Anno tricesimo primo

# Georgii II. Regis.

An Act for repairing and widening the Roads from the Town of *Bishops Waltham* in the County of *Southampton*, over the Top of the Down called *Stephen's Castle Down*, and through *Salt Lane* and *Tichborne*, to the Town of *New Alresford*; and from the Market-house in the said Town of *New Alresford*, through *Old Alresford*, *Bradley Lane*, and over *Herriard Common*, to the Town of *Odiham* in the said County.



WHEREAS the Roads from the Town of Bishops Waltham in the County of Southampton, over the Top of the Down called Stephen's Castle Down, and through Salt Lane and Tichborne, to the Town of New Alresford; and from the Market-house in the said Town of New Alresford, through Old Alresford, Bradley Lane, and over Herriard Common, to the Town of Odiham 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 Preamble.

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,

Trustees Names.

That Sir Fitzgerald Aylmer Baronet, the Reverend Robert Ashe Rector of Cheriton, the Reverend Edward Acton Rector of Bentworth, the Reverend Edward Acton junior, Clerk, Atkinson Clerk, the Most Honourable James Brydges Esquire, commonly called Marquis of Carnarvan, Bernard Brocas, Thomas Bludworth, Robert Brisow, James Burleigh, John Barnard, Edward Bramston, James Burton, Richard Bonham, James Matchwick Battin, William Baker, Perin Barton, William Birch, Esquires; Henry Bowles Doctor of Physick, the Reverend John Burton D. D. Master of Winton College, the Reverend William Burleigh Clerk, the Reverend John Bailey Clerk, the Right Honourable the Earl of Clanricarde, in the Kingdom of Ireland; the Right Honourable John Carteret Esquire, commonly called Lord Carteret; Sir Talbot Clarke Baronet, Sir Monoux Cope Baronet, Henry Compton, John Cope, Cornwall, Thomas Cudden, John Mordaunt Cope, Richard Cope, Esquires; the Reverend Thomas Cheyney D. D. Dean of Winchester, the Reverend Richard Cope Clerk, the Reverend Thomas Yale Caverley Clerk, the Reverend James Cutler Clerk, Thomas Lee Dummer, George D'Acre Thomas Diggle, Henry Dennis, Esquires; John Duthy Gentleman, the Right Honourable the Earl of Eglintoune, Welbore Ellis, William Eyre, Sydney Evelyn, Joseph Eyre, Esquires; the Reverend Philip Eyre Clerk, Henry Foxcroft, James Foxcroft, Robert Forden, Esquires; Sir William Gardiner, Baronet, George Garnier, Richard Gwynn, William Gregory, Richard Godwin, Esquires; John Gauntlett, Thomas Green, George Green, Gentlemen; the Reverend Christopher Goldwin, Warden of Winton College, James Gibson Clerk, the Right Honourable Sir Robert Henley Knight, Lord Keeper of the Great Seal; Sir Thomas Heathcote Baronet, the Honourable Sir Edward Hawke Knight of the Bath, Henry Hawley, Thomas Hall, Thomas Hall the younger, Peter Hawker, William Horner, Edward Horner, John Harwood, Esquires; the Reverend John Hoadly LL. D. Chancellor of Winton, the Reverend Richard Heath Clerk, the Reverend Joseph Hoole Clerk, the Reverend William Howley Clerk, Richard Jervoise, Matthew Imber, Esquires; the Reverend Thomas Jefferies Clerk, the Reverend John Imber Clerk, John Jones Gentleman, the Right Honourable the Lord Kingston, in the Kingdom of

of Ireland; Cranley Kerby, Thomas Knight, Thomas King, Esquires; Augustine Kinchin Gentleman, the Right Honourable Henry Bilson Legge Chancellor of the Exchequer; Thomas Lacy, John Lymbrey, Bryant Lymbrey, Philip Grave Lamport, Walter Long, Esquires; Brown Langrish Doctor of Physick, Daniel Lashford, William Lamport, James Lymbry, Thomas Lodge, William Lock, Gentlemen; the Honourable Sir John Mordaunt Knight of the Bath; Sir Richard Mill Baronet, Richard Mill, John Mills, Carew Mildmay, John Merrill, Francis Mannock, Mount of Easton, Esquires; Thomas Missing, Thomas Newnham, Mark Noble, George Nayres, Esquires; Philip Newbolt, Thomas Newland, Gentlemen; the Reverend John Nichol Clerk, the most Honourable Sir Charles Powlett Knight of the Bath, commonly called Marquis of Winchester; the Right Honourable Harry Powlett Esquire, commonly called Lord Harry Powlett; Henry Penton, William Pitt, Norton Powlett, George Pitt, Thomas Pitt, Henry Pyncke, William Pescod, William Augustus Pitt, Charles Powlett, William Powlett, George Powlett, Nicholas Pyle, Esquires; the Reverend Samuel Prince Clerk, Peck Clerk, Edward Pyott Merchant; the Reverend Charles Powlett Clerk, Jonathan Rashleigh, George Brydges Rodney, James Rodney, George Ridge, William Russell, Esquires; William Rickman, Sir Simeon Stuart Baronet, Powlett Saint John, Anthony Langley Swymmer, Hans Stanley, William Sloane, Simeon Stuart, Peter Serle, Goodier Saint John, Henry Powlett Saint John, Robert Sharrock, Edward Sheldon, Thomas Bonham Smith, Esquires; the Reverend Ellis Saint John Clerk, the Reverend William Sealey Clerk, the Reverend William Sealey junior, Clerk; Thomas Stockwell Clerk, Roger Shipman, Nicholas Purdue Smith, John Stafford, James Serle, James Spearing, Gentlemen; the Right Honourable the Earl of Tylney in the Kingdom of Ireland, Sir Henry Titchbourne Baronet, Alexander Thistlethwayte, William Thomson, Stephen Terry, John Tovey, John Tuliken, Edmund Toll, Esquires; the Reverend Robert Thistlethwayte, the Reverend Charles Toll, Clerks; the Reverend Frederick Toll Clerk, the Reverend Joseph Trapp Clerk, James Upsdale of New Alresford Mercer, James Ward, Thomas Wyndham, Wadham Wyndham, John Wood, William Wither, Heliar Wadham Wyndham, John Woodroffe, John Watts, Esquires; James Welsh Doctor of Physick, the Reverend Joseph Warton Clerk, the Reverend Charles White Clerk, the Reverend Benjamin Woodroffe Prebendary of Winchester, James Wallace Surgeon, Edward Wools of New Alresford,

ford, Thomas Waldron of Winchester, Woodyer Clerk, William Yalden Esquire, Edmund Yalden Clerk, 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 Pounds; and unless the Person (not being such Heir Apparent) or claiming to have Fifty Pounds a Year, or One thousand 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 said 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.

The Oath.

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, or 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 Pounds.

*So help me God.*

Penalty on Persons acting if not qualified.

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, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

And

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of John Creak, known by the Sign of The New Inn in New Alresford, on that Day Fortnight after the passing of this Act, and 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, 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 and Turnpikes then erected by virtue of this Act, at least Ten Days before such Meeting; and 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.

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

Proviso.

And be it further enacted, That no Person shall be capable of acting as a Trustee under this Act, who shall hold any Place of Profit arising out of the Tolls or Duties hereby granted.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further enacted by the Authority aforesaid, 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.

Trustees in the Commission of the Peace may act as Justices.

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,

On Death or Removal of Trustees, others to be chosen.

30 Days Notice to be given for such Election.

removing, or refusing to act; and Notice of the Time and Place of the Meeting for the Election of such new Trustee or Trustees, 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 Thirty Days before the Meeting for such Election; and all and every such Person and Persons as shall be so chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and be 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.

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 Three 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 at each of the said Gates or Turnpikes, the following Tolls or Duties before any Cattle or Carriage shall be permitted to pass through the same (that is to say)

and take the following Tolls thereat

The Tolls.

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.

For every Calash, Chaise, or Chair, drawn by One Horse, 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, the Sum of 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, until such Tolls, with the reasonable Charges of distraining, detaining, 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, Carriages, 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.

Tolls vested in the Trustees;

to be levied by Distress and Sale,

Distress may be sold after 5 Days.

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 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.

Trustees may erect Side Gates, &c.

and take Tolls thereat;

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

Provided always, That nothing herein contained shall extend to impower the said Trustees to cause to be erected any Gate or Turnpike nearer to the Town of Bishops Waltham than Three Miles.

Proviso.

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 the Rights and Properties to and of the same, and the Materials of which the same shall consist, 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 made, built, or consist.

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 or alter all or any or either of the Tolls or Duties by this Act granted, for such Time as they shall think proper; and such Tolls or Duties so lessened or altered 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 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 Note or Ticket

the

the Collectors of the Tolls are hereby required to give gratis.

Toll to be paid at One Gate only between *Odiham* and *New Alresford*

Provided always, and be it enacted, That in case there shall be more than Two Gates or Turnpikes erected in, upon, or across, that Part of the said Roads which lies between the Town of Odiham and the Town of New Alresford, no Person or Persons having paid the Toll or Duties at Two of the said Gates or Turnpikes, shall be liable the same Day to pay any Toll or Duty at any other Gate or Turnpike erected on such Part of the said Roads, such Person or Persons producing a Note or Ticket, Notes or Tickets, denoting such Payments; which Note or Ticket, Notes or Tickets, the Collector or Collectors of the Tolls, is and are hereby required to give gratis.

not between *New Alresford* and *Bishops Waltham*.

Provided also, That in case there shall be more than One Gate or Turnpike erected in, upon, or across, that Part of the said Roads which lies between the Town of New Alresford and the Town of Bishops Waltham, no Person or Persons having paid the Toll or Duty at One Gate or Turnpike, shall be liable the same Day to pay any Toll or Duty at any other Gate or Turnpike erected on such Part of the said Roads, such Person or Persons producing a Note or Ticket denoting such Payments; which Note or Ticket the Collector of the Tolls is hereby required to give gratis.

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, Mr, 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 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,

Hampton, 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 Thirty 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, Chaise-marine, 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 to be 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, Chaise-marine, Calash, Chair, Carravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments;

or giving or receiving of Tickets;

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 and receive the Tolls hereby made payable, any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls;

or taking off Horses, &c.

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, Chaise-marine, Calash, Chair, Carravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage, whereby the

to avoid the Payment of the Tolls.

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 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 Nine 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 Nine 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 Nine 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 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.

10 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 after their First Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be by Order of such Trustees, or any Five or more of them, fixed upon all the Gates or Turnpikes erected by virtue of this Act, at least Ten Days before the borrowing of such Money.

Trustees may appoint Officers;

And be it further enacted, That the said Trustees, or any Nine 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 Nine or more of them, shall think necessary; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or 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, being fixed on the Gates or Turnpikes erected by virtue of this Act, at least Ten Days before such Appointments; 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 Nine or more of them, shall seem reasonable.

and remove 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 unto 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 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 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

Officers to account upon Oath.

Officers not accounting, &c.

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 neglected or refused to give such Account, or of having 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.

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 neglect or refuse 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 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,

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

tees, 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 Nine 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 Nine 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, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper for repairing of Roads, in, upon, out of, or from any Waste, or Common 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,

levelling the Pits;

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

and if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste or Common 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, 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,

them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, or Nursery; they the said 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, 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 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, Stones, Gravel, Chalk, Sand, Flints, or other Materials, shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten 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, by the said 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

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

and erect Bridges, &c.

and cut Drains, &c.

vent 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 Owner or Owners, Occupier 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 appear reasonable.

Surveyors may remove Annoyances,

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 Owner or Owners thereof, upon Demand, after all Charges paid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again 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.

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.

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 Fourteen 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 and 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.

And be it further enacted, That in case the said Trustees, or any Nine 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 Nine or more of them, shall have full Power and Authority, from time to time, to treat, contract, and 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

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

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 Nine 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 Nine 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 notwithstanding: And all Bodies Politick, Corporate, or Collegiate, Corporations 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.

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

And be it further enacted, That if any Owner, Proprietor, Occupier, Bodies Politic, 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 Places of Abode of such Person or Persons, or

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

of

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 enquired of, 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,

Damage and Recompence to be settled by a Jury.

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

wise, 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.

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

Jury may be challenged.

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, or any Five or more of them, acting in the Premisses, shall have 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,

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

misses, 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.*

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 Ten 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 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 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

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

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

Old Road may be sold.

the

Money arising by Sale thereof how to be applied.

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.

Buildings, &c. not to be damaged.

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.

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

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 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,

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

5

live, as Persons keeping Teams are obliged by Law and ought to do.

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

Penalty on Surveyors neglecting to deliver in such Lists;

and on Persons not performing Statute-work.

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 for the 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 all and every Person and Persons, Bodies Politick and Corporate, and 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, or other 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 Inhabitants, or Person or Persons, Bodies Politick or Corporate 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.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, 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 Sessions of the Peace next after such Direction or Appointment, unless the same shall be made within Fourteen 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 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 to be repaired; such Surveyor or Surveyors of the Highways as aforesaid, having first given Fourteen 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

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 Milestones, &c.

And be it further enacted by the Authority aforesaid, 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 towards the repairing and widening the Roads by this Act directed to be repaired.

Penalties and Forfeitures how to be recovered and applied.

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

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

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 so 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.

For want of sufficient Distress, Offenders to be committed.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, 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 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.

Notice of Appeal to be given.

And

Until

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.

Proceedings not to be quashed for want of Form,

nor removeable by *Certiorari*.

Distress not to be deemed unlawful for want of Form,

nor the Party distraining be deemed a Trespasser *ab initio*.

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.

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

And be it further enacted, by the Authority aforesaid, 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.

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

Provided always, and be it further enacted by the Authority aforesaid, 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 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.

Writings to be without Stamps.

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

so And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the Execution of 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.

Commencement and Continuance of the Act.

And be it further enacted by the Authority aforesaid, 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 by the Authority aforesaid, 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

General Issue.

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 Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases

Treble Costs.

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 by the Authority aforesaid, 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.