Anno quinto

Georgii III. Regis.

An Act for repairing and widening ſeveral Roads leading from the Quay at *Lymington*, in the County of *Southampton*.



Whereas the Roads leading from a certain Quay called Lymington Quay, to the High Street of Lymington, and through the ſaid Street by the Church to and through Lymington Old Town, to the Weſt End of the ſaid Town; and from the ſaid Weſt End of the ſaid Town to Buckland; and from a Place called The Tree, in the ſaid Town of Lymington, through a Lane called Goſport Street or Northovers Lane, by the End of Bridge Lane, and up the Hill by the Alms Houſes to Buckland aforeſaid; and alſo from a Publick Houſe, known by the Sign of the New Inn in the ſaid High Street of Lymington, through New Lane, to the Joining of the ſaid laſt mentioned Road near the ſaid Alms Houſes; and from Buckland aforeſaid, to and through the ſeveral Pariſhes of Boldre and Brockenhurſt, to and through Lyndhurſt; and from Lyndhurſt aforeſaid to and through Rumbridge, to the Turnpike Road leading from Saliſbury to Eling, and Preamble.

the ſaid Turnpike Road to the Road adjoining to the Red Lion Inn in Totton Street, in Totton, within the Pariſh of Eling in the County of Southampton, are in a ruinous Condition, narrow in many Places, and incommodious to Travellers; and the ſame cannot be effectually repaired, widened, and rendered commodious, without the Aid of Parliament: May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Henry Adams Gentleman; John Fane Eſquire commonly called Lord Burghersh, Harry Burrard, William Burrard, John Burrard, George Baker, John Bond, Eſquires; Richard Budden, Thomas Beckley, William Beeſton, James Beeſton, John Burt, James Brixey, Richard Brixey, David Bay, James Bay, William Bay, Gentlemen; the Vicar of Boldre for the time being, the Reverend Dennis Bond, the Reverend John Trenchard Bromfield, Clerks; the Right Honourable James Brydges commonly called Marquis of Carnarvan, John Lord Viſcount Cantalupe, the Honourable General Cholmondeley, Jeremiah Cray, Robert Colbrooke, Eſquires; the Reverend Thomas Yale Caverley Clerk, Cornelius Collis, Samuel Clarke, Samuel Colborne, Gentlemen; Adam Drummond, Charles Duncombe, Thomas Lee Dummer, Thomas Dummer, John Dive, James D'Auvergne, Eſquires; Edward Elgar Gentleman, John Gunſton Eſquire, Edward Gilbert Gentleman, the Honourable Charles Howard, Joſeph Hackman, Andrew Hopegood, Nathaniel Hayward, James Harris, Andrew Snape Hammond, Eſquires; Francis Hackman, Veſey How, Joſhua Hicks, Edward Hicks, John Hicks, Joſeph Hollis, Thomas Hayward, William Hayward, William Hebbard, Gentlemen; the Reverend William Hawkins, the Reverend William Hillman, Clerks; Philip Jennings Eſquire, Leonard Jarvis Gentleman, John Knapton, George Knapton, Eſquires; Stephen Leigh, Robert Lillington, Edward Light, Richard White Lacey, Gentlemen; the Mayor of Lymington for the time being, Sir Richard Mill Baronet, William Mitford, John Mitford, Joſhua Mauger, James Morriſſy, Thomas Miſſing, Eſquires; James Miſſing, John Moxham, John Miller, James Macclewain, Gentlemen; John Miller Bricklayer, the Vicar of Milford for the time being, Mark Noble Eſquire, James Newell Timber Merchant, William Oviatt, Samuel Oviatt, Gentlemen; the Right Honourable Harry Pawlett commonly called Lord Harry Pawlett, George Pawlett, Arthur Phillip,

Truſtees Names.

Phillip, Esquires; John Payn, Joseph Pearce, Hugh Pearson, Gentlemen; William Purbeck of the Town and County of Southampton Gentleman, Sir Thomas Ridge Knight, Robert Reeks, Josias Rogers, William Rogers, Gentlemen; Sir Simeon Stuart Baronet, the Right Honourable Hans Stanley, Peter Serle, Esquires; Joseph Sparrow, John Sparrow, John Sparrow the younger, William Sparrow, William Shepard, Thomas Shepard, Samuel Shepard, James Shepard, William Sheppard, Thomas Smith, Phillip Troughton Sone, Joseph Sheppard, Gentlemen; the Reverend Doctor Bolton Simpson, the Reverend Samuel Speed Clerk, George Trenchard Esquire, John Taylor, Edward Trattle, Richard Templer, John Templer, Gentlemen; Sir Thomas Worsley Baronet, Abel Walter, John Walter, Esquires; the Reverend Mevil Walter, the Reverend Thomas Winbolt, the Reverend James Willis, Clerks; John West, Samuel Wickenden, Gentlemen; Joseph Wickenden Butcher, Joseph Wickenden Brickmaker, and their Successors, to be appointed in Manner herein after-mentioned, shall be and they are hereby appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair the said Roads, and for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, Tithes, or Hereditaments, being Freehold, Leasehold, or Copyhold, or being a Rectory or Vicarage, of the clear yearly Value of Fifty Pounds; or shall be Heir Apparent of some Person having an Estate of Inheritance in Law or Equity of the clear yearly Value of One hundred Pounds; or possessed of a Personal Estate to the Amount or Value of One thousand Pounds: And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such

Penalty on acting if not qualified.

Person hath acted as a Trustee in the Execution of this Act.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of John Hanaford, bearing the Sign of The Angel, at Lymington aforesaid, on the Tuesday Three Weeks next after the Day of the passing of this Act, and proceed to the Execution of this Act; and shall adjourn themselves, and afterwards meet at the same Place, or at any other Place or Places near the said Roads, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary, for the further Execution of this Act; and if it shall happen that there shall not appear at any adjourned Meeting a sufficient Number of Trustees to act, or to adjourn to any other Time and Place, then the Clerk to the Trustees shall from time to time, as often as it shall so happen, adjourn the said Meeting to such Time and Place as he shall think fit, not exceeding as to the Time the Distance of Three Weeks from the Time of any such Default; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Proviso.

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

Trustees not to act but at a publick Meeting.

And be it further enacted, That no Trustee named or appointed, or who shall be named or appointed, in or by virtue of this Act, shall act or be impowered to do any Act in the Execution of the Powers hereby given, except it be at a Meeting to be held in pursuance of this Act.

No Trustee to accept of a Place of Profit.

And be it further enacted, That if any Person appointed or to be appointed a Trustee in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls or Monies by this Act made payable, such Person, from and after his accepting such Place of Profit, and during the Time of his holding the same, shall be incapable of acting as a Trustee in the Execution of this Act.

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

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

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

And be it further enacted, That when and as often as any of the Trustees named or appointed by virtue of this Act shall die, remove out of the said County, or refuse

to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying, removing, or refusing to act; and Notice of the Time and Place of the Meeting for the Election of such new Trustee or Trustees shall be given by the Clerk or Clerks to the Trustees, by affixing the same in Writing at all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons who shall be so chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and be and they is and are hereby authorized and impowered to act in the Execution of this Act to all Intents and Purposes, in as full, large, and ample Manner, as any Trustees hereby appointed are authorized and impowered to act.

10 Days Notice of Election to be given.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across the said Roads, and provide a Toll-house to each Gate or Turnpike, and shall demand and take at each and every of the said Gates or Turnpikes the following Tolls or Duties before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses, &c.

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Vis-a-Vis, Chair, or Hearse, drawn by Four or more Horses, Mares, Geldings, Mules, or other Beasts, the Sum of One Shilling; and drawn by any less Number, the Sum of Three Pence for each Horse, Mare, Gelding, Mule, or other Beast so drawing.

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four or more Horses, Mares, Geldings, Mules, Oxen, or other Beasts, the Sum of One Shilling; and drawn by any less Number, the Sum of Three Pence for each Horse, Mare, Gelding, Mule, Ox, or other Beast, so drawing.

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

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

For

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

Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be raised and collected, shall be and is hereby vested in the said Trustees, and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after-mentioned; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall from time to time nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who shall, after Demand thereof made, neglect or refuse to pay such Tolls as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, or of any Carriage upon which such Tolls are by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same, until such Tolls, with the reasonable Charges of distraining the same, shall be paid; and it shall and may be lawful to and for such Person and Persons, after the Space of Four Days next after such Distress taken, to sell the Cattle, Carriage, or Goods so distrained, returning the Overplus (if any shall be) upon Demand, to the Owner thereof, after such Tolls and reasonable Charges of distraining and selling the same shall be deducted and paid.

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, That no Person or Persons having paid the Tolls or Duties hereby granted, at any One Gate or Turnpike to be erected by virtue of this Act on the said Roads, shall be liable the same Day to pay any Tolls or Duties for the same Cattle or Carriages at any other Gate or Turnpike to be erected on the said Roads; such Person or Persons producing a Note or Ticket, denoting that the said Tolls or Duties have been so paid; which Notes or Tickets the Collector of the Tolls is hereby required to give gratis.

Persons paying the Tolls at One Gate, not liable to Payment at any other.

And be it further enacted, That if any Person or Persons shall pay the respective Tolls by this Act granted and made payable, for the passing of any Carriage or Cattle through any Gate or Turnpike erected by virtue of this Act, the same Person or Persons, upon producing a Note or Ticket of the Day, denoting such Payment,

Tolls to be paid but Once a Day.

shall

shall be permitted to pass through the same Gate or Turnpike, with the same Carriage or Cattle, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night; which said Notes or Tickets the Collectors of the said Tolls are hereby required to give gratis.

Trustees may erect Side-gates,

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

and take Tolls thereat;

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

Provided always, That no Gate or Turnpike shall be erected by virtue of this Act on the East Side of the Turnpike Road now leading across Totton Street, in the Road leading from Salisbury, through Biddles Lane, to Eling Key.

Proviso.

Property of Turnpikes and Toll-houses vested in Trustees.

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

Application of the Monies.

And be it further enacted, That the Tolls or Duties to be collected by virtue of this Act, and the Money which shall be borrowed on the Credit thereof (after Pay-

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

Trustees may lessen the Tolls.

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

Trustees may compound with Travellers.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time, as often as they shall think fit, to compound with any Person or Persons (except common Carriers) using to travel through all or any of the Turnpikes to be erected by virtue of this Act, with any Carriage or Cattle, for any Sum of Money, for and in lieu of the Payment of the said Tolls or Duties, to be paid yearly, or otherwise, from time to time, after such Agreement shall be made.

Exemptions from Toll.

And be it further enacted, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes erected by virtue of this Act, with any Cattle or Carriage which shall carry or draw any Quantity of Materials for repairing the said Roads, or any other Highway or Road; or for any Carriages carrying any Hay, unless sold, or Corn in the Straw, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, or Yards, of the Inhabitants of any of the Parishes or Places through which the said Roads lead; or with or for any Ploughs, Harrows, or other Implements of Husbandry, not being a Waggon or Cart belonging to any of the said Inhabitants; or for any Cattle going to or from Plough or Harrow belonging to any of the said Inhabitants;

Inhabitants; or for any Carriage carrying any Lime, Dung, Mould, or Compost, of any Kind whatsoever, to be employed in Husbandry, or for manuring or stocking of Land, in such Parishes or Places (unless purchased) or for any Carriage carrying only Turf or Peat for Fuel, for the Use and Consumption of the Inhabitants of any of the said Parishes, to be burnt and consumed in any of their Houses; or for any Coaches or other Carriages, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Southampton, on the Days of such Election, or the Day before or Day after such Election; or for any Post-horse or Carriage carrying the Mail or Packet; or for any Horse, Ox, Cow, Sheep, or other Cattle, going to, or returning from, Pasture or Watering-places; or for the Horses of Soldiers who are upon their March, or Waggons or Carriages attending them; or for any Horses, Beasts, or Carriages, travelling with Vagrants sent by Passes.

Penalty of making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Forty Shillings for every such Offence, to be recovered and applied in Manner herein after directed.

Penalty on passing thro' private Passage.

And be it further enacted, That if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, Heath, Common, Waste, or other Place or Places, inclosed or not inclosed, adjoining to or lying near any or either of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Highway; or if any Owner or Occupier of any Ground, Land, or other Place, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, Mare, Gelding, Ox, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or other Place; or if any Person or Persons shall give to or receive of any other Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) any

Note

Note or Ticket of the Day, by this Act directed to be given by the Collectors or Receivers of the said Tolls; or if any Person or Persons, shall at any Time or Times take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or Carriage, as aforesaid; or if any Person or Persons shall unload, or cause to be unladen, any Goods or Merchandizes, whereby in any or either of the Cases aforesaid, the Payment of any of the said Tolls shall be evaded; that then, and in every and either of the aforesaid Cases, each and every Person so offending, shall, for each and every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, to and for his or their own Use; and the other Moiety shall go and be applied towards the amending the Roads.

to avoid Payment of the Tolls.

Trustees may borrow 3000 *l.* upon the Credit of the Tolls.

And, for the more speedy repairing and widening the said Roads; be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, upon the Credit of the said Tolls or Duties, to arise and be collected by virtue of this Act, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful, not exceeding the Sum of Three thousand Pounds; and are hereby authorized and impowered by any Writing or Writings, to mortgage or assign over the said Tolls or Duties to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act in Manner aforesaid, being first paid) shall be laid out and applied in and for the repairing and widening the said Roads, in such Manner as the said Tolls or Duties are hereby directed to be laid out and applied, and to and for no other Use, Intent, or Purpose whatsoever: And that no Preference shall be given to any Person or Persons advancing any Part or Parts of the said gross Sum of Three thousand Pounds, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all Lenders and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, shall be, and are hereby declared to be, for their several

All Creditors to be deemed equal in Degree.

and respective principal Sums, Creditors on the said Tolls in equal Degree one with another, as to the Time or Times of advancing or lending such Principal Sum or Sums, and shall be deemed and taken to be Tenants in common of the said Tolls, as to their several and respective Shares and Interests therein, by Means or Virtue of such Mortgage or Mortgages, Assignment or Assignments, and so far forth as such their several and respective Shares and Interests will extend, but no farther or otherwise.

Trustees may advance Money,

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

and take Security.

Assignments may be transferred.

And be it further enacted, That all and every Trustee and Trustees, and other Person and Persons, to whom any Mortgage or Mortgages, Assignment or Assignments, of the said Tolls shall be made by the said Trustees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls, shall and may, and he, she, and they, is and are hereby authorized and impow-

ered to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any Person or Persons, by any Writing or Writings, or by any Indorsement or Indorsements, in Writing, under his, her, or their Hand or Hands; and such Assignee or Assignees, Indorsee or Indorsees, may in like Manner assign over again, and so toties quoties.

Trustees not subject to Payment of Debts contracted under this Act.

Provided always, That nothing herein contained shall extend to charge or subject the said Trustees with or to the Payment of any Money, by reason of their or any of their signing or sealing the said Securities, or any or either of them.

10 Days Notice to be given of borrowing Money.

Provided always, and be it further enacted, That no Money shall be borrowed on the Credit of the said Tolls by the said Trustees, after their Second Meeting, unless Notice in Writing under the Hand of the Clerk shall be fixed on all the Turnpikes, then erected by virtue of this Act, at least Ten Days before the borrowing such Money.

Trustees may appoint Officers;

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

and remove them, and appoint others.

Trustees to allow Officers Salaries.

And be it further enacted, That all and every the Collectors or Receivers of the said Tolls, and all and every the Clerks, Treasurers, Surveyors, and other Officers, who shall be appointed, as aforesaid, and all and every other Person and Persons who shall have or receive any of the Monies which shall be raised, collected, or received, by virtue of this Act, shall, from time to time, and as often as he or they shall be thereunto required, by the said Trustees, or any Five or more of them, produce, render, and give up to them the said Trustees, or any Five or more of them, full, true, and fair, Accounts in Writing, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what, such Monies, and every Part thereof, shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and they shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint: And that all and every the said Officers and Persons so accounting or to account, as aforesaid, shall, if required, upon their several Oaths (which said Oaths, the said Trustees, or any Five or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any or either of the said Officers or Persons so to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipt and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay such Money, as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they, or any Five or more of them, shall direct or appoint, then and in either of the Cases aforesaid, the said Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Names of the said Trustees, or in the Name or Names of any One or more of them, against

Officers to account upon Oath.

Officers refusing to account,

against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order to recover the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect, as aforesaid, to any Justice or Justices of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside, such Justice or Justices may, and is, and are hereby authorized and required to summon the Officer or Officers, Person or Persons, so refusing or neglecting, to appear before him or them, at a Time and Place in such Summons to be mentioned; and upon his or their appearing or not appearing (the Service of such Summons being proved) to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, by virtue of this Act, might have done: And if, upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint or Complaints shall be made, or by the Oath or Oaths of One or more Witness or Witnesses (which said Oath or Oaths such Justice or Justices is and are hereby impowered to administer) it shall appear to such Justice or Justices that any of the Monies, which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons, respectively: And if no Goods of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice or Justices, at the Time and Place by him or them appointed by such Summons; or, if appearing, shall refuse or neglect to deliver, to the said Justice or Justices, such Account or Accounts of the Receipts and Payments as aforesaid, and to verify the Truth of such Accounts, and of the Items and Articles thereof, upon Oath, as aforesaid, or to produce or deliver up, to the said Justice or Justices, the several Receipts and Vouchers, relating to such Accounts respectively, and to the Items and Articles thereof; then, and in either of the Cases aforesaid,

Justices to enquire into the Default,

and levy the Balance by Distress and Sale.

aforesaid, the said Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Officer or Officers, Person or Persons, to be committed to the Common Gaol of the County or Place where such Officer or Officers, Person or Persons, shall live or reside, there to remain without Bail or Mainprize; until he or they shall have delivered in and settled his or their respective Accounts, and verified the Items thereof, on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in those Respects have been made, or shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Money, which shall be thereby stipulated to be paid, to them; which said Compositions and Money the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive.

For want of Distress, the Offender to be committed,

until Payment or Composition be made.

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

Treasurer, &c. to give Security.

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

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

And be it further enacted, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, or any other Person or Persons who shall by the said Trustees, or by the said Surveyor or Surveyors, or either of them, be employed or appointed for that Purpose, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper for repairing of Roads, in, upon, out of, or from any Waste or Common Ground or Grounds, in any Parish, Town, or Place, in, adjoining to, or lying near the Roads aforesaid, or in any neighbouring Parish, Town,

Surveyors may dig Gravel, &c.

or Place, to be used, disposed of, and applied in repairing the said Roads, without paying any thing for the same, they the said Trustees or Surveyors, or other Persons filling up the Pits, and levelling the Ground from which such Materials shall be taken, or causing the same to be done; and if such Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials proper and sufficient for that Purpose, cannot be had or found, in or upon such Waste or Common Ground or Grounds, then and in such Cases to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, proper and sufficient for that Purpose, in, upon, or out of, and from the Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, to be used, disposed of, and applied, in or towards repairing the said Roads, such Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue or Trees for the Ornament of any House; they the said Trustees, or Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, or some or One of them, paying or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away, the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, and other Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge or think reasonable; they the said Trustees or Surveyors, or other Persons, filling up the Pits, and levelling the Ground from which such Materials shall be so taken, or causing the same to be done; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where the said Furze, Heath, Stones, Gravel, Chalk, Sand, Flints, or other Materials, shall be so cut, digged, gathered, taken, and carried away, shall and may, on Six Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them, the said Owner or Owners, Occupier or Occupiers,

without paying for the same;

levelling the Pits.

If sufficient Materials cannot be had there, the same may be taken from private Grounds;

making Satisfaction to the Owners,

Justices to determine Differences.

Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine, the Matters of the said Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Surveyors to make Causeways, cut Drains, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either of them, appointed or employed, may and is and are hereby authorized and impowered to make, or cause to be made, any Causeway or Causeways, in or along the Side or Sides of any Part or Parts of the said Roads; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Roads, or any Part thereof; and shall or may dig or cut, or cause to be digged or cut, any Drains or Watercourses in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they may thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

making Satisfaction to the Owners of the Grounds.

Surveyors to remove Annoyances, &c.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time to remove and carry away all Annoyances by Filth, Dung, Ashes, and Rubbish, or otherwise, on any Part of the Roads aforesaid, and to cut down Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid, for the Space of Six Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down the said Trees or Bushes, or to remove such other Annoyances as aforesaid: And in case such Owners or Occupiers shall not upon Demand pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein the

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor.

the Matter in Diſpute ſhall ariſe, from time to time, to levy the Charge thereof upon ſuch Owners or Occupiers, by Diſtreſs and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid: And if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five or more of them, the Sum of Twenty Shillings, to be applied in repairing the ſaid Roads.

Penalty of a Second Offence.

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

Owners neglecting to ſcour their Watercourſes, &c.

Surveyors may ſet Men to cleanſe the ſame,

and levy the Charges by Diſtreſs and Sale.

And be it further enacted, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time or Times during the Continuance of this Act, think proper,

Truſtees may contract for the Purchaſe of Lands, &c. to be laid into the Road.

per, to widen, turn, or alter, any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers; that then, the said Trustees, or any Seven or more of them, shall have full Power and Authority, from time to time, to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase of any such Lands, Grounds, or Hereditaments; or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

Bodies Politick, &c. may treat for the Sale of such Lands.

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

be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding: And all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons refusing to treat,

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

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

tion, if there be Occasion, and use all such other lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, and Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same; And for the summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons or more, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Verdict of the Jury to be final.

Trustees may issue their Warrant to summon and impanel a Jury.

Pro-

Jurors may be challenged.

Trustees to issue their Warrant to the Sheriff, to impanel and summon a Jury.

Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fine on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, and refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be examined and give Evidence, and from time to time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty herein before-mentioned is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Use, and in such Manner, as the Tolls granted by this Act are to be applied.

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

And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for, ascertained, or assessed as aforesaid, shall be and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act; and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk to the said Trustees for the Use of such Persons, and after Ten Days Notice thereof given to such Persons or their Agents to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Roads such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit: And after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication

cation of the Value thereof made, and Tender of Payment, and Notice given as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Seven or more of them, shall order and direct; and shall be by them, or by such Person or Persons as they, or any Seven or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as the old Roads so widened, altered, or turned, were and ought to have been kept in Repair: And after such new Roads shall be completed, the Lands and Grounds comprised in or constituting the old or former Roads shall be vested in, and shall and may be sold by, the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied and disposed of for the repairing and amending the said Roads: And the Sale, or Conveyance and Conveyances, to be made of such Lands or Grounds, being executed by the said Trustees, or any Seven or more of them, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Lands, &c. when purchased, to be made Part of the Road;

and deemed a publick Highway.

Old Road may be sold.

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

Buildings, &c. not to be injured.

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making this Act, hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridges, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repair-

Bodies Politick, &c. liable to do Statute-work, to continue so.

ing and keeping in Repair the same Parts of the same Roads, and such Bridges, in the same Manner as they, or any of them, have or hath heretofore usually done or ought to do; and that the Inhabitants of the several Towns, Parishes, Hamlets, or Places, through which the Roads hereby intended to be repaired do lead, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint: And that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

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

And, to the End that the said Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the Towns, Parishes, Hamlets, and Places, where, or in or for which, any such Surveyors usually have been, or ought to be, chosen, shall, and are hereby required, at the First Meeting of the said Trustees after the Twenty fifth Day of March yearly, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees at such Meeting, upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, that are liable to do their Statute-duties in and upon the said Highways; and shall in such Lists, and every of them, distinguish

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

ſtinguiſh and ſet forth which of ſuch Inhabitants ſhall, and by this Act ſhall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors neglecting to deliver Lists;

And be it further enacted, That if the Surveyor or Surveyors of the ſeveral Towns, Pariſhes, Hamlets, or Places, through which the ſaid Roads lead, ſhall not deliver in to the ſaid Truſtees Liſts of the Inhabitants of their ſaid ſeveral Towns, Pariſhes, Hamlets, or Places, by ſuch Times, and in ſuch Manner, as by this Act is directed and required to be delivered, ſuch Surveyor or Surveyors, and every of them, ſhall forfeit and pay, for every ſuch Default, the Sum of Five Pounds: And if any or either of the Inhabitants of the ſaid ſeveral Towns, Pariſhes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, ſhall not do ſuch Statute-work in and upon the ſaid Roads, at ſuch Times and Places, and in ſuch Manner, as they ſhall by the ſaid Truſtees, or any Five or more of them, or by their Surveyor or Surveyors, be directed or appointed to do, ſuch Inhabitants, and every of them, ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums herein after mentioned; that is to ſay, Every ſuch Inhabitant and Perſon who ſhall keep, or by virtue of this Act ſhall be deemed to keep, a Team, for every Day's Work, the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping, or, by virtue of this Act, not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling; and if any Perſon or Perſons who ſhall come to work as a Labourer or Labourers, or be ſent with any Team, to work on the ſaid Roads, ſhall be found idle or negligent by the Turnpike Surveyor, ſuch Surveyor is hereby impowered to turn off ſuch Perſon or Perſons; and he, ſhe, and they, or the reſpective Perſon or Perſons on whoſe Behalf he, ſhe, or they ſhall come to work on the ſaid Roads, ſhall in that Caſe be ſubject and liable to the reſpective Forfeitures and Payments before-mentioned, as if he, ſhe, or they had neglected to come, or ſuch Team had not been ſent, to work on the ſaid Roads.

and on Perſons not performing Statute-work.

Perſons found idle to be turned off.

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

Provided always, and be it enacted, That the ſaid Truſtees, or any Five or more of them, may, and are hereby authorized and impowered, to compound with any Perſon or Perſons who are to repair, by reaſon of their Tenure, or otherwiſe, and with the ſeveral Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, and Places, through

through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lead, for the Repairs aforesaid, and for the several Days Statute-work, or other Work, to be by him, her, or them respectively done upon the said Roads, at and for such Rates or Sums of Money by the Year, or otherwise, as they the said Trustees, or any Five or more of them, and Inhabitants respectively, shall agree upon; which said Money shall be paid to the said Trustees, or any Five or more of them, or to their Appointment, to be laid out in the Repairs of the said Roads.

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

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways, for the time being, of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads, directed by this Act to be repaired, do lie, shall think the said Trustees, or their Surveyor or Surveyors, have directed or appointed too large a Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways, to appeal to the Quarter Sessions of the Peace, next after such Direction or Appointment, to be held for the said County: And the Justices, in their said Quarter Sessions, are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, shall be done on the Roads, by this Act directed to be repaired, such Surveyor or Surveyors of the Highways as aforesaid, having first given Ten Days Notice, in Writing, of such Appeal, to the Surveyor or Surveyors to the said Trustees, as aforesaid.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby authorized, impowered, and required, to cause the said Roads to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Roads, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, and also Posts at the several Roads, leading out of the Roads hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead, as they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure or destroy any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface,

Penalty on defacing Mile-stones.

deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, pulled down, dug up, injured, or destroyed; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all the Penalties and Forfeitures imposed or made payable by this Act (other than and except such for the Recovery whereof any other Method or Methods is or are herein before prescribed) upon Proof thereof, and of the several Matters, Causes, or Things, for which the same Penalties and Forfeitures shall be incurred respectively, before any Justice of the Peace for the County or Place where the respective Party or Parties, who shall incur such Penalties and Forfeitures, shall live, either by the Confession of such Party or Parties, or by the Oath of One Witness, shall be levied by Distress and Sale of the Goods, Chattles, and Effects, of the Party or Parties so incurring, by a Warrant or Warrants, under the Hand and Seal of such Justice; which Warrant or Warrants any such Justice is hereby authorized and required to grant for those Purposes, and to administer such Oath gratis: And the same Penalties and Forfeitures, being so levied as aforesaid, or otherwise paid, and every Part thereof, (other than and except such Parts thereof, as are hereby directed to be paid to Informers against Persons for Offences which shall be by them committed in Breach of this Act) shall, from time to time, be paid to the said Trustees, or any Five or more of them, or to their Appointment, and shall be laid out and applied in and towards the repairing and widening the Roads by this Act directed to be repaired, or in making a new Road through private Grounds, or keeping the said Road in Repair: And that the Overplus Money, which shall be levied by such Distress and Sale as aforesaid, after Payment or Deduction of the respective Penalties and Forfeitures for which the same shall be taken and made, and of the reasonable Charges of taking and making the same, shall be paid to the respective Owners of the Goods, Chattles, and Effects, which shall be so distrained and sold; and if no Goods, Chattles, and Effects,

Overplus Money to be returned to the Owner.

For want of Diſtreſs, Offender to be committed.

of the Perſon or Perſons, who ſhall incur the ſaid Penalties and Forfeitures, can be found ſufficient to anſwer the ſame, and the Charges of ſuch Diſtreſs and Sale (if any ſuch ſhall be taken and made) then and in ſuch Caſe any Juſtice may and is hereby authorized and required, by Warrant or Warrants, under his Hand and Seal, to cauſe ſuch Perſon or Perſons to be committed to the Common Gaol of the County or Place where the Perſon or Perſons offending ſhall live, or where the Offence or Offences ſhall be committed, for any Time not exceeding One Calendar Month for the Firſt Offence, or until ſuch Penalties or Forfeitures, and the Charges of ſuch Diſtreſs and Sale (if any ſuch there be) ſhall be paid; and for the Second and every other Offence of the ſame Kind or Nature, for any Time not exceeding Three Calendar Months, nor leſs than Six Weeks, or until ſuch Penalties and Forfeitures by him, her, or them, incurred, and the reaſonable Charges of the ſaid Diſtreſs and Sale (if any ſuch there be) ſhall be fully ſatisfied and paid.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided alſo, and be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any Act, Order, or Judgement, of any Juſtice or Juſtices of the Peace, which ſhall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, ſuch Perſon or Perſons may appeal to the Juſtices, at the next General Quarter Seſſions of the Peace for the County of Southampton, which ſhall be holden next after the doing, making, or awarding, of ſuch Act, Order, or Judgement, he, ſhe, or they, cauſing Ten Days Notice, in Writing, of ſuch Appeal, and of the Cauſe or Matter thereof, to be given to the Perſon or Perſons, on whoſe Information ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded, and to ſome or One of the Collectors or Receivers of the ſaid Tolls; which ſaid Juſtices, at their ſaid Seſſions, upon due Proof of ſuch Notices being given as aforeſaid, ſhall proceed in, hear, and determine, the Cauſes and Matters of the ſaid Appeals, and every of them; and the Orders and Judgements of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned or intereſted therein.

Notice of Appeal to be given.

Proceedings not to be quaſhed for want of Form.

Provided alſo, and be it further enacted, That no Conviction, Judgement, or Order of the Juſtices of the Peace, at their General Quarter Seſſions, or of any Juſtice or Juſtices of the Peace, which ſhall be by them reſpectively awarded or made in purſuance of this Act,

or in the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, or discharged, for or on account of Form only, nor shall be removed by Certiorari into any of His Majesty's Courts of Record at Westminster, until the Person or Persons, who shall sue out or prosecute such Writ, shall enter into a Bond, with Two sufficient Sureties, in the Penalty of Fifty Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order, shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court, into which such Conviction, Judgement, or Order, shall be or to be intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

nor removable by *Certiorari*, until Security be given to prosecute.

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

Proceedings to be entered in a Book.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid which shall be made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

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

No Order made to be revoked, unless 7 Trustees consent thereto.

And be it further enacted, That this Act, and the several Tolls, Authorities, and Powers, hereby made payable and given, shall commence and have Continuance from

Commencement and Continuance of this Act.

from and after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

Publick Act. And be it further enacted, 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.