ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XCIV.

An Act for building a Bridge over the River *Itchin*, at or near *Northam*, within the Liberties of the Town and County of the Town of *Southampton*; and for making a Road from the ſaid Town to the ſaid Bridge; and from thence to communicate with the Road leading from *Weſt End* to *Botley*, in the County of *Southampton*. [14th *May* 1796.]

WHEREAS there is at preſent no direct Communication between *Southampton*, the ſeveral Pariſhes and Places contiguous thereto, lying on the Eaſtern Side of the River *Itchin*, *Botley*, *Titchfield*, *Wickham*, *Fareham*, *Goſport*, the Towns of *Portſmouth* and *Portſea*, *Havant*, *Emſworth*, and the City of *Chicheſter*, and various other Parts of the Counties of *Southampton* and *Suſſex*, except by a Ferry over the ſaid River *Itchin*: And whereas from the Violence of the Winds and Sea, the Paſſage over the ſaid River by the ſaid Ferry is often dangerous and frequently totally prevented, by Means whereof any Communication between the ſaid Places becomes impracticable, and great Inconvenience and Loſs is thereby occaſioned: And whereas from the great Increaſe of, and ſtill increaſing Population and Trade of the Town of *Southampton* and its Neighbourhood, and from the Vicinity thereof to, and extenſive Inter- Preamble.

course between the several Places before mentioned, the building of a Bridge at or near *Northam*, within the Liberties of the Town and County of the Town of *Southampton* over the said River *Itchin* to the opposite Shore at or near *Bitterne Farm*, in the Parish of *South Stoneham*, in the County of *Southampton*, and the making and opening of Publick Roads to communicate with those Places, and with such Bridge at each End thereof, is become an Undertaking of great Publick Necessity, and will, in a very essential Manner, contribute not only to the Advantage, Convenience, and Accommodation of the Inhabitants of the said Town of *Southampton* and its Neighbourhood, and the several other Places before mentioned, and all Persons travelling as well to and from those Places, as to and from various other Parts of the Counties of *Dorset*, *Somerset*, *Wilts*, *Southampton*, and *Sussex*, but also to the Publick in general, by preventing and avoiding the Delays, Difficulties, Dangers, and Losses, which have been so frequently experienced from the Want of some other Passage over the said River, besides the said Ferry: 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,

Proprietors Names.

That *Robert Adams*, *James Bradby*, *Joseph Bradley*, *Joseph Bradley* the Younger, *Joseph Bradley* his Son, *Joseph Brimyard*, *Thomas Bromley* Clerk, *Ann Byam* Spinster, *Thomas Gunston Calhoun*, *Henry Corbin*, *John Cushen*, *Edward Cushen*, *Robert Deall*, Admiral *Archibald Dickson*, *Charles Wentworth Dilke*, *John Diaper*, *Thomas Durell*, *Valentine Fitzhugh*, *William Fitzhugh*, *George Yalden Fort*, *Thomas Fox* the Younger, *Isaac Galpine*, *John Garland*, *William Garrett*, *Lancelot Greenthwait Halton* Clerk, *Samuel Harrison*, *Clement Hilgrove*, *James Hobbs*, *John Hockley* Clerk, *Mary Hockley* Spinster, *Edward Horne*, *John Hunt*, *John Hunt*, *James Hunt*, *John Keele*, *William Kingsbury* A. M. *David Lance*, *Richard Light*, *William Lintott*, *John Lowder*, *Charles Mackett*, *John Mackie* M. D. *Thomas Mears*, *William Moffatt*, *James Mobbs*, *Aaron Moody*, *Anthony Munton*, *John Poore*, *George Rose*, *William Rogers*, *Thomas Rogers*, *Richard Vernon Sadleir*, Admiral *Alexander Scott*, *David Saint Clair*, *William Smith*, *Thomas Skelton*, *Giles Stibbert*, *Walter Taylor*, *Samuel Silver Taylor*, *William Tinling*, *George Waring*, *Peter Watts*, *George Whittaker* Clerk, The Honourable *Agneta Yorke* Widow, and *Joseph Sydney Yorke*, are and shall be united into a Company, for the better carrying on, building, completing, repairing, and maintaining, a Bridge over the River *Itchin*, at, from, or near *Northam*, within the Liberties of the Town and County of the Town of *Southampton*, to the opposite Shore, at or near *Bitterne Farm*, in the Parish of *South Stoneham*, in the County of *Southampton*, of such Construction as is hereinafter mentioned; and for carrying on, making, completing, repairing and maintaining, One proper and commodious Road, with a Footway by the Side thereof, from the Town of *Southampton* to the End of the said Bridge, at or near *Northam* aforesaid; and also One other proper and commodious Road from the End of the said Bridge on the opposite Shore at or near *Bitterne Farm* aforesaid, in the Parish of *South Stoneham* aforesaid, to or near a certain Gate called *Botley Turnpike Gate*, in the Road leading from *West End* to *Botley*, in the said County of *Southampton*, and for executing the several other Powers vested in them by this Act, and shall for those Purposes be, and are hereby declared to be One Body Politick and Corporate, by the Name of "*The Company of "Proprietors of Northam Bridge and Roads*;" and by that Name shall have

Proprietors to be a Body Politick.

have perpetual Succeſſion, and ſhall have a Common Seal, and by that Name ſhall and may ſue and be ſued, and ſhall and may do all other Matters and Things whatſoever, in as full and ample a Manner and Form, to all Intents and Purpoſes, as any other Body or Bodies Corporate within this Realm can or may as ſuch lawfully do; and that in every Suit to be commenced againſt the ſaid Company of Proprietors, the Proceſs being ſerved upon their Treaſurer or Clerk, the ſame ſhall be deemed ſufficient Service upon the ſaid Company.

Directions for Building the Bridge.

II. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Company of Proprietors, and they are hereby required, by themſelves, their Agents, Officers, Workmen, Servants, or Aſſiſtants, by Contract or otherwiſe, at their own proper Coſts and Charges, to build, or cauſe to be built, a good and ſubſtantial Bridge, at, near, or from *Northam*, within the Liberties of the Town and County of the Town of *Southampton*, over and acroſs the ſaid River *Itchin* to the oppoſite Shore, at or near *Bitterne Farm*, in the Pariſh of *South Stoneham*, in the County of *Southampton*, with a proper Aſcent or Approach to the ſaid Bridge, at each End thereof, and fit and proper for the Paſſage of Travellers, Cattle, and Carriages, and of ſuch Form, Conſtruction, and Dimenſions, and of ſuch Materials as they the ſaid Proprietors ſhall think proper (except as herein-after is mentioned), with proper Foot or Cauſeways over the ſaid Bridge; and alſo One or more Toll Houſe or Toll Houſes at the End or Ends of, on, or near to, the ſaid Bridge, with Bars, Gates, or other proper Conveniences, for the Collection of Tolls, and to ſupport, maintain, and keep the ſaid Bridge, Aſcents or Approaches, Foot or Cauſeways, Toll Houſe and Toll Houſes, Bars, Gates, and Conveniences, from Time to Time, in good and ſufficient Repair: And the ſaid Company of Proprietors are hereby alſo authorized to cauſe all ſuch Shelves or other Obſtructions in the ſaid River to be removed; and all ſuch Beds of Gravel, Sand, Mud, or other Impediments, to be taken away, and the Banks of the ſaid River to be dug and cut in ſuch Manner as they ſhall judge neceſſary and proper for erecting and building the ſaid Bridge, and for the Preſervation thereof, and from Time to Time to do, and cauſe to be done, all other Things neceſſary and proper for erecting, building, making, repairing, ſupporting, and maintaining, the ſaid Bridge, Aſcents or Approaches, Foot or Cauſeways, Toll Houſe and Toll Houſes, Bars, Gates, and Conveniences hereby authorized to be erected, built, and made as aforeſaid; and that after the ſaid Bridge ſhall be built and completed as aforeſaid, the ſame ſhall for ever be and remain a Publick Bridge, and all Perſons, Horſes, Cattle, and Carriages, ſhall have free Liberty (upon Payment of the reſpective Tolls herein-after mentioned, and granted), to paſs over the ſame without any Hindrance or Interruption of or by any Perſon or Perſons whomſoever.

Bridge to be a Drawbridge.

III. And whereas the ſaid River *Itchin* is navigable from the Sea near *Southampton*, to a certain Place called *Woodmill*, in the County of *Southampton*, and ſo back again for Ships and Veſſels: And whereas the ſaid Bridge, when built, will ſtand acroſs the ſaid River between the Sea, and the ſaid Place called *Woodmill*, ſo that many of the ſaid Ships and Veſſels which are now uſed and accuſtomed to be navigated from the Sea, up the ſaid River, to the ſaid Place called *Woodmill*, and ſo back again,

again, will be prevented and obſtructed from paſſing, as they have been uſed and accuſtomed to do, unleſs ſome Proviſion be made for preventing the ſaid Bridge from being ſuch an Obſtruction: Be it therefore further enacted by the Authority aforeſaid, That, when the ſaid Bridge ſhall be in building, the ſaid Company of Proprietors ſhall have regard to the paſſing of Ships and Veſſels from the Sea, to the ſaid Place called *Woodmill*, and ſo back again; and for that Purpoſe ſhall take care, order, and provide, that an Opening or Water Way of the Width of Twenty-five Feet at the leaſt from Side to Side, be made or left in the mid Current of the ſaid River, and that a proper and convenient Drawbridge be conſtructed and laid over the ſaid Opening or clear Water Way, of the ſame Extent with or greater than the ſaid Opening or Water Way, and alſo Two other Openings in the ſaid Bridge; that is to ſay, One on each Side of the ſaid Drawbridge, each of which ſaid Openings ſhall be of the Width of Twenty Feet at the leaſt from Side to Side in the Water Way; and ſhall order and provide that all proper and convenient Ropes, Pullies, Tackle, and other neceſſary Inſtruments and Implements for opening the ſaid Drawbridge, be provided and fitted, placed, and ſet up, on the ſaid Bridge, or on ſome Place adjacent thereto, proper for that Purpoſe; and ſhall order that, from Time to Time, the ſaid Drawbridge ſhall be opened by ſome Perſon or Perſons, by the ſaid Company of Proprietors to be appointed, and ſhall be kept open for ſuch and ſo long Time as ſhall be neceſſary for the paſſing of any Ship or Veſſel through the ſaid Drawbridge, ſo that all Ships or Veſſels ſhall have free Paſſage through the ſaid Drawbridge, without Interruption, and without paying any Thing for ſuch Paſſage; the Maſter or Commander of any Ship or Veſſel, intending with his Ship or Veſſel to paſs through the ſaid Drawbridge, or ſome Perſon on his Behalf, giving Notice of ſuch his Intention to the Perſon appointed by the ſaid Company of Proprietors to open the ſaid Drawbridge, or to the Clerk for the Time being to the ſaid Company of Proprietors, or by fixing up ſuch Notice on the Toll Houſes or Gates of the ſaid Bridge, or One of them, Six Hours at leaſt before ſuch Ship or Veſſel ſhall be intended to paſs through the ſaid Drawbridge, and at the ſame Time requeſting, that the ſaid Drawbridge may be opened at a Time in ſuch Notice to be mentioned.

Ropes and Tackle to be provided, for opening the Drawbridge.

IV. And be it further enacted by the Authority aforeſaid, That if ſuch Ropes, Pullies, and Tackle, and other Inſtruments and Implements, proper and neceſſary for opening the ſaid Drawbridge, be not provided, fitted, placed, and ſet up, as aforeſaid; or being ſo provided, fitted, placed, and ſet up, the ſame or any of them ſhall be permitted or ſuffered to go to Decay, or to be out of Repair, or ſhall be rendered unfit for the Purpoſes of opening the ſaid Drawbridge; or the ſaid Drawbridge itſelf ſhall be out of Repair, or be rendered incapable of being opened; or if the ſaid Company of Proprietors ſhall neglect or refuſe, from Time to Time, to appoint fit, able, and proper Perſons to open the ſaid Drawbridge, when required as aforeſaid ſo to do; or if the Perſons appointed to open the ſaid Drawbridge ſhall neglect to attend at all convenient Times, to open the ſaid Drawbridge, or ſhall neglect or refuſe to open the ſame, and keep the ſame open for ſuch and ſo long Time as ſhall be convenient and neceſſary for the paſſing of any Ship or Veſſel through the ſaid Drawbridge, ſo that ſuch Ship or Veſſel be hindered from paſſing through the ſame, (the Maſter or Commander of ſuch Veſſel, intending to paſs through the ſaid Drawbridge, or ſome Perſon on his Behalf,

Behalf, having given Notice in Manner as before mentioned and deſcribed, of his Intention to paſs through the ſaid Drawbridge, and at the ſame Time requeſted that the ſaid Drawbridge might be opened, at a Time in ſuch Notice to be mentioned), then, and in every ſuch Caſe, the ſaid Company of Proprietors ſhall forfeit and pay to the Maſter or Commander of ſuch Ship or Veſſel, ſo ſtopped and hindered from paſſing through the ſaid Drawbridge, the Sum of Two Shillings for every Ton which ſuch Ship or Veſſel ſhall admeaſure; and the further Sum of Two Shillings by the Ton, for every Twelve Hours during which ſuch Ship or Veſſel ſhall be ſo ſtopped and detained: The Tonnage of every ſuch Ship or Veſſel to be aſcertained by the Entry, or Regiſter of ſuch Tonnage in ſome Book or Books of the Cuſtom Houſe for the Port of *Southampton*; and for Want of any ſuch Entry or Regiſter, then by a proper Admeaſurement of ſuch Ship or Veſſel; and the ſeveral Sums of Money, ſo forfeited, ſhall and may be recovered by the Maſter or Commander of ſuch Ship or Veſſel, ſo ſtopped and detained as aforeſaid, againſt the ſaid Company of Proprietors, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, wherein no Eſſoin, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Penalty on Neglect in not opening Drawbridge.

V. And be it further enacted, That if any Ship or Veſſel, after Notice given by the Maſter or Commander thereof of his Intention to paſs with his ſaid Ship or Veſſel through the ſaid Drawbridge, requeſting the ſame to be opened, in Manner as before is directed, ſhall for the Space of Twenty four Hours be detained and hindered from paſſing through the ſaid Drawbridge, by Means of the ſaid Drawbridge not being opened, according to ſuch Notice and Requeſt, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Maſter or Commander of ſuch Ship or Veſſel, by himſelf and his Servants, or other Aſſiſtants, to open the ſaid Drawbridge and paſs through the ſame, with his ſaid Ship or Veſſel, without being liable to any Action for Damages, or any other Proſecution whatſoever, for ſo doing.

Maſters of Veſſels may open Drawbridge if not done within a certain Time after Notice given.

VI. And be it further enacted, That it ſhall and may be lawful for all Ships or Veſſels to paſs and repaſs through the ſaid Drawbridge, as often as the Owners or Navigators thereof ſhall have Occaſion ſo to do; and the ſaid Drawbridge ſhall be worked or drawn up by the Toll Houſe Keeper, or ſome Perſon or Perſons to be employed by him or the ſaid Company of Proprietors, as often as ſhall be neceſſary for the paſſing or repaſſing of ſuch Ships or Veſſels; the neceſſary Coſts, Charges, and Expences of ſuch working or drawing up of the ſaid Bridge to be paid by the Treaſurer to the ſaid Company of Proprietors, out of the Tolls and Duties hereby granted; and no Toll or any Sum of Money whatever ſhall be taken or demanded of or from the Owners or other Perſons navigating ſuch Ships or Veſſels for paſſing or repaſſing through the ſaid Drawbridge; and in caſe it ſhall happen that the ſaid Drawbridge ſhall at any Time be out of Repair, or by any other Means prevented from being worked or drawn up, whereby Ships or Veſſels may be hindered from paſſing or repaſſing through the ſame, that then, on Notice in Writing, to be ſigned by any Two of His Majeſty's Juſtices of the Peace for the ſaid County of *Southampton*, or the ſaid Town and County of the Town of *Southampton*, or either of them, and left with the Toll Houſe Keeper of the ſaid Bridge, or the Clerk for the Time being to the ſaid Company of Proprietors, for the

Expences of working Drawbridge, how to be paid.

When Drawbridge out of Repair, how to be repaired.

the ſaid Company of Proprietors, they the ſaid Company of Proprietors are hereby required, within Seven Days next after the leaving of ſuch Notice as aforeſaid, well and effectually to repair the ſaid Drawbridge, or otherwiſe remove all Obſtructions to the working of the ſame, or, in Default thereof, that it ſhall and may be lawful to and for the ſaid Two Juſtices of the Peace to cauſe the ſaid Drawbridge to be taken off, or otherwiſe to act in the Premiſes in ſuch Manner as they ſhall ſee fit; and the Coſts, Charges, and Expences thereof ſhall be borne and paid by the ſaid Company of Proprietors, or their Treaſurer, out of the ſaid Tolls and Duties; and that in caſe any Damage ſhall be done to any Ship or Veſſel paſſing through the ſaid Drawbridge, by the Negligence or Miſbehaviour of any Perſon or Perſons employed by the ſaid Company of Proprietors to work or draw up the ſaid Drawbridge, the ſame ſhall be immediately made good, borne, and paid, by the Treaſurer to the ſaid Company out of the Tolls ariſing from the ſaid Bridge, ſuch Damage being firſt aſcertained and certified by any Two Juſtices of the Peace of the Counties aforeſaid, or of either of them.

Bridge and Tolls not to be rated, the Bridge deemed extra-parochial, and the Centre the Boundary of the two Counties.

VII. And be it further enacted, That neither the ſaid Bridge, when built, nor the Tolls to be taken thereat, nor the ſaid Toll Houſes, Gates, or Bars, to be erected thereat or thereon, with their Appurtenances, nor any or either of them, nor any other Toll Houſes, Gates, or Bars whereſoever to be erected by virtue of this Act, with their Appurtenances, nor any or either of them, nor any of the Tolls to be collected, taken or received at the ſaid Toll Houſes, Gates, or Bars, or any or either of them, by virtue of this Act, nor any Perſon or Perſons whomſoever, for or in reſpect thereof, ſhall in anywiſe or Manner be rated or aſſeſſed for or towards or be liable to pay any Publick or Pariſh Rate, Tax, or Duty, whatſoever; and the ſaid Bridge, with its Appurtenances, ſhall be deemed Extra Parochial to all Intents and Purpoſes, and ſhall not be adjudged or taken to be a County Bridge, or to ſubject the Counties of *Southampton*, and of the Town of *Southampton*, or either of them, to the repairing, amending, or ſupporting the ſame, any Law or Statute to the contrary thereof notwithſtanding; and that the Centre or Middle of the ſaid Bridge ſhall be deemed and taken to be the Boundary between the ſaid Counties for the Purpoſes of this Act.

When Bridge impaſſable, a Ferry may be provided.

VIII. And be it further enacted, That in caſe the ſaid Bridge ſhall at any Time become impaſſable or unſafe for Travellers or Carriages, the ſaid Company of Proprietors, and their Succeſſors, ſhall and are hereby required to cauſe the ſame to be forthwith rebuilt or repaired, and made ſafe and commodious for the Paſſage of Travellers, Cattle, and Carriages; and in the mean Time, and until the ſaid Bridge ſhall be ſo rebuilt or repaired, and made ſafe and commodious, it ſhall be lawful for the ſaid Company of Proprietors, and their Succeſſors, during all ſuch Time as the ſaid Bridge ſhall be impaſſable or unſafe as aforeſaid, to provide a proper and convenient Ferry for the Paſſage of Travellers, Cattle, and Carriages, over the ſaid River, as near to the ſaid Bridge as conveniently may be; and it ſhall be lawful for ſuch Perſon or Perſons as the ſaid Company of Proprietors, or their Succeſſors, ſhall appoint for that Purpoſe to demand, collect, and receive, for the Paſſage of ſuch Travellers, Cattle, and Carriages, in the ſaid Ferry, before they reſpectively ſhall be permitted to paſs, the like Tolls, as are hereby authorized to be taken for paſſing over the ſaid Bridge; any Thing herein-before contained to the contrary notwithſtanding.

IX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors to make, or cauſe to be made, One proper and commodious Road, with a Footway by the Side thereof, from the Town of *Southampton*, or from ſome Part of the *Southampton* Road, lying between *Bar Gate* and *Belle Vüe* within the South Diſtrict of the ſaid Road, and within the Liberties of the County of the Town of *Southampton*, through the Pariſhes of *All Saints* and *Saint Mary*, or either of them, to *Northam* aforeſaid, and ſo to the End or Foot of the ſaid Bridge, at or near *Northam*; and alſo One other proper and commodious Road from the End or Foot of the ſaid Bridge on the oppoſite Shore at or near *Bitterne Farm*, in the Pariſh of *South Stoneham* aforeſaid, in the County of *Southampton*, through or into the Pariſhes of *South Stoneham*, *Saint Mary Extra*, and *Botley*, in the ſame County, or through or into any or either of them, to communicate with and open into the Turnpike Road leading from *Weſt End* to *Botley*, in the ſaid County of *Southampton*, at or near a certain Gate on the ſaid Road, called or known by the Name of *Botley Turnpike Gate*, which ſaid Roads ſhall ſeverally be of the Breadth or Width of Forty Feet at the leaſt; and alſo to erect and ſet up, or cauſe to be erected and ſet up, One or more Toll Houſe or Toll Houſes, Toll Gate or Toll Gates, Bar or Bars, and other proper Conveniencies for taking the Tolls hereby granted, in, upon, and acroſs, the ſaid Roads, or either of them, or any Part of them, or either of them, as the ſaid Company of Proprietors ſhall think proper; and that it ſhall and may be lawful to and for the ſaid Company of Proprietors for the Purpoſes of making the ſaid Roads, and erecting the ſaid Toll Houſes and other Conveniencies above mentioned, and for their Agents and Workmen, to enter into and upon the Lands or Grounds of His Majeſty, His Heirs and Succeſſors, and of or belonging to any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, whatſoever, through which the ſaid intended Roads are to paſs, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary and proper, for the making the ſaid Roads, and for the Erection of the ſaid Toll Houſes, Gates, Bars, and other Conveniencies; and after the ſame ſhall be ſo ſet out and aſcertained, immediately, at the proper Coſts and Charges of the ſaid Company of Proprietors, to fence off and ſeparate the Land or Ground ſo intended for the ſaid Roads, Toll Houſes, and Conveniencies, from the adjoining Lands or Grounds, with Quickſetts and Poſts and Rails, or otherwiſe, as ſhall be found neceſſary and convenient, and with proper and ſufficient Gates to open into and out of the ſaid Roads through which the reſpective Owners and Occupiers of the ſaid Lands, and their Agents and Servants, ſhall and may at all Times thereafter have free Ingreſs, Egreſs, and Regreſs, to paſs and repaſs with their Horſes, Teams, and Cattle; and the ſame Roads ſhall be made, and at all Times afterwards maintained and repaired, at the proper Coſts and Charges of the ſaid Company of Proprietors by and out of the Tolls by this Act granted, except as herein-after is mentioned.

Roads to be made and Toll Gates erected.

X. And be it further enacted, That, after any Lands, Tenements, or Hereditaments, ſhall be ſet out and aſcertained for making the ſaid Roads, and other the Purpoſes and Conveniencies herein-before mentioned, it ſhall be lawful for the ſaid Company of Proprietors to contract for and to purchaſe ſuch Lands, Tenements, and Hereditaments, from the reſpective Owners thereof; and it ſhall be lawful to and for all Bodies Politick,

Proprietors to contract for Purchaſe of Lands.

Owners enabled to ſell.

litick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, and all Feoffees in Truſt, Committees, Executors, or Adminiſtrators, Guardians, or other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, their own Right, and to and for every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Tenements, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract and agree with the ſaid Company of Proprietors for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for their Intereſt or Intereſts therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require; and all Contracts, Agreements, Sales, Conveyances, and Aſſurances, which ſhall be ſo made, ſhall be valid and effectual in the Law, to all Intents and Purpoſes whatſoever; any Law, Statute, Uſage, Cuſtom, or any other Matter or Thing whatſoever, to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever, ſhall be, and are hereby indemnified for what he, ſhe, they, or any of them, ſhall reſpectively do, by virtue or in purſuance of this Act.

And in caſe of Difference, Damage to be ſettled by a Jury, whoſe Determination ſhall be final.

XI. And be it further enacted by the Authority aforeſaid, That if any ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Feoffees in Truſt, Committees, Executors, or Adminiſtrators, Guardians, Truſtees, or other Perſon or Perſons, as aforeſaid, intereſted in any ſuch Lands, Tenements, or Hereditaments, upon Notice to him, her, or 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 Politick, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Tenements, or Hereditaments, intended to be taken and uſed for any of the ſaid Roads, and through which any of the ſaid Roads ſhall be made, as aforeſaid, or to be taken and uſed for any other of the Purpoſes of this Act, ſhall, for the Space of Ten Days after ſuch Notice given, or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence ſhall be prevented from treating as to the ſame, then, and in every or any ſuch Caſe, it ſhall and may be lawful to and for the Juſtices of the Peace for the County wherein the ſaid Lands, Tenements, or Hereditaments ſhall lie, or any Two or more of them, to hear, ſettle, adjuſt, and determine the ſame; and for that Purpoſe it ſhall and may be lawful to and for the ſaid Juſtices, or any Two or more of them, to cauſe the Matter in Diſpute to be enquired into and aſcertained, by and upon the Oaths of a Jury of Twelve indifferent Men of ſuch County, (which Oath any Two or more of the ſaid Juſtices for the ſaid County are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners or Proprietors, or other Perſon or Perſons intereſted, for or upon Account of the taking of ſuch Lands, Tenements, or Hereditaments, for or into any of the ſaid Roads, or of making ſuch Roads through the ſame, or for or on Account of the taking ſuch Lands, Tenements, or Hereditaments, for any other of the Purpoſes of this Act;

and

and in order thereunto the ſaid Juſtices, or any Two or more of them, are hereby empowered and required, from Time to Time, to ſummon before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined concerning the Premiſes (which Oath any Two or more of the ſaid Juſtices reſpectively are hereby empowered to adminiſter); and they the ſaid Juſtices ſhall, by ordering a View, or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the ſaid Premiſes; and the ſaid Juſtices or any Two or more of them ſhall order, adjudge, and determine, the Sum or Sums of Money which ſhall be aſſeſſed by the ſaid Jury for ſuch Damages, as aforeſaid, to be paid by the ſaid Company of Proprietors or their Treaſurer for the Time being, to the ſaid Owners or Proprietors, or other Perſon or Perſons intereſted in the ſaid Lands, Tenements, or Hereditaments, according to the Verdict or Inquiſition of the ſaid Jury; which Verdict, or Inquiſition and Judgement, Order and Determination, ſhall be final and binding, to all Intents and Purpoſes, againſt the King's Majeſty, his Heirs and Succeſſors, and all Parties and Perſons whatſoever, claiming or to claim, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Iſſue unborn, Femes Covert, and all Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, or Collegiate, as well as all other Perſon or Perſons whomſoever, and againſt all and every ſuch Owners and Proprietors; and the ſaid Juſtices, or any Two or more of them, are hereby empowered to iſſue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff for the Time being of the County in which ſuch Lands, Tenements, or Hereditaments ſhall lie, thereby commanding him to impannel, ſummon, and return a Jury of Twenty four ſufficient and indifferent Men, qualified according to Law to be returned for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Juſtices, or any Two or more of them, at ſuch Time and Place as in the ſaid Warrant or Warrants ſhall be appointed; and the ſaid Sheriff, either by himſelf or his Under Sheriff, is hereby required to impannel, ſummon, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Juſtices, or any Two or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſe aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Under Sheriff ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, except that they ſhall not challenge the Array: Provided always, that Notice of the Time and Place of making ſuch Inquiry and Aſſeſſment by a Jury as aforeſaid, ſhall be given to or left at the uſual Place of Abode of the Party or Parties intereſted, or his, her, or their Steward or Stewards, or the Tenant or Occupier of the Premiſes, at leaſt Ten Days before ſuch Inquiry or Aſſeſſment: And provided alſo, That no Perſon or Perſons whomſoever ſhall act as a Juſtice or Juſtices, or be ſworn to ſerve on any Jury, or be examined as a Witneſs under the Powers of this Act, in any Caſe where he, ſhe, or they is or are any Way directly or indirectly intereſted or concerned in the Matter or Matters in Queſtion.

Perſons intereſted not to act as Juſtices, be ſworn on Juries, or examined as Witneſſes.

XII. Provided

Power to fine Sheriff, &c. for Neglect.

XII. Provided always, and be it further enacted, That the ſaid Juſtices, or any Two or more of them, acting in the Premiſes, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on any Sheriff, Under Sheriff, Bailiff, or Agent, or either of them, making Default in the Premiſes, and on any or either of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, refuſing or not giving their Verdict, or in any other Manner wilfully neglecting their or his Duty therein, contrary to the true Intent and Meaning of this Act, and on any or either of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or examined, and to give Evidence, and from Time to Time to levy and apply ſuch Fine or Fines in ſuch Manner as the Penalties and Forfeitures are herein-after directed to be levied and applied, ſo as that no ſuch Fine exceeds the Sum of Twenty Pounds upon any One Perſon for One Offence.

By whom Expence of Jury ſhall be paid.

XIII. And be it further enacted, That in all Caſes where a Verdict ſhall be given for more Monies as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors for the ſame, that then all the Expences of ſummoning ſuch Jury, and of taking ſuch Inqueſt, ſhall be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given, for no more, or a leſs Sum, than had been previouſly offered by or on the Behalf of the ſaid Company of Proprietors, then, and in every ſuch Caſe, the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Controverſy or Diſpute, and ſuch Expences ſhall be deducted and taken out of the Monies ſo adjudged, and ſuch Deduction ſhall be deemed and taken as Payment of ſo much thereof: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence out of the Kingdom, have been prevented from treating, One Half of ſuch Coſts and Expences ſhall be deducted out of the Monies ſo adjudged, and the other Half ſhall be paid by the ſaid Company of Proprietors.

For puniſhing Perſons giving falſe Evidence.

XIV. And be it further enacted, That all and every Perſon and Perſons who, in any Examination to be taken by virtue of this Act, ſhall give falſe Evidence before any Juſtice or Juſtices of the Peace, ſhall and may be proſecuted for the ſame, and upon Conviction thereof, ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon or Perſons can or may be ſubject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Upon Payment or Tender of Money, the Company may take Poſſeſſion.

XV. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money or Recompence, to be agreed for or aſcertained as aforeſaid, for the Purchaſe of any Lands, Tenements, or Hereditaments, as aforeſaid, to the Proprietors thereof, or other Perſons entitled to receive ſuch Money reſpectively, or Tender thereof made to ſuch Proprietor or Proprietors, or other Perſon or Perſons, or to the principal Officers of any ſuch Body Politick, Corporate, or Collegiate, or their Agents or Stewards, at any Time after the ſame ſhall have been ſo agreed for or aſcertained, or if he, ſhe, or they, cannot be found, or ſhall refuſe to accept

cept ſuch Money or Rent, then upon leaving the ſame in the Hands of the Treaſurer for the Time being of the ſaid Company of Proprietors, for the Uſe of ſuch Perſon or Perſons, and to be paid upon Demand, without Fee or Reward, to ſuch Proprietors or Perſons reſpectively as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, their Agents, Officers, Workmen, and Servants, to enter into and upon, and to take Poſſeſſion of, ſuch Lands, Tenements, or Hereditaments, and do all and every ſuch Act, Matter, and Thing, in relation to ſuch Lands, Tenements, or Hereditaments, as the ſaid Company of Proprietors, or any Committee of them, ſhall think proper, for any of the Purpoſes of this Act, and to have, uſe, and enjoy, the Premiſes to and for their own Uſe and Benefit, for the Purpoſes aforeſaid, diſcharged of all Rights and Claims whatſoever thereon; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, their Committee, Agents, Officers, Workmen, and Servants, for what they or any of them ſhall do by virtue of the Powers hereby granted.

Purchaſe Money for ſettled Eſtates above 20*l.* to be laid out for ſame Purpoſes, and until ſuch Purchaſe ſhall be placed in the Funds.

XVI. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict Settlement, for the Purchaſe of any Lands, Tenements, or Hereditaments as aforeſaid, ſhall, in caſe the ſame exceed the Sum of Twenty Pounds, by any Bodies Politick or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons ſeiſed of Lands or Eſtates ſo limited in ſtrict Settlement, be laid out as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, and conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or to or for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, or Hereditaments, for or in reſpect whereof ſuch Money ſhall be paid as aforeſaid, were limited, ſettled, and aſſured, at the Time ſuch Money was ſo agreed for or aſcertained reſpectively as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect, ſuch Conveyances and Settlements to be made at the Expence of the ſaid Company of Proprietors; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Monies ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, in ſome of the Publick Funds, or on Government or Real Securities, in the Names of Two Perſons, the One to be nominated by the Parties intereſted therein, and the other by the ſaid Company of Proprietors, and the Intereſt ariſing or to be produced from any ſuch Funds or Securities, ſhall be paid to ſuch Perſon or Perſons reſpectively, as would for the Time being be entitled to the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed, in

caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

Juſtices to determine the Share of the Purchaſe-money of all Perſons intereſted.

XVII. And be it further enacted, That the ſaid Juſtices, or any Two or more of them, may and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Monies, which ſhall be ſo agreed for between the ſaid Company of Proprietors, or aſſeſſed by the ſaid Juries in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant or Tenants, or other Perſon having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his, her, or their reſpective Intereſt therein, except in ſuch Caſes where the ſame are hereby directed to be laid out, and inveſted in the Purchaſe of any other Lands, Tenements, or Hereditaments.

Materials may be got from waſte Grounds without paying for the ſame, or from private Grounds, making Satisfaction for the Damage.

XVIII. And be it further enacted, That the ſaid Company of Proprietors, or any ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, may and is and are hereby authorized and empowered to ſearch for, cut, dig, gather, take, and carry away, any Furze, Heath, Gravel, Chalk, Sand, Stones, Ballaſt, or other Materials proper for building or repairing the ſaid Bridge, or making or repairing the Way over the ſame, or the ſaid Roads leading thereto, in purſuance of this Act, in, upon, and out of or from any Waſte Ground or Grounds, River or Brook, in any Pariſh or Pariſhes, near to and adjoining the ſaid Bridge and Roads, or either of them, or in any neighbouring Pariſh or Place, without paying or making any Satisfaction for the ſame, they the ſaid Company of Proprietors, or ſuch Perſon or Perſons employed by them for that Purpoſe, filling up the Pits, and levelling the Ground from which ſuch Materials ſhall be ſo taken, or railing or fencing the ſame, ſo that ſuch Pits be not dangerous to Paſſengers or Cattle; and alſo in, upon, or out of and from and over the Lands and Grounds of any Perſon or Perſons whomſoever, (not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery, or incloſed Ground, planted with any Avenue of Trees for the Ornament of any Houſe), ſuch Perſon or Perſons having an Order from the ſaid Company of Proprietors for ſo doing, and filling up the Pits and levelling the Ground from which ſuch Materials ſhall be taken, and paying or offering to pay to the reſpective Owners or Occupiers of ſuch Lands or Grounds for the Damages they thereby ſuſtain, as the ſaid Company of Proprietors ſhall judge reaſonable; and in caſe of any Difference concerning the ſame, any Two or more Juſtices of the Peace, of the County or Place where ſuch Materials ſhall be ſo cut, digged, gathered, taken, and carried away, ſhall and may, on Fourteen Days Notice thereof, to be given by the ſaid Company of Proprietors to ſuch Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their reſpective Places of Abode, with ſome or One of his, her, or their reſpective Families, or by ſuch Owner or Owners, Occupier or Occupiers, to the ſaid Company of Proprietors, or their Clerk for the Time being, hear, ſettle, and determine, the Matters in Diſpute, and aſcertain what Damages ſhall be paid, and the Order and Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Materials not to be carried out of private Grounds without giving Notice.

XIX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for the ſaid Company of Proprietors, or any other Perſon or Perſons, under the Authority of this Act, to take and carry away Materials for building, making, or repairing the ſaid Bridge and Roads, hereby

hereby authorized to be built and made, from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before Two Juſtices of the Peace, acting for the County where ſuch Lands are ſituated, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend, purſuant to ſuch Notice, the ſaid Juſtices ſhall, if they think meet, authorize the ſaid Company of Proprietors, or ſuch Perſon or Perſons as the ſaid Company ſhall appoint for that Purpoſe, to dig, gather, take, and carry away, ſuch Materials from ſuch Grounds, at ſuch Time or Times as to the ſaid Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, the ſaid Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Materials may be brought and worked on waſte Lands without Satisfaction, and on private Lands with Satisfaction for Injury done.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Workmen, and Servants, from Time to Time and at all Times from and after the paſſing of this Act, at their Will and Pleaſure, to bring, place, lay, work, and uſe, any Timber, Stone, Brick, Lime, or other Materials, for building and erecting, or for repairing or rebuilding the ſaid Bridge, or to bring, place, and lay, any Stones, Gravel, or other Materials, for making, repairing, or amending, the ſaid Roads, or either of them, or for executing any other of the Purpoſes of this Act, in, upon, through, and over, any Common or Waſte Ground, within Five hundred Yards of the ſaid Bridge or Roads reſpectively, without making any Recompence for ſo doing; and alſo in, upon, through, and over, any Private Lands or Grounds, within Five hundred Yards of the ſaid Bridge or Roads reſpectively, doing as little Damage as may be, and making Satisfaction for ſuch Damage to the Owners and Occupiers of ſuch Lands or Grounds; and that in caſe of Diſpute, about the Quantum of ſuch Damage and Satisfaction, the ſame ſhall be ſettled by any Two or more Juſtices of the Peace for the County wherein the Damage ſhall be done, and ſuch Juſtices are hereby authorized and empowered to hear, ſettle, and determine the ſame accordingly.

Perſons liable to Repair of Roads to continue ſo.

XXI. And be it further enacted, That in caſe any Road or Roads now in being ſhall be continued or made a Part of the ſaid intended Roads, or either of them, and in ſuch Caſe by virtue of this Act become veſted in the ſaid Company of Proprietors, all Perſons who by Law are now obliged to do Statute Work on, or are in anywiſe chargeable with or towards the repairing or amending ſuch Roads now in being, ſhall ſtill remain liable and chargeable, and do their reſpective Work on, and repair and amend the ſaid Roads now in being, in ſuch Manner as ſuch Perſons ought to have done before the paſſing of this Act, and would have continued liable to do; anyThing herein contained to the contrary notwithſtanding.

Proprietors may contract for building, &c. the Bridge and making the Roads.

XXII. And be it further enacted, That the ſaid Company of Proprietors, or the Committee for the Time being, or ſuch Perſon or Perſons as the ſaid Company or Committee ſhall for that Purpoſe authorize or appoint, is and are hereby empowered to contract with any Perſon or Perſons

ſons for building, making, repairing, widening, or altering, the ſaid Bridge and Roads, or any or either of them, in ſuch Manner, or for ſuch Sum or Sums of Money, as the ſaid Company of Proprietors, or the Committee for the Time being, or the ſaid Perſon or Perſons ſo to be authorized or appointed as aforeſaid, ſhall think proper; and that all Contracts in Writing, entered into purſuant to an Order made at any General Meeting of the ſaid Company of Proprietors, or at any Meeting of the ſaid Committee, ſhall be binding on all Parties who ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators, and that Actions and Suits may be maintained thereon, and Damages recovered againſt the Parties failing in the Execution thereof.

Bridge and Roads veſted in the Company.

XXIII. And be it further enacted, That the Right and Property of and in the ſaid Bridge and Roads, and of and in the ſaid Toll Houſes, Gates, and Bars, and of and in all Buildings and other Conveniences, and of all Poſts, Rails, and Fences, erected, ſet up, and provided, or to be erected, ſet up, and provided, in or upon the ſaid Bridge and Roads, or any of them, or in or upon any Road whatſoever, under and by virtue of this Act, and of all Side Bars or Gates, and of the Materials which ſhall be from Time to Time gotten or provided for erecting, building, making, maintaining, and repairing the ſame, or any or either of them, ſhall be and the ſame are hereby reſpectively veſted in the ſaid Company of Proprietors and their Succeſſors, and they are hereby empowered and authorized to bring or cauſe to be brought any Action or Actions, and to prefer and proſecute One or more Indictment or Indictments againſt any Perſon or Perſons who ſhall ſteal, take, carry away, or damage the ſame, or any Part thereof, or diſturb them in the Poſſeſſion of the ſame, or any Part thereof.

Proprietors may raiſe 10,100*l.* among themſelves.

XXIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute among themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, a competent Sum of Money for the making and completing the ſaid Bridge and Roads, and other the Purpoſes aforeſaid, not exceeding in the Whole the Sum of Ten Thouſand One hundred Pounds (except as herein-after mentioned), and that the ſame ſhall be divided into ſuch Number of Shares as herein-after directed, at a Price not exceeding One hundred Pounds *per* Share; and that no Perſon ſubſcribing thereto, or becoming a Proprietor in ſuch Undertaking, do become a Proprietor of leſs than One Share, or more than Fifteen Shares, either in his or her own Name, or in the Name of any other Perſon in Truſt for him or her, (except the ſame ſhall come to him or her by Will or Act of Law), upon Pain of forfeiting to the ſaid Company of Proprietors, their Succeſſors and Aſſigns, all ſuch Shares exceeding Fifteen Shares as aforeſaid; and the Money ſo to be raiſed is hereby directed to be laid out and applied in the firſt Place for and towards the Payment, Diſcharge, and Satisfaction, of all Fees and Diſburſements for obtaining and paſſing this Act, and for making the Surveys, Plans, and Eſtimates, incident thereunto, and all other Expences relating to the ſame; and all the Reſidue of ſuch Money for and towards the making, completing, and maintaining, the ſaid Bridge and Roads, and other Purpoſes of this Act, and to or for no other Uſe, Intent, or Purpoſe, whatſoever.

The Shares veſted in the Proprietors.

XXV. And be it further enacted, That the ſaid Sum of Ten thouſand one hundred Pounds, ſhall be divided into One hundred and one

equal Shares, at a Price not exceeding One Hundred Pounds *per* Share, and that the Shares ſhall be deemed Perſonal Eſtate, and ſhall be tranſmiſſible as ſuch, and not of the Nature of Real Eſtate; and that the ſaid One Hundred and One Shares ſhall be, and are hereby veſted in the ſaid ſeveral Subſcribers, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to their and every of their proper Uſe and Behoof, proportionably to the Sum they ſhall ſeverally ſubſcribe and pay thereunto; and all Bodies Politick and Corporate, and other Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sum or Sums as ſhall be demanded in lieu thereof, towards carrying on and completing the ſaid intended Undertaking, ſhall be entitled to and receive, after the ſaid Bridge and Roads ſhall be completed, a neat Diſtribution of One One hundred and one Part of the Profits and Advantages that ſhall and may ariſe and accrue by virtue of the ſeveral Sums of Money to be raiſed, recovered, or received by virtue of this Act, and ſo in Proportion for any greater Number of Shares, not exceeding Fifteen Shares to any One Perſon as aforeſaid; and every Body Politick and Corporate, and every other Perſon having ſuch Property of One One hundred and one Part or Share in the ſaid Undertaking, and ſo in Proportion as aforeſaid, ſhall bear and pay an adequate and proportional Sum of Money towards carrying on the ſaid Undertaking in Manner herein-after directed.

Proprietors may ſell or diſpoſe of their Shares, but not ſell till Calls are paid up

XXVI. And be it further enacted, That it ſhall be lawful for any of the Proprietors of the ſaid Undertaking, to ſell and diſpoſe of any Share or Shares, he, ſhe, or they, ſhall and may be entitled to therein, in Manner and ſubject to the Rules and Conditions herein mentioned; and, for that Purpoſe, Duplicates of the Deed of Bargain and Sale, or Transfer of ſuch Share or Shares, ſhall be executed by every Vendor and Vendee, and One Part thereof ſo executed ſhall be delivered to the ſaid Company of Proprietors, or their Clerk, to be filed and kept for the Uſe of the ſaid Company of Proprietors, and an Entry thereof ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk for the Time being to the ſaid Company of Proprietors, for which no more than Five Shillings ſhall be paid; and until the Duplicate of ſuch Deed or Transfer ſhall be ſo delivered to the ſaid Company of Proprietors, or their Clerk as aforeſaid, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking, nor any Intereſt paid him, her, or them, for and in reſpect of ſuch Share or Shares ſo purchaſed, nor be entitled to vote as a Proprietor or Proprietors of the ſaid Undertaking: Provided always, that after any Call for Money ſhall be made by a General Aſſembly, or ſuch Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share which he, ſhe, or they ſhall then have in the ſaid Undertaking, until the Money called for upon his, her, or their Share or Shares, ſo to be ſold, ſhall be paid; and every Perſon making Default therein, ſhall forfeit his, her, or their Share or Shares in the ſaid Undertaking, to the ſaid Company of Proprietors, for the Benefit of the Reſt of the Proprietors, (unleſs the Perſon or Perſons who ſhall be the Vendor or Vendors, ſhall, at the Time of ſuch Sale or Transfer, pay the Money called for upon every Share ſo ſold or transferred, to the Treaſurer for the Time being to the ſaid Company of Proprietors), ſuch Forfeiture having been firſt notified and declared at a General Aſſembly in Manner herein directed.

Form of Transfer of Shares.

XXVII. And be it further enacted That every Transfer of the ſaid Shares, ſhall be in the Form, or to the Purport and Effect, following:

'I *A. B.* of in Conſideration of the Sum
'of paid to me by *C. D.* of
'do hereby bargain, ſell, transfer, and aſſign
'over to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns,
'Share [*or* Shares] in the Undertaking, for building a Bridge
'over the River *Itchin* at or near *Northam*, within the Liberties of the
'Town and County of the Town of *Southampton*, and for making a Road
'from the ſaid Town to the ſaid Bridge, and from thence to communi-
'cate with the Road leading from *Weſt End* to *Botley* in the County of
'*Southampton*, to hold to the ſaid *C. D.* his Executors, Adminiſtrators,
'and Aſſigns, ſubject to the ſame Rules and Orders, and on the ſame
'Conditions that I held the ſame immediately before the Execution
'hereof: And I the ſaid *C. D.* do hereby agree to accept of the ſaid
'*A. B.*'s Share [*or* Shares], ſubject to all ſuch Rules, Orders, and Con-
'ditions. Witneſs our Hands and Seals, the Day of
'in the Year of our Lord
'Witneſs

Power to raiſe 8000*l.* more if ſaid 10,100*l.* ſhall be inſufficient.

XXVIII. And be it further enacted, That in caſe the ſaid Sum of Ten thouſand one hundred Pounds, herein-before authorized to be raiſed and contributed by and amongſt the ſaid Company of Proprietors, ſhall be found inſufficient for the making, completing, and maintaining, the ſaid Bridge and Roads, and other the Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereunto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors, to raiſe and contribute among themſelves in Manner and Form aforeſaid, and in ſuch Shares and Proportions, as to them ſhall ſeem meet, or by the Admiſſion of new Subſcribers, any further or other Sum of Money for the Purpoſes aforeſaid, not exceeding the Sum of Eight thouſand Pounds; and every Subſcriber towards ſuch further or other Sum of Money, ſhall have the like Vote by himſelf or herſelf, or his or her Proxy, and ſhall alſo be liable to ſuch Forfeitures and ſtand intereſted in the Profits of the ſaid Undertaking, proportionably to the Sum that he, ſhe, or they, ſhall ſubſcribe thereunto, as generally and extenſively, to all Intents and Purpoſes, as if ſuch further or other Sum hereby allowed to be ſubſcribed for and raiſed, had been Part of the Sum originally ſubſcribed; and the ſeveral Perſons ſubſcribing to ſuch further or other Sum of Money, ſhall be, and are hereby declared to be, in reſpect of ſuch their Subſcriptions, under and ſubject to ſuch and the ſame Calls for Money to be made by the ſaid Company of Proprietors, or the Committee thereof, in ſuch and the ſame Proportions, and within ſuch and the ſame Time, and under and ſubject to ſuch and the ſame Regulations, Rules, Orders, Fines, and Forfeitures, as the ſaid One hundred and one Shares, and the Perſons making Default in Payment thereof, are herein-after ſubject and liable to in reſpect of the ſaid Sum of Ten thouſand one hundred Pounds.

New Subſcribers to become Members of the Body Politick.

XXIX. And be it further enacted, That all and every Perſon and Perſons who ſhall be admitted by the ſaid Company of Proprietors, or the major Part of them, as new Subſcribers for the ſaid Sum of Eight thouſand Pounds, or any Part thereof, ſhall thereupon ſucceed and become a

Conſtituent Member or Conſtituent Members of the Body Politick incorporated by this Act, and as a Proprietor or Proprietors of the ſaid Company, in the ſame Manner, to all Intents, Conſtructions, and Purpoſes, as if he, ſhe, or they, had been appointed by this Act a Proprietor or Proprietors of the ſaid Company.

Power to raiſe ſaid 8000 *l.* by Mortgage.

XXX. Provided always, and be it further enacted, That in caſe the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid further Sum of Eight thouſand Pounds herein-before authorized to be raiſed, or any Part thereof, by Mortgage of the ſaid Bridge and Roads, and the Tolls hereby authorized to be taken and received, they, the ſaid Company of Proprietors, by an Order of General Aſſembly, may borrow and take up at Intereſt the ſaid Sum of Eight thouſand Pounds or any Part thereof, upon the Credit of the ſaid Undertaking, in ſuch Manner as to them ſhall ſeem fit and convenient; and the ſaid Company of Proprietors, or their Committee for the Time being, after ſuch an Order of General Aſſembly ſo made as aforeſaid, are hereby fully authorized and empowered to aſſign the Property of the ſaid Bridge and Roads, and of the Tolls hereby authorized to be taken and received by the ſaid Company of Proprietors, or any Part thereof, as a Security for the Money ſo to be borrowed, with Intereſt for the ſame, to ſuch Perſon or Perſons as ſhall advance the ſame, or his, her, or their Truſtee or Truſtees; the Coſts and Charges of ſuch Aſſignments to be paid out of the ſaid Tolls and Duties; all which ſaid Aſſignments ſhall be made under the Common Seal of the ſaid Company in the Form or to the Effect following; (that is to ſay),

Form of Aſſignment.

'BY virtue of an Act of Parliament, made in the Thirty-ſixth Year of the Reign of His Majeſty King *George* the Third, for building a Bridge over the River *Itchin* at or near *Northam*, within the Liberties of the Town and County of the Town of *Southampton*, and for making a Road from the ſaid Town to the ſaid Bridge, and from thence to communicate with the Road leading from *Weſt End* to *Botley*, in the County of *Southampton*: We the Company of Proprietors of the ſaid Bridge, Roads, and Tolls, in Conſideration of the Sum of
to us paid by *A. B.* of
do hereby bargain, ſell, and transfer, unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Bridge and Roads, and the Toll Houſes thereto belonging, with all and every the Materials of the ſaid Bridge, Roads, and Houſes, and all and ſingular the Tolls and Duties granted to us by the ſaid Act; and all our Right, Title, and Intereſt therein reſpectively, to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of
together with Intereſt for the ſame, at and after the Rate of for One hundred Pounds, by the Year, ſhall be fully paid and ſatisfied. Given under our Seal this Day of in the Year of our Lord
Witneſs *A. B.* Clerk to the ſaid Company of Proprietors.'

Entries of Aſſignments to be made in a Book.

And all Perſons, to whom ſuch Aſſignments ſhall be made, ſhall be equally entitled One with the other to the ſaid Bridge, Roads, and Tolls thereby aſſigned, in Proportion to the Sums by them reſpectively advanced and paid as aforeſaid, without any Preference by reaſon of the Priority of Date

Date or otherwiſe; and a Memorial of ſuch Aſſignment, containing the Date, the Name or Names of the Perſon or Perſons to whom made, the Sum lent, with the Rate of Intereſt, ſhall be entered in a Book to be kept by the Clerk to the ſaid Company of Proprietors, who ſhall mark the ſaid Aſſignment in this Manner, "Entered, No. 1. [*or as the Caſe may happen*], "*A. B.* Clerk to the Company of Proprietors;" which ſaid Book ſhall and may be peruſed *gratis*, at all ſeaſonable Times, by all and every the Proprietors and Creditors of the ſaid Bridge, Roads, and Tolls: And all and every Perſon and Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, ſhall and may from Time to Time transfer his, her, or their Right and Intereſt therein to any Perſon or Perſons whomſoever; which Transfer ſhall and may be made in the Words, or to the Effect, following:

Aſſignments may be tranſferred.

Form of Transfer.

'I *A. B.* of do
'hereby transfer a certain Mortgage made by the Company of Pro-
'prietors of *Northam* Bridge and Roads, to
'bearing Date the Day of
'for ſecuring the Sum of and Intereſt, and
'all my Right and Property therein, to *C. D.* of
'his Executors, Adminiſtrators, and Aſſigns. Dated
'this Day of in the Year of our Lord
'Witneſs

Transfer to be notified to the Clerk, who ſhall enter the ſame in a Book.

And every ſuch Transfer ſhall, within Twenty-eight Days next after the Date thereof, be produced to the Clerk of the ſaid Company of Proprietors, who ſhall cauſe a Memorial to be made thereof in the ſaid Book directed to be kept for entering the Original Aſſignments, to the ſame Purport and Effect as the Memorial of the Original Aſſignment, for which ſuch Clerk ſhall be paid the Sum of Five Shillings and no more, by the Perſon producing ſuch Transfer; and after ſuch Entry made, (but not till then), every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the full Benefit thereof, and ſuch Aſſignee or Aſſignees may in like Manner aſſign again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons, who ſhall have made any ſuch Transfer or Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

Intereſt on Money borrowed, to be paid Half-yearly, before any Dividend is made.

XXXI. And be it further enacted That the Intereſt of the Money ſo to be borrowed as aforeſaid, ſhall be paid Half Yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the Proprietors of the ſaid Undertaking, and ſhall be fully diſcharged or provided for before the yearly or other Intereſt or Dividends due to the ſaid Proprietors ſhall be paid.

General and Special Meetings when and how to be held.

XXXII. And be it further enacted, That the ſaid Company of Proprietors ſhall hold Two General Aſſemblies in every Year, for carrying the Purpoſes of this Act into Execution, the Firſt of which General Aſſemblies ſhall be holden at the *Dolphins Inn*, in the Town of *Southampton*, on the *Tueſday* Fortnight next after this Act ſhall have received the Royal Aſſent; and the Second General Aſſembly ſhall be holden on the

Third *Tueſday* in *November*, then next enſuing, at ſuch Place as ſhall be agreed upon at the ſaid Firſt General Aſſembly; and all the future General Aſſemblies ſhall be holden at ſuch convenient Times, at the ſaid Town, or within Three Miles thereof, as the ſaid Company of Proprietors ſhall at their reſpective General Aſſemblies appoint, and all ſuch General Aſſemblies ſhall be held at or before Eleven of the Clock in the Forenoon of the ſaid reſpective Days; at every of which ſaid General Aſſemblies the Proprietors aſſembled together with ſuch Proxies as ſhall be then preſent, ſhall chooſe Nine Perſons who are for the Time being Proprietors of a Share or Shares each in the ſaid Undertaking, to be a Committee to manage the Affairs of the ſaid Company, in ſuch Manner as is hereafter directed, and as ſhall from Time to Time be ordered by ſuch General Aſſemblies as aforeſaid; but if at any Time it ſhall appear to any Five or more of ſuch Proprietors, that, for the more effectually putting this Act into Execution, a Special Aſſembly of Proprietors is neceſſary to be held, it ſhall be lawful for ſuch Five or more of them to cauſe Notice and Advertiſement to be given thereof in ſome Weekly Newſpaper, uſually circulated in the County of *Southampton*, and in the Town of *Southampton*, and in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, declaring in ſuch Notice and Advertiſement, the Place where, and the Time when, ſuch Special Aſſembly is to be held, the ſame being not leſs than Ten Days after ſuch Notice and Advertiſement ſo given as aforeſaid, and likewiſe ſpecifying, in every ſuch Notice and Advertiſement, the Reaſon for and Intention of ſuch Special Aſſembly; and the Proprietors are hereby authorized to meet purſuant to ſuch Notice and Advertiſement, and to proceed to the Execution of this Act, with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the ſaid Proprietors, or the major Part of them aſſembled at ſuch Special Aſſemblies, ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at General Aſſemblies held in Manner herein-before appointed: Provided always, that every Committee ſhall from Time to Time make Reports of their Proceedings to, and be ſubject to the Examination and Controul of ſuch General and Special Aſſemblies of the ſaid Proprietors as aforeſaid, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Premiſes, as they ſhall from Time to Time receive from the ſaid Proprietors, at any ſuch General or Special Aſſembly, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act contained, nor otherwiſe contrary to Law; and ſuch Committee ſhall, until the next General Aſſembly to be holden in Manner aforeſaid, have full Power and Authority to direct and manage all the Affairs of the ſaid Company of Proprietors, as well in buying and purchaſing Lands and Materials for the Uſe of the ſaid Undertaking, as in employing, ordering, and directing, the Work and Workmen, and in placing and diſplacing Surveyors, Collectors, Gatekeepers, and Workmen, and in making Contracts and Bargains touching the ſaid Undertaking, ſo that no ſuch Contract, Bargain, or other Matter, be done or tranſacted, without the Concurrence of the Majority of the ſaid Committee then aſſembled: Provided alſo, that no Perſon holding any Place, Office, or Employment, under the ſaid Company of Proprietors, ſhall be capable of being choſen to ſerve upon Committees, during the Time of his or her Continuance in ſuch Place, Office, or Employment.

Perſons holding Places, &c. incapable of ſerving on Committees.

General Aſſemblies to conſiſt of Twenty Shares.

XXXIII. Provided always, That if at any ſuch General Aſſembly, there ſhall not be Perſons preſent who have Twenty Shares as aforeſaid, either as Principals or Proxies, no Choice of a Committee ſhall be made at that Time, but in ſuch Caſe there ſhall be a new General Aſſembly of the ſaid Proprietors, at the ſame Place, upon that Day Three Weeks, and ſuch Choice ſhall be then made of Perſons to be of the Committee, as ought to have been made on the Day herein-before appointed, had there been a ſufficient Number of Voters preſent, and the Perſons then choſen to be of the ſaid Committee, ſhall have the ſame Power which they would have had, and ſhall continue in ſuch Office, until ſuch Time as they would have done, had they been choſen on the ſaid Day herein-before appointed; and that in caſe of Failure of the Meeting of the Perſons having Twenty Votes as Principals or Proxies at ſuch firſt mentioned General Aſſembly, the whole Number of Proprietors who ſhall not be preſent at ſuch Second General Aſſembly, by themſelves or their Proxies, ſhall forfeit to the ſaid Company of Proprietors, for every ſuch Share which they ſhall then have in the ſaid Undertaking, the Sum of Five Shillings, to be deducted out of the next Payment of Intereſt, or out of the next Dividend of the Profits of the ſaid Undertaking, as the Caſe may happen.

Subſcribers of One Share deemed Proprietors, and entitled to vote by Proxy.

XXXIV. And be it further enacted, That every Body Politick or Corporate, and other Perſon who ſhall, by virtue of this Act, have ſubſcribed for or become entitled to One Share in the ſaid Undertaking, ſhall be deemed a Proprietor for ſuch Share, and ſhall have a Vote in every General and Special Aſſembly to be held as herein appointed, for carrying on the ſaid Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy duly conſtituted under his, her, or their Hand and Seal, or Hands and Seals; and every ſuch Vote by Proxy ſhall be as good, to all Intents and Purpoſes, as if ſuch Principal or Principals had voted in Perſon; and any Body or Bodies Politick or Corporate, Perſon or Perſons, who ſhall have more than One ſuch Share, and not exceeding Five Shares (except as aforeſaid), ſhall have Liberty by him, her, or themſelves, or by his, her, or their Proxy, regularly conſtituted as aforeſaid, to give One Vote for every ſuch Share, for which he, ſhe, or they, ſhall be a Subſcriber or Subſcribers, or become a Proprietor or Proprietors as aforeſaid; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered, in any Publick Aſſembly, to be held by virtue of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share, provided that no Perſon ſhall give or deliver more Proxies than for Five abſent Proprietors; and the Chairman of every ſuch publick Aſſembly, in caſe of a Diviſion of equal Numbers, ſhall have the caſting Vote, although he ſhall have voted before.

Queſtions at Meetings to be determined by the Majority of Votes.

The Meetings of the Committees.

XXXV. And be it further enacted, That the ſaid Proprietors ſo choſen at the ſaid ſeveral General Aſſemblies as aforeſaid to be Committee Men, ſhall meet once in every Month, (or oftener if ſuch Committee ſhall find it neceſſary), at the ſaid Town of *Southampton*, or at ſome Place within Three Miles thereof, on a Day and at an Hour to be appointed by a Majority of the ſaid Committee, at ſome former Meeting, for the Purpoſes of carrying this Act into Execution; but no Reſolutions ſhall be taken or Buſineſs done at any Meeting of ſuch Committee, unleſs Five Members of ſuch Committee at the leaſt be preſent; and in order to de-

fray the Expences of the ſaid Meetings of the ſaid Committee, it ſhall be lawful for them to expend or retain to themſelves, or to demand and receive from the Treaſurer for the Time being of the ſaid Company, ſuch Sums of Money, out of the Capital Stock of the ſaid Company of Proprietors, for their Expences in attending ſuch Meetings, as at ſome previous General Aſſembly of the ſaid Company of Proprietors ſhall be ſettled and allowed: Provided always, that no Member of the ſaid Committee ſhall have more than One Vote in the ſaid Committee, except the Chairman, who ſhall be choſen by themſelves, and who, in caſe of a Diviſion of equal Numbers, ſhall have the caſting Vote, although he has given One Vote before.

General Aſſembly to make Calls, audit Accounts, &c.

XXXVI. And be it further enacted, That every ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle, all Accounts of Money laid out and diſburſed on Account of the ſaid Undertaking, with the Treaſurer, Receivers, Collectors, and other Officers to be by them appointed, or any other Perſons whomſoever employed by or concerned for or under them, in and about the ſaid Undertaking, and for that Purpoſe ſhall have Power to adjourn themſelves from Time to Time, as ſhall be thought convenient by the Majority of the ſaid Aſſembly as aforeſaid; and every General Aſſembly, or ſuch Committee as aforeſaid, ſhall have Power, from Time to Time, to make ſuch Call or Calls for Money, from the Proprietors of the ſaid Undertaking, to defray the Expences of, and to carry on, the ſame, as they ſhall, from Time to Time, find neceſſary for thoſe Purpoſes, ſo that no one Call do exceed the Sum of Fifteen Pounds for every One hundred Pounds, and ſo as no Call be made but at the Diſtance of Fourteen Days at leaſt from another; which Monies ſo called for ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner, as the ſaid General Aſſembly or Committee ſhall fromTime to Time appoint and direct, for the Uſe of the ſaid Undertaking; and every Owner of One or more Share or Shares in the ſaid Undertaking ſhall pay his or her Share and Proportion of the Money to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed, of which Fourteen Days Notice at leaſt ſhall be given, by publiſhing the ſame in ſome Weekly Newſpaper, uſually circulated in the County of *Southampton* and in the Town of *Southampton*, and in ſuch other Manner as the ſaid Company of Proprietors ſhall direct or appoint; and if any Perſon ſhall neglect or refuſe to pay his rateable or proportionable Share of the ſaid Money to be called for as aforeſaid, at the Time and Place appointed by any General Aſſembly or Committee, he or ſhe ſo neglecting or refuſing ſhall forfeit a Sum not exceeding Two Pounds for every One Hundred Pounds of his or her Share, Part, and Intereſt, in the ſaid Undertaking; and in caſe ſuch Perſon ſhall refuſe or neglect to pay his or her rateable Calls as aforeſaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforeſaid, then he or ſhe ſo neglecting or refuſing ſhall forfeit his or her Share, Part, and Intereſt, in the ſaid Undertaking, and all Profit and Advantage thereof, to and for the Uſe and Benefit of the other Proprietors of the ſaid Undertaking; and all ſuch forfeited Shares ſhall be ſold at a publick Sale by the ſaid Company of Proprietors, for the moſt Money they can get for the ſame, and the Produce thereof ſhall be equally divided amongſt the reſt of the ſaid Company of Proprietors in Proportion to their reſpective Shares and Intereſts in the ſaid Undertaking: Provided always, that no Advantage ſhall be taken of the

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Forfeiture of any Share of the ſaid Undertaking, until perſonal Notice, in Writing, be given by the Treaſurer or Clerk of the ſaid Company of Proprietors, to the Owner thereof, nor unleſs the ſame ſhall be declared to be forfeited at ſome General Aſſembly of the ſaid Company of Proprietors to be held within Six Calendar Months next after ſuch Forfeiture ſhall happen; and every ſuch Forfeiture ſhall be an Indemnification and Diſcharge to and for every Proprietor ſo forfeiting, againſt all Actions, Suits, and Proſecutions, for any Breach of Contract or other Agreement between ſuch Proprietor ſo forfeiting, and the Reſt of the Proprietors, with regard to carrying on the ſaid intended Undertaking.

Perſons not paying after Calls made, may be ſued.

XXXVII. And be it further enacted, That the ſeveral Perſons who have ſubſcribed, or who ſhall hereafter ſubſcribe, to advance any Money for and towards the making and maintaining the ſaid Undertaking, ſhall, and they are hereby required to pay the Sum or Sums of Money by them reſpectively ſubſcribed, or ſuch Parts or Proportions thereof, as ſhall be from Time to Time called for by the ſaid Company of Proprietors, or the ſaid Committee, under and by virtue of the Powers and Directions of this Act, at ſuch Times and Places as ſhall be directed by the ſaid Company of Proprietors, or the ſaid Committee, in Manner before mentioned; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, at the Time and in Manner required for that Purpoſe, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any Court of Law or Equity, in which no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed.

Directing how Calls on Shares undiſpoſed of, belonging to Perſons dying, ſhall be made.

XXXVIII. Provided always, and be it further enacted, That if the Proprietor of any Share in the ſaid Undertaking ſhall die before Payment ſhall have been made of the full Sum to be advanced on each Share which he or ſhe ſhall have been poſſeſſed of or entitled to, without having made Proviſion, by Will or otherwiſe, for the Payment of the ſame, then, and in ſuch Caſe, the Executors and Adminiſtrators of ſuch Proprietor, and the Truſtee or Truſtees, Guardian or Guardians of any Infant, or other Perſon entitled to the Eſtate or Effects of ſuch Proprietor, ſhall be indemnified againſt ſuch Infant, and other Perſon and Perſons whomſoever, for paying any Sum or Sums of Money when called for as aforeſaid, to compleat every ſuch Subſcription; and if ſuch deceaſed Proprietor ſhall not have left Aſſets ſufficient to complete ſuch Subſcription, or in caſe any ſuch Executor or Adminiſtrator, Truſtee or Guardian, ſhall refuſe or neglect to anſwer ſuch Calls, or to make the Payments neceſſary to complete the ſame, the ſaid Company of Proprietors ſhall be, and are hereby empowered and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Proprietor, on Condition that he, ſhe, or they, ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Proprietor, or the Truſtee or Truſtees, Guardian or Guardians, of any Infant or others entitled to his or her Effects, ſo much Money as the ſame can be by publick Auction ſold for.

Books of Account to be kept.

XXXIX. And be it further enacted That proper Books of Accounts relating to the ſaid Undertaking ſhall be kept, and that all ſuch Books, and all other Papers and Matters relating to ſuch Accounts, ſhall be depoſited and kept under the Direction of the Committee for the Time being, at

at ſuch Place or Places in the ſaid Town of *Southampton*, as the ſaid Company of Proprietors ſhall from Time to Time direct; and every Proprietor ſhall, at all ſeaſonable Times, have free Acceſs to ſuch Books, and may inſpect and peruſe the ſame without Fee or Reward.

Proceedings to be entered in Books.

XL. And be it further enacted, That all the Orders and Proceedings of the ſaid Company of Proprietors, and alſo of their Committees for the Time being, at any of their Meetings, ſhall be regularly entered in a Book or Books, to be kept for thoſe Purpoſes by the Clerk of the ſaid Company of Proprietors, and ſhall be ſigned by the ſaid Clerk and by the Proprietors preſent at ſuch Meetings, or the major Part of them, unleſs otherwiſe directed by this Act, and that ſuch Entries, ſo made and ſubſcribed, ſhall be deemed Originals, and admitted as Evidence in all Courts whatſoever; and all Notices to be given in purſuance of this Act, the Manner of which is not otherwiſe directed, ſhall be affixed upon the Toll Houſe or Toll Houſes to be erected by virtue of this Act.

Treaſurer and Clerk to be appointed, and Salary allowed.

XLI. And be it further enacted, That the ſaid Company of Proprietors, at their Firſt or any ſubſequent General Aſſembly, ſhall and may, by Writing under their Common Seal, elect or appoint a Treaſurer and a Clerk, Surveyor or Surveyors, Collector or Collectors, and ſuch other Officers as they, the ſaid Company of Proprietors, ſhall think proper and neceſſary, and may from Time to Time remove all or any of the ſaid Officers and Perſons at their Will and Pleaſure, and appoint others in the Room and Stead of ſuch of them as ſhall die or decline to act, or be ſo removed; provided Twelve Days Notice of the Intention to remove or diſplace any Officer or Officers, and to appoint another or others in his or their Stead, be given in Writing to ſuch Officer or Officers, under the Common Seal of the ſaid Company of Proprietors, or ſigned by their Clerk; and it ſhall be lawful for the ſaid Company of Proprietors, out of the Money ariſing by virtue of this Act, to appoint and pay ſuch Salaries or other Allowances to the ſaid Officers, any or either of them, and to all and every other Perſon and Perſons who ſhall be employed in or about the Execution of this Act, as they ſhall judge reaſonable and proper.

Treaſurer, &c. to give Security.

XLII. Provided always, That the ſaid Company of Proprietors ſhall and are hereby required to take ſuch Security as they ſhall think proper from their Treaſurer, Clerk, Collectors, and other Officers, for the due Execution of their reſpective Offices, and of the Truſts repoſed in them; and all ſuch Officers and Perſons ſhall, under their Hands, (at ſuch Time and Times, and in ſuch Manner as the ſaid Company of Proprietors, or the Committee for the Time being, ſhall direct), deliver to the ſaid Company of Proprietors, or the ſaid Committee for the Time being, or to ſuch Perſon or Perſons as they or either of them ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by them reſpectively received by virtue of and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as they ſhall appoint; and the ſaid Officers and Perſons ſo accounting ſhall upon Oath, if there-

unto required by the ſaid Company of Proprietors, or the Committee for the Time being, verify their ſaid Accounts; and if any ſuch Officer or Perſon ſhall not make and render, or ſhall neglect or refuſe to verify upon Oath, any ſuch Accounts, 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 Company of Proprietors, or to their Committee, or to ſuch Perſon as they or either of them ſhall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, under the Common Seal of the ſaid Company of Proprietors, or ſigned by their Clerk, and given to or left at the laſt or uſual Place of Abode of ſuch Officer or Perſon, all Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Company of Proprietors, or their Committee for the Time being, reſpecting the ſame, the ſaid Company of Proprietors are hereby authorized and empowered to cauſe an Action to be brought againſt the Officer or Perſon ſo neglecting or refuſing, in order for the Recovery of the Monies, Books, Papers, and Writings, that ſhall be in his Hands, with Coſts of Suit; or if Complaint ſhall be made by the ſaid Company of Proprietors, or the ſaid Committee, or by ſuch Perſon or Perſons as they or either of them ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect, to any Juſtice of the Peace for the City, County, Riding, Diviſion, Liberty, Town, or Place, wherein ſuch Officer or Perſon ſhall be or reſide, ſuch Juſtice is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Officer or Perſon to be brought before him, and on his appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected and raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon; and if no Goods or Chattels of ſuch Officer or Perſon can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the Diſtreſs, or if it ſhall in Manner aforeſaid appear to ſuch Juſtice that any ſuch Officer or Perſon ſhall refuſe or neglect to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he ſhall have refuſed or neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then ſuch Juſtice ſhall commit every ſuch Offender to the Common Gaol, or Houſe of Correction, of or for the City, County, Riding, Diviſion, Liberty, Town, or Place, where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize until he or they ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he or they ſhall compound with the ſaid Company of Proprietors touching the ſame, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint, (which ſaid Compoſition the ſaid Company of Proprietors, or the ſaid Committee, are hereby empowered to make and receive), and until he or they ſhall deliver up all ſuch Books, Papers, and Writings, as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Company of Proprietors as aforeſaid; but no Perſon who ſhall be committed on Account

count of his not having ſufficient Goods or Chattels, as aforeſaid, ſhall be detained in Priſon for any longer Term than Six Calendar Months.

For Recovery of Money and Books in caſe of Death, Bankruptcy, or Inſolvency of Officers, &c.

XLIII. And be it further enacted, That upon the Death, Bankruptcy, or Inſolvency, of any Treaſurer, Clerk, Collector, Officer, or other Perſon, to be appointed as aforeſaid, for executing the Purpoſes of this Act, before he ſhall have paid and delivered up all Monies which he ſhall have received by virtue of this Act, the reſpective Executors or Adminiſtrators, in caſe of the Death of any ſuch Officer, or the Aſſignee or Aſſignees of the Eſtate and Effects, or other Perſon or Perſons poſſeſſing the ſame, or in whom the ſame ſhall and may be veſted in caſe of Bankruptcy or Inſolvency, ſhall, within Twenty Days next after ſuch Deceaſe, Bankruptcy, or Inſolvency, deliver to the ſaid Company of Proprietors an Account, in Writing, under his, her, or their Hand or Hands, of the Monies and Effects which ſuch Perſon or Perſons, ſo deceaſed or become bankrupt or inſolvent, had been, by virtue of this Act, appointed to collect and receive, and which ſhall then have been collected or received by ſuch Perſon deceaſed, or become bankrupt or inſolvent, and ſhall alſo pay (previous to the paying any other Debts or Sums of Money) all ſuch Monies as were in the Hands of ſuch Perſons reſpectively at the Time of his or their Death, Bankruptcy, or Inſolvency, or at the Time of iſſuing of any Commiſſion of Bankruptcy againſt him or them, and not paid over, or ſo much thereof as the ſaid Eſtate will extend to pay, and ſhall deliver all Books, Papers, Writings, and Things, concerning his Office, to ſuch Perſon or Perſons as the ſaid Company of Proprietors ſhall appoint to receive the ſame; and every Executor or Adminiſtrator, Aſſignee, or other Perſon or Perſons, poſſeſſed of ſuch Monies, Eſtate, or Effects, as aforeſaid, may plead ſuch Payment in any Action or Suit which may be brought againſt him, her, or them, for or on Account of ſuch Eſtate or Effects, or give the ſame in Evidence; and in caſe of Non-payment of ſuch Monies, or Non-delivery of ſuch Books, Papers, Writings, and Things, for the Space of Ten Days after the ſame ſhall be demanded by any One of the ſaid Company of Proprietors, or their Treaſurer or Clerk, it ſhall be lawful for the ſaid Company of Proprietors to commence, maintain, and proſecute, any Action or Actions, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Executors or Adminiſtrators, Aſſignee or Aſſignees, or other Perſon or Perſons, poſſeſſing the Eſtate and Effects which did belong to ſuch deceaſed Perſon, or ſuch Bankrupt or Inſolvent, for Recovery thereof, or for Recovery of Damages in lieu of ſuch Books, Papers, Writings, and Things reſpectively.

Proprietors not to be precluded from ſuing their Officers Sureties.

XLIV. Provided always, That nothing herein contained ſhall be conſtrued to deprive the ſaid Company of Proprietors, of their Right to bring any Action or Actions, Suit or Suits, againſt the Surety or Sureties of any ſuch Treaſurer, Clerk, Collector, or other Officer or Officers, for the Non-performance of any Covenant or Agreement entered into by ſuch Treaſurer, Clerk, Collector, Officer or Officers, or his or their Surety or Sureties, touching any Thing to be done under or in purſuance of this Act.

Company to have Power to remove Committee Men,

XLV. And be it further enacted, That the ſaid Company of Proprietors ſhall always have Power and Authority, at any Publick Meeting, to remove and diſplace any Perſon and Perſons choſen to be of the Committee

as

as aforeſaid, and to appoint ſome other Perſon or Perſons in the Room of the Perſon or Perſons ſo removed or diſplaced, and to revoke, alter, amend, or change, any of the Rules and Directions by this Act preſcribed and laid down, in regard to their Proceedings amongſt themſelves, as to the major Part of them ſhall ſeem meet, (the Method of calling Special or General Aſſemblies, and their Time and Place of Meeting, and of voting and appointing Committees, only excepted); and the ſaid Company of Proprietors ſhall alſo have Power to make ſuch new Rules, Bye Laws, and Orders, for the good Government of the ſaid Company of Proprietors, and the good and orderly Management of the ſaid Bridge and Roads, and of the Tolls to be taken in reſpect of the ſame, and from Time to Time to alter and repeal the ſaid Bye Laws, Orders, and Regulations, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt the ſame, not exceeding the Sum of Five Pounds for any One Offence, as to the major Part of the ſaid General Meeting ſhall ſeem meet; ſuch Fines or Forfeitures to be levied and recovered by ſuch Ways and Means as Fines or Forfeitures are directed by this Act to be levied and recovered; which ſaid Rules, Bye Laws, and Orders, being put into Writing, under the Common Seal of the ſaid Company of Proprietors, ſhall be binding, and be obſerved by all Parties, and ſhall be ſufficient in any Court of Law or Equity, to juſtify all Perſons who ſhall act under the ſame; provided that they be not repugnant to Law.

and to make and alter Bye Laws.

XLVI. And be it further enacted, That the reſpective Tolls following ſhall be demanded and taken at the ſeveral Gates, Toll Houſes, and Toll Bars, to be erected under or by virtue of this Act, by ſuch Perſon or Perſons as the ſaid Company of Proprietors, or any Committee of the ſaid Company of Proprietors for the Time being, duly choſen and appointed under and by virtue of this Act, ſhall from Time to Time appoint for that Purpoſe before any Perſon, Horſe, or other Cattle, Coach, Waggon, or other Carriage, ſhall be permitted to paſs over the ſaid Bridge, or through ſuch Toll Gates or Bars, or any or either of them; (that is to ſay),

Tolls for paſſing over the Bridge, &c.

For every Perſon on Foot One Penny, and if with a Wheelbarrow or ſuch like Carriage, Two-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, Three-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, carrying double, Six-pence:

For every Bull, Ox, Cow, Steer, Heifer, or Calf, One Penny, except in Droves of more than One hundred, which are to pay after the Rate of One Shilling and Four-pence *per* Score:

For every Sheep or Lamb, One Halfpenny; if a Score or more, to pay after the Rate of Eight-pence *per* Score, and One Halfpenny *per* Head for the Remainder:

For every Boar, Sow, or Pig, One Penny:

For every Hearſe, containing a Corpſe, Thirteen Shillings and Four-pence, and every Hearſe without a Corpſe, Six Shillings and Eight-pence:

For every Coach, Chariot, Chaiſe, Berlin, Landau, and Phaeton, and for every other Carriage hung on Springs, with Four or Three Wheels, and drawn by One or more Horſe or Horſes, or other Beaſt or Beaſts of Draught, Two Shillings and Sixpence:

For

For every Gig, Whiſky, and Chair, and for every other Carriage hung on Springs, with Two Wheels, and drawn by not more than Two Horſes, or other Beaſts of Draught, One Shilling and Sixpence:

For every Waggon, Timber Carriage, Wain, Dray, Truck, or other ſuch like Carriage, the Fellies of the Wheels whereof are Nine Inches broad, drawn by Seven or more Horſes, or other Beaſts of Draught, the Sum of Three Shillings and Sixpence; and drawn by Five or Six Horſes or other Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Three or Four Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence:

For every Waggon, Timber Carriage, Wain, Dray, Truck, or other ſuch like Carriage, the Fellies of the Wheels whereof are Six Inches broad, drawn by Five or Six Horſes, or other Beaſts of Draught, Two Shillings and Sixpence; and drawn by Three or Four Horſes, or other Beaſts of Draught, One Shilling and Sixpence:

For every Waggon, Timber Carriage, Wain, Dray, Truck, or other ſuch like Carriage, the Fellies of the Wheels whereof are not Six Inches broad, Two Shillings and Sixpence:

For every Cart, the Fellies of the Wheels whereof are Nine or Six Inches broad, drawn by Four Horſes, or other Beaſts of Draught, One Shilling; and drawn by Two or Three Horſes, or other Beaſts of Draught, Nine-pence:

For every Cart, the Fellies of the Wheels whereof are not Six Inches broad, drawn by Three Horſes, or other Beaſts of Draught, One Shilling and Sixpence; and drawn by Two Horſes, or other Beaſts of Draught, One Shilling:

And for every Cart drawn by One Horſe, or other Beaſt of Draught, Eight-pence.

Tolls veſted in the Company with Power of Diſtreſs, &c.

Which reſpective Sums of Money ſhall be demanded and taken as and for or in the Name of a Toll; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by any Collector or Collectors to be appointed as aforeſaid, neglect or refuſe to pay the ſame, it ſhall and may be lawful for ſuch Collector or Collectors, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſtop and prevent the Paſſage of the Perſon or Perſons ſo refuſing, or of the Horſe, Beaſt, Cattle, or Carriage, for or in reſpect of which ſuch Tolls ought to be paid, until full Payment thereof, or to ſeize and diſtrain any Horſe or Horſes, or other Cattle, together with their Bridles, Saddles, Gears, Harneſs, or Accoutrements, or their Loading, or any Carriage with its Loading, upon which any Toll is by this Act impoſed, or any of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Collector or Collectors, Perſon or Perſons, ſo ſeizing and diſtraining, ſhall and may ſell the Horſe or Horſes, Cattle, Carriages, Goods, Chattels, or Things ſo ſeized and diſtrained, or any Part or Parts thereof, returning the Overplus (if any), and what ſhall remain unſold upon Demand to the Owner thereof, after ſuch Tolls and all reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted; and that all Monies ſo to be collected or levied ſhall be and are hereby veſted in the ſaid Company of Proprietors, and their Succeſſors, and ſhall be applied to the Purpoſes

One Payment of Toll to allow a Paſſage through all the Gates.

poſes of this Act: Provided always, that it ſhall and may be lawful to and for all and every Perſon and Perſons, and alſo to and for all and every Carriage, Horſe, Beaſt, or other Cattle, or Things chargeable with any of the Tolls or Duties hereby granted, to paſs Once for the ſame Toll over the ſaid Bridge, and through all and every the Turnpikes, Toll Gates, and Toll Bars, to be erected by virtue of this Act, without being liable to pay a Toll at each Turnpike, Toll Gate, or Toll Bar; any Thing herein-before contained to the contrary thereof notwithſtanding.

Tolls may be reduced and raiſed again.

XLVII. And be it further enacted, That it ſhall be lawful to and for the ſaid Company of Proprietors, from Time to Time, at any General Aſſembly to be held in purſuance of this Act, to leſſen or reduce all or any of the Tolls hereby granted for ſuch Time as they ſhall think proper, and to raiſe again the Tolls ſo leſſened or reduced, or any Part thereof, ſo that the ſame do never exceed the Tolls herein-before granted; and the Tolls ſo leſſened, or reduced, or raiſed again, ſhall be collected and recovered in the ſame Manner as the Tolls hereby granted are hereby authorized and directed to be collected and recovered.

Tolls may be compounded for.

XLVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, at any General Aſſembly to be held for that Purpoſe, or a Majority of them at ſuch Aſſembly, from Time to Time as they ſhall ſee fit, to compound and agree by the Year or otherwiſe with any Perſon or Perſons, (except Common Carriers, Innkeepers, and Hackney-men, or Poſtmen), reſiding within Two Miles of the Town of *Southampton*, uſing to travel through all or any of the Turnpikes or Toll Gates to be erected by virtue of this Act, with any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, Horſe, Mare, Gelding, Mule, Aſs, or other Cattle, or on Foot, for any Sum or Sums of Money, for and in lieu of Payment of any of the Tolls or Duties to be collected at any of the ſaid Turnpikes or Toll Gates; ſuch reſpective Compoſitions to be paid yearly, from Time to Time, after ſuch Agreement ſhall be made; the firſt Year's Compoſition to be advanced and paid immediately, and to be continued on in like Manner, for and during ſo long Time as the ſame ſhall not be found injurious to the real Intereſt of the ſaid Company of Proprietors.

Penalty on evading Tolls

XLIX. And be it further enacted, That if any Perſon ſhall take off, or cauſe to be taken off, any Horſe or other Beaſt from any Carriage, at or near to the ſaid Bridge, with Intent to evade, and ſhall thereby evade or endeavour to evade the Payment of any Part of the ſaid Tolls, or ſhall forge, counterfeit, or alter, or deliver to, or receive from, any other Perſon or Perſons, any Note or Ticket, with Intent to avoid the Payment of any Part of the ſaid Tolls, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, and it ſhall be lawful for ſuch Collector or Collectors to ſtop and prevent the Paſſage of every ſuch Perſon, till ſuch Perſon ſhall have paid the ſaid Sum of Five Pounds; and if any Perſon ſhall forcibly paſs over the ſaid Bridge, or through any or either of the Toll Gates or Bars to be erected under or by virtue of this Act, without having paid the ſaid Tolls, or ſhall aſſault, interrupt, or obſtruct, any Perſon employed in the Collection of the ſaid Tolls, every Perſon offending in any of ſuch Caſes ſhall,

for every such Offence, forfeit the Sum of Ten Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety to the Treasurer of the said Company of Proprietors for the Purposes of this Act: And that if any Person or Persons shall alight and get out from any Coach, Chaise, Chariot, Berlin, Phaeton, Landau, Single Horse Chaise, or other Four, Three, or Two Wheeled Carriage, (not being a Waggon), within the Distance of Five hundred Yards from either of the Abutments of the said Bridge, or within the Town of *Southampton*, or the Liberties thereof, and shall pass over the said Bridge or River, other than at *Itchin Ferry*, with Intent to avoid the Carriage Toll, and for that Purpose shall hire or take any Carriage on the other Side of the said Bridge or River, opposite to that where he, she, or they, so alighted or got out, and within the Distance, Town or Liberties, last mentioned; or if any Person or Persons residing within the said Town of *Southampton* or the Liberties thereof, though he, she, or they, shall not have alighted or got out from any Coach, Chaise, Chariot, Berlin, Phaeton, Landau, or other Four, Three, or Two Wheel Carriage as aforesaid, shall pass over the said Bridge or River, other than at *Itchin Ferry* aforesaid, with Intent to avoid the said Carriage Toll, and for that Purpose shall hire or take any Carriage within the Distance of One thousand Yards from the Abutment on the *Hampshire* Side of the said Bridge, every such Person so offending in either of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety to the Treasurer of the said Company of Proprietors for the Purposes of this Act.

Penalty on conveying for Hire, Persons &c. over the River, within a certain Distance, otherwise than over the Bridge.

L. And be it further enacted, That, after the said Bridge shall be completed, if any Person shall, in any Way or in any Manner, for Hire, Recompence, or Gain, convey any Person, Horse, Beast, or other Cattle; or any Coach, Chaise, Waggon, Cart, or other Carriage whatsoever; or any Timber, Stones, Bricks, Lime, Manure, or any other Article or Thing whatsoever, across the said River *Itchin*, at any Place or Places between *Wood Mill* in the County of *Southampton* and *Itchin Ferry* aforesaid, otherwise than over the said Bridge, or shall be in anywise aiding or assisting therein, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety to the Treasurer of the said Company of Proprietors for the Purposes of this Act.

Side Gates may be erected.

LI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, or any Committee of the said Company for the Time being, to cause to be erected, set up, and provided, One or more Gate or Gates, Toll House or Toll Houses, on the Side or Sides of any of the said Roads, or upon, in, or across, any Lane, Highway, Common, Waste, or Common Field, contiguous to, and leading into or out of the same, to prevent Persons evading the Payment of the Tolls or Duties by this Act granted; and to cause such Tolls to be collected and received at such respective Gate or Gates, Toll House or Toll Houses, as are by this Act made payable upon the same respective Roads, so as that the same do not extend to a Double Charge, or subject any Person to the Payment of a larger Toll than is herein appointed to be paid, for passing through any of the Gates herein-before authorized to be erected across the said respective Roads leading to the said Bridge, hereby directed to be made.

Power to farm the Tolls.

LII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors at any General Aſſembly, to leaſe or demiſe all or any of the ſaid Tolls, for any Term of Years not exceeding Three Years for ſuch Rent, payable at ſuch Times, and under ſuch Covenants as they ſhall think fit; the ſaid Company of Proprietors taking ſuch ſufficient Security from the Perſon or Perſons to whom ſuch Tolls ſhall be leaſed or demiſed for Payment of ſuch Rent, and Performance of ſuch Covenants, as they ſhall think fit; which Rent ſhall be applied for the Purpoſes of this Act.

Power of the General Turnpike Act to operate, &c. except where altered.

LIII. And be it further enacted, That the Roads hereby directed to be made, ſhall be deemed and taken to be Turnpike Roads, within the Intent and Meaning of an Act, made in the Thirteenth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being, for regulating the Turnpike Roads, in that Part of* Great Britain *called* England, *and for other Purpoſes*; and of the ſeveral Acts made for the Purpoſe of explaining, amending, or repealing the ſame, or ſome Part or Parts thereof; and that all and every Clauſe and Proviſion contained in the ſaid Act of the Thirteenth Year of His preſent Majeſty, ſubject to the Proviſions of the ſaid other Acts, (except where the ſame are otherwiſe altered by this Act), ſhall be in full Force with regard to the Roads included in this Act, as fully and effectually to all Intents and Purpoſes as if this Act had been made and paſſed, previous to the ſaid Act of the Thirteenth Year of His preſent Majeſty's Reign.

Perſons wilfully damaging the Bridge &c. to be guilty of Felony.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly blow up, burn, pull down, or in any Manner deſtroy, or attempt to blow up, burn, pull down, or in any Manner deſtroy, the ſaid Bridge, or any Part thereof, or any of the Works belonging thereto, or any Toll Houſe or Toll Houſes, Toll Gate or Toll Gates, Toll Bar or Toll Bars, or other Work, Matter, or Thing, whatſoever, to be erected by virtue of this Act, or ſhall in any Manner or by any Means prevent or hinder, or attempt to prevent or hinder, the building of the ſaid Bridge, the erecting of the ſaid Toll Houſe or Houſes, Gate or Gates, Bar or Bars, the making the ſaid Roads or either of them, or any other Work, Matter, or Thing, to be erected, built, ſet up, or done, under or in purſuance of this Act, every Perſon and Perſons ſo offending, and being thereof lawfully convicted, ſhall be deemed guilty of Felony; and the Court by and before whom any ſuch Perſon or Perſons ſhall be tried, ſhall, and have hereby Power and Authority to cauſe ſuch Perſon or Perſons to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws and Statutes of this Realm; or in Mitigation of ſuch Puniſhment, ſuch Court may, if they think fit, award ſuch Sentence as the Law directs in Caſes of Petit Larceny.

Damage done to the Bridge by Maſters of Veſſels, &c. to be paid for by the Owners.

LV. And be it further enacted, That if the Perſon or Perſons having the Care of any Float, Raft, Boat, Barge, or Veſſel, which ſhall be navigated in or upon the ſaid River *Itchin*, ſhall wilfully, careleſsly, or negligently, cauſe, permit, or ſuffer, any Damage or Injury to be done to the ſaid Bridge, or any Part or Parts thereof, by any ſuch Float, Raft, Boat, Barge, or Veſſel, then and in every ſuch Caſe the Owner or Owners of every ſuch Float, Raft, Boat, Barge, or Veſſel, ſhall be anſwerable

and liable to make Satisfaction to the ſaid Company of Proprietors, for ſuch Damage or Injury, and ſuch Satisfaction ſhall and may be recovered from the Owner or Owners of ſuch Float, Raft, Boat, Barge, or Veſſel, in like Manner as if ſuch Damage or Injury had been occaſioned by or through their own Negligence or Careleſſneſs: Provided nevertheleſs, that no Perſon or Perſons who is or are Owner or Owners of any ſuch Float, Raft, Boat, Barge, or Veſſel, ſhall be liable to any Action or Proſecution at Law, for any Damage that may accidentally be done by ſuch Float, Raft, Boat, Barge, or Veſſel, to the ſaid Bridge; any Thing in this Act contained to the contrary notwithſtanding.

Penalty of obſtructing Paſſage of Bridge or Roads.

LVI. And be it further enacted, That if the Perſon or Perſons having the Care of any Float, Raft, Barge, Boat, or other Veſſel, which ſhall be navigated in and upon the ſaid River, or any other Perſon or Perſons ſhall paſs a Line over the ſaid Bridge, to the Annoyance of Paſſengers, Carriages, or Cattle, going over the ſame, or if any Perſon or Perſons whomſoever ſhall place or ſuffer any Carriage whatſoever to ſtand or remain on the ſaid Bridge, or in either of the Roads leading to the ſame, except for the taking up or putting down any Perſon or Perſons, or for the immediate taking up or Delivery of any Goods or Merchandize, or for the Removal of any Filth, Dung, Aſhes, or Rubbiſh, (ſufficient Time being allowed to do the ſame reſpectively), or ſhall moor or faſten any Boat, Barge, Veſſel, Float, or other Thing, to the ſaid Bridge, or any Part or Parts thereof, or ſhall in any other Manner, or by any Ways, Means, Contrivance, or Device whatever, wilfully obſtruct the Paſſage over or under the ſaid Bridge, or over any Road leading to the ſame, or if any Perſon or Perſons ſhall wilfully hurt, damage, injure, or deface, the ſaid Bridge, or any of the Works belonging thereto, or the ſaid Toll Houſes, Toll Gates, and Toll Bars, or any or either of them, or any Part or Parts of any or either of them, or ſhall at any Time hereafter run, drive, carry, or place, on any Footway or Footpath of the aforeſaid Bridge or Roads, or either of them, any Wheel, Wheelbarrow, Handbarrow, Sedan Chair, or Carriage; or roll any Caſk, or lay or place any Timber, Stone, Bricks, Soil, Manure, Rubbiſh, Dirt, Duſt, Aſhes, or other Thing thereon; or ride, drive, or lead, any Horſe, or other Beaſt or Cattle on ſuch Footways or Footpaths, or either of them; or throw, lay, place, or cauſe, any Nuiſance or Annoyance whatſoever upon, or cauſe any Damage to be done to the aforeſaid Footways, or any of them, or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Roads, or over the ſaid Bridge, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages to drag upon any Part of the ſaid Road or Bridge to the Prejudice thereof; or if any Perſon or Perſons ſhall lay any Hay, Straw, or other Matter or Thing, upon any Part of the ſaid Roads or Bridge, to be made into Manure, or ſhall ſcrape off the ſame or any Mud, Soil, or other Matter or Thing, which ſhall be made or lie upon any Part of the ſaid Roads, with an Iron Cow Rake, or other Inſtrument, with Sharp Points, whereby the ſaid Roads, or any Part thereof, ſhall be damaged; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Sides of any Part of the ſaid Roads or Bridge, either with or without any Horſe or Beaſt harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Hay,

Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, in any Part of the ſaid Roads, or on the Side or Sides thereof, or on the ſaid Bridge, to the Prejudice or Annoyance thereof, or of any Perſon or Perſons travelling thereon or thereover, and be convicted of any of the Offences aforeſaid, by the Confeſſion of the Party or Parties, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offence ſhall be committed, (which Oath the ſaid Juſtice or Juſtices is and are hereby required, upon Application made to him or them for that Purpoſe, to adminiſter), every Perſon ſo offending ſhall forfeit a Sum not exceeding Forty Shillings for every ſuch Offence, over and above the Value of the Damage or Injury proved on Oath to be done to the ſaid Bridge, or the Works belonging thereto, or any of the ſaid Toll Houſes, Gates, or Bars, or other the Premiſes, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender, One Moiety whereof ſhall be allotted and paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, it ſhall be lawful for the ſaid Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender to the Houſe of Correction, for any Time not exceeding Three nor leſs than Two Calendar Months, there to remain, without Bail or Mainprize, until the Expiration of the ſaid Time, or until he, ſhe, or they, ſhall have paid the ſaid Value of the ſaid Damage or Injury, and the Sum adjudged by the ſaid Juſtice to have been forfeited.

Power to remove Annoyances.

LVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors, or the ſaid Committee for the Time being, or for their Surveyor or Surveyors, or for ſuch Perſon or Perſons as the ſaid Company or Committee, or either of them, ſhall appoint for that Purpoſe, to remove and prevent all Annoyances on any Part of the ſaid Bridge and Roads, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of, the ſaid Roads, to the Prejudice thereof, and to open, ſcour, and cleanſe, any Watercourſes or Ditches adjoining to the ſaid Roads, and make the ſame as deep and large as he or they ſhall think proper and neceſſary, and to cut down, lop, or top, any Trees or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjoining thereto, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes ſhall neglect to remove the ſame, or to cut down or carry away ſuch Trees or Buſhes as aforeſaid, or to open, ſcour, or cleanſe, ſuch Watercourſes or Ditches, or remove ſuch other Annoyances for the Space of Five Days next after Notice in Writing given for that Purpoſe by the ſaid Company of Proprietors, or the ſaid Committee, or their Surveyor or Surveyors for the Time being, the Charges whereof (to be ſettled by any Two Juſtices of the Peace of the County within which ſuch Annoyance ſhall happen, and which Charges the ſaid Juſtices are hereby authorized and required to ſettle accordingly) ſhall be re-imburſed to the ſaid Company of Proprietors, by ſuch Owners or Occupiers, the ſame to be recovered in ſuch Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if after the 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 and pay the Sum of Five Pounds.

LVIII. And be it further enacted, That all Complaints and Informations of Offences againſt this Act for proceeding in which no particular Directions are hereby given, and all Complaints and Informations for Offences againſt any Rule, Order, or Bye Law, to be made in purſuance of this Act, (of which Rule, Order, or Bye Law, when produced, all Juſtices are hereby required to take Notice), ſhall and may be made before any Juſtice of the Peace for the County wherein the Cauſe or Matter of ſuch Complaint or Information ſhall ariſe; and every ſuch Juſtice is hereby authorized and empowered to take Cognizance thereof, and to ſummon the Perſon complained of to appear before him, and upon the appearing or not appearing of ſuch Perſon purſuant to ſuch Summons to hear the Matter of every ſuch Complaint or Information by Examination of any Witneſs or Witneſſes, upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), and to make ſuch Determination therein as ſuch Juſtice ſhall think proper.

Information and Convictions to be before one Juſtice for Recovery of Penalties and Forfeitures.

LIX. Provided always, and be it enacted, That in all Caſes where the Commiſſion of any Offence againſt this Act ſhall not be confined to One County only, but ſhall extend to both of the ſaid Counties of *Southampton* and of the Town of *Southampton*, any Juſtice of the Peace for either of the ſaid Counties ſhall and may take Cognizance of and hear and determine the ſame as he would or might have done in caſe ſuch Offence had been committed in the County for which he is empowered to act as a Juſtice.

A Juſtice of the Peace for the County of Southampton, or the Town of Southampton, may take Cognizance of any Offence which extends to both Counties.

LX. And be it further enacted, That any Juſtice of the Peace, before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Convictions to be drawn up in the Form or to the Effect following; (that is to ſay),

Form of Convictions.

'County of } 'BE it remembered, That on the Day of
'to wit. } 'in the Year of the Reign of
'His Majeſty *A. B.* is convicted
'before me, one of His Majeſty's Juſtices of the Peace for
'the County of by virtue of an Act of Parlia-
'ment, made in the Thirty-ſixth Year of the Reign of His
'Majeſty King *George* the Third, for building a Bridge over
'the River *Itchin*, at or near *Northam*, within the Liberties
'of the Town and County of the Town of *Southampton*, and
'for making a Road from the ſaid Town to the ſaid Bridge,
'and from thence to communicate with the Road leading
'from *Weſt End* to *Botley*, in the County of *Southampton*. [*Here*
'*ſpecify the Offence, and the Time and Place when and where the*
'*ſame was committed, as the Caſe ſhall be.*]
'Given under my Hand and Seal the Day and Year firſt
'aforeſaid."

LXI. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, together with the Charges incident thereto, (the Manner of levying and recovering whereof is not otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for the County wherein

Penalties how to be levied and applied.

wherein the Offence ſhall be committed, which Warrant ſuch Juſtice or Juſtices is or are hereby empowered and required to grant upon the Information of any One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is or are hereby empowered and required to adminiſter without Fee or Reward), or upon Confeſſion of the Party or Parties offending; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any) when demanded, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be paid to and applied by the ſaid Company of Proprietors to the Purpoſes of this Act (if not hereby otherwiſe directed to be applied); and for Want of ſufficient Diſtreſs it ſhall and may be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Houſe of Correction for the Space or Time of Six Calendar Months, there to remain without Bail or Mainprize, or until he, ſhe, or they, ſhall have paid ſuch Penalty or Penalties, Forfeiture or Forfeitures, and Charges incident.

Appeal.

LXII. And be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, (except in ſuch Caſes where the final Determination thereof, or where it is hereby otherwiſe directed), and for which no particular Method of Relief hath been hereby appointed, ſuch Perſon may appeal to the Juſtices, at any General Quarter Seſſion of the Peace to be holden for the County wherein the Cauſe of Appeal ſhall ariſe, or Conviction on a Penalty happen, within Four Calendar Months after the Cauſe of Appeal ſhall have ariſen or Conviction had, the Perſon appealing firſt giving or cauſing to be given Twenty-four Days Notice in Writing of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Company of Proprietors, and within Seven Days next after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſion; and the ſaid Juſtices at the ſaid Seſſion, upon due Proof of ſuch Notice having been given, and of ſuch Recognizance having been entered into as aforeſaid, ſhall hear and finally determine the Matter of every ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt, as the ſaid Juſtices ſhall think proper; and the Determination of the ſaid Juſtices, at their ſaid Quarter Seſſion, ſhall be binding and concluſive to all Intents and Purpoſes.

Proceedings not to be quaſhed for Want of Form, or removed by Certiorari.

LXIII. Provided always, and be it further enacted, That no Order, Verdict, Judgement, or other Proceeding, made or had, touching or concerning any of the Matters in this Act, or touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form, or be removed or be removeable 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; and 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 Defect or Want of Form in any Summons, Conviction, Warrant, or Diſtreſs, or other Proceeding relat-

relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which afterwards may be done or committed 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; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity, if ſufficient Tender of Amends hath been made to him, her, or them, by or on Behalf of the Defendant or Defendants, before ſuch Action brought.

Limitation of Actions.

LXIV. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the Fact ſhall be committed, or in the County of *Southampton*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence, in any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to have been done, or that ſuch Action or Suit ſhall be commenced after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place, that then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

For Prevention of Injury to the Itchin Fiſhery.

LXV. And, for Prevention of any Injury to the Fiſhery in the River *Itchin*, by the building of the ſaid Bridge, be it further enacted, That if any Perſon or Perſons whomſoever, (other than and except the Owner or Owners, for the Time being, of the ſaid Fiſhery in the ſaid River *Itchin*, or any Perſon or Perſons authorized by him or them ſo to do), ſhall at any Time or Times during, or from and after, the building of the ſaid Bridge, fiſh for, catch, or take, any Salmon, or any other Fiſh, in the ſaid River *Itchin*, at, under, or near the ſaid Bridge, or ſhall faſten any Boat, Veſſel, Stage, or other Thing, for the taking of Salmon, or any other Fiſh, to the ſaid Bridge, or any Part or Parts thereof, or under or near the ſame, or ſhall let down from, or faſten any Net, Wear, Pot, Hook, Angle, Leap, Hair, Nooſe, Troll, or other Engine or Device whatſoever, to or under, or near the ſaid Bridge, or any Part or Parts thereof, for the Purpoſe of fiſhing for, catching, or taking any Salmon, or any other Fiſh, or ſhall in any Manner, or by any Means whatſoever, at, under, or near the ſaid Bridge, prevent, hinder, or obſtruct, or attempt or endeavour to prevent, hinder, or obſtruct, the free Paſſage for Salmon and other Fiſh, up the ſaid River *Itchin*, or be anywiſe aiding therein or thereunto, and ſhall be thereof convicted by the Confeſſion of the Party or Parties ſo offending, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County of *Southampton*, or for the County of the Town of *Southampton*, (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required, upon Application made to him or them

for that Purpoſe, to adminiſter), every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, together with the Charges incident to the Conviction or Convictions of ſuch Offender or Offenders, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, One Moiety of which ſaid Penalty ſhall be paid to the Informer or Informers, and the other Moiety thereof to the Owner or Owners for the Time being of the ſaid Fiſhery in the River *Itchin*; and in caſe ſuch Penalty or Penalties, and the Charges incident, ſhall not be immediately paid, or no ſufficient Diſtreſs found, it ſhall be lawful for the ſaid Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Houſe of Correction, for the County or Place wherein ſuch Offence ſhall be committed, for any Time not exceeding Three Calendar Months, there to remain, without Bail or Mainprize, until the Expiration of the ſaid Time, or until he, ſhe, or they, ſhall have fully paid the Sum or Sums adjudged by the ſaid Juſtice or Juſtices to have been forfeited, together with the Charges incident to the Conviction or Convictions of ſuch Offender or Offenders; any Law or Statute to the contrary notwithſtanding.

For obliging the Proprietors of the Bridge, &c. to make Recompence to the Owners of Itchin Ferry.

LXVI. And whereas there is a certain Ferry called *Itchin Ferry*, over the ſaid River *Itchin*, from a Place called *The Croſs Houſe*, on the Weſtern Side of the ſaid River, within the Liberties of the County of the Town of *Southampton*, to a Place on the oppoſite Shore, called *Itchin*, in the Pariſh of *Saint Mary Extra*, in the County of *Southampton*: And whereas for making a Compenſation to the Owner or Owners, Proprietor or Proprietors, of ſuch Ferry, for any Damage that may be ſuſtained by the building of the ſaid Bridge, it has been agreed, that at any Time, within Six Years after the ſaid intended Bridge ſhall have been completed, and made paſſable for Paſſengers, Cattle, and Carriages, it ſhall be lawful for the Owner or Owners, Proprietor or Proprietors, of the ſame Ferry, to call, in ſuch Manner as is herein-after expreſſed, upon the ſaid Company of Proprietors for a Compenſation for the Loſs ſuch Owner or Owners, Proprietor or Proprietors, of the ſame Ferry ſhall have ſuſtained or may ſuſtain in the Diminution of the Profits ariſing from the Tolls of the ſame Ferry, in conſequence of building the ſaid Bridge; which Compenſation ſhall be eſtimated according to the Value or Produce of the Ferry for the Year next before the paſſing of this Act: Be it therefore further enacted, That if the ſaid Company of Proprietors, ſo called upon, cannot agree with the Owner or Owners, Proprietor or Proprietors, of the ſaid Ferry called *Itchin Ferry*, upon the Recompence to be made as aforeſaid, or any Queſtion ſhall ariſe touching the Value or Produce of the ſaid Ferry for the ſaid Year next before the paſſing of this Act, the ſame ſhall be referred to Two indifferent Perſons, One to be named by the Owner or Owners, Proprietor or Proprietors, of the ſaid Ferry, and the other to be named and appointed by the ſaid Company of Proprietors, who are hereby authorized and required to name and appoint ſuch Perſon to aſcertain, ſettle, adjuſt, and determine, as well what the Value or Produce of the ſaid Ferry for the ſaid Year next before the paſſing of this Act was, as alſo what groſs Sum or Sums of Money, not exceeding One Thouſand Pounds, or what annual Payment, not exceeding Fifty Pounds, ſhall be paid and allowed to the Owner or Owners, Proprietor or Proprietors, of the ſame Ferry, as and for an adequate Com-

penſation or Recompence for the Loſs ſuch Owner or Owners, Proprietor or Proprietors, ſhall have ſuſtained, or may ſuſtain, by Reaſon of the Reduction of the Profits ariſing from the Tolls of the ſame Ferry, in conſequence of the ſaid Bridge having been built; and in caſe thoſe Two Perſons, ſo to be named and appointed as aforeſaid, cannot agree to determine ſuch Compenſation or Recompence, within the Space of Three Calendar Months after the Time of ſuch Reference, it ſhall be lawful for the ſaid Two Perſons to nominate and appoint a Third indifferent Perſon to be an Umpire between them, who ſhall determine upon ſuch Compenſation or Recompence, within Three Calendar Months next after the Reference ſo to be made to him, and the Determination or Award of ſuch Two Perſons, ſo firſt named and appointed, or of their Umpire, ſhall be final; and the Sum of Money (in caſe any groſs Sum ſhall be determined and awarded as the Compenſation for ſuch Loſs as aforeſaid) ſhall, immediately after ſuch Determination or Award, be notified under the Hands or Hand of the Perſons or Perſon making the ſame, to the Treaſurer of the ſaid Company of Proprietors for the Time being; and ſuch Treaſurer ſhall, within Three Calendar Months after ſuch Notice, pay the Sum ſo to be determined or awarded to the Owner or Owners, Proprietor or Proprietors, of the ſaid Ferry for the Time being; and in caſe the ſaid Sum ſhall not be paid within the ſaid Three Calendar Months, Demand of Payment thereof having been firſt made to the Treaſurer of the ſaid Company of Proprietors, then ſuch Sum ſhall and may be recovered of and from the ſaid Company of Proprietors, by ſuch Owner or Owners, Proprietor or Proprietors, of the ſaid Ferry, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

For Recovery of the Compenſation in caſe it ſhall be by an annual Payment.

LXV. Provided always, and be it enacted, That in caſe the ſaid Two Perſons ſo firſt named and appointed, or their Umpire, ſhall award an annual Payment to be made to the Owner or Owners, Proprietor or Proprietors, of the ſaid Ferry, as a Recompence for ſuch Diminution of the Profits ariſing from the Tolls of the ſaid Ferry, ſuch annual Payment ſhall be clear of all Taxes and Deductions whatſoever, and ſhall commence at ſuch Time as ſhall be appointed by the ſaid Two Perſons, or their Umpire, and ſhall be paid Half yearly to ſuch Owner or Owners, Proprietor or Proprietors; and in caſe the ſame ſhall be unpaid for the Space of Sixty Days after any or either of the ſaid Half-yearly Days of Payment, (Demand thereof having been firſt made to the Treaſurer of the ſaid Company of Proprietors), then it ſhall be lawful for the Owner or Owners, Proprietor or Proprietors, of the ſaid Ferry to enter upon, ſeize, and take Poſſeſſion of the Gates or Toll Bars for collecting the Tolls payable for paſſing the ſaid Bridge, and to collect ſuch Tolls for and until ſuch Time as the Receipt thereof ſhall have reimburſed the Owner or Owners, Proprietor or Proprietors, of the ſaid Ferry, the Money ſo due to him or them from the ſaid Company of Proprietors and unpaid, together with all the Charges and Expences attending ſuch Entry and Collection.

For chuſing Referees or Umpires when neceſſary.

LXVI. And be it further enacted, That if pending ſuch Reference any of the Referrees, or their Umpire, ſhall die or refuſe to act, a new Referree or Referrees, or Umpire, ſhall be named and appointed for the Pur-

Purpoſes aforeſaid, in the Place or Stead of him or them ſo dying or refuſing to act, by the Perſon or Perſons, or the Body Corporate, who had reſpectively named and appointed the Referree or Referrees, or Umpire, ſo dying or refuſing to act.

Limiting the Time within which a Claim for Compenſation ſhall be made.

LXVII. Provided always, and be it further enacted, That if no Application ſhall be made by the Owner or Owners, Proprietor or Proprietors of the ſaid Ferry for ſuch Compenſation or Recompence as aforeſaid, within Six Years next after the ſaid intended Bridge ſhall have been completed and made paſſable, and ſhall have continued paſſable for Paſſengers, Cattle, and Carriages, and Tolls have been paid for the Paſſage thereof, all Right of Claim for ſuch Compenſation or Recompence by the Owner or Owners, Proprietor or Proprietors of the ſame Ferry ſhall ceaſe and be extinguiſhed.

The Expence of Reference how to be paid.

LXVIII. And be it further enacted, That all the Charges and Expences to be paid to the ſaid Referrees, or Umpire, for their Time and Trouble, and for making the ſaid Award or Arbitration, or for any Matter or Thing relating thereto, ſhall be borne and paid, One Moiety thereof by the ſaid Company of Proprietors, and the other Moiety thereof by the Owner or Owners, Proprietor or Proprietors, of the ſaid Ferry.

Rights of the Itchin Navigation ſaved.

LXIX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued, deemed, or taken to abridge, diminiſh, leſſen, infringe, or in anywiſe prejudice the Right and Property of and in the Navigation of the River *Itchin*, or any Benefits or Advantages belonging to the Proprietors thereof, under or by virtue of the Acts of Parliament which have been heretofore paſſed concerning the ſaid Navigation, or any of them, or otherwiſe howſoever.

Publick Act.

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

FINIS.