ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CXXXI.

An Act for building a Bridge over *Burſledon* River, at or near the Ferry of *Burſledon* in the County of *Southampton*; and for making a Road from the intended Bridge over the River *Itchin*, at or near *Northam* within the Liberties of the Town and County of the Town of *Southampton* to the ſaid Bridge, and from thence to *Titchfield* in the ſaid County of *Southampton*. [19th *July* 1797.]

Preamble.

WHEREAS there is now no direct Communication between *Southampton*, *Titchfield*, *Wickham*, *Fareham*, *Goſport*, the Towns of *Portſmouth* and *Portſea*, *Havant*, *Emſworth*, the City of *Chicheſter*, and various other Parts of the Counties of *Southampton* and *Suſſex*, except by Ferries over *Itchin* and *Burſledon* Rivers: And whereas, from the Violence of the Winds and Sea, the Paſſage over the ſaid Rivers by the ſaid Ferries is often dangerous and frequently totally prevented, by reaſon whereof any Communication between the ſaid Places by means of the ſaid Ferries becomes impracticable, and great Inconvenience, Difficulty, and Loſs is thereby occaſioned: And whereas in the laſt Seſſion of Parliament an Act was paſſed for building a Bridge over the ſaid 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*; and which Act is now carrying into Execution: 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 Intercourſe between the ſeveral Places before-mentioned, the building of a Bridge acroſs *Burſledon* River, at or near the Ferry of *Burſledon* in the County of *Southampton*, to the oppoſite Shore at or near the Ferry Houſe in the Pariſh of *Titchfield* in the ſame County, and the making and opening of Public Roads therefrom to communicate with the ſaid intended Bridge over the ſaid River *Itchin*, or with ſome Part of the intended Road from the ſaid intended Bridge to the ſaid Road leading from *Weſt End* to *Botley* aforeſaid, and with the Road leading through *Titchfield* in the ſaid County of *Southampton*, is become an Undertaking of great public 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 Public 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 *Burſledon* River beſides the ſaid Ferry: And whereas *Thomas Warner*, of *Romſey* in the County of *Southampton*, and *Iſaac Galpine*, of the Town and County of *Southampton* Gentlemen, as Deviſees in Truſt named in the laſt Will and Teſtament of *William Galpine*, late of *Romſey* aforeſaid Common Brewer, deceaſed, are ſeiſed to them and their Heirs, according to the Cuſtom of the Manor of *Swanwick* in the County of *Southampton*, of the ſaid Ferry and its Appurtenances, and for the Conſiderations herein-after expreſſed are willing that the ſaid Bridge ſhall be built at or near 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, That *James Anderſon*, *Robert Bayard*, *William Bayard*, *James Bradby*, *Joſeph Bradley*, *Joſeph Bradley* the Younger, *Joſeph Bradley* his Son, Admiral *Archibald Dickſon*, *John Diaper*, *Thomas Durell*, *Iſaac Galpine*, *William Gibſon*, *William Gibſon* the Younger, *Benjamin Gibſon*, *Moſes Greetham* the Younger, *Richard Hickley*, *David Lance*, *Richard Light*, *William Lintott*, *Matthias March*, *Nathaniel Middleton*, *William Moffatt*, *Aaron Moody*, *Thomas Monday*, *Matthew Moriarty*, *Anthony Munton*, *William Page*, *George Parſons*, *William Rogers*, Admiral *Alexander Scott*, General *Giles Stibbert*, *Walter Taylor*, *Samuel Silver Taylor*, *Jane Walter* Widow, *George Waring*, *Thomas Warner*, 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 *Burſledon* River, from the Land lying in the Pariſh of *Burſledon* in the County of *Southampton*, at or near the Ferry of *Burſledon* in the ſaid County, to the oppoſite Shore at or near the Ferry Houſe in the Pariſh of *Titchfield* in the ſame County, of ſuch Conſtruction as is herein-after mentioned; and for carrying on, making, completing, repairing

Proprietors' Names.

Proprietors to be a Body Politic.

pairing, and maintaining One proper and commodious Road from the ſaid intended Bridge over the ſaid River *Itchin* at or near *Northam* aforeſaid, or from ſome Part of the ſaid intended Road from the ſaid intended Bridge, to communicate with the ſaid Road leading from *Weſt End* to *Botley* aforeſaid, to the End of the ſaid Bridge in the Pariſh of *Burſledon* aforeſaid; and alſo One other proper and commodious Road from the End of the ſaid Bridge, on the oppoſite Shore at or near the Ferry Houſe aforeſaid, to the Market Place of the ſaid Pariſh of *Titchfield*, or to or into any Street or Road leading to the ſame; 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 Politic and Corporate, by the Name of "*The Company of Proprietors of* "Burſledon *Bridge and Roads*;" and by that Name ſhall 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, 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 Coſts and Charges, to build or cauſe to be built a good and ſubſtantial Bridge from the Land or Shore lying in the Pariſh of *Burſledon* in the County of *Southampton*, at or near the Ferry of *Burſledon* in the ſaid County, over and acroſs *Burſledon* River, to the oppoſite Shore at or near the Ferry Houſe in the Pariſh of *Titchfield* in the ſame County, 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, 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 Conveniencies for the Collection of Tolls; and likewiſe proper Wharfs, Quays, or Landing Places, on the Lands or Grounds on either Side of the ſaid River adjoining or near the ſaid Bridge, for the ſhipping and landing of Goods, Wares, Merchandiſe, and other Things, into and out of Ships, Barges, and other Veſſels navigating on the ſaid River; and alſo to erect One or more Warehouſe or Warehouſes, Weighbeams, and Cranes, for receiving, weighing, and landing the ſaid Goods, Wares, Merchandiſe, and other Things, with proper Roads to and from the ſaid Wharfs and Warehouſes; and to ſupport, maintain, and keep the ſaid Bridge, Aſcents or Approaches, Foot or Cauſeways, Toll Houſe and Toll Houſes, Bars, Gates, Conveniencies, Wharfs, Quays, or Landing Places, Warehouſes, Weighbeams, and Cranes, 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, Conveniencies, Wharfs, Quays, or Landing Places, Warehouſes, Weighbeams, and Cranes, 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 Public Bridge, and all Perſons, Horſes, Cattle, and Carriages ſhall have free Liberty (upon Payment of the reſpective Tolls hereinafter mentioned and granted) to paſs over the ſame without any Hindrance or Interruption of or by any Perſon or Perſons whomſoever.

Bridge and Tolls not to be rated, and the Bridge deemed Extra-parochial.

III. 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 any wiſe or Manner be rated or aſſeſſed for or towards, or be liable to pay any Public 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 County of *Southampton* to the repairing, amending, or ſupporting the ſame; any Law or Statute to the contrary thereof notwithſtanding.

When Bridge impaſſable, a Ferry to be provided.

IV. 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, the ſaid Company of Proprietors and their Succeſſors ſhall, during all ſuch Time as the ſaid Bridge ſhall be impaſſable or unſafe as aforeſaid, but no longer, or otherwiſe, 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 hereinbefore contained to the contrary notwithſtanding.

Roads to be made and

V. 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

proper and commodious Road from the ſaid intended Bridge over the ſaid River *Itchin* at or near *Northam* aforeſaid, or from ſome Part of the intended Road from the ſaid intended Bridge, to communicate with the Road leading from *Weſt End* to *Botley* aforeſaid, through the Pariſhes of *South Stoneham*, *Saint Mary Extra*, *Hound*, and *Burſledon* in the County of *Southampton*, any or either of them, to the End or Foot of the ſaid Bridge in the Pariſh of *Burſledon* aforeſaid; and alſo One other proper and commodious Road from the End or Foot of the ſaid Bridge, on the oppoſite Shore at or near the Ferry Houſe in the Pariſh of *Titchfield* aforeſaid, through or into the ſaid Pariſh of *Titchfield* to the Market Place of the ſaid Pariſh, or to or into any Street or Road leading to the ſame; which ſaid Roads ſhall ſeverally be of the Breadth or Width of Thirty 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 it ſhall and may be lawful to and for the ſaid Company of Proprietors, for the Purpoſes of making the ſaid Roads, or either of them, and erecting the ſaid Toll Houſes and other Conveniencies above mentioned, and for their Agents and Workmen, to enter into and upon the Lands, Grounds, or Hereditaments of His Majeſty, his Heirs and Succeſſors, and of or belonging to any Perſon or Perſons, Bodies Politic, 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, or either of them, 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, Grounds, or Hereditaments ſo intended for the ſaid Roads, Toll Houſes, and Conveniencies, from the adjoining Lands, Grounds, or Hereditaments, with Quickſets, Poſts, and Rails, Walls, 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 hereinafter is mentioned.

Toll Gates erected.

VI. And be it further enacted, That after any Lands, or Hereditaments ſhall be ſet out and aſcertained for making the ſaid Roads and other the Purpoſes and Conveniencies hereinbefore mentioned, it ſhall be lawful for the ſaid Company of Proprietors to contract for and to puchaſe ſuch Lands and Hereditaments from the reſpective Owners thereof; and it ſhall be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, and all Feoffees in Truſt, Committees, Executors, or Adminiſtrators, Guardians or

Proprietors to contract for Purchaſe of Lands.

Owners enabled to ſell:

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, Lunatics, 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 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 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 Politic, 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.

VII. And be it further enacted, That if any ſuch Bodies Politic, 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 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 Politic, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Lands 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 be lawful to and for the Juſtices of the Peace for the County of *Southampton*, 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 inquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County (which Oath any Two or more of the ſaid Juſtices 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 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 or Hereditaments, for any other of the Purpoſes of this Act; 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, Grounds, or Hereditaments, according to the Verdict or Inquiſition of the ſaid Jury; which Verdict or Inquiſition, and Judgment, 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 whomſoever 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 Politic, 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 of *Southampton*, 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.

Power to fine Sheriff, &c. for Neglect.

VIII. 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 either or any 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 ſworn, refuſing or not giving their Verdict, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and on either or any 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 hereinafter 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.

IX. 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 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.

X. And be it further enacted, That all and every Perſon and Perſons, who in any Examination or Affirmation 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.

XI. 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 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 Politic, 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 ſuch Money, 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 or Hereditaments, and do all and every ſuch Act, Matter, and Thing, in relation to ſuch Lands 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.

XII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, 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, Lunatics, 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 or Hereditaments as aforeſaid, ſhall, in caſe the ſame exceed the Sum of Twenty Pounds, by any Bodies Politic, Corporate, 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 or Hereditaments in Fee-ſimple, and conveyed to or to the Uſes of ſuch Bodies Politic, 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 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 Politic, 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 Public 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 reſpec-

reſpectively, as would for the Time being be entitled to the Rents and Profits of ſuch Lands 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.

XIII. 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 or Hereditaments.

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

XIV. 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

XV. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for the ſaid Company of Proprietors, or any other Perſon or

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 authorized to be built and made, or for other the Works aforeſaid, or for any of them, 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.

out of Private Grounds without giving Notice.

XVI. 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.

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

XVII. 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 and as fully and amply to all Intents and Purpoſes whatſoever as ſuch Perſons ought to have done before the paſſing of this Act, and would have continued liable to do; any Thing herein contained to the contrary notwithſtanding.

Perſons liable to the Repair of Roads to continue ſo.

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

XVIII. 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 for building, making, repairing, widening, or altering the ſaid Bridge and Roads, or other the Works aforeſaid, 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.

XIX. 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, Wharfs, Quays, or Landing Places, Warehouſes, Weighbeams, and Cranes, and of and in all Buildings and other Conveniencies, 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, Wharfs, Quays, or Landing Places, 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 or Parts thereof, or diſturb them in the Poſſeſſion of the ſame, or of any Part or Parts thereof.

Proprietors may raiſe 4300 *l.* among themſelves.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt 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 Four thouſand three hundred Pounds (except as hereinafter mentioned), and that the ſame ſhall be divided in ſuch Number of Shares as hereinafter 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 Seven 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 Seven 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

tion 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 the Purchaſe of the ſaid Right of Ferry, and all the Reſidue of ſuch Money for and towards the making, completing, and maintaining the ſaid Bridge and Roads, Works, and other Purpoſes of this Act, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

The Shares veſted in the Proprietors.

XXI. And be it further enacted, That the ſaid Sum of Four thouſand three hundred Pounds ſhall be divided into Forty-three 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 Forty-three 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 Politic and Corporate, and other Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay 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 and other Works ſhall be completed, a neat Diſtribution of One Forty-third 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 Seven Shares, to any one Perſon as aforeſaid; and every Body Politic and Corporate, and every other Perſon having ſuch Property of One Forty-third Part or Share in the ſaid Undertaking, and ſo in Proportion as aforeſaid, ſhall bear and pay an adequate and proportionable Sum of Money towards carrying on the ſaid Undertaking in Manner hereinafter directed.

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

XXII. 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

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 or Shares 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.

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

Form of Transfer of Shares.

'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 *Burſledon* River, at or
'near the Ferry of *Burſledon* in the County of *Southampton*; and for
'making a Road from the intended Bridge over the River *Itchin*, at or
'near *Northam* within the Liberties of the Town and County of the
'Town of *Southampton*, to the ſaid Bridge, and from thence to *Titchfield*
'in the County of *Southampton*, to hold to the ſaid *C. D.* his Execu-
'tors, 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 ac-
'cept of the ſaid *A. B.*'s Share [or Shares], ſubject to all ſuch Rules,
'Orders, and Conditions. Witneſs our Hands and Seals the
'Day of in the Year of our Lord
'Witneſs

Power to raiſe 3700 *l.* more, if ſaid 4300 *l.* ſhall be inſufficient.

XXIV. And be it further enacted, That in caſe the ſaid Sum of Four thouſand three hundred Pounds hereinbefore 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 Three thouſand ſeven hundred 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 Forty-three Shares, and the Perſons making Default in Payment thereof, are hereinafter ſubject and liable to in reſpect of the ſaid Sum of Four thouſand three hundred Pounds.

New Subſcribers to become Members of the Body Politic.

XXV. 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 Three thouſand ſeven hundred Pounds or any Part thereof, ſhall thereupon ſucceed as and become a Conſtituent Member or Conſtituent Members of the Body Politic 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 3700 *l.* by Mortgage.

XXVI. 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 Three thouſand ſeven hundred Pounds hereinbefore 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 Three thouſand ſeven hundred 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-ſeventh Year of the Reign of His Majeſty King *George* the Third, for building a Bridge over *Burſledon* River, at or near the Ferry of *Burſledon* in the County of *Southampton*, and for making a Road from the intended Bridge over the River *Itchin*, at or near *Northam* within the Liberties of the Town and County of the Town of *Southampton*, to the ſaid Bridge, and from thence to *Titchfield* in the ſaid 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, aſſign, and transfer unto the ſaid *A. B.* his Exe-
'cutors, 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 *I. G.* 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 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,] *I. G.* Clerk to the Company of Proprietors;" which ſaid Book ſhall and may be peruſed 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 *Burſledon* 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, or 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.

XXVII. 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.

XXVIII. 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 *Bugle Inn* in *Titchfield* in the County of *Southampton*, on the *Thurſday* Fortnight next after this Act ſhall have received the Royal Aſſent; and the Second General Aſſembly ſhall be holden on the Third *Thurſday* in *January* 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 *Southampton*, *Burſledon*, or *Titchfield*, or within Two Miles of either of thoſe Places, as the ſaid Company of Proprietors ſhall at their reſpective General Aſſemblies appoint; and all ſuch General Aſſemblies ſhall be held at or before Twelve of the Clock at Noon 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 Five 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

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, Buildings, 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, Gate Keepers, 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 Ten Shares.

XXIX. Provided always, That if at any ſuch General Aſſembly there ſhall not be Perſons preſent who have Ten 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 hereinbefore 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 hereinbefore appointed; and that in caſe of Failure of the Meeting of the Perſons having Ten 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.

XXX. And be it further enacted, That every Body Politic 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 Politic or

Corporate, Perſon or Perſons, who ſhall have more than One ſuch Share, and not exceeding Three 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 Public 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 Three abſent Proprietors, and the Chairman of every ſuch Public 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.

XXXI. 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 *Southampton*, *Burſledon*, or *Titchfield*, or within Two Miles of either of thoſe Places, 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 Reſolution ſhall be taken or Buſineſs done at any Meeting of ſuch Committee unleſs Three Members of ſuch Committee at the leaſt be preſent; 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.

The Meetings of the Committees.

XXXII. 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 from Time 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

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

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 Public 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 Underdertaking: Provided always, That no Advantage ſhall be taken of the 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.

XXXIII. 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 Eſſoign, 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.

XXXIV. 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

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 complete 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 Public Auction ſold for.

Books of Account to be kept.

XXXV. 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 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.

XXXVI. 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 againſt the Toll Houſe or Toll Houſes to be erected by virtue of this Act.

Treaſurer and Clerk to be appointed, and Salary allowed.

XXXVII. 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

pany 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.

XXXVIII. 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, Collectors, and other Officers who shall be employed or concerned in the Receipt or Expenditure of any of the Monies arising by this Act, 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 thereunto 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

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 of 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.

XXXIX. 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, her, 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 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.

XL. 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, Collector, or other Officer or Officers, for the Non-performance of any Covenant or Agreement entered into by such Treasurer, 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;

and to make and alter Bye-Laws.

XLI. And be it further enacted, That the said Company of Proprietors shall always have Power and Authority at any Public Meeting to remove and displace any Person or Persons chosen to be of the Committee 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, Wharfs, Quays, or Landing Places, Warehouses, Weigh-beams, and Cranes, and of the Tolls, Rates, Dues, and Prices to be taken in respect of the same respectively, 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.

XLII. And

Tolls for passing over the Bridge, &c.

XLII. 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,)

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 Six Pence:

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 Six Pence:

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 Six Pence; and drawn by Five or Six Horses or other Beasts of Draught, the Sum of Two Shillings and Six Pence; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of One Shilling and Six Pence:

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 Six Pence; and drawn by Three or Four Horses or other Beasts of Draught, One Shilling and Six Pence:

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 Six Pence:

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

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 Six Pence; 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:

And alſo to demand and receive ſuch Rates, Dues, and Prices for Wharfage, Warehouſe-Room, Weighage, and Craneage of all Goods, Wares, Merchandiſe, and other Things landed on or ſhipped from the ſaid Wharfs, Quays, or Landing Places, depoſited in the ſaid Warehouſes, or weighed or lowered by the ſaid Weighbeams or Cranes, as ſhall be a reaſonable Satisfaction and Recompence to the ſaid Company of Proprietors for the Time being, for the Uſe of the ſaid Wharfs, Quays, or Landing Places, Warehouſes, Weighbeams, and Cranes reſpectively; which reſpective Sums of Money ſhall be demanded and taken as and for or in the Name of a Toll or Due: And if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, Rates, or Dues ſhall, after Demand thereof made by any Collector or Collectors, or other Perſon or Perſons to be appointed as aforeſaid, neglect or refuſe to pay the ſame, it ſhall and may be lawful for ſuch Collector or Collectors, Perſon or Perſons, 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, Rates, or Dues 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 any Carriage upon which any Toll is by this Act impoſed; or any Goods, Wares, Merchandiſe, or other Things for the ſhipping, landing, depoſiting, ſtoring, weighing, or lowering whereof any Rates or Dues are by this Act made payable; or any of the Goods or Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay ſuch Rates or Dues or any of them; and if ſuch Tolls, Rates, or Dues, 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, Wares, Merchandiſe, 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, Rates, or Dues, 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 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 Thing 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 by any Thing hereinbefore contained to the contrary thereof notwithſtanding.

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

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

XLIII. 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 hereinbefore 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 reduced and raiſed again.

XLIV. 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 Hackneymen, or Poſtmen) 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. Tolls may be compounded for.

XLV. 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 and pay a Sum not exceeding Five Pounds nor leſs than Forty Shillings; 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 ſo forfeited; 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 or the Rates and Dues aforeſaid, every Perſon offending in any of ſuch Caſes ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Ten Pounds nor leſs than 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; 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 ſaid Penalty on evading Tolls.

Pariſhes of *Burſledon* and *Titchfield*, or either of them, and ſhall paſs over the ſaid Bridge or River 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, Pariſhes, or either of them, laſt mentioned; or if any Perſon or Perſons reſiding within the ſaid Pariſhes of *Burſledon* and *Titchfield* or either of them, 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 wheeled Carriage as aforeſaid, ſhall paſs over the ſaid Bridge or River 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 either Side of the ſaid Bridge, every Perſon ſo offending in either of the ſaid Caſes ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds nor leſs than Forty Shillings, 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.

XLVI. 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, Carr, or other Carriage whatſoever, or any Timber, Stones, Bricks, Lime, Manure, or any Article or Thing whatſoever, acroſs the ſaid *Burſledon* River at any Place or Places between *Hamblerice* Ferry, otherwiſe *Hamble* Ferry, in the County of *Southampton*, and *Botley* in the ſame County, 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 a Sum not exceeding Five Pounds nor leſs than Forty Shillings, 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.

XLVII. 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 hereinbefore authorized to be erected acroſs the ſaid reſpective Roads leading to the ſaid Bridge hereby directed to be made.

Power to farm Tolls.

XLVIII. 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

ing 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.

XLIX. 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.

L. 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, Wharf or Wharfs, Quay or Quays, Landing Place or Places, Warehouse, Weighbeam, Crane, 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 Toll Houses, Gate or Gates, Bar or Bars, Wharfs, Quays, or Landing Places, Warehouses, Weighbeams, and Cranes, any or either of them, 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 Bridge by Masters of Vessels, &c. to be paid for by the Owners.

LI. 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 *Bursledon* River, shall wilfully, carelessly, or negligently cause, permit, or suffer any Damage or Injury to be done to the said Bridge, or to the said Wharfs, Quays, or Landing Places, or to either of them, or to any Part or Parts of either of them, 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 full and complete 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, or to the ſaid Wharfs, Quays, or Landing Places; any Thing in this Act contained to the contrary notwithſtanding.

Penalty of obſtructing Paſſage of the Bridge or Roads.

LII. And be it further enacted, That if the Perſon or Perſons having the Care of any Float, Raft, Boat, Barge, 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 Merchandiſe, 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 the ſaid Wharfs, Quays, or Landing Places, 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 Foot Path of the aforeſaid Bridge or Roads, or either of them, any Wheel, Wheelbarrow, Handbarrow, 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 on the ſaid Wharfs, Quays, or Landing Places, or either of them, or ride, drive, or lead any Horſe or other Beaſt or Cattle on ſuch Footways or Foot Paths, 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 haul or draw, or cauſe to be hauled 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 Roads 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 ſaid County of *Southampton*, (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 and pay a Sum not exceeding Forty Shillings nor leſs than Ten 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, Wharfs, Quays, or Landing Places, 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 or Offenders to the Common Gaol or Houſe of Correction of the ſaid County, 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 Damage or Injury, and the Sum adjudged by the ſaid Juſtice to have been forfeited.

Power to remove Annoyances.

LIII. And be it further enacted, That it ſhall 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, Wharfs, Quays, and Landing Places, 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 thereof (to be ſettled by any Two Juſtices of the Peace of the ſaid County of *Southampton*, and which Charges the ſaid Juſtices are hereby authorized and required to ſettle accordingly) ſhall be reimburſed to the ſaid Company of Proprietors by ſuch Owners or Occupiers, the ſame to be

be recovered in ſuch Manner as the Penalties and Forfeitures are hereinafter 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 a Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Informations and Convictions to be before One Juſtice for Recovery of Penalties and Forfeitures.

LIV. 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 ſaid County of *Southampton*, 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.

LV. 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 Conviction to be drawn up in the Form or to the Effect following; (that is to ſay,)

Form of Conviction.

County of *Southampton*, to wit. } 'BE it remembered, That on the Day of 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 *Southampton*, by virtue of an Act of Parliament 'made in the Thirty-ſeventh Year of the Reign of His Majeſty King 'George the Third, for building a Bridge over *Burſledon* River, at or near 'the Ferry of *Burſledon* in the County of *Southampton*, and for making 'a Road from the intended Bridge over the River *Itchin*, at or near 'Northam within the Liberties of the Town and County of the Town 'of *Southampton*, to the ſaid Bridge, and from thence to *Titchfield* in the 'ſaid 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 aboveſaid.'

Penalties how to be levied and applied.

LVI. 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 ſaid County of *Southampton*, which Warrant ſuch Juſtice or Juſtices is and 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

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 Common Gaol or Houſe of Correction of the ſaid County of *Southampton*, for the Space 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.

LVII. 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 ſaid County of *Southampton* 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 of the ſaid Company of Proprietors, and within Seven Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid 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, but not otherwiſe, 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*.

LVIII. Provided always, and be it further enacted, That no Order, Verdict, Judgment, 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 removable 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, Diſtreſs, or other Proceeding 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

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.

LIX. 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 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 Judgment 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 the Purchaſe of *Burſledon Ferry.*

LX. And whereas the ſaid *Thomas Warner* and *Iſaac Galpine*, as Deviſees in Truſt under the ſaid laſt Will and Teſtament of the ſaid *William Galpine* deceaſed, are ſeiſed to them and their Heirs, according to the Cuſtom of the Manor of *Swanwick* in the ſaid County of *Southampton*, of the ſaid Ferry at *Burſledon* and its Appurtenances, and have agreed to ſell and diſpoſe of all their Eſtate, Right, and Intereſt therein to the ſaid Company of Proprietors, for the Price and on the Terms mentioned and expreſſed in certain Articles of Agreement bearing Date the Twenty-ſecond Day of *April* One thouſand ſeven hundred and ninety-ſeven, entered into between them and the Committee of Subſcribers to the ſaid Bridge for that Purpoſe; Be it therefore enacted, That on Payment to the ſaid *Thomas Warner* and *Iſaac Galpine*, or the Survivor of them, his Heirs, Executors or Adminiſtrators, of the ſaid Price or Sum in the ſaid Articles of Agreement mentioned, the Eſtate, Right, and Intereſt of the ſaid *Thomas Warner* and *Iſaac Galpine*, and their Heirs, and of all Perſons claiming under the ſaid *William Galpine* deceaſed, of and in the ſaid Ferry and its Appurtenances, ſhall ceaſe and be for ever determined; and that thereupon the ſaid Eſtate, Right, and Intereſt of and in the ſaid Ferry at *Burſledon*, and its Appurtenances, ſhall immediately veſt in and belong to the ſaid Company of Proprietors and their Succeſſors, and ſhall and may be exerciſed by them as fully, amply, and effectually, to all Intents and Purpoſes, as the ſame could or might have been exerciſed by the ſaid *Thomas Warner* and *Iſaac Galpine*, or their Heirs, or any Perſon or Perſons whomſoever claiming or to claim under the ſaid *William Galpine* deceaſed, if this Act had not been made.

Publick Act.

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

FINIS.