Anno ſecundo

Georgii III. Regis.

An Act for altering, widening, and amending the Road, from the North Gate of the City of *Wincheſter*, over *Worthy Cow Down*, through *Whitchurch* and other Places, to *Newtown* River; and alſo the Road from *Worthy Cow Down* aforeſaid, through *Wherwell*, to the preſent Turnpike-Road at *Andover* in the County of *Southampton*.



WHEREAS the Road leading from the North Gate of the City of Wincheſter over Worthy Cow Down, through Whitchurch, North-Litchfield, and Whiteway, to the River at Newtown at the Extremity of the County of Southampton, on the Road towards Newbury; and alſo the Road leading from the ſaid Road at Worthy Cow Down aforeſaid, along the preſent High Road through Wherwell Town, to the preſent Turnpike-Road at Andover in the ſaid County of Southampton; are become very deep and ruinous, and in many Places ſteep and narrow, and cannot be ſufficiently widen- Preamble.

ed, altered, repaired, and kept in Repair, by the ordinary Courſe of Law: 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 James Bridges, commonly called Marquis of Carnarvan; the Right Honourable Harry Powlett, commonly called Lord Harry Powlett; the Right Honourable John Wallop, commonly called Lord Viſcount Lymington; the Right Honourable Henry Bilſon Legge; Sir John Mordaunt, Knight of the Bath; Sir John Griffin Griffin, Knight of the Bath; Sir Francis Blake Delaval, Knight of the Bath; the Honourable Thomas Townſhend; Sir Simeon Stuart Baronet; Thomas Townſhend junior, George Jennings, George Auguſtus Selwyn, Colonel Philip Jennings, the Reverend Shipley, Dean of Wincheſter; Richard Bargus, Joſeph Portal, Thomas Skeat, George Woodward Grove, Thomas Benham, Peter Oſman, John Brackſtone, Charles Thorngate, the Reverend John Blair, the Reverend Edmund Elyott, John Kirkby, Henry Skeat, Amos Alder, Henry Knowles, Edmund Portſmouth, Thomas Pointer, John Waight, Joſeph Vincent, John Vincent, John Fielder, Henry Bunce, Hinton Talmadge, Joſeph Talmadge, Charles Bayley, Edmund Bramſton, William Prior, Iſaac King, Edward Hooper, John Pollen, Thomas Woodman, Richard Samborn, John Pugh, William Eames, Joſeph Godden, Giles Hillman, John Godden, Roger Cannon, Ralph Etwall, Richard Leverſuch, John Pile, Richard Bird, Samuel Fennel, Roger Hall, John Godden junior, John Pollen junior, Edward Pugh, Benjamin Mundy, Joſeph Wakeford, the Reverend Jonathan Butler, the Reverend Edward Duke, Richard Willis, Harvey Combe, William Worgan, the Reverend Jonathan Alleine, Richard Wallis junior, Charles Taplin, Edmund Hooke LL. D. Robert Bird, William Tirrell, Joſhua Iremonger, Benjamin Lethuilieur, Laſcelles Iremonger, the Reverend Richard Ring, the Reverend George Snell, the Reverend Robert Worgan, the Reverend John Taylor, the Reverend John Oſborne, the Reverend Gregory Parry, William Ohld, Thomas Pickering, Chriſtopher Rawlinſon, Mordecai Walker, Henry Hoare, Harry Earle, the Reverend William Roman, John Trendgold, Robert Dowling, Thomas Dowling, William Moody, the Honourable Robert Herbert, Sir William Saint Quintin, the Reverend Thomas Lifu D. D. John Burnell, [illegible] of Sidmonton, [illegible] Corrie, Richard Digweed, James Poore, John Carr, John James junior, the Reverend Richard Davies, James

Truſtees Names.

James Smith, the Reverend Thomas Kinchin, the Reverend Peter Debary, the Reverend Henry Taylor, Francis Lavington, Thomas Cordery, Sir Martin Wright Knight, Martin Wright, William Wright, William Smith, Peter Hawker, Thomas Gatehouſe, the Reverend William Jurd, the Reverend John Lynch, John Wickham, Sir Bennett Garrard Baronet, Thomas Pitt, Edward Poore, George Dewar, George Powlett, John Awdry, Henry Coulthurſt, Paul Newman, the Honourable Henry Wallop, Richard Neville Aldworth, Edmund Rolfe, William Drake, Edward Hatherell, John Harbutt, John Turton, James Longman, Stephen Lawes, Thomas Stevens, John Burton D. D. John Bradburne, Charles Cornwall, Robert Clarke, George Durnford, Thomas Godwin, Edward Grace ſenior, Edward Grace junior, Sir Thomas Heathcote, Samuel Heathcote, Mathew Imber, the Reverend Cranly Kerby, Berrington King, John Merrill, Pawlet Saint John, Henry Penton, Sir Harry Saint John, Henry Penton junior, Nicholas Pyle, William Pryor, George Ridge, James Rodney, Thomas Ridge, John Ray, James Spearing, Nicholas Purdue Smith, John Stafford, Thomas Spearing, the Mayor, Recorder, and Aldermen of the City of Wincheſter for the time being, the Reverend Benjamin Woodroffe, Thomas Waldron, John Wooll, James White, Thomas Wooll, William Yalden, Robert Briſtow, Thomas Bloodworth, Sir Richard Mill Baronet, Sir Villers Charnock, Carew Mildmay, William Woodward, Francis Swanton, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, widening, turning, altering, amending, and keeping in Repair, the Roads aforeſaid; and for putting in Execution all other the Powers by this Act given.

Qualifications of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee, in the Execution of this Act, unleſs he ſhall be, in his own Right, or in Right of his Wife, in the actual Poſſeſſion, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or poſſeſſed of, or intitled unto a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Value of Eight hundred Pounds, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds: And if any Perſon not being ſo qualified ſhall preſume to act contrary to the Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame,

Penalty on acting if not qualified.

ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in Execution of this Act.

Time and Place of Firſt Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of Henry Knowles, known by the Sign of the White Hart, in Whitchurch aforeſaid, upon the Friday Fortnight after the Day of paſſing this Act, and ſhall proceed to the Execution of this Act, and ſhall then chuſe a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purpoſes; and ſhall then, and from time to time afterwards, adjourn themſelves to meet at ſuch Place or Places, within or near the ſaid Roads, as they the ſaid Truſtees, or any Five or more of them, ſhall from time to time think moſt convenient for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act and to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, ſhall, from time to time, as ſuch Caſe ſhall happen, by Notice in Writing, to be affixed upon all the Turnpikes which ſhall then be erected upon or acroſs the ſaid Roads, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to be held, or at ſuch other Place as the ſaid Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, ſhall think convenient, at any Time, not exceeding Three Weeks after the Day for which ſuch laſt Meeting was appointed; and in caſe it ſhall happen that no ſuch Adjournment ſhall be made at any Meeting of Five or more Truſtees as aforeſaid, or that no Notice or Appointment for meeting ſhall be given or made by the Truſtee or Truſtees, leſs than Five appearing, at any Day and Place of Adjournment, or by the Clerk or Clerks to the Truſtees, within Three Weeks after ſuch Day of Adjournment as aforeſaid; then, in either of the ſaid Caſes, it ſhall and may be lawful, at any Time after ſuch Omiſſion or Neglect, for any Five of the Truſtees, though not aſſembled at a Meeting in purſuance of this Act, by Notice in Writing, to be affixed upon all the Turnpikes which ſhall then be erected upon or acroſs the

Notice to be given of another Meeting.

the said Roads, to appoint the Trustees to meet at such Place within or near the said Roads, as they the said Five Trustees shall think convenient at any Time, not sooner than Ten Days, and not exceeding Twenty one Days after the Day on which such Notice shall be given by them, and affixed upon the Turnpikes as aforesaid; and the said Trustees at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; but that all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees to defray their own Expences.

No Order to be repealed unless Nine Trustees are present.

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

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, remove, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands and Seals, to elect One other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased, removing, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Roads, at least Ten Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

On Death, &c. of Trustees, others to be chosen.

Notice to be given of such Election.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from time to time, cause to be erected on each of the said Roads, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, and on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses in, upon, or on the Side or

Trustees may erect Turnpikes and Toll houses,

Sides, or across the said Roads, and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and that the Tolls following shall be demanded and taken before any Cattle or Carriage shall be permitted to pass through any of the same Toll Gates or Turnpikes respectively; that is to say,

and take the following Tolls.

The Tolls.

For every Horse, or other Beast or Cattle, drawing in every Carriage, the Sum of Three Pence.

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

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

And for every Drove of Calves, Hogs, Sheep, Swine, or Lambs, the Sum of Five Pence per Score, and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any Horse or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so refusing or neglecting to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles so seized and distrained, returning the Overplus, if any be, upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted; And all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned.

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, That no Person shall be liable to pay more than Three full Tolls, for passing or repassing at any Time or Times with the same Horses, Cattle, or Carriages, in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, though all or any of the Turnpikes to be erected by virtue of this Act, upon, near, or on the Sides of the said Road between the North Gate of the City of Win-

No Person liable to more than 3 Tolls, between *Winchester* and *Newton*.

Winchester aforesaid, and the River at Newton at the Extremity of the County of Southampton aforesaid, or cross any Lane or Way leading into the same; nor shall pay Toll more than Once in any One Day, to be computed as aforesaid, for passing through any One of such Turnpikes; nor more than One full Toll for passing or repassing through all or any of the Gates or Turnpikes to be erected upon, near, or on the Sides of the said Road between Worthy Cow Down and the Borough of Andover aforesaid, or cross any Lane or Way leading into the same; but that all and every Person and Persons, after having paid such Tolls or Toll respectively as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payments or Payment, afterwards pass with such Horses, Cattle, Beasts, or Carriage, Toll free during such Day, to be computed as aforesaid, upon the respective Parts of the said Roads whereon, or in relation whereto, such Payments or Payment respectively was or were made; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That if any Turnpike or Toll-Gate shall be erected within Two Miles of the said City of Winchester by virtue of this Act, then, and in such Case, the Inhabitants of the said City, and of the Close and Suburbs thereof, shall be at Liberty to pass and repass through such Gate for Airing only with Horses, Coaches, Chariots, and Chaises (other than and except such Horses, Coaches, Chariots, and Chaises as shall travel for Hire) exempted from and without paying any Toll at such Gate; and if any Person or Persons shall claim and take the Benefit of such Exemption as aforesaid, not being entitled thereto, or if any Person or Persons claiming and taking the Benefit of such Exemption, as aforesaid, shall refuse to discover his, her, or their true Christian and Surname, or Names, and the Place or Places of his, her, or their Abode to the Collector or Collectors of the Tolls at such Gate, being thereto requested by such Collector or Collectors, then, and in every or either of the Cases aforesaid, the Person or Persons so offending shall, for each and every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety of which Forfeiture shall go and be paid to the Informer or Informers of such Offence or Offences, and the other Moiety shall go and be paid to the said Trustees, or to any Five or more of them, to be laid out in the Repairs of the said Roads: Provided nevertheless, that no Inhabitant or Inhabitants of the City of Winchester, or of the Close or Suburbs thereof, or any other Person, shall have, or be entitled

Inhabitants of *Winchester* allowed Benefit of Airing;

such Benefit restrained in the Time of Horse Racing.

titled to the Benefit of such Exemption from paying Toll, as above mentioned, from and after the Saturday Night next preceeding the Day or Days on which the annual or usual Horse Races, commonly called Winchester Races, shall be run, or shall be appointed to be run, until and to the Sunday Morning next after the said Races shall be ended, nor from Six of the Clock in the Morning until Nine of the Clock in the Evening of any other Day, in which any other Match or Horse Race or Races shall be run on the Race Ground commonly called Winchester Course.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said several Gates or Turnpikes and Toll-houses, erected or provided 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 authorised and impowered to bring, or cause any Action or Actions to be brought in the Name or Names of any One or more of the said Trustees, 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, Turnpike or Toll-house, which shall, by virtue of this Act, be erected on 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 by the Authority aforesaid, That out of the Tolls or Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences incurred in and in relation to the obtaining this Act, and that afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the said Roads, and of executing the other Purposes of this Act, and to no other Use whatsoever.

Tolls may be varied.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings, to be held for that Purpose, to vary, lessen or reduce, all, or any, of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any

Sum

Sum or Sums of Money not exceeding the respective Rates herein before-mentioned; and to order and direct such Tolls, so lessened and reduced, or advanced, to be collected, received, taken, and laid out, and applied, for the Purposes of this Act, in such Manner as they shall think fit; but no such Reduction shall be made at any Time after such First Meeting, if the Person or Persons who shall be intitled to One Fourth of the Money, which shall have been lent upon the Credit of the Tolls intended to be reduced, shall dissent thereto, and that no such Reduction shall be made, unless Twenty one Days Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, of the Intention to make such Reduction.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered, from time to time, as they shall see convenient, with the Consent of the Person or Persons who shall be entitled to the major Part of the Money which shall have been lent upon the Credit of the Tolls hereby granted, to compound and agree, for any Term not exceeding One Year at any one Time, with any Person or Persons, for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Roads, or any of them, for all, or any, of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, so that no such Composition shall be made for any Cattle, or Carriages, travelling for Hire; and all such Composition Money shall be paid yearly in advance to the Treasurer or Treasurers of the said Roads, and in Default thereof the Composition, or Agreement, with the Person or Persons making such Default, shall, from thenceforth, be void; and all such Composition Monies shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within, or in relation to, the said Roads, or any Part or Parts of such Tolls, unto any Person or Persons from Year to Year, or for any Term of Years, not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons as they the said Trustees, or any Five or more of them, shall direct or appoint; and the Monies arising thereby

shall

shall be applied in such Manner as the Tolls so leased are directed to be applied.

Penalty on Persons permitting or going thro' private Passage.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, Heath, Common, Waste, or other Place or Places inclosed or not inclosed, adjoining to, or lying near any or either of the Gates or Turnpikes, to be by virtue of this Act erected, the same not being a common Highway; or if any Owner or Occupier of any Ground, Land, or other Place, 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, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray or other Carriage, to go or pass through the same Ground, Land, or other Place; or

or giving or receiving Tickets,

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 if any Person or Persons shall, at any Time or Times,

or taking off Horses, &c.

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, Caravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage as aforesaid; or if

or unloading Goods to avoid Payment of the Tolls.

any Person or Persons shall unload, or cause to be unloaden, any Goods or Merchandizes, whereby, in any or either of the Cases aforesaid, the Payment of any of the said Tolls shall be evaded; that then, and in every or either of the aforesaid Cases, each and every Person so offending shall, for each and every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, to and for his or their own Use, and the other Moiety thereof shall go and be applied towards the amending the said Roads.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage or Cattle going unloaden for, and returning loaden only with any Materials for repairing the said Roads, or any other Highway or Road, or for any Carriages or Cattle carrying any Hay or Corn in the Straw not sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns or Yards

Parts of the Inhabitants of any of the Parishes or Places through which the said Roads lead, or for any Horses, Cattle or Carriage going with or for any Ploughs, Harrows, or other Implements of Husbandry, belonging to any of the said Inhabitants, or for any Cattle going to or from Plow or Harrow, belonging to any of the said Inhabitants, or for any Carriage or Cattle carrying any Lime, Dung, Mould or Compost of any Kind whatsoever, to be employed in Husbandry, or for manuring or tocking of Land in such Parishes or Places, or for any Horses or other Cattle employed in the conveying of any Person or Persons 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 of such Election, or for any Post-Horse or Carriage carrying the Mail or Packet, or for any Horse, Ox, Cow, Sheep or other Cattle going to or returning from Pasture or Watering Places, or for the Horses of Soldiers who are upon Duty, or Waggons or Carriages attending them; and 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 for every such Offence the Sum of Forty Shillings.

Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting, to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest such Sum or Sums of Money as they, or any Seven or more of them, shall think fit, and may, and are hereby impowered to assign over or mortgage the said Tolls, or any Part or Parts thereof; the Costs and Charges of such Assignments or Mortgages to be paid out of such Tolls, as a Security to any Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words for that Purpose;

Method prescribed for borrowing and securing Money.

BY virtue of an Act made in the Year of the Reign of His Majesty King *George* the Third, for We of the Trustees, do assign unto *A. B.* his Executors, Administrators, or Assigns, in consideration of the Sum from this Day of in the Year of our Lord until the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be repaid, such Proportion of the Tolls arising by virtue of this Act, between as the said Sum of shall bear to the whole Sum advanced on the Credit of the same.

Entries to be made of all Assignments.

and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes in or upon the said Road, at least Twenty one Days before the borrowing thereof; and all and every Person or Persons, to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, to any Person or Persons whatsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect;

Notice to be given of borrowing Money.

Form of the Transfer.

I Do transfer this Assignment, with all my Right and Title to the Principal hereby secured, and to all the Interest now due, unto His Executors, Administrators, or Assigns. Dated this Day of

Witness *G. H.* *J. K.*

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her and their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may, in like Manner, assign again; and so toties quoties: And in case any Sum or Sums, so assigned, shall not exceed the Sum of Fifty Pounds, it shall and may be lawful to and for the respective Person or Persons, then intitled to such Assignment, respectively, by an Indorsement of his, her or their proper Name, without Witness, to transfer his, her, or their Property in such Assignment, or Assignments, to any other Person or Persons, without any Entry to be made thereof in the said Book or Books to be kept for entering the said original Mortgages or Assignments;

Clerk's Fee.

Assignments may be transferred.

ments; and all ſuch Transfers and Aſſignments ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may, in like Manner, aſſign or transfer the ſame again, and ſo toties quoties: And it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall have made ſuch Aſſignments reſpectively, to make void, releaſe or diſcharge the ſame, or any Monies thereby due, or any Part thereof: And all and every Perſon and Perſons, to whom any ſuch Mortgage or Aſſignment ſhall be made, as aforeſaid, ſhall be, in Proportion to the Sum or Sums thereon mentioned, Creditors on ſuch Tolls, on the Credit whereof ſuch Sum or Sums are advanced, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of any ſuch Monies.

No undue Preference to be given.

And be it further enacted and declared by the Authority aforeſaid, That all and every Truſtee and Truſtees appointed by this Act, or which ſhall hereafter be appointed by virtue of any Power or Authority hereby given, ſhall, and lawfully may, notwithſtanding his or their being ſuch Truſtee or Truſtees, advance and lend any Sum or Sums of Money at Intereſt, on the Security of the ſaid Tolls, in ſuch Manner as any other Perſon or Perſons, not being a Truſtee or Truſtees, may, can, or ſhall do, by means or virtue of this Act; and ſuch Truſtee or Truſtees ſo advancing and lending ſuch Sum or Sums of Money, ſhall, and lawfully may, accept and take a Mortgage or Mortgages, Aſſignment or Aſſignments, of the ſaid Tolls, from Seven other or more of the ſaid Truſtees, as a Security or Securities for the ſaid Sum or Sums of Money ſo to be by him or them advanced and lent; which Mortgage or Mortgages, Aſſignment or Aſſignments, being ſo executed by Seven or more of the ſaid Truſtees, ſhall be effectual and binding to all Intents and Purpoſes whatſoever; and the Truſtee or Truſtees ſo advancing and lending ſuch Sum or Sums, and accepting and taking ſuch Security or Securities, ſhall, by means and virtue thereof, have and exerciſe ſuch and the like Powers and Remedies for recovering and receiving the ſaid Sum or Sums of Money, and the Intereſt thereof, which any other Mortgagee or Mortgagees of the ſaid Tolls can, may, or ſhall have and take, by means or virtue of this Act.

Truſtees may lend Money upon the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the Tolls, and One or more Clerk or Clerks, Treaſurer or Treaſurers, and Surveyor or Surveyors of the ſaid Roads, and ſuch other Officers

Truſtees may remove and appoint Officers.

Officers as the said Trustees, or any Five or more of them, shall think necessary, and from time to time to remove any or either of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for electing such others being first upon all the Turnpikes erected by virtue of this Act, at least Ten Days before such Election, and out of the Monies to arise by virtue of this Act the said Trustees, or any Five or more of them, may make such Allowances to the said Officers and Persons as to them the said Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been, by such Officer or Officers, and Person or Persons, respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer, verify their said Accounts: And if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing

Officers to account upon Oath.

Officers refusing to account and make Payment,

may be sued.

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as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justice or Justices may and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and upon his and their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done: And if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward, it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively: And if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, then, and in either of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol of such County or Place where such Officer or Officers, Person or Persons, shall live or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition, in such Manner as they shall appoint; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make; or until he shall deliver up such Books, Papers, and Writings as aforesaid, and give Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Justices to enquire into the Default,

Balance by Distress and Sale,

and commit the Offender,

until he shall conform, &c.

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Officers not to gain a Settlement under this Act.

Provided always, That no such Collector, Surveyor, or other Officer or Person, shall gain a Settlement in any Parish or Place, by reason of his being appointed to, or serving under this Act.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or Receivers, and other Officer and Officers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall appoint.

Trustees may appoint Officers, though not at a public Meeting.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Five or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

No Victualler, &c. to hold any Place of Profit.

Provided also, and be it enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, shall be capable of holding any Place of Profit under this Act.

Surveyors may dig Gravel, &c. from Waste Grounds,

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any Part of them, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Chalk, Sand, Flints, Heath, Stones, Gravel, or other Materials, proper for the repairing of the said Roads, in, upon, out of, and from, any waste Grounds or Commons in any Parish, Town or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Town or Place, without paying any Thing for the same, such Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; 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 Grounds or Commons contiguous to that Part of the said Roads intended therewith to be repaired, then, and in such Case, the said Surveyor or Surveyors, or other Persons, as aforesaid, may, by Order of the said Trustees, or any

without paying for the same; levelling the Pits;

if a sufficient Quantity cannot be found there, they may be taken from private Grounds,

Five

Five or more of them, dig, gather, take, and carry away any such Materials, as aforesaid, in, upon, or out of, from and over the Lands of any Person or Persons, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees, paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands, over which any Materials gotten in any waste Ground, or Common, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

paying for the same.

Provided always, and be it further enacted, by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been dug or gathered in any Wastes, Lands, Fields, Grounds, River or Brook, for the Purpose of repairing the said Roads, or if any Owner or Occupier of any private Ground shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials, before the said Surveyors, or their Workmen, shall have discontinued working therein for the Space of Fourteen Days, except the Owner or Occupier of such Pit or Quarry, for his private Use, and Persons authorized by such Owner or Occupier to get Materials thereout for his proper Use only, and not for Sale; every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings.

Penalty on Owners, &c. taking away Gravel, &c. dug by Order of the Surveyors.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use and Uses, and to turn any Water-courses, Sinks or Drains, running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any Water-courses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, and to cut down, lop or top any Trees, Shrubs or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in

Surveyors may remove Annoyances, &c.

and cut down Trees, &c.

case

the Owners neglecting to remove the same after Notice,

case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Water-courses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Six Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after Removal of any of the said Annoyances any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Charges to be reimbursed the Surveyor.

Penalty on a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for the said Roads, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to make Causeways, and also Ditches or Drains, in and upon or on the Side of the said Roads, and also through any Ground lying contiguous thereto, and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and cross any Stream, Brook, Water, Ditch or Drain therein, or contiguous thereto, and to cut, or cause to be cut, any Water-course or Water-courses in, through or across any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being damaged or overflowed, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them.

and erect Bridges, &c. making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them,

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 Trustees, or any Seven 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 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 Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreements and Purchase.

Trustees may contract for the Purchase of Lands to be taken into the Roads.

And whereas it may happen that some Persons or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seized 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, altering, or mending the same, and such Persons, or Bodies Politic, Corporate, Collegiate, or Feoffees, or others, 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 by the Authority aforesaid, That it shall and may be lawful to and for all Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Committees, Guardians, or other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, Lunaticks or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized, 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 Grounds, Lands, or Hereditaments, or any Part thereof, or for their Interest

Bodies Politic, &c. to contract for Sale of such Lands.

reft 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 Feoffees in Truſt, Executors, Adminiſtrators, Committees, Guardians, and Truſtees, Corporations Aggregate or Sole, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Where Perſons refuſe to treat for Sale of ſuch Lands,

And be it further enacted by the Authority aforeſaid, That if any ſuch Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Committees, Guardians, Truſtees, or any other Perſon or Perſons intereſted in 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 of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, 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 which ſuch Roads are to be turned or altered as aforeſaid, ſhall, by the Space of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the 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 enquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men, of the County in which ſuch Lands or Grounds ſo to be taken in do lie, (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 Roads into 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 ſuch Truſtees are

Damages to be ſettled by a Jury.

Witneſſes to be ſummoned, and examined upon Oath.

hereby

hereby impowered and directed 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 such other 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 and Determination so had and made, shall be final and 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, as well as all other Persons whomsoever; and all and every such Owners, Occupiers and Proprietors, and all and every Person and Persons any Ways interested in such Lands, Grounds or Hereditaments, shall 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 in which such Lands and Grounds so to be taken in do lie, thereby commanding and requiring him to impanel, summon and return an indifferent Jury of Twenty four Persons, or more, 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 Five or more of them, shall cause, 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

Verdict of the Jury to be binding.

Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

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

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

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 and 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 examined 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 Use, 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, how to be charged and tendered.

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be, and is and are 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 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 Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, and add to the said Roads, such Grounds, Lands, or Hereditaments, and to do

do all and every such Act, Matter, and Thing, which relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit: And after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforesaid, 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 them, or 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 public 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 completed, 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 and amending the said Roads; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Lands when purchased to be made Part of the Roads,

and deemed a public Highway.

Old Road may be sold.

Provided always, and be it enacted by the Authority aforesaid, 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, Park, Paddock, Plantation or Nursery of Trees, or any Walk of Trees, or Avenue to any House, without the Consent of the Owner or Owners thereof.

Buildings, &c. not to be injured.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other

Penalty of obstructing Officers in their Duty, &c.

Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, for those Purposes, employed in the cutting, digging, taking or carrying of any Furze, Heath, Stones, Gravel, Chalk, Lime Stone, Sand, Flints, or other Materials, for the altering, widening, or repairing the said Roads, or any Part or Parts thereof, or in topping, lopping, cutting down or removing any Trees or Bushes as aforesaid, or in digging, cleansing, or scouring any Ditch, Drain, or Watercourse, or in doing any other Act in or for the repairing, widening, or altering the said Road, or any Part thereof, or otherwise in or for the Execution of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of, any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Persons chargeable to the Highways to continue so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Towns, Parishes, Hamlets and Places, and the Inhabitants thereof, Bodies Politic and Corporate, and the Members thereof, who, before the making 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, or any Bridges, 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, and such Bridges, in the same Manner as they, or any of them, have or hath heretofore usually done, or ought to do; and that the Inhabitants of the several Towns, Parishes, Hamlets or Places, through which the Roads hereby intended to be repaired do lead, who, by the Laws and Statutes of this Realm, are or shall be obliged, or liable to work with Teams, Draughts, or otherwise, in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do 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, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint.

Inhabitants to do Statute-work.

And,

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 by the Authority aforesaid, 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 Surveyors usually have been, or ought to be chosen, shall, and are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March yearly, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected upon the said Roads, to deliver in to the said Trustees at such Meeting, upon Oath, which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer, 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, that 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, or by Law shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by Law are not deemed to keep a Team or Teams.

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

And be it further enacted by the Authority aforesaid, 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 several Towns, Parishes, Hamlets or Places, by 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 their Surveyor or Surveyors, 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

Penalty on Surveyors neglecting to deliver in such Lists.

Penalty on Persons not performing Statute-work.

after mentioned; that is to say, Every such Inhabitant and Person who shall keep, or by Law shall be deemed to keep a Team, for every Day's Work the Sum of Ten Shillings, and every other Inhabitant or Person not keeping, or by Law not deemed to keep a Team, for every Day's Work the Sum of One Shilling; and if any Person or Persons, who shall come to work as a Labourer or Labourers, or be sent with any Team to work on the said Roads, shall be found idle or negligent by the Turnpike Surveyor, such Surveyor is hereby impowered to turn off such Person or Persons, and he, she, and they, or the respective Person or Persons on whose Behalf he, she, or they, shall come to work on the said Roads, shall, in that Case, be subject and liable to the respective Forfeitures and Payments before-mentioned, as if he, she, or they, had neglected to come, or such Team had not been sent to work on the said Roads.

Trustees may compound with Parishes for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to compound with any Person or Persons, who are to repair, by reason of their Tenure or otherwise, 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 lead, for the Repairs aforesaid, and for the several Days Statute-work, or other Work, to be by him, her, or them, respectively done upon the said Roads, at and for such Rates or Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, and Inhabitants respectively, shall agree upon; which said Money shall be paid to the said Trustees, or any Five or more of them, or to their Appointment, to be laid out in the Repairs of the said Roads.

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

Provided always, and be it further enacted by the Authority aforesaid, 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, or their Surveyor or Surveyors, 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,

ment, to be held for the County wherein such Highways lies, and the Justices in their respective Quarter Sessions 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 Ten Days Notice in Writing of such Appeal to the Surveyor or Surveyors to the said Trustees as aforesaid.

Penalty on hauling Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than on Wheel Carriages, or shall suffer any Part of any Trees, or Piece of Timber or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered, 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, 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; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated or defaced, or in supplying new ones in their Steads; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid.

Penalty on defacing Mile-stones, &c.

Penalties to be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines hereby inflicted, or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed,

shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, which Oath such Justice is hereby impowered and required to administer without Fee or Reward, be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, if not otherwise directed to be applied by this Act, from time to time, paid to any Five or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of the said Roads: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace, as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place where the Person or Persons offending shall live, or where the Offence or Offences shall be committed, for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For want of Distress, Offender to be committed.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved, by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace, to be held for the County or Place wherein the Cause of Complaint shall arise, and within Six Months after the Cause of such Complaint shall have arisen; such Appellant first giving or causing to be given Ten Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Roads, and within Three Days after such Notice, entering

Persons aggrieved may appeal to the Quarter Sessions.

10 Days Notice of Appeal to be given.

tering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions; and the said Justices, at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be binding, final, and conclusive, to all Intents and Purposes.

Distress not to be deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, 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 unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; 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 may recover full Satisfaction for the Special Damage in an Action on the Case.

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

Plaintiff not to recover, if Tender of Amends has been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action, for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Orders and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for borrowing Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of,

of, or only ſigned by, any Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hands and Seals, or Hand and Seal of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp Duty whatſoever.

Proceedings to be entered in a Book.

Provided, and it is hereby further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Clerk or Clerks, at any Meeting of Five or more of the ſaid Truſtees aſſembled as the Caſe ſhall require; and ſuch Orders ſhall be deemed and taken to be Original Orders; which ſaid Book or Books, and alſo the ſaid Book directed to be kept for regiſtering the ſaid Mortgages, Aſſignments and Transfers, ſhall and may be produced, and read in Evidence, in all Courts whatſoever.

No Toll-gate to be ſet up where the Roads croſs.

And whereas the Roads hereby intended to be widened, altered, and repaired, do or may croſs or interſect a Turnpike Road, leading from Baſingſtoke in the ſaid County of Southampton to Stockbridge in the ſaid County, and alſo another Turnpike Road leading from Baſingſtoke aforeſaid to Andover aforeſaid, be it enacted by the Authority aforeſaid, That no Turnpike or Toll-gate ſhall be ſet up or erected in, upon, or on the Sides of, the ſaid Roads leading from Baſingſtoke to Stockbridge, and from Baſingſtoke to Andover, or either of them, or in, upon, or on the Sides of, the Roads hereby intended to be widened, altered, and repaired, or any of them, where the ſaid Roads do or may croſs or interſect each other, ſo as to ſubject any Perſon to the Payment of any Toll, only for croſſing over any or either of the ſaid ſeveral and reſpective Roads, with Horſes, Cattle or Carriages, where they do or may croſs and interſect each other.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That this Act ſhall commence and have Continuance from the Day of paſſing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

Proceedings not to be quaſh'd for want of Form;

And be it further enacted by the Authority aforeſaid, That no Proceeding to be had, touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted, in, or relating to, the Execution of this Act,

shall be vacated or quashed for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding. or removal by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty one Days Notice shall be thereof given in Writing to the Clerk of the said Roads, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action 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, at 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 it shall appear that such Action or Suit was brought before Twenty one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid; 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 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. Limitation of Actions. General Issue. Treble Costs.

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.