating to the Execution of this Act; in every or any of the ſaid Caſes it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Place where the Officer or Perſon ſo making Default ſhall be or reſide, upon Complaint thereof made to them by any Two or more of the ſaid Truſtees, to make Enquiry concerning ſuch Refuſal, Default or Neglect, as well by the Confeſſion of the Parties themſelves reſpectively as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtices or either of them are and is hereby empowered and required to adminiſter without Fee or Reward); and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtices ſhall upon ſuch Conviction commit him or her to the Common Gaol or Houſe of Correction of the ſame County or Place, there to remain without Bail or Mainprize, until he or ſhe ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he or ſhe ſhall have compounded and agreed with the ſaid Truſtees (which Compoſition the ſaid Truſtees are hereby empowered to make), or until he or ſhe ſhall have delivered up ſuch Books, Papers and Writings as aforeſaid, or made Satisfaction in reſpect thereof to the ſaid Truſtees; provided that no Perſon ſhall be ſo committed as laſt aforeſaid for a longer Space of Time than Six Calendar Months.

Truſtees may appoint temporary Collectors in certain Caſes.

XXX. And be it further enacted, That upon the Death, Incapacity or Abſence of any Collector of the Tolls, it ſhall be lawful for any Three or more of the ſaid Truſtees, though not aſſembled at a Meeting appointed in purſuance of this Act, by any Writing under their reſpective Hands to nominate and appoint a proper Perſon to be a Collector of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees in the Place or Stead of ſuch Collector as ſhall ſo die, become incapable, or abſent himſelf.

Treaſurer to give Security.

XXXI. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver and Receivers, Collector and Collectors, Surveyor or Surveyors, and from any other Officers to be appointed in purſuance of this Act, for the faithful Execution of their reſpective Offices, as the ſaid Truſtees ſhall think proper.

Truſtees who have not acted in the preceding Year not to vote on the Election of Officers.

XXXII. Provided always, and be it further enacted, That after the firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtee ſhall be capable of voting or acting in any future Nomination or Appointment of any ſuch Officer or Officers upon Death or any other Vacancy, unleſs ſuch Truſtees ſhall have attended any Meeting as a Truſtee in the Execution of this Act, at leaſt once within Eighteen Months preceding the Time that ſuch Vacancy ſhall happen.

Surveyors may get Materials for the Road.

XXXIII. And be it further enacted, That it ſhall be lawful for the Surveyor of the ſaid Road, and ſuch other Perſon or Perſons as ſhall be employed by ſuch Surveyor, to cut, dig, gather, take and carry away any Furze, Heath, Stone, Gravel, Sand or other Materials, for making, forming, and repairing the ſaid Road, Toll Houſes and Bridges, in, upon, out of and from any Waſte Ground, Commons, Common Quarries, Rivers or Brooks, in any Pariſh, Townſhip or Diſtrict within which the ſaid Road paſſes, or in any adjacent Pariſh, Townſhip or Diſtrict, without paying any thing for the ſame, ſuch Surveyor or other Perſon or Perſons filling up the Pits and levelling the Ground from whence ſuch Materials ſhall be taken, or ſufficiently fencing off ſuch Pits ſo that the ſame may not be dangerous to Paſſengers or Cattle; and in caſe ſuch Materials cannot conveniently be had in ſuch Waſte Grounds, Commons, Quarries, Rivers or Brooks as aforeſaid, then to cut, dig, gather, take and carry away any ſuch Materials as aforeſaid, in, upon, out of or from, and over any other Lands, Grounds, and Quarries (except as herein-after is mentioned), making ſuch Compenſation and Satisfaction for the Damage done to the Owners and Occupiers of ſuch Lands, Grounds and Quarries, where through and from whence the ſame ſhall be dug, gathered, taken and carried away, or over which any Materials gotten in any Waſte Ground, Common, Common Quarry, River or Brook ſhall be conveyed, as the ſaid Truſtees ſhall judge reaſonable.

Materials not to be taken from incloſed Grounds without an Order from the Truſtees or Two Juſtices.

XXXIV. Provided always, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons under the Authority of this Act, to dig, gather, take or carry away any ſuch Materials as aforeſaid, in or from any incloſed or private Lands, Grounds or Quarries, until after Ten Days previous Notice in Writing ſigned by the ſaid Surveyor, or ſome other Officer of the ſaid Truſtees, ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at the uſual Place of Reſidence of ſuch Owners or Occupiers reſpectively, requiring them to appear before the ſaid Truſtees, or Two or more Juſtices of the Peace acting for the ſaid County of *Southampton*, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhew cauſe why ſuch Materials ſhould not be taken away; and ſuch Truſtees or Juſtices after hearing the Parties concerned ſhall, if they think proper, authorize ſuch Surveyor or other Officer to dig, gather, take and carry away ſuch Materials at ſuch Time or Times and in ſuch

Manner

Manner as to such Trustees or Justices shall seem proper; or if such respective Owners or Occupiers shall not by themselves or their respective Agents attend pursuant to such Notice, such Trustees or Justices may make such Order therein as they shall think fit, in the same Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

Penalty on taking away Materials got by the Surveyor.

XXXV. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making or amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owners or Occupiers of any private Lands or Grounds, and the Person or Persons authorized by such Owners or Occupiers, who may get Materials therein, for their own Use only, and not for the Use of any other Highway or for Sale), every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

No Windmill to be erected near the Road.

XXXVI. And be it further enacted, That no Windmill shall be erected within the Space of One hundred Yards from any Part of the said Road.

For preventing Obstructions on the Sides of the Road.

XXXVII. And be it further enacted, That no Dung, Ashes, Compost, Manure or other Things shall be unladen and laid down upon any Moor, Common or Waste Ground nearer to the Side of the said Road than the Distance of Thirty Feet, upon Pain that every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Ten Shillings.

Penalty on damaging Footways or causing Nuisances or Obstructions on the Road.

XXXVIII. And be it further enacted, That if any Person shall ride upon any Footway adjoining the said Road, or shall lead or drive any Horse, Cattle or Swine, or any Carriage, on any such Footway, or shall cause any Damage to be done thereto, or shall put or turn any Horse, Ass, Swine or other Beast or Cattle of any Kind, into or upon the said Road or the Sides thereof, or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart or other Carriage in or upon the said Road or the Side thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto, for a longer Space of Time than shall be necessary for the loading or unloading thereof, and in every such Case such Carriage shall be drawn up as near the Side of the Road as conveniently may be (except in case of Accidents), every Person so offending shall forfeit and pay for the first Offence any Sum not exceeding Ten Shillings, and for the Second and any subsequent Offence any Sum not exceeding Five Pounds.

Surveyors may remove Annoyances.

XXXIX. And be it further enacted, That it shall be lawful for the said Surveyor, and such Person or Persons as he shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stone, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish or otherwise, and also to divert or turn any Watercourses, Gutters, Conduits, or Drains running into the

ſame to the Prejudice thereof, and to open, ſcour and cleanſe, deepen and enlarge any Gutter, Ditch, Conduit or Watercourſe adjoining or near to any Part of the ſaid Road; and alſo to cut down, top or lop at the proper Seaſon of the Year any Trees, Branches or Buſhes growing in the ſaid Road, or in the Hedges, Fences, Banks or Grounds adjoining thereto, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands or Grounds where ſuch Annoyances ſhall happen to be ſhall neglect ſo to do for Ten Days after Notice in Writing given for that Purpoſe, under the Hand of ſuch Surveyor, and the Charges thereof reſpectively (being ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor from Time to Time by ſuch reſpective Owners or Occupiers ſo neglecting as aforeſaid; and in caſe ſuch Charges ſhall not be paid on Demand, the ſame ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be impoſed are hereinafter directed to be levied and recovered; and if after the Removal of any ſuch Nuiſances and Annoyances as aforeſaid, any Perſon ſhall offend again in like Manner, every Perſon ſo offending again and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Surveyors empowered to remove ſudden Obſtructions without Notice.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and ſuch Perſon or Perſons as he ſhall appoint from Time to Time without giving any previous Notice, to remove all ſuch Earth, Trees, Roots of Trees, and other Things as ſhall ſuddenly ſlide, fall, or be blown down from any Hedge, Bank, or Land, into or upon any Part of the ſaid Road, ſo as to narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any waſte Ground near thereto, ſo as to be no Annoyance to Travellers; and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence ſuch Earth, Trees, Roots or other Things ſhall ſo ſlide or fall; or be blown down as aforeſaid; and the Charges of carrying away the ſame (to be ſettled by the ſaid Truſtees) ſhall be reimburſed and paid to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered.

Surveyor may make Cauſeways and Drains.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and any other Perſon or Perſons by Order of the ſaid Truſtees, to cut and make Ditches, Drains, and Watercourſes in, upon and on the Sides of the ſaid Road, and alſo through any Grounds lying contiguous thereto; and to erect, rebuild and keep in Repair Bridges and Arches upon the ſaid Road, and acroſs any ſuch Ditch, Drain or Watercourſe as aforeſaid; and to make ſufficient Barriers and other Erections on any Part or Parts of the ſaid Road, in order to prevent the ſame from being flooded or overflowed with Water, as the ſaid Surveyor ſhall judge neceſſary; and alſo to make or cauſe to be made any temporary Road or Roads through, over and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road, except as herein-after is mentioned, to be made Uſe of as a Road whilſt the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers, making ſuch Satisfaction to the Owners and Occupiers of ſuch Grounds ſo to be uſed, cut through or built upon, for the Damages which ſuch Owners or Occupiers reſpectively ſhall ſuſtain thereby, as the ſaid Truſtees ſhall judge reaſonable.

XLII. And

Power to widen, turn, or alter the Roads.

XLII. And whereas ſeveral Parts of the Road herein-before deſcribed are not of ſufficient Width, other Parts thereof are circuitous and may be conſiderably ſhortened; for Remedy of which Inconveniences and for enabling the ſaid Truſtees to make and compleat the ſaid Road by opening a new and convenient Carriage Road through any private or incloſed Lands or Grounds lying in or near to the Line of the Road herein-before deſcribed, be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Time or Times to widen the ſaid Road, and to divert, turn or alter, within the Diſtance herein-after mentioned, the Courſe or Direction of any Part or Parts thereof, and to make a new and convenient Carriage Road through or over any Moor or Waſte Ground, without making any Satisfaction for the ſame, and alſo through or over any Private Lands or Tenements (except as hereafter is mentioned), firſt making Satisfaction to the Owners thereof and Perſons intereſted therein for the Damages they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of and Perſons intereſted in any private Lands or Tenements for the Purchaſe thereof, or for the Loſs or Damage which ſuch Owners and Perſons intereſted or any of them, ſhall or may anyways ſuſtain by making, widening, turning, or altering any Part or Parts of the ſaid Road; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, *Ceſtuique* Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Tenements, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell to them all or any of ſuch Lands or Tenements as Occaſion ſhall require; and all Contracts and Sales ſo made ſhall, without any Conveyance or Aſſurance in the Law, be valid and effectual to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or any other Matter or Thing to the contrary thereof notwithſtanding, and all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any of ſuch Owners, Proprietors, Occupiers, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Tenements, upon Notice in Writing by the Clerk or Treaſurer of the ſaid Road to him, her, or them given, or left at the reſpective Dwelling-houſes or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Tenements ſo to be taken in and added to any Part of the ſaid Road, or into which any Part or Parts of ſuch Road are, or is to be turned or altered as aforeſaid, ſhall by the Space of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe, the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Southampton* (which Oaths any one or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or other Perſon or Perſons intereſted

reſted for or on account of the taking of ſuch Lands or Tenements into the ſaid Road, or of turning any Part or Parts of ſuch Road into the ſame Lands or Tenements; and in Order thereto the ſaid Truſtees are hereby empowered, and required from Time to Time as Occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, (which Oath any one or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the Places in Queſtion if there be Occaſion, and uſe all other lawful Ways and Means, as well for their own as for the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damages, Recompence and Satisfaction, the ſaid Truſtees ſhall thereupon order the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or Occupiers of or other Perſons intereſted in the ſaid Lands or Tenements, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Order ſo had and made, ſhall be final, binding and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming any Eſtate in Fee Simple or Fee Tail, for Life or Lives or Years in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Succeſſors, Executors, and Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas, and under any other Diſability whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Truſtees are empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *Southampton*, or in caſe ſuch Sheriff, or his Deputy or Deputies, ſhall be anyways intereſted in the Matter in Queſtion, then to ſome one of the Coroners of the ſame County not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to empannel, ſummon and return a Jury of Twenty-four honeſt and indifferent Men, qualified according to Law to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and the ſaid Sheriff, his Deputy or Deputies, or Coroner, is and are hereby required to empannel, ſummon and return ſuch Number accordingly; and out of the Perſons ſo empannelled, ſummoned and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any One or more of them ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, his Deputy or Deputies, or Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured, to attend that Service (being qualified as laſt aforeſaid), to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, or ſuch Coroner, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, unleſs prevented by Sickneſs or other ſufficient Cauſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or on being ſo ſworn refuſing to give or not giving their Verdict, or

The Verdict to be final.

Sheriffs to ſummon Juries.

Sheriff, &c. may be fined on neglect of Duty.

or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence; provided that any ſuch Fine ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Perſon for any One Offence.

How Expences of Jury, &c. ſhall be paid.

XLIII. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt or Property of any Perſon or Perſons in any Lands or Hereditaments, or of any Loſs or Damage to be by him, her or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning or returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees, out of any Money ariſen or to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the reſpective County or Place, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties or Forfeitures; provided, that where by Reaſon of Abſence any Perſon or Perſons ſhall have been prevented from treating with the ſaid Truſtees touching the Matters aforeſaid, the Whole of ſuch Fees and Expences ſhall be paid by the ſaid Truſtees.

How the Purchaſe Money is to be paid.

XLIV. And be it further enacted, That every Sum of Money, Recompence and Satisfaction, which ſhall be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Monies which ſhall ariſe and be produced by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to their Agents, and upon Payment thereof, or depoſiting the ſame in the Bank of *England* as herein-after directed, as the Caſe may be, all Owners and Occupiers of and Perſons intereſted in ſuch Lands or Grounds, ſhall from thenceforth be diveſted of all Right, Title, Claim, Intereſt and Property of, in, to or out of the ſame; and ſuch Lands or Grounds ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees or any Nine or more of them ſhall direct, and ſhall be by them, or by ſuch

Perſon

Perſon or Perſons as they or any Nine or more of them ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall from thenceforth to all Intents and Purpoſes whatſoever, become and for ever afterwards be a common Highway, and ſhall be deemed Part of the Road to be repaired by virtue of this Act, and ſhall be repaired accordingly; and after ſuch new Road ſhall be completed, the Lands conſtituting the former Road or any Part thereof, unleſs leading over ſome Moor or Waſte Ground, or to ſome Town, Village, or Hamlet to which ſuch new Road doth not lead, and except the preſent Line of Road leading from *Peak Lane* to *Stonebridge* and the Town of *Titchfield*, ſhall be veſted in the ſaid Truſtees for the Time being, and ſuch Truſtees or any Nine or more of them ſhall ſell and convey the ſame for the beſt Price that can be gotten, and the Money ariſing from ſuch Sale ſhall be applied for the Purpoſes of this Act; and the ſaid Truſtees or any Nine or more of them are hereby empowered to give in Exchange any Part or Parts of the Lands conſtituting the former Road, except ſuch as ſhall lead over ſome Moor or Waſte Ground, or to ſome Town, Village or Hamlet to which the new Road ſhall not lead, for any Part or Parts of ſuch new Road; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees or any Nine or more of them, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever.

Truſtees may ſell or exchange any part of the old Road when any Road ſhall be made in lieu thereof.

No Building to be damaged, or any Garden Ground, &c. to be taken for the Purpoſes of this Act.

XLV. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Truſtees or any of them, or any other Perſon or Perſons, to pull down or damage any Dwelling-houſe or other Building, or to take, uſe or poſſeſs any Ground having been uſed as a Garden, Orchard, Yard, Walk, or Avenue to any Houſe, or Plantation or Nurſery of Trees, for the Space of Twelve Calendar Months then laſt paſt, without the Conſent in Writing of the Owner or Owners of every ſuch Dwelling-houſe or other Building, Garden, Orchard, Yard, Walk, Avenue or Plantation, or Nurſery of Trees reſpectively, his, her or their Agent or Agents, under their reſpective Hands for that Purpoſe firſt had and obtained; other than and except a certain Dwelling-houſe ſituate in the Town of *Titchfield* aforeſaid, belonging to *Elizabeth Stares* Widow and *William Stares* the younger, and now in the Occupation of *John Biddle*, and alſo a certain other Dwelling-houſe ſituate in the Village of *Portcheſter* aforeſaid, belonging to and in the Occupation of *Elizabeth Jones* Widow, alias *Elizabeth Irons*, which it ſhall be lawful for the ſaid Truſtees to purchaſe with or without any ſuch Conſent as aforeſaid; but adequate Compenſation ſhall be made by the ſaid Truſtees to the reſpective Owners and Occupiers, for ſuch of the ſaid Premiſes as ſhall be taken for the Purpoſes of this Act, which Compenſation ſhall be aſcertained and paid in ſuch Manner as is herein-before provided in that behalf; any Thing herein contained to the contrary notwithſtanding.

Roads diſcontinued not to be repaired.

XLVI. Provided alſo, and be it further enacted, That in caſe the ancient or former Road over any Moor or Waſte Ground ſhall by virtue of this Act be turned or diverted, the Inhabitants of the Pariſh, Townſhip, or Hamlet wherein the ancient or former Road which ſhall thereby be left or diſcontinued lieth, ſhall not be obliged to repair ſuch ancient or former Road, unleſs the ſame leads to ſome Town, Village or Hamlet with which the new Road doth not communicate.

XLVII. And

Power to ſtop up a certain Footpath.

XLVII. And whereas there is at preſent a certain publick Way or Footpath leading from the Town of *Titchfield*, by the Corn Mill, through the common Meadows and alſo Lands belonging to *James May*, *Moſes Hawker*, *Charlotte O'Bryen*, and *Charles Stares*, to a Place commonly called *Catisfield Common*, but which has recently been incloſed, which Footway will become uſeleſs when the Line of Road intended to be made in purſuance of this Act between the ſaid Towns of *Titchfield* and *Fareham* ſhall be completed, and it would be a great Advantage and Accommodation to the Owners and Occupiers of the ſaid Lands, and no Inconvenience to the Publick if the ſame were ſtopped up; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, when and ſo ſoon as they ſhall think proper after ſuch intended Line of Road ſhall be compleated, to ſtop up and diſcontinue the ſaid Publick Way or Footpath, with the Concurrence of Two Juſtices of the Peace of the ſaid County, to be ſignified by their Order in Writing for that Purpoſe, but ſubject to Appeal in Manner hereinafter mentioned.

Directing Pieces of old Roads to be offered for Sale to the Proprietors of the adjoining Lands.

XLVIII. Provided always, and be it further enacted, That the ſaid Truſtees before they ſhall ſell and diſpoſe of any Piece or Pieces of old Roads ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Road or Ground ſhall lie, by ſome Perſon or Perſons no Ways intereſted in the ſaid Piece or Pieces of old Road or Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in Caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed with reſpect to diſputed Value of Lands to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expences of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein directed with reſpect to Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of old Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money; provided alſo, that no Perſon ſhall act as a Truſtee in any Caſe relating to the contracting for or purchaſing of any Lands, Grounds or Hereditaments wherein he ſhall be perſonally intereſted.

Truſtees not to act when intereſted.

Application of Compenſation Money if amounting to 200*l.*

XLIX. And be it further enacted, That if any Money ſhall be agreed or aſſeſſed to be paid for any Lands, Tenements or Hereditaments purchaſed, taken or uſed by virtue of this Act, which ſhall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, Truſtees, Femes Covert, or other incapacitated

tated Perſon or Perſons, ſuch Money ſhall, if the ſame amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be paid under the Direction and with the Approbation of the ſaid Court (to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments), in the Purchaſe of the Land Tax or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled to the ſame or the like Uſes, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements or Hereditaments, which ſhall be conveyed and ſettled to for and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Hereditaments which ſhall be ſo purchaſed, taken or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made the ſaid Money ſhall, by Order of the Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when the Compenſation is leſs than 200l. and exceeds 20 l.

L. Provided always, and be it further enacted, That if any Money ſo agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Body Politick, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds; then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken or uſed, or of his, her or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in

any Manner her in-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application when the Money is less than 20 l.

LI. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as hereinbefore mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken or used for the Purposes of this Act, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

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

or if Persons cannot be found, Purchase Money to be paid into the Bank; subject to the Order of the Court of Chancery on Motion or Petition.

Persons in Possession shall be deemed entitled, unless the contrary be shewn.

LIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession

of

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

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

LIV. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Road to be made according to the Plan.

LV. And whereas a Map or Plan describing the Line of the said Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace of the County of *Southampton*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Roads shall not deviate more than One hundred Yards of three Feet each, from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politick, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Notwithstanding Misnomers in the Plan.

LVI. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Diversion and new Branch of Road into, through, across or over the several Lands or Grounds of any Person or Persons who is, or are, or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in Case it shall appear to any Two or more Justices of the Peace for

the

the ſaid County, and be certified by Writing under their Hands that ſuch Error or Omiſſion proceeded from Miſtake.

New Roads to be fenced by the Truſtees.

LVII. And be it further enacted, That in all Caſes where the ſaid Truſtees ſhall widen, turn or alter any Part or Parts of the ſaid Road, or make any new Road, over or through any incloſed Lands or Grounds the ſaid Truſtees ſhall make or cauſe to be made Quickſet or other proper Fences where neceſſary, as the Caſe ſhall require, ſo as effectually to guard and fence off the Lands adjoining to the ſaid Road, and alſo proper Gates, Bridges, and Arches, where neceſſary, out of the ſaid Road into the Lands adjoining, and ſhall keep the Quickſet or other Fences, ſo to be made, in proper Order and Repair for the Term of Six Years, from the Time ſuch Quickſet Fences ſhall have been made and planted.

Perſons liable and Lands chargeable to the Repair of Roads and Bridges, to continue ſo.

LVIII. Provided always, and be it further enacted, That where any particular Part or Parts of the ſaid Road, or any Bridges, Arches, Drains, Sewers or Watercourſes, lying in and upon the ſame Road, have been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, Bodies Politick or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by the ſaid County of *Southampton*, or any Ward, Pariſh, or Townſhip therein, or otherwiſe howſoever; and all and every ſuch Part or Parts of the ſaid Road, and all ſuch Bridges, Arches, Drains, Sewers and Watercourſes, ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Bodies Politick and Corporate, County Wards, Pariſhes, or Townſhips reſpectively, in ſuch Manner as the ſame ought to have been reſpectively maintained and kept in Repair in Caſe this Act had not been made.

Statute Work to be continued.

LIX. Provided always, That all Perſons by Law chargeable towards repairing any Part or Parts of the ſaid Road, or any Bridges thereon, ſhall ſtill remain ſo chargeable, and ſhall do their reſpective Statute and other Work in or upon the other Highways of the Pariſhes, Townſhips, or Diſtricts in which the ſaid Road doth or ſhall lie, in like Manner as before the paſſing of this Act (ſubject nevertheleſs to the Regulations herein-after expreſſed concerning the ſame); and where any old Road ſhall be diſcontinued by virtue of this Act, ſuch Statute and other Work ſhall be performed upon the new Road made in lieu thereof.

How the Statute Work is to be apportioned.

LX. And for aſcertaining and determining what Part of the Statute Work ought to be performed on the ſaid Road by the Inhabitants of the ſeveral Pariſhes, Townſhips, and Diſtricts through which the ſaid Road doth or may paſs, be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace, and they are hereby required and empowered upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful for ſuch

Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, within Ten Days after the ſerving of ſuch Summons, of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or 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 or Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in Force for the Repairs of publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons as ſhall appear ſubject and liable to 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 Road as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct, and in Default of Payment thereof the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force for the Repair of the publick Highways; and if any Perſon who ſhall come or be ſent to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees and applied towards amending the ſaid Road; and in Caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

LXI. And

Statute and other Work may be compounded for.

LXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree by the Year or otherwise, with the Owners or Occupiers of any Lands, Tenements, or Hereditaments, or other Persons, Bodies Politick or Corporate, liable to or chargeable with or towards the Repair of any Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Watercourses lying in and upon the same, or the Performance of Statute Work thereon, for the Payment of a Sum or Sums of Money in lieu of such Repairs and Statute Work respectively; and also for the respective Surveyors of the Highways of the said Parishes, Townships, and Districts, through which the said Road shall pass, to compound and agree by the Year or otherwise with the said Trustees, for and in lieu of the Statute Work to be performed by the Inhabitants of such Parishes, Townships and Districts, upon any Part or Parts of the said Road.

Power to recover the Composition Money for Tolls, Statute and other Work.

LXII. And be it further enacted, That in Case the Composition Money agreed to be paid for passing through any Turnpikes or Toll Gates, or in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Two or more Justices of the Peace for the County of *Southampton*, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Justices that the same hath been demanded and remains due, which Oath they are hereby respectively empowered and required to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways or other Person or Persons so having compounded or agreed to pay such Composition Money as aforesaid, returning the Overplus (if any), after deducting such Composition Money and the reasonable Charges of such Distress and Sale upon Demand to the Owner or Owners thereof.

How Surveyors of the Highways are to be reimbursed the Composition Money.

LXIII. And be it further enacted, That the respective Surveyors of the Highways who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the said Highways.

Trustees may contract for Repairs.

LXIV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Road, or any Part or Parts thereof respectively, or any Arches or Bridges upon the same, and for doing any other Work by this Act authorized to be done, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts in Writing for any of the Purposes aforesaid, which shall be entered into pursuant to an Order made at any Meeting by the said Trustees, shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits may be maintained thereon,

thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Mile Stones and Direction Poſts to be erected.

LXV. And be it further enacted, That the ſaid Truſtees ſhall cauſe Mile Stones or Poſts to be ſet up, and from Time to Time renewed on the Sides thereof reſpectively, with Inſcriptions thereon denoting the Number of Miles and Diſtances of Places, and alſo Direction Poſts where any other Roads lead out of or into the ſame Road; and if any Perſon or Perſons ſhall wilfully break, pull down, deſtroy or damage any of the Stones or Poſts which ſhall be ſo fixed or ſet up, or eraſe, obliterate or deface any of the Inſcriptions or Letters which ſhall be engraven or made thereon or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay a Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Penalty on defacing them.

How Penalties, Forfeitures, and Fines are to be recovered and applied.

LXVI. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act impoſed or authorized to be impoſed (the Manner of levying and recovering of which is not herein otherwiſe particularly directed), ſhall upon Proof of the Offences and Conviction of the Offenders reſpectively, before any One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offences ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of one or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal, or Hands and Seals of ſuch Juſtice or Juſtices, (which Warrant or Warrants ſuch Juſtice and Juſtices is and are hereby authorized and required to grant, and to adminiſter ſuch Oath), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattels; and all ſuch Penalties, Forfeitures, and Fines (if not otherwiſe directed by this Act), ſhall be paid to the ſaid Truſtees, or their Treaſurer, and applied for the Purpoſes of this Act; and in Caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures and Fines ſhall not be forthwith paid, ſuch Juſtice or Juſtices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for ſuch County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the Recovery thereof ſhall be ſooner paid and ſatisfied.

Conviction.

LXVII. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, may cauſe the Conviction to be drawn up in the Form or in the Words to the Effect following, *mutatis mutandis*, as the Caſe ſhall happen to be:

Form of Conviction.

'County of } BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or us*] [*Name and Style of convicting*

'*victing Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on '[*Time of committing Offence*] at [*Place of committing Offence*] did [*here* '*ſtate the Offence againſt the Act according to the Fact*] contrary to the Form 'of the Statute made in the Fiftieth Year of the Reign of His Majeſty King '*George* the Third, intituled, [*here ſet forth the Title of this Act*] and I [*or* 'we] do therefore declare and adjudge that the ſaid *A. B.* [*Name of Offender*] 'hath forfeited for his ſaid Offence the Sum of [*Fine*] or ſhall be com-'mitted [*Place of Impriſonment*] for the Space of [*Time of Impriſonment*]. 'Given under my Hand and Seal [*or* our Hands and Seals] the Day 'and Year firſt above written.'

Appeal to the Quarter Seſſions.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing done in purſuance of this Act, for which no particular Relief hath been herein-before provided (ſave and except the Verdict of the Jury, and any Determination, Proceeding, Matter or Thing herein-before directed to be final), ſuch Perſon or Perſons may, within Six Calendar Months after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at their General Quarter Seſſions to be holden for the County wherein the Cauſe of Appeal ſhall ariſe, ſuch Appellant or Appellants firſt giving or cauſing to be given Ten Days Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſes or Matter thereof, to the Clerk or Treaſurer of the ſaid Road, and within Four Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal and abide the Order of the Juſtices at ſuch Quarter Seſſions, and to pay ſuch Coſts as ſhall be awarded againſt him, her, or them, by ſuch Juſtices; and ſuch Juſtices at their ſaid Seſſions, on due Proof of ſuch Notice having been given as aforeſaid, and of the entering into ſuch Recognizance, ſhall proceed to hear, and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award Coſts to the Party appealing or appealed againſt as they ſhall think proper; and their Determination ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever.

Books to be kept.

LXIX. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees in the Execution of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the ſame Number of Truſtees as are empowered to make or direct the ſame, and ſhall then be deemed original Orders and Proceedings; which Book or Books, as alſo the Book hereby directed to be kept for regiſtering Mortgages and Transfers, ſhall and may be produced and read in Evidence in all Courts, and before all Juſtices and other Perſons having Juriſdiction in the Premiſes.

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

LXX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing which ſhall be done contrary to or by virtue of this Act, in the Name of their Clerk or Treaſurer for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees, in the Name of their Clerk or Treaſurer, by virtue of this Act, ſhall abate or be diſcon-

tinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees; but that the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant as the Case may be, in every such Action; and every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in Consequence of any such Action or Proceedings he shall pay, bear, expend or be put unto, or become chargeable with by Reason of his being made Plaintiff or Defendant as aforesaid.

Limitation of Actions.

LXXI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk or Treasurer of the said Road, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact or Offence being committed, and every such Action or Suit shall be laid or brought in the County in which the Cause of Action shall happen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if such Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant hath in other Cases by Law.

This Act not to affect the Gosport and Bishops Waltham Road Act.

LXXII. Provided always, and it is hereby further enacted, That nothing herein contained shall in any Manner operate to abridge or affect any of the Powers or Authorities given or granted in and by an Act passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act to continue for Twenty-one Years and from thence to the End of the then next Session of Parliament the Term, and to amend the Powers of an Act passed in the Twentieth Year of the Reign of His present Majesty, for repairing and widening the Roads from* Gosport *through* Fareham *and* Wickham *to* Bishops Waltham, *and from* Wickham *aforesaid to* Chawton Pond *in the Parish of* Chawton, *all in the County of* Southampton.

Publick Act.

LXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

LXXIV. And be it further enacted, That this Act shall commence upon the Twenty-sixth Day of *March* One thousand eight hundred and ten, and continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of the Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1810.