ANNO QUARTO

# GEORGII IV. REGIS.

## *Cap.* CXX.

An Act for repairing the Roads from *Oxdown Gate* in *Popham Lane* to the City of *Winchester*, and from the said City through *Hursley* to *Chandler's Ford*, and from *Hursley* aforesaid to the Turnpike Road at *Romsey*, and from the *Hundred* at *Romsey*, through *Chilworth*, to the River at *Swathling*, in the County of *Southampton*; and from the said Turnpike Road at *Romsey*, through *Ringwood* in the said County, to *Longham Bridge* and *Wimborne Minster* in the County of *Dorset*. [27th *June* 1823.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from* Oxdown Gate, *in* Popham Lane, *to the City of* Winchester, *and from the said City through* Hursley *to* Chandler's Ford, *and from* Hursley *aforesaid to the Turnpike Road at* Romsey, *and from the said Turnpike Road, through* Ringwood, *in the County of* Southampton, *to* Longham Bridge *and* Wimborne Minster *in the County of* Dorset; whereby the said Roads were 32 G. 2. c. 50.

divided into Four separate and distinct Divisions, in the Manner therein particularly described: And whereas another Act was passed in the Second Year of the Reign of His late Majesty King *George* the Third,
2 G. 3. c. 57. intituled *An Act to amend an Act made in the Thirty-second Year of the Reign of His late Majesty, for repairing and widening several Roads therein mentioned in the Counties of* Southampton *and* Dorset; *and for amending and widening the Road between* Ringwood Gate *in the County of* Southampton, *to* Woolsbridge, *and from thence to the Great Western Road between a Place called* Thick Thorn *and* Cashmore Inn: And whereas by another Act passed in the Fifth Year of the Reign of His
5 G. 3. c. 95. said late Majesty, intituled *An Act for repairing and widening the Road leading from a Street called* The Hundred *at* Romsey, *through* Chilworth, *to the River at* Swathling, *in the County of* Southampton, *and for connecting the same with the Road leading from the City of* Winchester, *through* Hursley, *to* Chandler's Ford, *and from* Hursley *aforesaid to the Turnpike Road at* Romsey *aforesaid; and also for repairing and widening the Road leading from the River at* Swathling *aforesaid, through* Botley, *to the Turnpike Road at* Sherrill Heath *in the said County of* Southampton: And whereas another Act was passed in the Nineteenth Year of the Reign of
19 G. 3. c. 101. His said late Majesty, intituled *An Act for enlarging the Term and Powers of Two Acts made in the Thirty-second Year of the Reign of His late Majesty King* George *the Second, and in the Second Year of the Reign of His present Majesty, for repairing and widening the Roads from* Oxdown Gate *in* Popham Lane *to the City of* Winchester, *and from the said City, through* Hursley, *to* Chandler's Ford, *and from* Hursley *aforesaid to the Turnpike Road at* Romsey, *and from the said Turnpike Road, through* Ringwood, *in the County of* Southampton, *to* Longham Bridge *and* Wimborne Minster *in the County of* Dorset; *and for amending and widening the Road from* Ringwood Gate *in the said County of* Southampton, *to* Woolsbridge, *and from a Street called* The Hundred *at* Romsey, *through* Chilworth, *to the River at* Swathling *in the said County*: And whereas another Act was passed in the Forty-first Year of the Reign
41 G. 3. c. 29. of His said late Majesty, intituled *An Act for enlarging the Term and Powers of several Acts made in the Thirty-second Year of the Reign of His late Majesty* George *the Second, and the Second, Fifth, and Nineteenth Years of the Reign of His present Majesty, for repairing and widening the Roads from* Oxdown Gate, *in* Popham Lane, *to the City of* Winchester, *and from the said City, through* Hursley, *to* Chandler's Ford, *and from* Hursley *aforesaid to the Turnpike Road at* Romsey, *and from the said Turnpike Road, through* Ringwood, *in the County of* Southampton, *to* Longham Bridge *and* Wimborne Minster *in the County of* Dorset; *and for amending and widening the Road from* Ringwood Gate *in the said County of* Southampton, *to* Woolsbridge, *and from a Street called* The Hundred *at* Romsey, *through* Chilworth, *to the River at* Swathling *in the said County*: And whereas the Trustees appointed to put the said recited Acts in Execution have borrowed several considerable Sums of Money on the Credit of the Tolls of the said Four respective Divisions, which, together with the Tolls collected, have been duly applied in repairing, making, and improving the said Four several Divisions of Road, and erecting Toll Houses and Turnpike Gates thereon: And whereas a considerable Sum of Money so borrowed still remains due and owing on the Credit of the said Tolls, and the same cannot be repaid, and the said Roads kept in Repair, unless the Term and Powers of the

said recited Acts of the Thirty-second Year of the Reign of His late Majesty King *George* the Second, and of the Second, Fifth, Nineteenth, and Forty-first Years of the Reign of His said late Majesty King *George* the Third, are enlarged and altered, and the Tolls increased; and it would tend to the more easy Management of the said Roads if the said former Acts were repealed, and further Powers given for the Repair thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Thirty-second Year of the Reign of His Majesty King *George* the Second, and the Second, Fifth, Nineteenth, and Forty-first Years of the Reign of His late Majesty King *George* the Third, and all and every the Authorities, Powers, Articles, Rules, Penalties, Clauses, Provisoes, Tolls, Privileges, Exemptions, Provisions, Forfeitures, and Punishments, and all other Matters and Things therein respectively contained, shall be and the same are hereby repealed; and that instead thereof this Act shall be put into Execution during the Term herein-after mentioned, for more effectually repairing, widening, altering, improving, and keeping in Repair the Roads herein-after described.

3 G. 4. c. 126.

**Five first recited Acts repealed, and this Act to be put in force.**

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

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

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the respective Tolls authorized to be taken by the said Acts, or any of them, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said respective Roads, or to any other Person or Persons for the Benefit of the said Trusts, shall be liable to the Payment of all such Sum and Sums of Money to the respective Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts and Securities, made by or entered into by any Person or Persons, to, by, or with the Trustees of the said respective Roads, or any of them, according to the Provisions and Directions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account and for the Benefit of the

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

the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said respective Roads to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the respective Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts: Provided always, that the Tolls to be collected on any One of the said Divisions of Road, shall in nowise be subject or liable to the Payment of any Money borrowed or to be borrowed upon the Credit of the Tolls of any other Division of the said Roads; but the Tolls of each of the said Four respective Divisions shall be chargeable only for the Money borrowed or to be borrowed on the Credit of the Tolls arising within each respective Division only.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Southampton*, together

First Division.

with *Alexander Baring*, *Francis Baring*, *William Barnes*, *Richard Bailey*, *Henry Berkeley* Clerk, *Henry Blackburn* Clerk, *Charles Shrubsole Bonnett* Clerk, *Henry Bright*, *Richard Plantagenet Nugent Grenville Temple* commonly called Marquis of *Chandos*, *Liscombe Clarke* Clerk, *Clark* Clerk, *Henry Dampier* Clerk, *John Davidson*, *Charles Daubeney* Clerk, the Honourable *Thomas De Grey* Clerk, *Thomas Deane*, Sir *Edward Hyde East* Baronet, *William Earle*, *Henry Dyson Gabell* Doctor in Divinity, *William Garnier* Clerk, *William Harrison* Clerk, *John Harvey*, *Gilbert Heathcote* Clerk, *Charles Brune Henville* Clerk, *George Hollis*, *James Hook* Doctor in Divinity, *Richard Hopkins*, *John Hopkins* Clerk, *Henry John Hopkins* Clerk, *Henry Huntingford* Clerk, *Lascelles Iremonger* Clerk, *Ingles* Doctor in Divinity, *William Knapp*, *Henry Knight*, *Robert Knight*, *Edward Knapp*, *James Henry Leigh*, *Harry Lee* Clerk, *Harry Lee* the younger, Clerk, *Thomas Lear* Clerk, *Charles Littlehales* Doctor of Medicine, *Richard Littlehales*, *Giles King Lyford*, *John Mant*, *Paulet St. John Mildmay*, *Edward Mant*, *Thomas Neville*, *George Frederick Nott* Doctor in Divinity, *Francis North* Clerk, *Charles Augustus North* Clerk, Sir *Charles Ogle* Baronet, *James Ralfe*, *Thomas Rennell* Doctor in Divinity, Sir *Henry Rivers* Baronet, Clerk, *Charles Richards* the elder, Clerk, *Charles Richards* the younger, Clerk, *Robert Rogers*, *William Short* Doctor in Divinity, *John Nicholas Silver*, *William Simonds* the elder, *William Simonds* the younger, *Henry Sissmore* Clerk, *Thomas Walter Smith*, *Stephen Terry*, *Richard Hall Tombs*, *John Turville*, *James Eames Waight*, *Nicholas Waller*, *George Henry Ward*, *Henry Wells*, *Thomas Watkins* Clerk, *David Williams* Clerk, *Philip Williams* Clerk, *Charles Williams* Clerk, *Willaume* Clerk, *John White* the elder, *Barnard Winter*, *Thomas Woodham*, *James Woolls*, *Charles Wooldridge* the elder, *John Woodburn* Clerk, *William Young*, *John Young*, and their Successors, shall be and they are hereby appointed Trustees for the First Division of the said Roads; and that all

Second Division.

His Majesty's Justices of the Peace for the Time being acting for the County of *Southampton*, together with Sir *Thomas Freeman Heathcote* Baronet, the Reverend *Gilbert Heathcote*, the Reverend *Samuel Heathcote*, the Reverend *John Marsh*, Clerks; *Thomas Walton*, *Langford Lovell*, *Gilbert Heathcote*, *Peter Serle*, *Charles Bailey*, *William Goffe* the elder, *William Goffe* the younger, *James Fitt*, *Joseph White*, *Richard Lavington*, and their Successors, shall be and they are hereby appointed Trustees for the Second Division of the said Roads; and that all His Majesty's Justices

Third Division.

of the Peace for the Time being acting for the County of *Southampton*, together

together with *James Aldridge*, *William Atkins*, the Right Honourable *Sturges Bourne*, *Edward Pery Buckley*, *Robert Bristowe*, *John Blundell*, *Henry Coombe Compton*, *Edward Cheyney*, *William Charles Daman*, *William Daman*, *George Doswell*, *George Eyre*, *Philip Emmett*, *James Edwards*, *William Elderfield*, *John Fleming*, *John Fifield*, *Job Fifield*, *William Footner*, *William Andrews Footner*, the Reverend *Nat Fletcher*, *William Goffe*, *Thomas Godwin*, Sir *Thomas Freeman Heathcote* Baronet, the Reverend *Samuel Heathcote*, *Thomas Hobbs*, *Philip Hibbs*, *Charles John Hall*, *John Hattatt*, *Henry Hattatt*, *Thomas Hall*, *Thomas Hopgood*, *Joseph Jackson*, *Edward Jones* senior, *Edward Jones* junior, *William Henry Lintott*, *John Ingram Lockhart*, Sir *Charles Mill* Baronet, *Charles Morris*, the Right Honourable *Henry John* Viscount *Palmerston*, the Reverend *Thomas Penton*, *Richard Randall*, *William Randall*, *Hans Sloane Stanley*, *William Sloane Stanley*, *John Smith*, *Benjamin Sharp*, *Thomas Sharp*, *Daniel Sharp*, the Reverend *Oliver D'Oyley St. John*, the Reverend *John Smith*, *William Seward Trodd*, *Henry Thomas Timson*, *Joseph Tomkins*, *William Undy*, *Henry Wheable*, *Joseph White*, *Godwin Withers*, the Reverend Doctor *Henry Woodcock*, the Reverend *Theobald Walsh*, *William Young* senior, *William Young* junior, and their Successors, shall be and they are hereby appointed Trustees for the Third Division of the said Roads; and that all His Majesty's Justices of the Peace for the Time being acting for the County of *Southampton* and for the County of *Dorset* respectively, together with the Right Honourable *Anthony Ashley Cooper* commonly called Lord *Ashley*, the Honourable *John Coventry*, Sir *Eyre Coote*, Lieutenant-General Sir *Henry Fane*, *John Morant*, *John Mills*, *James Seton*, *Richard Plumtree Glynn*, *Henry Charles Sturt*, *William John Banks*, *William Hanham*, *William Agill Panton*, *William Dale Farr*, *J. W. Lukin*, *William Clapcott*, *George Adams*, *John Spicer*, *Waring Biddle*, *William Castleman*, *William Fryer*, *James Drew*, *Hector Monro*, Reverend *Thomas Hart*, Reverend *Joah Fury*, Reverend *James Middleton*, Reverend *Charles Bowle*, Reverend *James Mayo*, Reverend *Moss King*, Reverend *Robert Moore*, *Jere Whitaker Newman*, *William Clark*, *Thomas Clark*, *Charles Harbin*, *John Ridout*, *Francis William Alexis Daman*, *John Fryer*, *Edward Castleman*, *Arthur Mist*, *Charles Mist*, *Richard Etheridge*, *William Lake*, *John Gabbatas*, and their Successors, shall be and they are hereby appointed Trustees for the Fourth Division of the said Roads. Fourth Division.

V. And be it further enacted, That it shall be lawful for the said respective Trustees, at a Meeting to be held for that Purpose (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given in Manner directed by the said last recited Act) to elect, nominate, and appoint any Number of fit Persons, not exceeding Five, to be Trustees for the Purposes of this Act for each of the said Divisions of Road, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed by this Act. Power to appoint additional Trustees.

VI. And be it further enacted, That the Roads hereby intended to be repaired shall be laid into Four distinct and separate Divisions, and that such Part of the said Roads as leads from the said Gate called *Oxdown Gate* through the several Parishes of *Popham*, *East Stratton*, *Mitcheldever*, *Martyr* Roads laid into Divisions. First Division.

*Martyr Worthy*, *Abbot's Worthy*, *King's Worthy*, and *Headbourne Worthy* to the Scite of the North Gate in the City of *Winchester* aforesaid, shall be the First Division of the said Roads; and that such other Part of the said Roads as leads from the said West Gate of the said City of *Winchester* through *Pit* and *Hursley* to *Chandler's Ford*, and from *Hursley* aforesaid through *Anfield*, by *New Pond*, to the Turnpike Road at *Romsey* aforesaid, and from a Street called *The Hundred* at *Romsey*, through *Chilworth*, to the River at *Swathling* in the said County, shall be the Second Division of the said Roads; and that such other Part of the said Roads as leads from the Turnpike Road at *Romsey* aforesaid, through *Ower*, *Cadnam*, and *Brackley Wood*, to the Centre of the said Market House at *Ringwood*, shall be the Third Division of the said Roads; and that the remaining Part or Residue of the said Roads leading from the Centre of the said Market House by *Saint Leonard's*, over the Heath to *Longham Bridge*, and also the said Road leading from *Saint Leonard's* over the said Heath to *Wimborne Minster* aforesaid, shall be the Fourth Division of the said Roads; and that the said several Parts or Divisions of the said Roads shall be severally and respectively called, known, and distinguished by the several and respective Names of "The First Division," "The Second Division," "The Third Division," and "The Fourth Division," and that such Division shall be independent of each other; and in each and every of the said Divisions the said Trustees shall use and exercise the several Powers and Authorities hereby granted, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

Second Division.

Third Division.

Fourth Division.

First Meetings of Trustees.

VII. And be it further enacted, That the said Trustees for the First Division of the said Roads shall meet at the *White Hart Inn*, or at some other convenient Place in the City of *Winchester*, on the Ninth Day of *July* One thousand eight hundred and twenty-three, or as soon after as conveniently may be, and proceed to put the said last recited Act and this Act into Execution with respect to the said First Division; and that the said Trustees for the Second Division of the said Roads shall meet at the *King's Head*, or at some other convenient Place at *Hursley* aforesaid, on the Ninth Day of *July* One thousand eight hundred and twenty-three, or as soon after as conveniently may be, and proceed to put the said last recited Act and this Act into Execution with respect to the said Second Division; and that the said Trustees for the Third Division of the said Roads shall meet at the *Town Hall* in *Romsey*, on the Ninth Day of *July* One thousand eight hundred and twenty-three, or as soon after as conveniently may be, and proceed to put the said last recited Act and this Act into Execution with respect to the said Third Division; and that the said Trustees for the Fourth Division of the said Roads, shall meet at the *Crown Inn*, or at some other convenient Place in *Ringwood*, on the Ninth Day of *July* One thousand eight hundred and twenty-three, or as soon after as conveniently may be, and proceed to put the said last recited Act and this Act into Execution with respect to the said Fourth Division.

Power to adjourn.

VIII. Provided always, That if Three of the said respective Trustees shall not appear at the First Meeting herein-before appointed to be held, or at the Time and Place appointed for holding any subsequent Meeting of the said Trustees pursuant to this Act, within One Hour after the Time appointed for holding any such Meeting, the Trustees or Trustee then present

present (and in case no Trustee shall appear, then the Clerk to the said Trustees) shall and may adjourn such Meeting to such Day, Time, and Place as they or he shall think proper, not exceeding One Calendar Month from the Day such Meeting was intended to have been holden.

Appointing Officers, Salaries, &c.

IX. And be it further enacted, That the said respective Trustees may and they are hereby empowered, by Writing under their respective Hands, to appoint such Collector or Collectors of the said Tolls, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said respective Roads, and such other Officers as the said Trustees respectively shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, 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 them, or any of them, in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said respective Trustees shall deem reasonable.

Former Officers to continue.

X. And be it further enacted, That the Clerks, Surveyors, and all other Officers (except the Treasurers) who have been appointed under and employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced, or be removed by the said respective Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Treasurer and Clerk not to be the same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or

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on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Books, &c. relative to former Acts to be delivered to the Trustees under this Act.

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

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

XIII. And be it further enacted, That it shall be lawful for the said respective Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses, and Side Gates or Side Bars now standing and being in or upon and across the said respective Roads or Divisions of Road, or to discontinue the same, or either of them, or to remove and alter the Situation of the same, or of either of them, and to erect, or set up, or build, or cause to be erected, set up, or built upon, in, or across the said respective Roads and Divisions of Road, or any Part thereof, or at the Entrance of any Road or Lane that doth or shall lead into or out of the said Roads, or either or any of them, when and as they shall judge necessary, any Weighing Machine or Weighing Machines, Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and also One or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to purchase any Piece of Ground for such Purpose at the Side of the said Turnpike Road as they shall think necessary, not exceeding One-eighth Part of a Statute Acre, and from Time to Time take down and remove, or again to put up in a different Situation, or alter or discontinue the same, as they shall direct or appoint; and shall demand and take at every and each of the said Gates or Turnpikes, the following Tolls or Duties, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

And take the following Tolls thereat.

Tolls.

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Vis-a-vis, Chair, or Hearse, the Sum of Four-pence:

For every Horse or other Beast, drawing any Caravan, Waggon, Wain, Cart, Dray, or other such Carriage, the Sum of Four-pence:

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

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

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money so to be raised and collected shall be and is hereby vested in the said respective Trustees;

Trustees; and the same and every Part thereof shall be paid, applied, disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein-after mentioned.

Present Tolls may be continued without obtaining Consent of Creditors.

XIV. And be it further enacted, That the said Trustees, in each of the said respective Districts, may and they are hereby authorized to continue the Tolls now paid at the several Gates upon any of the said Districts of Road, without obtaining or being required to obtain the Consent of the Creditors on such District of Road.

How often Tolls to be paid, and at what Gates.

XV. Provided always, and be it enacted, That no Person or Persons having paid the Tolls or Duties hereby granted at any one Gate or Turnpike to be erected by virtue of this Act on the said Roads of the said First Division, shall be liable the same Day to pay any Tolls or Duties for the same Cattle or Carriage at any other Gate or Turnpike erected or to be erected on the said Roads of the said First Division; and that no Person or Persons having paid the Tolls or Duties hereby granted at any one Gate or Turnpike to be erected by virtue of this Act on the said Roads of the said Second Division, shall be liable the same Day to pay any Tolls or Duties for the same Cattle or Carriage at any other Gate or Turnpike to be erected on the said Roads of the said Second Division; and that if more than Two Gates or Turnpikes shall be erected on the said Roads within the said Third Division, no Person having paid the Tolls or Duties for the passing of any Cattle or Carriage through the First Gate or Turnpike, shall be subject or liable the same Day to pay any Toll or Duty for passing with the same Cattle or Carriage through the Second Gate or Turnpike erected within the said Third Division; and that no Person or Persons having paid the said Tolls or Duties at any one Gate or Turnpike erected or to be erected by virtue of this Act on the said Roads of the said Fourth Division, shall be liable the same Day to pay any Tolls or Duties for the same Cattle or Carriage at any other Gate or Turnpike erected or to be erected on the said Roads of the said Fourth Division, such Person or Persons producing a Note or Ticket denoting that the said Tolls or Duties have been so paid.

Tolls may be lessened and raised again.

XVI. And be it further enacted, That the said respective Trustees may and are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen or reduce all or any Part or Parts of the Tolls hereby granted at all or any or either of the said Toll Gates or Turnpikes, and to raise the same again to any Sum or Sums of Money not exceeding the respective Sums or Tolls by this Act granted; but no such Reduction shall at any Time be made, unless the Person or Persons who shall be entitled to Five-sixth Parts at the least of the Money then due on the Credit of the said Tolls shall, by Writing under his, her, or their Hand or Hands, consent thereto, and no Alteration shall be made in the said Tolls but at a Meeting of the said Trustees to be especially called for that Purpose, and unless Ten Days Notice at the least of the Time and Place of holding such Meeting shall be fixed upon all the Turnpikes or Toll Houses then erected or standing upon the said Roads, and also inserted in some Newspaper circulated in the Neighbourhood of the said Roads; and such Tolls so lessened or reduced, or raised again as aforesaid, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Persons paying Toll to pass Toll-free the same Day.

XVII. And be it further enacted, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable for the passing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of the said Acts or this Act, the same Person or Persons, upon producing a Note or Ticket of the Day, denoting such Payment, shall be permitted to pass through the same Gate or Turnpike with the same Carriage or Cattle Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night.

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

XVIII. Provided always, and be it further enacted, That all Horses or other Beasts drawing any Coach or other such Carriage kept or used as a public Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which the Tolls hereby granted shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, shall be again chargeable with Toll for repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat; and that the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Road on the same Day on a fresh Hiring.

Exempting Cattle going to Pasture or Water.

XIX. Provided always, and be it enacted, That no Toll shall be demanded or taken for any Horse, Mule, Ass, Sheep, or other Cattle going to or returning from Pasture or Water.

Exemption for Agricultural Produce.

XX. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty), or any Hay, Straw, Fodder for Cattle, or Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other Agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horses or other Beasts going to or returning from Plough or Harrow, or for any Horse, Mule, Ass, or other Cattle going to or returning from Pasture or Watering Place, or going to or returning from being shoed or farried, or for any Sheep or Lambs going to or returning from Fold or Pasture, or Watering Place; and if any Person shall claim or take the Benefit of the said Exemptions, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Power to sell the present Toll Houses.

XXI. And be it further enacted, That it shall be lawful for the said respective Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said

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

Trustees not to repair Foot Pavement.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Trustees to repair and amend the Footways or Foot Pavement in the Streets of any Town through which the said Roads do lead, or any County or Hundred Bridge or Bridges.

Trustees not to pull down Dwelling Houses without Consent of the Owners.

XXIII. And be it further enacted, That the Powers and Authorities hereby or by the said recited Act made in the Third Year of the Reign of His present Majesty given, shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Tolls of each Division to be separately kept and applied.

XXIV. And be it further enacted, That the Tolls or Duties to be collected on the said First Division, and the Money which shall be borrowed on the Credit thereof, and also the Tolls or Duties to be collected on the said Second Division, and the Money which shall be borrowed on the Credit thereof, and also the Tolls or Duties which shall be collected on the said Third Division, and the Money which shall be borrowed on the Credit thereof, and also the Tolls or Duties to be collected on the said Fourth Division, and the Money which shall be borrowed on the Credit thereof, shall be deemed so many separate Funds, each of which, after the Payment of the Charges of procuring and passing this Act, shall be applied in and towards the repairing and widening the Roads of that particular Division only on which such Tolls or Duties shall respectively be collected, or such Money shall be borrowed on those Roads only, and not otherwise; and the said Trustees shall, out of the first Monies arising by the said Tolls or Duties of the said Four Divisions respectively, or out of such Money as shall be borrowed on the Credit thereof respectively, pay and discharge

discharge all the Costs and Expences of procuring and passing this Act, in and by equal Shares and Proportions, allotting One-fourth Part of such Costs and Expences to each Division, and shall apply the Remainder of the Monies so raised in erecting Gates or Turnpikes and Toll Houses, and repairing, widening, and amending the said respective Roads, and defraying the necessary Costs, Charges, and Expences attending the same, and in reducing, paying off, and discharging the several principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby repealed in respect of the said Roads, and the several principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

Trustees not subject to Payment of Debts contracted upon the Acts.

XXV. Provided always, and be it enacted, That nothing herein contained shall extend to charge or subject any of the said respective Trustees with or to the Payment of any Money by reason of their or any of their signing or sealing any Securities for Money so lent on the Tolls payable by virtue of this Act or the said last recited Act.

Ten Days Notice to be given of borrowing Money.

XXVI. Provided always, and be it further enacted, That no Money shall be borrowed on the Credit of the Tolls of any or either of the said Divisions by the said Trustees, unless Notice in Writing under the Hand of the Clerk appointed and acting for the Division in and for which such Money is intended to be borrowed, shall be fixed upon all the Turnpikes then erected within such Divisions, at least Ten Days before the borrowing of such Money.

For paying Creditors by Lot.

XXVII. Provided always, and be it further enacted, That in case the said respective Trustees shall at any Time or Times be desirous of paying off any Portion of the principal Monies due and owing upon the Credit of the said Roads, it shall and may be lawful for them, at any Meeting to be holden as aforesaid, (Notice of such intended Meeting, and of the Purposes thereof, being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said Counties of *Southampton* and *Dorset*), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine, by Lot, to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors, with the Consent of all the other Creditors; any thing herein contained to the contrary thereof notwithstanding.

Contracts, &c. to be made at Meetings for the respective Districts.

XXVIII. Provided always, and be it further enacted, That the repairing, widening, turning, and altering the Roads of the said Four several Divisions shall be managed, directed, and ordered, and all Contracts and Agreements for the Purchase of any Lands, Grounds, or Hereditaments lying contiguous or near to the same Roads, or for the Sale of the old Road, shall be made at the Meetings for the respective Divisions in which such Roads, Lands, Grounds, or Hereditaments shall lie, and not elsewhere; and all Monies to be paid or received on that Account shall issue out of or be brought into the Fund of that particular Division only in which such Transactions shall happen, and not out of or into any other Fund.

XXIX. And

Trustees, &c. may be Witnesses.

XXIX. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace under or by virtue of this Act, by reason of being a Trustee of the said Roads, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk or Surveyor, or other Officer under this Act, nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected or liable to be questioned or set aside.

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

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

Statute Labour.

XXXI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending the said Roads, shall be and remain liable thereto in like Manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Southampton* and *Dorset* respectively, and they are hereby required and empowered, upon Application made to them by the Treasurer, Clerk, or Surveyor of the said Roads, yearly to adjudge

adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, and Places in or through which the said Roads doth or shall lie, lead, or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, 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 respective 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 for every such Parish, Hamlet, or Place to bring in a List before the said Justices, at some Place to be expressed in such Summons, within Fourteen Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Hamlet, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repairs of Public Highways; and out of such List the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said respective Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Surveyor or Surveyors of such Parishes, Hamlets, and Places respectively to pay over to the said respective Trustees, or to their Treasurer, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said respective Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for Repairs of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on any Part of the said Roads, shall be found idle or negligent by any Surveyor to the said respective 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 Roads, all which Forfeitures shall be paid to the Treasurer of the said respective Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places shall refuse

or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways, by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said Counties of *Southampton* and *Dorset*, within their respective Jurisdictions, on Complaint made to such Justices by the Surveyor to the said Trustees.

Public Act.

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

Commencement and Continuance of this Act.

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

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