Anno tricesimo primo

Georgii II. Regis.

An Act for repairing and widening the Roads from *Chawton Pond*, in the Parish of *Chawton* in the County of *Southampton*, through *Rumsdean Bottom*, *Westmeon*, *Warnford*, *Exton*, *Bishops Waltham*, and over *Sherrill Heath*, and through *Wickham* and *Fareham* to the Town of *Gosport*; and from *Exton* aforesaid, through *Droxford*, to the East End of *Sherrill Heath*, in the said County.

WHEREAS the Roads from Chawton Pond, in the Parish of Chawton in the County of Southampton, through Rumsdean Bottom, the Parishes of Westmeon, Warnford, and Exton, the Town of Bishops Waltham, and over Sherrill Heath, and through the Towns of Wickham and Fareham, to the Town of Gosport; and from Exton aforesaid, through Droxford to the East End of Sherrill Heath aforesaid, in the said County, are in a ruinous Condition, narrow in many Places, and dangerous to Travellers, and the same cannot be effectually repaired and widened without the Aid of Parliament; 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 Right Honourable Sir Robert Henley Preamble.

Trustees Names.

Knight, Lord Keeper of the Great Seal of Great Britain; the Right Honourable Arthur Onslow Speaker of the House of Commons, the Right Honourable the Earl of Clanricard, in the Kingdom of Ireland; the Right Honourable the Earl of Tilney, in the Kingdom of Ireland; the Right Honourable the Lord Viscount Middleton, in the Kingdom of Ireland; the Right Honourable the Lord Viscount Powerscourt, in the Kingdom of Ireland; the Right Honourable the Lord Kingston, in the Kingdom of Ireland; the Right Honourable Sir Charles Powlett Knight of the Bath, commonly called Marquis of Winchester; the Right Honourable James Bridges Esquire, commonly called Marquis of Carnarvan; the Right Honourable John Carterett Esquire, commonly called Lord Carterett; the Right Honourable Harry Powlett Esquire, commonly called Lord Harry Powlett; the Right Honourable Henry Bilson Legge, Chancellor of His Majesty's Exchequer; the Bailiff of the Borough of Gosport for the time being; Sir Fitzgerald Aylmer Baronet, Samuel Atkins Esquire, the Reverend Robert Ashe Rector of Cheriton, the Reverend Edward Acton Clerk, Rector of Bentworth; the Reverend Edward Acton junior Clerk, the Reverend John Askew Clerk, Rector of Rowner; John Aubrey Mercer, William Atwick, Thomas Albeck, Anthony Aburrow, Gentlemen; the Reverend John Burton D. D. Master of Winchester College, the Reverend Duncomb Bristow D. D. Rector of Selborne, Henry Bowles Doctor of Physick, Thomas Bludworth, Robert Bristow, Thomas Bates, James Matchwick Battin, John Barnard, Richard Bonham, Peter Burrell, Harry Burrard, Edward Beaver, Richard Boult, Blackman, Esquires; Anthony Baker of Alton Clothier, Thomas Baker, William Bedford, Edward Bedford, Richard Bargus, Walter Barefoot, George Binsted, Gentlemen; the Reverend Thomas Cheyney Doctor of Divinity, Dean of Winchester; Sir Talbot Clarke Baronet, Sir Monoux Cope Baronet, Henry Compton, John Cope, Cornwall, Thomas Cuddon, John Mordaunt Cope, Richard Cope, Richard Champneys, Esquires; the Reverend Thomas Yale Caverley, the Reverend James Cutler, Clerks; Charles Child, John Clements, Thomas Cooke, Gentlemen; John Cleare Waggoner, Thomas Callaway, John Clewer, George Cleverley, Gentlemen; Ambrose Dickins, Thomas Lee Dummer, George Dacres, Thomas Diggle, Henry Dennis, Esquires; John Duthy Gentleman, John Eames, Welbore Ellis, William Eyre, Esquires; the Reverend Philip Eyre Clerk, William Eames, Philemon Ewer Gentlemen; the Honourable Fitzroy Esquire,

Esquire, Henry Foxcroft, James Foxcroft, Robert Forder, Forbes Fisher, Esquires; John Fox Tanner, Sir William Gardiner Baronet, George Garnier Doctor of Physick, the Reverend Christopher Goldwin D. D. Warden of Winton College, Richard Gwynn, John Gringo, Thomas Gibbon, Esquires; John Garrett, John Gauntlett, Thomas Green, George Green, Peter Green, Richard Godwin, Henry Graham, Gentlemen; the Honourable Sir Edward Hawke Knight of the Bath, Sir Thomas Heathcote, Sir William Hewett, Baronets; the Reverend John Hoadley Doctor of Divinity, Chancellor of the Diocese of Winchester; George Hanay, William Horner, Edward Horner, Esquires; the Reverend Richard Heath, the Reverend Joseph Hoole, the Reverend William Howley, the Reverend John Hinton, Clerks; the Reverend Stephen Hales Doctor of Divinity, Rector of Farringdon; Major General Hopson, the Reverend Richard Harris Vicar of Wimering, Thomas Hatch, William Harris, Yeomen; Thomas Haysham, William Hollis, William Horner, Gentlemen; William Jolliffe, Richard Jervoise, Matthew Imber, Esquires; Jacob Jonas, Gentleman; Thomas Knight Esquire, the Reverend Ambrose Kent Clerk, James King, James Kinchin, Gentlemen; the Reverend William Kingsman Clerk, Sir Berkley Lucy Baronet, the Reverend Richard Lisset Clerk, the Reverend Nicholas Lechmere Clerk, Prebendary of Winchester; Brown Langrish Doctor of Physick, Thomas Lacy, Richard White Lacy, John Limbrey, Walter Long, Esquires; John Leech Surgeon, William Lacy of Bishops Waltham Gentleman, Daniel Lashford, Thomas Lamport, Gentlemen; the Honourable Sir John Mordaunt Knight of the Bath, Sir Richard Mill Baronet, Richard Mill, John Mills, Carew Mildmay, John Merrill, Henry Morley, Francis Mannock, Mount of Easton, Thomas Missing, John Mitford, Samuel Marshall, Esquires; William Matthis, Robert Manwaring, Gentlemen; the Reverend Nicholl Clerk, Rector of Meon Stoke; William Newman, Mark Noble, Richard New, Esquires; the Reverend Newland Vicar of Emshot, John Nash Gentleman, James Oades, Norton Powlett, Charles Powlett, William Powlett, George Powlett, Esquires; Henry Penton, William Pescod, Nicholas Pyle, John Peachy, Edward Parker, William Parker, Esquires; William Peachy, Richard Pilfold, John Paffard of Gosport, John Paffard of Grange, Gentlemen; the Reverend Charles Powlett Clerk, Sir Thomas Ridge Knight, Jonathan Rashleigh, George Bridges Rodney, James Rodney, George Ridge, William Rickman, Esquires; Sir Simeon Stuart Baronet, Powlett Saint John, Anthony

Langley Swymmer, William Sloane, Hans Stanley, Simeon Stuart, Henry Powlett Saint John, Goodyer Saint John, Robert Sharrock, Edward Sheldon, John Bonham Smith, Thomas Bonham Smith, Peter Searle, William Smith of Stoke Parsonage, Esquires; the Reverend Grimshaw Smith Vicar of Alton, the Reverend Ellis Saint John Clerk, Nicholas Purdue Smith Gentleman, the Reverend Richard Smith Clerk, John Shackleford Gentleman, Robert Stares, the Reverend John Sandford Clerk, Sir Henry Tichbourne Baronet, Alexander Thistlethwayte, William Thomson, Edmund Toll, Esquires; the Reverend Nicholas Tindall Clerk, Rector of Alverstoke; Philip Titcher, Peter Thresher, the Reverend Robert Thistlethwayte, the Reverend William Tomlins, Clerks; James Upsdale of New Alresford Mercer, the Reverend Philip Valois, the Reverend Unwin, Clerks; George Vernon Gentleman, James Ward, Welsh Doctor of Physick, the Reverend Benjamin Woodroffe Clerk, Prebendary of Winchester; the Reverend Wools Clerk, Vicar of Fareham; James Wallace Surgeon, William Wyndham Esquire, Harry Willis, the Reverend Edmund Yalden Clerk, Rector of Newton Valence; William Yalden Esquire, shall be, and they are hereby appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Roads, and for putting in Execution all other the Powers in and by this Act given and granted.

Qualification of Trustees.

And be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Two hundred Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand five hundred Pounds; and unless the Person (not being such Heir Apparent) claiming to have Fifty Pounds a Year, or One thousand five hundred Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath following, before any Two or more of the Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Trusts and Authorities of this Act; which Oath shall be in the Words or to the Effect following, as the Circumstance of the Case shall happen to be; that is to say,

Trustees to take the Oath following, before they act.

I *A. B.*

I *A. B.* do swear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds; or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Five hundred Pounds. The Oath.

So help me God.

And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and 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, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed. Penalty on Persons acting if not qualified.

And be it further enacted, That the Trustees hereby appointed, or any Five or more of them, shall meet together at the House of Robert Baynes, known by the Sign of The Crown, in the Town of Bishops Waltham, on the Twenty first Day after the Day of the passing of this Act, and shall proceed to the Execution of this Act, and shall adjourn themselves from time to time, to such Times and Places near the said Roads, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the Trustees shall adjourn the said Meeting to, and appoint the Trustees to meet at, the Place where the last Meeting was appointed to be held, or at some other convenient Place near the said Roads on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences. Time and Place of Trustees Meeting. In Default of a sufficient Number to act, Notice to be given of another Meeting. Trustees to bear their own Expences.

Provided always, and be it further enacted, That no Trustee appointed in or by virtue of this Act, shall do any Act in the Execution of the Powers hereby given, except it be at a Meeting to be held in pursuance of this Act, Trustees not to act, but at a Meeting held in pursuance of this Act.

or

or by virtue of some Power or Powers to be delegated and committed to him or them at any such Meeting.

Proviso. Provided always, That Three Trustees present at any Meeting shall be deemed sufficient for the Purpose of Adjournment only.

No Trustee to accept of any Place of Profit arising from the Tolls. And be it further enacted, That no Person shall be capable of acting as a Trustee under this Act, or in the Execution of the Authorities and Powers hereby to them given, who shall hold any Place of Profit arising out of the Tolls or Duties hereby granted.

Trustees in the Commission of the Peace may act as Justices. And be it further enacted, That a Trustee or Trustees appointed by virtue of this Act, who shall be a Justice or Justices of the Peace, may, and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees.

On Death or Removal of Trustees, others to be chosen. And be it further enacted, That when and as often as any of the Trustees appointed by virtue of this Act shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing or Writings under their Hands and Seals, to elect, nominate, and appoint, One or more fit Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying, removing, or refusing to act; and Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees, and of the Intent of such Meeting, shall be given by the Clerk or Clerks to the Trustees, by affixing the same in Writing on all the Turnpikes which shall be erected by virtue of this Act, at least Fifteen Days before the Meeting for such Election; and all and every such Person and Persons who shall be so chosen and appointed to be joined with such surviving or remaining Trustees, having first qualified himself and themselves in the Manner by this Act directed, shall and may, and he and they is and are hereby authorized and impowered to act in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees hereby appointed are authorized and impowered to act.

15 Days Notice to be given for such Election.

Trustees may erect Turnpikes and Toll-houses, &c. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause to be erected One or more Gates or Turnpikes, in, upon, or across the said Roads, and also a Toll-house to each Gate or Turnpike; and shall demand and take the following Tolls or Duties before any Cattle or Carriage shall be

and take the following Tolls thereat.

permitted to pass through any or either of the said Gates or Turnpikes (that is to say)

For every Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Chair, Carravan, or Hearse, drawn by Four or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two or Three Horses, Mares, Geldings, or Mules, the Sum of Six Pence. The Tolls.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four or more Horses, Mares, Geldings, Mules, or Oxen, the Sum of One Shilling; and drawn by Three Horses, Mares, Geldings, Mules, or Oxen, the Sum of Nine Pence; and drawn by Two Horses, Mares, Geldings, Mules, or Oxen, the Sum of Six Pence; and by One Horse, Mare, Gelding, Mule, or Ox, Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, One Penny.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five 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 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; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons, as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, nominate and appoint, to demand and take the Tolls hereby granted and made payable; and to levy the same upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or of any Carriage upon which such Tolls are by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same,

Tolls vested in the Trustees,

to be levied by Distress and Sale.

same, until such Tolls, with the reasonable Charges of distraining and keeping the same, shall be paid; and it shall and may be lawful to and for such Person or Persons, after the Space of Five Days next after such Distress made and taken, to sell the Cattle, Carriage, or Goods, so distrained, returning the Overplus (if any shall be) upon Demand, to the Owners thereof, after such Tolls and reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold after 4 Days.

Trustees may erect Side Gates, &c.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on the Side or Sides of the said Roads, or upon, in, or across any Lane or Way leading into or out of the same, to prevent Persons evading the Payment of the Tolls or Duties hereby granted; and there to take and levy, or cause to be taken and levied, such Tolls as are by this Act made payable, at any Gate or Turnpike to be erected by virtue hereof, so as the same do not extend to a Double Charge, upon any Person or Persons passing through any other of the Gates or Turnpikes erected by virtue of this Act.

and take Tolls thereat;

so as the same do not extend to a Double Charge.

No Toll-gate to be erected at the Places here mentioned.

Provided always, and be it further enacted by the Authority aforesaid, That no Turnpike or Toll-gate shall be erected or set up by virtue of this Act at Chawton Pond aforesaid, or upon or across any Part of the said Road between Chawton Pond aforesaid, and the South Side of the Road branching off towards the Town of Petersfield, at a Place called Hedge Corner.

Tolls to be paid at one Gate only in the same Division of the Road.

Provided always, That in case there shall be more than One Toll-gate or Turnpike erected between Chawton Pond and the Village of Warnford, or between the Village of Warnford and the Town of Bishops Waltham, or between the said Town of Bishops Waltham and the Town of Wickham, or between the said Town of Wickham and the Town of Gosport, or in or across the Road leading through Droxford between the Village of Warnford aforesaid, and the East End of Sherrill Heath, no Person or Persons having paid the Toll or Duty at One Gate or Turnpike erected in any One of the several Divisions of the said Roads which lie between the respective Places aforesaid, shall be liable the same Day to pay any Toll or Duty at any other Gate or Turnpike erected in the same Division of the said Roads where he, she, or they, shall have paid the Toll or Duty as aforesaid, such Person or Persons producing a Note or Ticket that the said Toll or Duty has been so paid; which Note or Ticket the Collector

lector or Collectors, is and are hereby required to give gratis.

Property of the Turnpikes &c. vested in Trustees.

And be it further enacted, That the said several Gates or Turnpikes, and Toll-houses, erected by virtue of this Act, and all the Rights and Properties in, to, and of the same, and the real and actual Possession thereof, and the Materials of which the same shall consist, and all Materials which shall be lawfully provided, collected, and gotten by the said Trustees, or by their Surveyor or Surveyors, for repairing the said Roads, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring or cause any Action or Actions to be brought in the Name of their Treasurer or Clerk, or to prefer, and order and direct, the preferring of Indictments against any Person or Persons who shall dig up, break or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided, collected, and gotten, as aforesaid, for the repairing of the said Roads, or any of them.

Application of the Monies.

And be it further enacted, That out of the first Money arising by the Tolls or Duties by this Act granted, or out of such Money as shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Expences and Costs of procuring and passing this Act; and shall apply the Remainder of the Money so raised in erecting Turnpikes and Toll-houses, and repairing, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and to no other Use or Purpose whatsoever.

Trustees with Consent of the Creditors may lessen the Tolls.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them, with the Consent of the Person or Persons intitled to Three Fifths of the Money borrowed on the Credit of this Act, to lessen the Tolls or Duties by this Act granted, for such Time as they shall think proper; and such Tolls or Duties so lessened shall be collected, recovered, and applied, in the same Manner as the Tolls or Duties hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

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

of this Act, the same Person 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; which said Note or Ticket the Collectors of the Tolls are hereby required to give gratis.

If an Act shall pass this Session for repairing the Road from *Winchester* to *Stephen's Castle Down*, the Trustees of this Act are to pay 350 *l.* within 2 Years towards the Repair thereof.

And be it enacted, That in case an Act of Parliament shall pass in this Session of Parliament for repairing and widening the Road from the City of Winchester through Bellmour Lane, to the Top of Stephen's Castle Down, near the Town of Bishops Waltham in the County of Southampton; it shall and may be lawful for the said Trustees hereby appointed, or any Seven or more of them, and they are hereby required to pay, or cause to be paid, out of the Monies raised by virtue of this Act, to the Trustees appointed to put such Act in Execution, or any Seven or more of them (whereof the Mayor of Winchester for the time being shall be One) the Sum of Three hundred and fifty Pounds, within Two Years, to be computed from the Twenty fourth Day of June, One thousand seven hundred and fifty eight, to be applied by the said Trustees, or any Five or more of them, towards repairing and widening the said Road, and to no other Use or Purpose whatsoever.

Trustees to put into immediate Repair the Road from *Bishops Waltham* to *Sherrill Heath*.

Provided always, and be it enacted, That the said Trustees shall, and they are hereby required, immediately after the passing of this Act, to cause the Road from the Town of Bishops Waltham to the East End of Sherrill Heath, to be put in good and effectual Repair.

Persons and Things exempted from Toll.

And be it further enacted, That none of the Tolls by this Act granted and made payable, shall be demanded or taken at any of the Gates or Turnpikes erected by virtue hereof, for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing the same, which shall be used or employed in the Carriage of any Materials for repairing any Road or Highway; or in the Carriage of any Lime, Chalk, Dung, Mould, Soil, or Compost of any Nature or Kind whatsoever, for manuring of any Garden, or other Land or Ground; or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides, of the Owners thereof; or for any Plough, Harrow, Dray, or other Implement of Husbandry, or for any other Thing whatsoever employed

in

in Husbandry, or for manuring or stocking of Land in the several Parishes in which the said Roads hereby intended to be repaired do lie; or for any Coaches or other Carriages, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Southampton, on the Day or Days of such Election; or for any Horse or other Cattle going to or returning from Pasture or Water; or for any Post-horse or Vehicle carrying the Mail or Publick Packet; or for the Horses of any Officers or Soldiers on their March, or for Carts, Carriages, or Waggons, attending them; or for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes.

Penalty on Persons making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Twenty Shillings.

Penalty on Persons permitting private Passage;

And be it further enacted, That if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Carravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Place, adjoining to, or lying near, any or either of the Gates or Turnpikes erected by virtue of this Act, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Carravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments; or if any Person or Persons shall give to, or receive of, any other Person or Persons, except the Person or Persons appointed to collect the Tolls hereby made payable, any Note or Ticket of the Day by this Act directed to be given by the Collectors of the said Tolls; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Carravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage, whereby the Payment of any of the said Tolls shall be evaded, that then, and in either of the aforesaid Cases, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before One or more

... to ...

or giving or receiving of Tickets;

or taking off Horses, &c.

... all or ...

to avoid the Payment of the Tolls.

Justice or Justices of the Peace of and for the County or Place where the said Offence or Offences shall be committed (which said Oath such Justice or Justices is and are hereby impowered to administer) shall for every such Offence forfeit and pay the Sum of Twenty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety shall go and be applied towards the amending the said Roads.

Trustees impowered to borrow Money on the Credit of the Tolls

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the Tolls or Duties hereby made payable, to borrow and take up, at Interest, any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may, and they are hereby authorized and impowered, to mortgage or assign over the said Tolls or Duties, or any Part or Parts thereof, to any Person or Persons for any Term or Number of Years as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act in the Manner aforesaid, being thereout first paid) shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever.

Application of the Money borrowed.

Assignments may be transferred, and the Manner of doing so.

And be it further enacted, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, of the Tolls or Duties shall be made by the said Trustees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls or Duties, and his, her, or their Assignee or Assignees, may, and is, and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

14 Days Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act by the said Trustees at any Meeting after their First, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, of such Meeting, and of the Intent of the Trustees to borrow such Money on the Credit of the Tolls at the said Meeting, specifying the Sum to be borrowed, and

the Rate of Interest to be given, shall, by Order of such Trustees, or any Five or more of them, be fixed upon at the Gates or Turnpikes erected by virtue of this Act, at least Fourteen Days before the Meeting for borrowing of such Money.

Trustees may appoint Officers;

And be it further enacted, That the said Trustees, or any Seven or more of them, may and are hereby authorized and impowered, from time to time, to appoint fit and proper Persons to be Collectors and Receivers of the Tolls by this Act made payable, and proper Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Roads, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any of either of them, from time to time, to remove or displace, and to appoint others in the Rooms and Places of such of them as shall be so removed or shall die, Notice of the Time and Place of Meeting for that Purpose, and of the Intent of the Trustees then to make such Appointments or Removals, being fixed on all the Gates or Turnpikes erected by virtue of this Act, at least Fourteen Days before such Appointments or Removals shall be made; and may and are hereby authorized and impowered, out of the Monies which shall arise by the Tolls aforesaid, to allow and pay to the several Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting to them, or any of them, in or about the repairing or widening the said Roads, or any Part thereof, such Salaries, Rewards, and Allowance, for their Attendance, Care, and Service, in those Respects as to the said Trustees, or any Seven or more of them, shall seem reasonable.

and remove to them, and appoint others.

Trustees to allow Officers Salaries.

And be it further enacted, That all and every such Clerks, Treasurers, Collectors, Surveyors, and other Persons, who shall be intrusted with any Money raised by virtue of this Act, shall from time to time, when thereunto required by the said Trustees, or any Five or more of them, make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Two or more of the said Trustees, or before One Justice of the Peace for the County of Southampton (which Oath such Trustees or Justice are and is hereby impowered and required to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received, paid, and disbursed, by virtue

Officers to account upon Oath.

tue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their, or any of their hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same: And in case the said Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, or other Persons, or any of them, shall refuse or wilfully neglect to give a true and perfect Account in Writing of all such Sum or Sums of Money as he or they shall have collected, received, paid, and disbursed, or shall knowingly or wilfully deliver a false, defective, or imperfect Account, or having delivered a true and perfect Account, shall refuse or neglect to pay the Money due on such Account in Manner as aforesaid; then it shall and may be lawful to and for any Two or more Justices of the Peace for the County of Southampton, upon Complaint thereof being made to them, to make Enquiry of and concerning such Refusal or Default, as well by Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices, or One of them, are and is hereby impowered and required to administer) and if any such Clerk, Treasurer, Collector, Surveyor, or other Person, shall be convicted of having wilfully neglected or refused to give such Account, or of having knowingly delivered a false, defective, or imperfect Account, or of having neglected or refused to pay the Money due on such Account within Ten Days after such Account shall be given in as aforesaid, then, and in any of the said Cases, it shall and may be lawful to and for such Justices to commit the Offender to the Common Gaol of the County, there to remain, without Bail or Mainprize, until he or they shall give and make a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and shall have paid such Composition to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Officers not accounting, &c.

Justices may enquire into the Default;

and commit the Offender to Gaol,

until he shall conform,

or compound with the Trustees.

And be it enacted, That if any Person or Persons who shall have been or shall be appointed a Clerk or Clerks to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Fourteen Days after being thereunto required by the said Trustees, or any Five or more of them, all the Books, Papers, and Writings, in his or their Custody

Clerks to deliver up Books, &c. to the Trustees.

Custody or Power relating to the Trusts and Powers hereby granted to the said Trustees, it shall and may be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County wherein the Offender or Offenders shall dwell, there to remain, without Bail or Mainprize, until he or they shall deliver, or cause to be delivered, to the said Trustees, or any Five or more of them, or to their Order, all and every such Books, Papers, and Writings, or until he or they shall give such Satisfaction to the said Trustees, or any Five or more of them, as they shall think reasonable, concerning the said Books, Papers, and Writings.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Seven or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem meet.

Victuallers, &c. disqualified from holding any Place of Profit.

And be it further enacted, That no Person or Persons keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of taking, holding, or enjoying any Place or Places of Trust or Profit under this Act.

Surveyors may dig Gravel in Waste Grounds, without paying for the same;

And be it further enacted, That the said Surveyor or Surveyors, or any other Person or Persons who shall, by the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, or either of them, be employed or appointed for that Purpose, may, and is, and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Bushes, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper for repairing of Roads in, upon, out of, or from any Waste, Common, or Forest Ground or Grounds, in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, or in any neighbouring Parish, Town, or Place, to be used, disposed of, and applied in repairing the said Roads, without paying any thing for the same, they the said Surveyors, or other Persons, filling up the Pits and levelling the Ground from which such Materials shall be taken, or causing the same to be done; and if such Quantities of Furze, Heath, Bushes, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose cannot be

levelling the Pits;

and, for want of Materials there, may take from private Grounds,

had or found in or upon such Waste, Common, or Forest Ground or Grounds, then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Bushes, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose, in, upon, or out of, and from the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, to be used, disposed of, and applied in or towards repairing the said Roads; such Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nursery; they the Surveyors, or other Person or Persons appointed or employed as aforesaid, or some or One of them, having an Order from the said Trustees, or any Five or more of them, for so doing, and paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Bushes, Stones, Gravel, Chalk, Sand, Flints, or other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable; they the said Surveyors, or other Persons, filling up the Pits, and levelling the Ground from which such Materials shall be so taken, or causing the same to be done: And in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Furze, Heath, Bushes, Stones, Gravel, Chalk, Sand, Flints, or other Materials, shall be so cut, digged, gathered, taken, and carried away, shall and may, on Fourteen Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the Justices therein shall be final and conclusive to all Parties.

making Satisfaction to the Owners thereof.

Justices to determine Differences.

And be it further enacted, That the said Surveyor or Surveyors, or any other Person or Persons by them, or either of them, appointed or employed, may, and is, and are hereby authorized and impowered, they the said

Surveyors, by Order of the Trustees, may make Causeways.

Surveyor or Surveyors having an Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively, to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Roads; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Roads, or any Part thereof; and shall and may dig, or cut, or cause to be digged or cut, any Drains or Watercourses in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

and erect Bridges, &c.

and cut Drains, &c.

Surveyors may remove Annoyances, &c.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order of the said Trustees, or any Five or more of them, from time to time, to remove and carry away all Annoyances by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the Roads aforesaid, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid for the Space of Fourteen Days after Notice in Writing given for that Purpose under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down the said Trees or Bushes, or to remove such other Annoyances as aforesaid: And in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County of Southampton, from time to time to levy the Charge thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles, rendering the Overplus, if any be, to the Owners or Occupiers thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend

the Owners neglecting to remove the same after Notice.

Surveyors to be reimbursed the Charges,

to be levied by Distress and Sale.

Penalty of a Second Offence.

offend in the like Manner, every such Person so offending, and being thereof convicted, upon Oath, before Two or more Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

Owners neglecting to scour their Ditches, &c.

And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain, or Watercourse, lying, or which shall lie, in, or leading, or which shall lead, into, or out of, the said Roads, or any Part thereof, shall not, in a proper Manner, scour and cleanse such Ditches, Drains, and Watercourses, or cause the same to be done within the Space of Ten Days next after Notice in Writing shall, for that Purpose, be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors; then, and in either of the said Cases, the said Surveyor or Surveyors may and is and are hereby authorized and impowered to cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and to pay for the Scouring and Cleansing the same; and if the said Person or Persons shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing, to be left at his, her, or their respective Place or Places of Abode, the same Money, and every Part thereof, upon Proof of the Cleansing and Scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof, as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by a Warrant or Warrants under the Hand and Seal of such Justice, be raised and levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus, if any be, to the Owner or Owners thereof, upon Demand, after all Charges paid.

after Notice given them;

Surveyors may set Men to work thereon;

and levy the Charges by Distress and Sale.

Trustees may contract for the Purchase of Lands to Widen the narrow Parts of the Road.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree

agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any Ways sustain by such widening, turning, or altering, any Part of such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, for turning, widening, or altering, the same, and such Persons, or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations

Bodies Politick, or Corporate, &c. impowered to sell Lands, &c.

tions Aggregate or Sole, and all 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.

Persons neglecting to treat &c. for the Sale of Lands;

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons, interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Houses, or Place or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Fourteen Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Southampton; (which Oaths any Two or more of the Trustees are hereby impowered and required to administer, what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through the same; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses; (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained,

Damage and Recompence to be settled by a Jury.

Witnesses may be summoned and examined upon Oath.

ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed, as aforesaid, thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Southampton, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two 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, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrant to the Sheriff, &c. of the County to impanel a Jury.

And be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees,

Jury may be challenged.

Trustees may impose a Fine on the Sheriff, &c. making Default in the Premisses.

stees, or any Five or more of them, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury; or being so sworn, refusing to give, or not giving their Verdict, 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 Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn, and give Evidence; and, from time to time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned, is hereby directed to be levied; so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Fine not to exceed 10*l.*

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted, That all and every Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents, and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, and after Fourteen Days Notice given to such Persons or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall order and direct; and shall be by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads for ever after; and shall be repaired, and kept in Repair, by such

Lands, &c. purchased to be made Part of the Roads, and esteemed as publick Highways.

Trustees

Ways and Methods, and in all Respects in such Manner, as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be compleated, the Lands and Grounds comprized in, or constituting the old or former Road, shall be vested in, and shall and may be sold by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied and disposed of, for the repairing the said Roads; and the Sale or Conveyance or Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of Southampton, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Road may be sold.

Money arising by Sale thereof how to be applied.

Provided always, and be it enacted, That in widening, turning, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House.

Buildings, &c. not to be damaged.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making of this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair, the same Parts of the same Roads, in the same Manner as they or every of them hath or have heretofore usually done, or ought to do: And that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways, for the repairing thereof commonly called Statute-work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required, to do and perform such and so many Days Work, in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, as the said Trustees, or any Five or

Persons chargeable to the Repair of the Highways, to continue so.

more of them, shall direct or appoint, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Persons renting 50 *l. per Ann.* to be deemed Team-holders.

And, to the end that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of, and for every of the said Towns, Parishes, Hamlets, and Places, wherein or for which, any such Surveyor or Surveyors usually have been or ought to be, chosen, shall, and they are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees true and perfect Lists, in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places, respectively, who are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Parish Surveyors to give in Lists of Persons liable to do Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is directed and required to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default the Sum of Five Pounds;

Penalty on Surveyors neglecting to deliver in such Lists;

and on Persons not performing Statute-work,

And if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged

obliged or liable by Law to do Statute-work in and upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall, by the said Trustees, or any Five or more of them, or by the Surveyor or Surveyors by them authorized, be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant or Person who shall keep, or by virtue of this Act shall be deemed to keep a Team or Teams, for every Day's Work for each Team, the Sum of Ten Shillings; and every other Inhabitant, or Person not keeping, or being, by virtue of this Act, not deemed to keep a Team, for every Day's Work the Sum of One Shilling.

Trustees may compound with Parishes, &c. for Statute-work.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and impowered to compound with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum or Sums of Money, by the Year, or otherwise, as they the said Trustees, or any Five or more of them, and the said Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

Surveyors may appeal to the Quarter Sessions to Proportion the Statute-work.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace next after such Direction or Appointment, unless the same shall be made within Ten Days preceding such next Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices, in their said respective Quarter Session, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Roads by this Act directed.

directed to be repaired, such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees as aforesaid.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby authorized and required to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up in, or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places; and also Posts at the several Roads leading out of the Roads hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead, as they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully or designedly break, or pull down, dig up, injure, or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all the Penalties and Forfeitures by this Act incurred (except such for the Recovery and Application, whereof some other Method or Methods is or are herein before prescribed) upon Proof thereof, and of the several Matters, Causes, or Things, for which the same Penalties and Forfeitures shall be incurred respectively, before any Justice of the Peace of the County or Place where the respective Party or Parties who shall incur such Penalties and Forfeitures shall live, either by the Confession of such Party or Parties, or by the Oath of One Witness, shall be levied by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring, by Warrant or Warrants under the Hand and Seal of such Justice; which Warrant or Warrants any such Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis; and the same Penalties and Forfeitures being so levied as aforesaid, or otherwise paid, and every Part thereof (other than and except such Parts thereof, as are hereby directed to be paid to Informers, against Persons for Offences which shall be by them committed in Breach of this Act) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be laid out and applied in

and

and towards the repairing and widening the Roads by this Act directed to be repaired.

Provided always, That the Overplus of the Money which shall be raised and levied by such Distresses and Sales as aforesaid, after Payment of the respective Penalties and Forfeitures for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, or Effects, of the Person or Persons who shall incur the said Penalties and Forfeitures can be found sufficient to answer the same, and the Charges of such Distresses and Sales, if any such shall be taken and made, then, and in any such Cases, any Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Person and Persons to be committed to the Common Gaol of the said County or Place for any Time not exceeding One Month for the First Offence, or until such Penalties or Forfeitures, and the Charges of such Distresses and Sales (if any such there be) shall be paid; and for the Second, and every other Offence of the same Kind or Nature, for any Time not exceeding Two Months, nor less than One Month, or until such Penalties or Forfeitures by him, her, or them incurred, and the reasonable Charges of the said Distresses and Sales (if any such there be) shall be fully satisfied and paid.

Overplus of the Monies raised to be paid to the Owner.

For want of sufficient Distress, Offender to be committed.

Provided also, and be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next General Quarter Session of the Peace for the County or Place where the Matter or Thing for, or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding, of such Act, Order, or Judgement, he, she, or they, causing reasonable Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices at their said

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

Session, upon due Proof of such Notice being given, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto; nor shall the Party or Parties distraining, be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Distress not to be deemed unlawful for want of Form, nor the Party distraining be deemed a Trespasser *ab initio*.

Plaintiff not to recover, if Tender of Amends shall be made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Proceedings, &c. to be entered in a Book.

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes.

Writings to be without Stamps.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any

any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless 11 Trustees be present.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine Trustees shall be then present and consenting.

Commencement and Continuance of the Act.

And be it further enacted, That this Act, and the several Tolls, Authorities, and Powers, hereby granted and made payable, shall commence and have Continuance from and after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, on any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or

General Issue.

Actions,

Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

Publick Act. And be it further enacted, That this Act shall be adjudged, deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.