Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Road leading from a Street called *The Hundred at Romſey* through *Chilworth* to the River at *Swathling*, in the County of *Southampton*; and for connecting the ſame with the Road leading from the City of *Wincheſter* through *Hurſley* to *Chandler's Ford*, and from *Hurſley* aforeſaid to the Turnpike Road at *Romſey* aforeſaid; and alſo for repairing and widening the Road leading from the River at *Swathling* aforeſaid, through *Botley* to the Turnpike Road at *Sherrill Heath*, in the ſaid County of *Southampton*.



Whereas the Road leading from a Street called The Hundred at Romſey, in the County of Southampton, through Chilworth, to the River at Swathling, in the ſaid County; and alſo the Road leading from the ſaid River, through Weſt End, Botley, Curdridge Common, and Shidfield, to the Turnpike Road at Sherrill Heath, leading to Wickham, Waltham, and Droxford, in the County aforeſaid, are in a ruinous Condition, narrow in many Places, and dangerous to Travellers; and the ſame cannot be effectually repaired and widened without the Aid of Parliament: And whereas an Act of Parliament was made and paſſed in the Thirty ſecond Year of the Reign of his late Majeſty, intituled, An Act for repairing and widening the Roads from *Oxdown Gate*, in *Popham Lane*, to the City of *Wincheſter*, and from the ſaid City, through *Hurſley*, to *Chandler's Ford*, and from *Hurſley* aforeſaid to the Turnpike Road at *Romſey*, and from Preamble. A & 32 *Geo.* II.

from the said Turnpike Road through *Ringwood*, in the County of *Southampton*, to *Longham Bridge*, and *Winborn Minster*, in the County of *Dorset*: And whereas the Road in the said Act mentioned, leading from the West Gate of the City of Winchester, through Pit and Hursley, to Chandler's Ford, and from Hursley aforesaid, through Anfield, by New Pond, to the Turnpike Road at Romsey aforesaid, is in and by the said Act called and distinguished by the Name of The Second Division: And whereas the Trustees appointed to put in Execution the said Act, have proceeded in the Execution thereof with respect to the said Second Division of Road, and have repaired and widened the same, for the expediting whereof they were obliged to borrow and take up at Interest, on the Security of the Tolls of the said Division, the Sum of Two thousand and Eight hundred Pounds: And whereas the Tolls collected at the Gates hitherto erected on the said Road (after deducting what is necessary to keep the said Road in Repair) are a scanty and inadequate Security for the Money borrowed thereon; and, in order to quiet the Lenders of the said Money, and to render their Security more safe and effectual, it will be expedient to erect a Gate, with a Toll-house to the same, in the said Street called The Hundred, Part of the same Road, the Erection of which Gate may be productive of Clamour and Discontent, because Persons travelling from Romsey aforesaid to Swathling aforesaid, or any of the intervening Places, or from thence to Romsey aforesaid, must pay a Toll at the said Gate, without having any Benefit from the Turnpike Road: And whereas the said Trustees are advised and apprehend, that the Tolls to be collected at a Gate to be erected in the said Street called The Hundred, will be much more than equal to the present Deficiency in the said Second Division, and will afford a Surplus sufficient to repair, amend, and widen, the said Road, leading from the said Street called The Hundred, through Chilworth, to the River at Swathling aforesaid, and thereby to remove the aforesaid Cause of Complaint: 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 from and after the passing of this present Act, the said Road leading from the said Street called The Hundred, through Chilworth, to the River at Swathling aforesaid, shall be added to and connected and united

Road from *The Hundred* to the River at *Swathling*,

united with the said Road called The Second Division, as Part of the Road of the same Division; and that all the Clauses, Provisions, Provisoes, Powers, Penalties, Forfeitures, Punishments, Matters, and Things, contained in the said recited Act, which relate to the said Second Division of Road, shall be extended to, and shall operate and have Effect over, the said Road leading from the said Street called The Hundred, through Chilworth, to the River at Swathling aforesaid, in like Manner, and as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in and by this present Act; and the Trustees named in the said recited Act, and elected and appointed, and to be elected and appointed, in pursuance of the Authority thereby given, or otherwise legally appointed to act as Trustees for the said Second Division, or a sufficient Number of them, shall and may, and they are hereby authorized and required to amend, repair, widen, and keep in Repair, the said last-mentioned Road, by such Ways and Means, and to exercise all other Powers and Authorities in and over the same, in such Manner as if the same had been originally described in the said Act, and had been thereby directed to be amended, repaired, and widened, as Part of the Road of the said Second Division.

added to the Road in the 2d Division of the recited Act.

Provided always, That nothing in the said recited Act or in this present Act contained, shall authorize or enable the said Trustees for the said Second Division, to purchase or take into the said additional Road, for widening, turning, or altering the same, any of the Lands or Grounds of Thomas Lee Drummer Esquire, lying between Stoneham Common and the said River at Swathling, without the Consent of the said Thomas Lee Drummer, his Heirs, or Assigns; or to erect, or cause to be erected, any Gate or Turnpike on the Road between the said River and the last Field Gate next the said Common, opening out of Bassett's Lane, into a certain Ground or Field called Pepton's, without the like Consent of the said Thomas Lee Drummer, his Heirs, or Assigns.

Certain Lands of *Thomas Lee Drummer* not to be taken into the Road; nor Toll-gate to be erected between certain Places.

Provided also, That nothing herein contained shall extend, or be construed to extend, or prohibit or prevent the said Trustees for the said Second Division, from erecting, or causing to be erected, any Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, on any other Part or Parts of the said additional Road of the said Second Division, or on the Side or Sides thereof, or upon, in, or across, any Lane or Way leading out of the same, save as aforesaid the Road between

Trustees of the 2d Division may erect Gates on the said Road,

the said River and the said Field Gate, or from taking and levying at such Gate or Gates, Turnpike or Turnpikes, such Tolls as are by the said recited Act made payable at any Gate or Turnpike erected or to be erected by virtue thereof, 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 the same Act on the Road of the said Second Division.

so as the same extend not to a Double Charge.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said Second Division, or any Seven or more of them, are hereby authorized and impowered to borrow and take up at Interest, on the Credit of the Tolls arising within the same Division, any Sum or Sums of Money, not exceeding in the Whole Two thousand Pounds, over and above the Sum of Three thousand Pounds authorized to be borrowed by the said recited Act; any thing in the same Act contained to the contrary notwithstanding.

Persons staying all Night at *Hursley* may pass Toll-free next Morning before Ten.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons, travelling the Road of the said Second Division with any Cattle or Carriage, shall stop and refresh in the Parish of Hursley aforesaid, and there to stay One Night, then, and in such Case, such Person or Persons, having in his, her, or their then Journey thither, paid the Tolls or Duties granted by the said Act, at any Gate or Turnpike erected by virtue of the same Act on the said Second Division of Road, shall be permitted, before Ten of the Clock in the Forenoon of the next Day, with the same Cattle or Carriage, to pass Toll-free through the other Gates or Turnpikes erected on the same Road, such Person or Persons producing a Note or Ticket, denoting that the said Tolls or Duties have been so paid.

Trustees may erect a Gate between *Latimer Street* and *Northgaston Stile*, to prevent evading the Tolls;

And be it further enacted by the Authority aforesaid, That the more effectually to prevent the Evasion of the Payment of the Tolls at any Gate to be erected in the said Street called The Hundred, it shall and may be lawful for the Trustees of the said Second Division, or any Five or more of them, to erect, or cause to be erected, a Gate or Turnpike, with a Toll-house to the same, at a certain Place lying near a Street called Latimer Street, and a Stile called Northgaston Stile, in the Parish of Romsey aforesaid, and there to take and levy, or cause to be taken and levied, such Tolls as are by the said Act directed to be paid at any other Gate or Turnpike erected on the said Road of the said Second Division, so as the same do not extend to a Double Charge upon

so as the same extend not to a Double Charge.

any

any Person or Persons passing through any other of the Gates or Turnpikes erected or to be erected on the same Road.

Trustees for the Second Division to pay a Third of the Expence of this Act.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said Second Division, or any Five or more of them, shall, out of the first Monies hereafter to arise by the Tolls or Duties on the same Division, or out of such Monies as have been or shall be borrowed on the Credit thereof, pay and discharge One Third Part of all the Costs and Expences of procuring and passing this Act; and shall apply the Residue of the said Monies in such Manner as by the said recited Act and this present Act is directed.

What may be deemed *Botley* Road.

And be it further enacted by the Authority aforesaid, That the said Road, leading from the River at Swathling aforesaid, through West End, Botley, Curdridge Common, and Shidfield, to the Turnpike Road at Sherrill Heath aforesaid, shall, in the Execution of this present Act, so far as it respects the same Road, be called, known, and distinguished by the Name of the Botley Road; and that in all Parts of this Act where any Mention shall be made of the Botley Road, either expressly or by Words of Relation, the whole Extent of the said last mentioned Road shall thereby be construed and understood to be meant and comprised.

Trustees Names.

And be it further enacted by the Authority aforesaid, That the Right Honourable James Bridges Esquire, commonly called Marquis of Carnarvan; the Right Honourable Lord Viscount Palmerston in the Kingdom of Ireland, the Right Honourable the Earl of Clanricarde in the Kingdom of Ireland, the Right Honourable the Lord Viscount Powerscourt in the Kingdom of Ireland, the Honourable Henry De Burgh, commonly called Lord Dunkellin; Samuel Atkins, William Attwick, the Reverend Robert Ash Clerk, the Reverend John Aiskew Clerk, Robert Andrews, Dummer Andrews, Thomas Albech, Anthony Aburrow, William Aburrow, Thomas Aburrow, John Aubrey, Sir William Benet Knight, Robert Barton, Elisha Biscoe, John Bond, Richard Bargus, Harry Burrard, John Brett, Edward Bedford, the Reverend Edward Beadon Clerk, the Reverend William Bartholomew Clerk, the Reverend William Bartholomew the younger Clerk, the Vicar of Botley for the time being, William Bedford, Charles Bedford, Robert Baynes, Henry Ball, Daniel Bradby, Joseph Bradby senior, Joseph Bradby junior, John Chute, John Clavering, Leonard Cropp, Charles Clutterbuck, Champneys, Edward Cleverley, the Reverend Thomas Yale Caverley Clerk, the

Reverend

Reverend James Cutler Clerk, Henry Caiger, John Clewer, Thomas Callaway, Colchester, John Clement, Thomas Lee Dummer, Thomas Dummer, George Dacre, the Rector of Droxford for the time being, John Duthy, John Eames, John Eyre, Thomas Eyer, the Reverend Eyre Clerk, William Eames, Philemon Ewer, the Vicar of Fareham for the time being, Henry Flower, Robert Fielder, Sir William Gardiner Baronet, George Garnier, Charles Godfrey, the Reverend James Gibson Clerk, John Gater, John Godfrey, Sir Thomas Heathcote Baronet, Sir Edward Hawke Knight of the Bath, Samuel Heathcote, William Heathcote, Martin Hawke, Edward Hawke, John Butler Harrison, the Reverend Richard Harris Clerk, the Reverend Henvill Clerk, Hawker, Horner, John Houghton, John Hockley, Edward Ives, the Reverend Jackson D. D. Jacob Jonas, Timothy Jones, the Reverend Kingsman Clerk, Walter Long, Henry Lys, the Reverend John Michael Lidgould Clerk, Benjamin Light, Charles Le Gay, Sir Richard Mill Baronet, Sir John Mordaunt Knight of the Bath, Carew Mildmay, Joseph Moyle, Thomas Missing, Henry Morley, Samuel Marshall, William Matthis, John Missing, the Reverend Charles Mill Clerk, Thomas Mondey, Thomas May, Hugh Morris, Mark Noble, Henry Penton, Constantine Phipps, David Palairet, William Peachy, the Reverend John Peverell Clerk, the Reverend Robert Peters Clerk, James Penford, Thomas Parsons, Richard Port, Sir Thomas Ridge Knight, George Ridge, Philip Rashleigh, Mark Robinson, the Mayor of Romsey for the time being, the Vicar of Romsey for the time being, the Right Honourable Hans Stanley, Sir Simeon Stuart Baronet, Peter Searle, William Sloane, Hans Sloane, William Sotherby, Nathaniel St. Andre, John Smith, Richard Vernon Sadleir, John Speed M. D. the Reverend John Sandford Clerk, Robert Stares, Godwin Seward, Clement Sharp, Alexander Thistlethwayte, Peter Thresher, the Reverend Robert Thistlethwayte D. D. the Reverend Nicholas Tindall Clerk, Jeremiah Titcher, the Reverend Stephen Unwin Clerk, Sir Francis Vincent Baronet, Jacob Wolffe Esquire, commonly called Baron Wolffe; John Willis, Matthew Woodford, Richard Wilson, James Ward, Henry Wyndham; Henry Penruddock Wyndham, the Reverend Thomas Appleford Woolls Clerk, the Rector of Waltham for the time being, the Rector of Wickham for the time being, John White, Joseph White, and William Yalden, shall be and they are hereby appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair

Repair the said Botley Road, and for putting in Execution all other the Powers in and by this Act given and granted with respect to the same Road.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act for the said Botley Road, 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, of the clear yearly Value of Fifty Pounds above Reprizes; 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 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 Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said Botley Road, or any Five or more of them, shall meet together at the House of John Nutcher, bearing the Sign of the Mason's Arms, at Swathling aforesaid, on the Third Day of June, One thousand seven hundred and sixty five, and proceed to the Execution of this Act with respect to the said Botley Road, and shall then adjourn themselves, and afterwards meet at the same Place, or any other Place or Places near the said Road, 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, with respect to the same Road: And if it shall happen that there shall not appear at any adjourned Meeting a sufficient Number of Trustees to adjourn to any other Time and Place, then the Clerk to the Trustees shall, from time to time, as often as such Default shall happen, adjourn the said Meeting to such Time and Place as

as they shall think fit, not exceeding, as to 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.

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 by the Authority aforesaid, 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.

Trustees not to accept of a Place of Profit under this Act.

And be it further enacted by the Authority aforesaid, 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 or under this Act.

Trustees who are in the Commission of the Peace to act as Justices.

And be it further enacted by the Authority aforesaid, 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 such Trustee or Trustees.

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the Trustees appointed by virtue of this Act shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, 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 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, on the said Botley Road, at least Ten Days before the Meeting for such Election: And all and every such Person and Persons as shall be so chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he and they is and are hereby authorized

Ten Days Notice of Election to be given.

thorized and impowered to act, in the Execution of this Act for the said Botley Road, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees hereby appointed are authorized and impowered to act.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees hereby appointed, 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 any Part or Parts of the said Botley Road; and also a Toll-house to each Gate or Turnpike; and shall demand and take, at each of the said Gates or Turnpikes, the following Tolls or Duties, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Vis à 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 lesser Number.

And 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 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 same Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall from

Tolls vested in the Trustees.

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 or Persons, after the Space of Two 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 the reasonable Charges of distraining and selling the same, shall be deducted and paid.

Tolls to be levied by Distress and Sale.

No Gate to be erected between *Swathling River* and *Hickley, &c.*

Provided always, That no Gate or Turnpike shall be erected between Swathling River aforesaid, and a Place called Hickley in the Road leading to Botley aforesaid, or in the Town or Vill of Botley aforesaid, or on the Road between the said Town or Vill and the said Curdridge Common.

Tolls to be paid but Once a Day.

Provided also, 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 Botley Road, shall be liable the same Day to pay any Tolls or Duties for the same Cattle or Carriage at the same or any other Gate or Turnpike to be erected on the same Road; 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 or Collectors of the Tolls is or are hereby required to give gratis) the same Day, to be computed from Twelve of the Clock in One Night, to Twelve of the Clock in the next Night.

Trustees may erect Sidegates.

And be it further enacted by the Authority aforesaid, That, to prevent Persons 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 Toll-house or Toll-houses, on the Side or Sides of the said Botley Road, and upon, in, or across, or at the End of any Lane or Way leading from or out of the same Road; and at the said Gate or Gates,

Turnpike

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, on the said Botley Road. and take Tolls thereat, so as the same do not extend to a Double Charge.

And be it further enacted by the Authority aforesaid, That the Gates or Turnpikes and Toll-houses erected by virtue of this Act on the said Botley Road, 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 of the same Road; 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 to prefer, and order and direct the preferring of Indictments against any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Gate, Turnpike, or Toll-house, which shall by virtue of this Act be erected on the said Botley Road, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist. Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees of the said Botley Road, 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 Two Third Parts of the Costs and Expences of procuring and passing this Act; and shall apply the Remainder of the Monies so raised or to be raised in erecting Gates or Turnpikes and Toll-houses, and repairing, widening, and amending, the said Botley Road, and defraying the necessary Costs, Charges, and Expences, attending the same, and to no other Use or Purpose whatsoever. Application of the Monies.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees of the said Botley Road, 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 same Road, 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, with Consent of Creditors, may lessen the Tolls.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees of the said Botley Road, or any Nine 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 on the same Road, with any Carriage or Cattle, for any Sum of Money for and in lieu of the Payment of the Tolls or Duties, to be paid yearly, or otherwise, from time to time, after such Agreement shall be made.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees of the said Botley Road, or any Seven or more of them, at any Meeting or Meetings to be held in pursuance of this Act, by any Writing or Writings under their Hands and Seals, to demise, lease, and to farm let, the Tolls or Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons, for any Term or Terms of Years not exceeding Seven Years, at and for the best Price or Rent such Trustees can get for the same, payable at such Times, and under such Covenants, as shall be agreed upon between the said Trustees and the Lessee or Lessees of the said Tolls or Duties: And such Price or Rent shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of as the Tolls or Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be charged with any of the Tolls or Duties granted by this Act, who shall pass through any of the Turnpikes erected by virtue of this Act on the said Botley Road, with any Cattle or Carriage, which shall carry or draw any Quantity of Materials for repairing the same Road, or any other Highway or Road; or for any Carriages carrying any Hay, or Corn in the Straw, to be laid in the Houses, Out-houses, Barns, or Yards, of the Inhabitants of any of the Parishes or Places through which the said Road leads, 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; 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; or for any Carriage carrying any Heath, Turf, Furze, or Peat, for Fuel; 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 Counties of Southampton, Sussex, or Wilts, 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 with legal Passes.

Penalty of making illegal Claims.

Provided always, 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, &c.

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

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 thereof shall go and be applied towards the amending the said Botley Road.

to avoid Payment of the Tolls.

And, for the more speedy repairing and widening the said Botley Road, be it further enacted, That it shall and may be lawful to and for the said Trustees appointed to put this Act in Execution, so far as it relates to the repairing and widening the said Botley Road, 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 on the same Road, 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 they 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 being first paid) shall be laid out and applied in and for repairing and widening the said Botley Road, 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 no Preference shall be given to any Person or Persons advancing any Part or Parts of the said 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 and respective principal Sums, Creditors on the said Tolls in equal Degree

Tolls may be assigned for Money borrowed.

one

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 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 respective Shares and Interests will extend, but no farther or otherwise.

Trustees may advance Money on the Credit of the Tolls,

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

and take Security.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, 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 impowered 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 liable by reason of signing, &c.

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.

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees for the said Botley Road, 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 same Road, and such other Officer or Officers as the said Trustees, or any Five or more of them, shall think necessary in the Execution of this Act; and such Collectors or Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, to remove or displace, and to elect and appoint others in the Rooms and Places of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for electing such others, being affixed on all the Turnpikes erected on the said Botley Road, 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 or 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 Road, 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,

and settle Salaries.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every the Collectors or Receivers of the said Tolls of the said Botley Road, 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, on the same Road, 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, and 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 as they, or any Five or more of them, shall direct or appoint: And 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 Two 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 Receipts 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, upon Complaint thereof made 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

Officers refusing to account, may be sued;

or if Complaint be made,

Justices to enquire into the Default,

count 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 Nonpayment 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, 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 levy the Balance by Distress and Sale;

or Offender to be committed,

until Payment or Composition be made.

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.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees of the ſaid Botley Road, or any Five or more of them, are hereby authorized and required to take ſuch Security from the Treaſurer or Treaſurers, and other Officers to be appointed for the Purpoſes of this Act, with reſpect to the ſame Road, 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.

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

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

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

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees for the ſaid Botley Road, 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 ſaid Botley Road, or in any neighbouring Pariſh, Town, or Place, to be uſed, diſpoſed of, and applied in repairing the ſame Road, 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, or fencing the ſame, to prevent any Accident happening therein: And if ſuch Quantity 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

without paying for the ſame;

levelling the Pits, &c.

tities 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 Road; 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 of Trees for the Ornament of any House; they the said Trustees, or any 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: 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 for 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, 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.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That the said Trustees of the said Botley Road, 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 same Road; and shall and may erect or build, or cause to be erected or built, any Bridges

Surveyors to make Causeways, cut Drains, &c.

or

or Arches of Stone, Brick, or Timber, upon, in, or across the same Road, or any Part thereof, and shall and may dig or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across any Lands or Grounds, to prevent the same Road, 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.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors of the said Botley Road, 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 Road aforesaid, and to cut down Trees or Bushes growing in the said Road, 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 where 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 of the said Botley Road, or any Five or more of them, the Sum of Twenty Shillings, to be applied in repairing the said Road.

Surveyors to remove Annoyances, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimbursed to the Surveyor;

to be levied by Distress and Sale.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, who of Right ought to

Owners of Watercourses, &c. neglecting to scour the same,

to ſcour or cleanſe any Ditch, Drain, or Watercourſe, lying or which ſhall lie in, or leading or which ſhall lead into or out of the ſaid Botley Road, or any Part thereof, ſhall not in a proper Manner ſcour and cleanſe ſuch Ditches, Drains, and Watercourſes, or cauſe the ſame to be done within the Space of 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 and is and are hereby authorized and impowered to cauſe ſuch Ditches, Drains, and Watercourſes, to be ſcoured and cleanſed, and 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, Drains, or Watercourſes, and Payment of the ſaid Money, and Demand thereof made, and Nonpayment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes, before any Juſtice of the Peace of the County or Place where ſuch Perſon or Perſons reſpectively ſhall live; ſhall and may, by 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.

Surveyors may ſet Men to cleanſe the ſame,

and levy the Charge by Diſtreſs and Sale.

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees for the ſaid Botley Road, or any Seven or more of them, ſhall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the ſame Road, 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 Road, 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,

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

widening, turning, or altering, any Part of such Road; 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 Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road 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 by the Authority aforesaid, 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 or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any 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.

Bodies Politick, &c. impowered to treat.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies

Owners neglecting to treat, &c.

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 Botley Road, or into which such Road is 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 County in which such Lands or Grounds so to be taken in do lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested for or upon account of the taking such Lands, Grounds, or Hereditaments into the said Road, or of turning such Road 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 Question, if there be Occasion, and use all such other lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any 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,

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

diaments, 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 thencefoth, 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 County in which such Lands and Grounds so to be taken in do lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons or more to appear before the said Trustees, or any 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 Two 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 the Sheriff for impanelling a Jury.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall

Jurors may be challenged.

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

refuse

refuse to be sworn on the said Jury; or being so sworn, refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be examined and give Evidence; and from time to time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned, is hereby directed to be levied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Use, and in such Manner, as the Tolls granted by this Act are to be applied.

Fine not to exceed 10*l.*

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agent, 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 Road, such Ground, 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 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 Road, 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, &c. purchased to be laid into the Roads,

and deemed a publick Highway.

Lands,

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 Road for ever after; and shall be repaired and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road, so widened, altered, or turned, was and ought to have been kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road, shall be vested in, and shall and may be sold by, the said Trustees, or any 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 Road: 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 Law to all Intents and Purposes whatsoever.

Old Road may be sold.

Provided always, and be it enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Road, 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 Owner shall consent thereto.

Buildings, &c. not to be injured.

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

Lands, &c. chargeable to Repairs, to continue so.

Inhabitants to do Statute-work.

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 Road 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 Road by this Act directed to be repaired doth lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted by the Authority aforesaid, That the Surveyors of the Highways of and for every of the Towns, Parishes, Hamlets, and Places, through which the said Road leads, shall, and they are hereby required, at the First Meeting of the said Trustees for the said Botley Road, after the Twenty fifth Day of March yearly, and oftener if thereunto required by the said Trustees, or any Five or more of them, during the Continuance of this Act (Ten Days Notice of every such Meeting being fixed on all the Turnpikes erected on the said Road) to deliver in to the said Trustees at such Meeting, upon Oath, if thereunto required (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, who are liable to do their Statute Duties in and upon the said Highways; and shall in such Lists and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not or by this Act are not deemed to keep a Team or Teams.

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

And

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Road leads, 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 Highway, shall not do such Statute-work in and upon the said Road, 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 Road, 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 Road, 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 Road.

Penalty on Surveyors neglecting to deliver Lists.

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said Botley Road, or any Five or more of them, may, and are hereby authorized and impowered to compound with any Person or Persons, who are to repair by reason of their Tenure or otherwise, and with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired, or any Part thereof, 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 Road, at and for such

Trustees may compound with Parishes, &c.

Rates

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 Road.

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

And be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, Parishes, Hamlets, or Places, wherein the said Road directed by this Act to be repaired doth 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 Road; 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 County wherein such Highway lies; and the Justices in their respective Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Road 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 by the Authority aforesaid, That the said Trustees for the said Botley Road, or any Five or more of them, may, and are hereby authorized, impowered, and required, to cause the said Road to be measured, and Mile-stones or Posts to be fixed or set up in or on the Sides of the said Road, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places, as they, or any Five or more of them, shall think fit: And if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts that shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause or procure the same to be done; every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or designedly broken, obliterated, defaced, or pulled down; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, pulled down, obliterated, or defaced, or in supplying new ones in their Stead;

Penalty on defacing Mile-stones, &c.

And

And if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the same Road.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, 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 said Offence or Offences shall be committed, or 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 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 Road by this Act directed to be repaired, or in making a new Road through private Grounds, and keeping the said Road in Repair.

Overplus Money to be returned to the Owner.

Provided always, and be it further enacted, That the Overplus of the 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, if demanded, 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, 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 by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices at the next General Quarter Sessions of the Peace for the County or Place where the Matter or Thing, for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding, of such Act, Order, or Judgement, he, she, or they, causing 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, and hear, and determine, the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

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

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

nor removeable by *Certiorari*.

son 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 be intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed. until Security be given to prosecute.

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

And be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, 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 by the Authority aforesaid, 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 by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers, hereby made payable and given with respect to the said Botley Road, shall commence and have Continuance from the First Day of June, One thousand seven Commencement and Continuance of the Act.

hundred and fifty five, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any Thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters herein contained, such Actions, and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and the Defendant or Defendants, in such Actions and

General Issue.

Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if 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 Paintiffs 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

Treble Costs.

in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs; and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

Publick Act.

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

FINIS.