



ANNO PRIMO & SECUNDO

GEORGIIV. REGIS.

Cap. lvi.

An Act to continue the Term, and alter and enlarge the Powers, of Two Acts, for repairing the Roads from *Sheet Bridge to Portsmouth*, and from *Petersfield* to the *Alton Turnpike Road*, near *Ropley*, in the County of *Southampton*. [28th May 1821.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for repairing and widening the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton Turnpike Road near Ropley in the County of Southampton*: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and Powers of an Act passed in the Twelfth Year of the Reign of His said late Majesty King George the Third, for repairing, altering, and keeping in Repair the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton Turnpike Road near Ropley, in the County of Southampton*: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit thereof, and of the Tolls thereby authorized to be taken; which Money still remains due and cannot be repaid, or the said Roads properly maintained and improved or kept in Repair, unless the Terms of the said Acts be continued, and

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Recited Acts
continued.

some of the Powers thereof altered and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Authorities, Powers, Provisoos, Provisions, and Clauses therein respectively contained (except such of them as are varied, altered, or repealed), shall be and continue in full Force and Effect, and together with this present Act shall be put in Execution for and during the Term herein-after mentioned, in as full and ample a manner, and as effectually to all Intents and Purposes, as if the said Authorities, Powers, Provisoos, Provisions, and Clauses were repeated and re-enacted in this present Act, and the additional Term hereby granted shall be and is hereby made subject and liable to the Payment of all Monies now due and owing on the Credit or on Account of the said recited Acts, or either of them, and of all Sums which may be due and owing on the Credit or on Account of this Act, and all Interest due and to grow due for the same respectively.

Trustees.

II. And be it further enacted, That from and after the passing of this Act, all His Majesty's Justices of the Peace acting for the County of *Southampton*, together with the Honourable Sir *George Grey* Baronet, the Honourable Sir *Charles Paget*, the Right Honourable *William Huskisson*, the Reverend Sir *Samuel Clarke Jervoise* Baronet, Sir *Lucius Curtis* Baronet, Sir *George Thomas Staunton* Baronet, Sir *Charles Hamilton* Baronet, Sir *George Prevost* Baronet, Sir *John Charles Richardson* Baronet, Sir *William Knighton* Baronet, Sir *George Garrett* Knight, Sir *Alexander Bryce* K. C. B., the Governor and Lieutenant Governor of *Portsmouth* for the Time being, *Elias Arnaud*, *Elias Bruce Arnaud*, *Elias Arnaud junior*, *John Adams*, *Arthur Atherley*, *George Atherley*, *John Atkins*, *William Andrews*, *John Annesley*, the Reverend *Arthur Atherley*, *John Elias Atkins*, Captain *Agnew*, *Thomas Bonham*, *William Blunt*, *Thomas Butler of Hambleton*, *John Burrell*, *William Buckle*, *William Barnard*, *Henry Budd*, *Richard Batchelor*, *Thomas Boddy*, *Thomas Bonniface*, Major *Buchanan*, *Thomas Burbey*, *William Blunt of Buriton*, *John Carter*, *James Carter*, *Edward Carter*, *Thomas Clement*, *Henry Chawner*, *Charles Coles*, *Thomas Chitty*, the Reverend *George Cuthbert*, the Reverend *John Coles*, *William Christy*, *Joseph Cave*, *William Cooper*, *John Couzens of Prinsted*, *John Collins*, *James Cull*, Captain *Thomas Wren Carter* Royal Navy, *Arthur Carter*, the Reverend *James Cookson*, *John Compton*, H P Delme, *George Dehue*, the Reverend *John Docker*, *John Diaper*, the Reverend *William Stevens Dusatoy*, *Herbert Diaper*, Captain *Hugh Downman* Royal Navy, *Richard Eyles*, *William Eggar*, *William Ellis*, Sir *Henry Fetherstonhaugh* Baronet, *Thomas Fitzherbert*, *John Fulleck*, *William Friend*, *Francis Francis*, *William Garrett*, *Henry Garrett*, Captain *William Gage*, the Honourable *William Gage*, *William Grant*, *George Grant*, *Thomas Grant*, *Thomas Gardener*, *Moses Greetham senior*, *Samuel Gloyne*, *James Goodeve*, *James Grigg*, *William Haunsworth*, the Reverend *James Henville*, the Reverend *Charles Brune Henville*, Admiral *Peter Halkett*, *George Holland*, General *Francis Hugonin*,

Hugonin, Colonel James Hugonin, Moses Hoper, Daniel Howard, Henry Hill of Fratton, William Harrison, Franklin Howard, Henry How, Cornthwaite John Hector, Hylton Jolliffe, the Reverend William John Jolliffe, William George Jolliffe, Erasmus Jackson, Hugh Jarman, William Jolliffe, George Haynes Jones Doctor of Medicine, Fielder King, George King, John Knight of Drayton, the Honourable Henry Legge, the Honourable Heneage Legge, John Leech, James Player Lind Doctor of Medicine, John Lipscomb, Richard Loe, Benjamin Lara Doctor of Medicine, James Loe, Andrew Lindegren, Charles Loncroft, Joram Littlejohn, Thomas Lock, Allan Mackenzie, John Meeres, John Mundy, George Henry Mottley, William Mitchell of Petersfield, Samuel Martin, William Newton, John Neale, Richard Norris of Basing, John Prowting, Edward Patrick, Edward Patrick junior, John Jeffery Powell, the Reverend Brownlow Poulter, Samuel Padwick, John Parker, Captain Parry Royal Navy, Henry Mason Plaistow, Henry Padwick, Edward Pinnix, George Pinnicott, John Prate, the Reverend Griffith Richards, the Reverend Richard George Richards, John Ring of Portsea, John Richardson, John Edward Shackelford, John Silvester, William Silvester, Joseph Smith of Purbrook, Joseph Smith of Cosham, Sir Samuel Spicer, David Spicer, Sir Michael Seymour, James Scott of Rotherfield, John Sutton Shugar, Samuel Seward of Weston, John Snook, John Stephens, Thomas Land Suett, John Shoveller Doctor of Laws, Christopher Stevens, William Taylor, Samuel Twyford, Samuel Twyford junior, the Reverend Charles Edward Twyford, Charles Tabor, Thomas Thistlethwaite, Richard Godman Temple, Lake Taswell, John Victor, the Reverend John Whicher, Sir Henry White, the Reverend William Wells, John Westley Webb, James White of Palsgrove, Thomas White of Langrish, Edward Woolls, James Whicher, Josiah Webb, John Weymouth, the Reverend Lewis Way, Thomas Walker, George Waller, William Dacres Adams, John Mac Arthur, Nathaniel Atcheson senior, Robert Shank Atcheson, James Adams, Samuel Allnutt, William Atfield, Herbert Allen, Samuel Andrews elder, Samuel Andrews younger, Henry Clifton Atkinson, Colonel Blake, Francis Brewer, the Reverend Charles Boyles, John Butler, John Billett, James Butler, the Reverend John Blackman, William Baker, Nathaniel Baker, Colonel Conway, the Reverend Robert Heysham Cumyns, George Augustus Callaway, Edward Casher, Thomas Croxton, John Crossweller, John Chase, Henry Dawkins, William Deacon, Nicholas Diddams, Harrison Deacon, Joseph Dudley, James Wemyss, William Freeland, Charles Greetham, the Reverend Samuel Gauntlet Doctor of Divinity, William Gauntlett, Stephen Gaselee, William Goldfinch, Moses Greetham junior, the Reverend Cornelius Green, George Lamburn Greetham, Jonathan Gains, John Thomas Garrett, James Goldsmith, John Goldsmith, George Grant junior, William Grant junior, John Spice Hulbert, John Allen Hicklely, Smith Howard, John Baker Haynes, William Hobbs, Daniel Hewett, Garwen Holloway, Frederick Horton, Robert Harfield, James Knight, John Kitson of Mile End, George Leer, Trevor Hull Letham, John Lindegren, Henry Leake, the Reverend David Lloyd, John Lind Doctor of Medicine, William Lang, John Smith Lane, John Lang, Thomas Marten, John Mellersh, John Martin, William John Madden, Samuel Mottley senior,

senior, the Reverend *William Morgan*, *Charles Mant*, the Reverend *William Norris*, the Reverend *William Norris* junior, *Samuel Norris*, *John Osmond*, *Peter Osmond*, *William Padwick* senior, *William Padwick* junior, *Edward Parker*, *Richard Pittis*, *William Powell*, *George Phillips*, *George Pratt*, *George Plummer*, *Stephen Poyntz*, *William Pearce*, *Alexander Poulden*, *Daniel Quarrier* Doctor of Medicine, *Thomas Roger Ridge*, *William Reeks*, *Richard Ring*, *Edward Ives Richards*, *William Spencer*, *Charles Short*, *George Soaper*, *G A Shaw*, *Thomas Seeds*, *Benjamin Stow*, *William Taylor*, *William Turner*, *George Turner*, *John Taylor*, *Joseph Kibner Turner*, the Reverend *William Tyner*, *John Walker*, *Richard Watson*, *Robert Ward*, *George Ward*, *John Wilkinson*, *William Winkworth* junior, *William Wise*, *George Witcher*, *Stephen Winkworth*, *James White* of *Havant*, *Charles Winkworth*, *John Williams*, and also such additional Number of Persons, not exceeding Ten as they or any Nine or more of them shall at any Meeting or Meetings nominate and appoint, and their Successors, to be elected in manner directed by the said first recited Act, shall be and they are hereby appointed the Trustees for amending, widening, and improving the Roads described in the said recited Acts, and for otherwise carrying the said Acts and this Act into full and complete Execution.

Power to
elect other
Trustees.

III. And be it further enacted, That when and so often as any of the Trustees hereby appointed, or to be elected and appointed, shall die, or shall become disqualified by Bankruptcy, Insolvency, or otherwise, to act in the Execution of the said recited Acts and this Act, or by Writing under their Hands shall decline to act in the Execution of the said Acts and this Act, it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint One or more fit and proper Person or Persons to be a Trustee or Trustees in the Room of every Trustee or Trustees dying, declining, or neglecting to act as aforesaid; provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Toll Gates then erected upon the said Roads, and by inserting such Notice in one or more of the Newspapers published within the County of *Southampton*, Ten Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of the said Acts and this Act shall and may act with the surviving and continuing Trustees in the Execution of the said Acts and this Act, to all Intents and Purposes, as if he or they had been named and appointed a Trustee or Trustees in and by this Act.

Repeal of
Qualification
of Trustees.

IV. And whereas it is by the said first recited Act enacted, that no Person should act as a Trustee in the Execution thereof, who should not be possessed of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or should have a Personal Estate of the Value of Eight hundred Pounds, or should be Heir Apparent of a Person possessed of an Estate of Inheritance in Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds: And whereas the said Provision has been found

found inconvenient; be it therefore enacted, That the same shall be and is hereby repealed.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Acts and this Act (save and except the said Governor and Lieutenant Governor of *Portsmouth*) unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir apparent of a Person so seised of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds: Provided always, that the said Governor and Lieutenant Governor of *Portsmouth* shall and may act as Trustees under the said recited Acts and this Act, provided they are possessed of a Personal Estate of the Amount or Value of Five hundred Pounds.

Qualification
of Trustees.

VI. And be it further enacted That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such, (except in administering the Oath herein-after mentioned) shall take and subscribe an Oath before Two or more of the said Trustees (who are hereby empowered to administer the same) in the Form or to the Effect following; (that is to say),

Trustees to
take an Oath.

‘ I *A. B.* do swear, That I am in my own Right (or in the Right of my Wife) truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, [or am Heir apparent of a Person truly and *bonâ fide* seised or possessed of, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, or am truly and *bonâ fide* possessed of a clear Personal Estate, of the Amount or Value of Four thousand Pounds, or, being Governor or Lieutenant Governor of *Portsmouth*, that I am truly and *bonâ fide* possessed of a clear Personal Estate of the Amount or Value of Five hundred Pounds,] and that I will truly and faithfully execute the Powers and Trusts reposed in me by Three Acts passed in the Twelfth and Thirty-sixth Years of the Reign of His Majesty King *George* the Third, and in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled [here set forth the Titles of the said Acts.]

‘ So help me GOD.’

VII. And be it further enacted, That every Person who shall act as a Trustee in the Execution of the said Acts or this Act, without having taken and subscribed the said Oath as aforesaid, or not being qualified according to the true Intent and Meaning of this Act, or being disqualified as aforesaid, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered,

Penalty on
Persons act-
ing without
taking the
Oath, or
without being
qualified.

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with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and in every such Action, Suit, or Information, the Proof of his Qualification, and of his having taken and subscribed the said Oath as aforesaid, shall lie on such Person against whom the same is brought: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of the said Acts and this Act, previous to his being convicted of any such Offence, shall be as valid and effectual as if such Person had been qualified, or had taken and subscribed the said Oath, according to the Directions of this Act.

Trustees holding Places of Profit not to act.

VIII. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee, in the Execution of the said Acts and this Act, during the Time he shall hold any Place of Profit, or be interested or concerned in any Contract or Contracts under the said Acts or this Act; but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted and continued by the said Acts, and this Act, or receiving Interest thereout for the same, shall be on that Account deemed unqualified to act as a Trustee in the Execution of the said Acts and this Act.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case any Two or more of the said Trustees, or the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Five or more of the said Trustees, shall forthwith give Notice of such earlier Meeting in the Manner before directed, and in such Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting (such Time not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the said Trustees, or the Majority of them, at all Meetings held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements in the Execution of the said Acts and this Act; and no such Order, Agreement, or Determination shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Twenty-one Days before, in some public Newspaper usually circulated within the said County, of the Intention to apply to revoke or alter the same, nor unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Agreement, or Determination; and at every Meeting of the said Trustees a Chairman shall

How Orders of Trustees are to be made and revoked.

shall and may be appointed; and when and so often as it shall happen that there shall be an Equality of Votes at any such Meeting, upon any Question including the Vote of the Chairman, then and in every such Case it shall and may be lawful for the Chairman to give the decisive or casting Vote.

Chairman to have a casting Vote.

X. And be it further enacted, That all Acts, Proceedings, Matters, and Things, relative to the Execution of the said recited Acts and this Act, may be done and executed by the Majority of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, present at their respective Meetings, the whole Number present not being less than Five; and all Acts, Matters, and Things so done by any such Five or more Trustees, shall be as good, valid, and effectual as if the same had been done by all the Trustees herein named or to be appointed, (except only in Cases herein or by the said recited Acts particularly directed to be done and executed by any greater or less Number).

All Acts may be done by the Majority of Trustees, unless otherwise directed.

XI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Acts or this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of the said Acts and this Act or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk, in the Execution of the said Acts and this Act or any of them; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Impar lance shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

XII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times to order and direct a Book, or Books, to be provided and kept by their Clerk or Clerks, for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls by the said Acts granted, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of, or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and

Accounts to be kept of Receipts and Disbursements.

and in case the said Clerk or Clerks shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay any Sum not exceeding Five Pounds.

Repeal of
Provision for
verifying
Accounts on
Oath.

XIII. And be it further enacted, That so much of the said first recited Act as requires any Officer or other Person to verify his Accounts on Oath, and as authorises the Trustees for executing the said Act to administer an Oath to any such Officer or Officers appointed or to be appointed by virtue of the said Acts or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed.

Trustees may
appoint tem-
porary Col-
lectors.

XIV. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall refuse, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the Trustees, (although not assembled at a Meeting of the Trustees appointed by virtue of this Act), to discharge such Collector or Receiver; and in such case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall be so discharged or shall die, to continue until the said Trustees shall at a Meeting to be holden in pursuance of this Act confirm such Appointment, or appoint a Collector or Receiver of such Tolls in his Room or Stead; and the same Trustees shall, and they are hereby required immediately on such Discharge to cause Notice in Writing to be given of such Meeting, in the Manner hereinbefore directed, for the Purpose of nominating and appointing a proper Person to be a Collector or Receiver of the Tolls, which Person so to be nominated and appointed by the said Trustees shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family, or other Representative of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building with the Appurtenances to be continued or erected by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County or Place where the Toll House or Building shall be situate, upon Application made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for such County or Place, with such Assistance as shall be necessary, to enter such House or Building
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in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put such Trustees or any Three of them respectively, or their new appointed Officer, into the Possession thereof.

XV. And be it further enacted, That upon Payment of the Tolls by the said first recited Act granted, the Collector or Receiver thereof shall, and he is hereby required to deliver *gratis* to the Person paying such Tolls, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment. Tickets to be provided.

XVI. Provided always, and be it enacted, That if any Person shall have paid the full Toll by this Act granted, at any Toll Gate or Turnpike erected or to be erected on the said Road between the Town of *Petersfield* and the *Alton* Turnpike Road at *Rumsdain Bottom*, such Person shall, upon producing a Note or Ticket denoting such Payment, be permitted to pass Toll-free, with the same Horse, Cattle, or Carriage, through any Turnpike or Toll Gate on the said Road at any Time during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night. Number of Tolls between Petersfield and Alton.

XVII. And be it further enacted, That this Act shall not extend, or be construed to extend, to charge with Toll any Horses or Carriages attending their Majesties, or any of the Royal Family, or returning therefrom. Exempting the Carriages of the Royal Family.

XVIII. And be it further enacted, That from and after the passing of this Act, no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads in the Townships or Parishes in which any Parts of the said Roads lie, or Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners for the Purpose of thrashing such Corn, or of seeding out such Hay or Straw; or for any Horse, Cattle or Beast employed in carrying or conveying, or going empty to carry or convey, or returning on the same Day empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, Corn for seeding the Ground, or for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning the same Day empty from carrying or conveying, having been employed only in carrying or conveying, any Dung, Compost, or other Manure of any Kind, to be used or laid upon Lands, (except Chalk and Lime), provided the Carriage laden therewith shall not, together with such Lading, exceed Four Tons in Weight, or shall have Wheels of the Breadth or Gauge of Six Inches or upwards, the Fellies or Tires whereof shall Exemptions from Toll.

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not deviate more than One Inch from a Flat Surface; or any Chalk or Lime to be used or laid upon Lands as Manure for the improving thereof, (except as herein-after mentioned), provided the Carriage laden therewith shall not, together with such Lading, exceed the Weight of Four Tons, and shall have such Wheels as last aforesaid; nor for any Horses or Cattle going to or returning from Pasture or Watering Places; nor from any Person going to or returning from his or her proper Parochial Church or Chapel, or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship, tolerated by Law, on a *Sunday* or upon any other Day on which Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried in any of the said Townships or Parishes, or from any Clergyman going to or returning from visiting any sick Person, or going to or returning from his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horse, Cattle or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers on their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage, nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Cart, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; nor for any Horse, Cattle or Beast carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Southampton*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for or on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall, in any fraudulent or collusive Manner, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act: Provided nevertheless, that from the Thirty-first Day of *October* to the First Day of *April* in every Year, every Horse, Cattle, Beast, or Carriage employed in carrying or conveying Chalk or Lime, to be used or laid upon Lands as aforesaid, shall be charged with and liable to One-half of the Tolls granted by the said first-recited Act, in all Cases where the

Carriage

Carriage laden with such Chalk or Lime shall have such Wheels as aforesaid, and to the Whole of such Tolls in all Cases where such Carriage shall not have such Wheels as aforesaid.

XIX. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses, or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or this Act contained to the contrary notwithstanding.

Carriages conveying Military Stores not to be subject to Penalties for Overweight, &c.

XX. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages, (in respect whereof, or of the Horses or Beasts drawing the same, the Tolls granted by the said first recited Act are made payable), having the Wheels of the Width and Description, and the Axletrees fixed, as mentioned and set forth in and by an Act, passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to have and enjoy the Privileges and Exemptions granted by the said Act, in Manner therein mentioned.

Waggons, &c. allowed Privileges and Exemptions granted by 55G.3.c.119.

XXI. And whereas it is by the said first recited Act enacted, that if any Person shall go with any Cattle or Carriage through or over any Land, Ground, or Place, in order or with Intent to evade the Payment of Toll, or should forge or counterfeit any Note or Ticket with Intent to avoid the Payment of any Part of the Tolls by the said Act granted; or if any Person owning or occupying Land should knowingly permit or suffer any other Person to go with any Cattle or Carriage through or over any such Land, with Intent to evade the Payment of any of the Tolls, or if any Person should do any other Act with Intent to evade the Payment of the said Tolls, every such Person should forfeit and pay the Sum of Forty Shillings, as in the said Act mentioned: And whereas the said Provision nas been found ineffectual, be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repeal of the Provision in former Act to prevent evading Tolls.

XXII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his,

To prevent Evasion of Tolls.

his, her, or their Family or Servants, who may have occasion to pass into or from the same Land or other Premises); or if, any Person or Persons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway) near to the said Roads or any Part thereof, shall knowingly or wilfully permit or suffer any Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Lands, or Grounds, in order to or with Intent thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge or counterfeit, or shall give or deliver to, or receive from any Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of the Toll shall be thereby evaded; or if any Person, not having paid the said Toll, shall offer or produce and use any such Ticket, with Intent to evade the Payment of any of the Tolls which shall be due or payable by virtue of the said Acts and this Act; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Roads, or shall leave upon any Part of the said Roads any Horse or Horses, or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with Intent to evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any Turnpike or Toll Gate, with any Horse or other Cattle or Beast, without Payment of the Toll, or of any Part thereof, all and every such Person or Persons shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Lessees of Tolls may appoint Persons to receive the same.

XXIII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as any Collector of the said Tolls, appointed under or by virtue of this Act, or of the said recited Acts, is by this Act, or the said recited Acts authorized or empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees, is subject or liable to.

Penalty on Renters of Tolls compounding for Overweight.

XXIV. And be it further enacted, That no Lessee or Lessees, or Farmer or Farmers of the Tolls at any Toll Gate or Toll Bar erected or to be erected upon the said Roads, or his or their Deputy
or

or Deputies, Agent or Agents, shall make any Composition by the Year or otherwise, with the Inhabitants of any Town or Place, or with any Person or Persons whomsoever, for and in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any Engine or Engines to be erected upon the said Roads, for or in respect of the Overweight thereof; and in case any Lessee or Farmer or Deputy or Agent shall offend herein, every such Lessee or Farmer or Deputy or Agent shall on Conviction thereof by Confession, or upon the Oath of One Witness, before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall be committed, forfeit and pay, besides the Costs and Charges attending the Conviction, any Sum not exceeding Five Pounds, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees or any Five or more of them shall think proper to order that the same shall be thereupon vacated and made void; and every such Composition shall be and the same is hereby declared to be null and void; and One Moiety of every such Penalty as aforesaid shall be paid to the Informer, and the other Moiety to the Clerk or Treasurer of the said Roads, to be applied towards the Repairs thereof, the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid.

XXV. And be it further enacted, That every Toll Collector, whether appointed by the said Trustees, or by any Lessee or Lessees under them, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts or this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, such Ticket having specified thereon the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or to any Person or Persons travelling upon the said Roads, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay for

Punishing
Collectors
misbehaving.

[Local.]

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every

every such Offence any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge and determine.

Disputes concerning Tolls to be settled by a Justice.

XXVI. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice of the Peace for the County or Place in which the Cause of Dispute shall arise, who upon Application made to him for that Purpose shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Repealing former Provision, directing when Tolls may be lessened.

XXVII. And whereas by the said first recited Act it is enacted, that the said Trustees, or any Nine or more of them, may and are hereby authorized and empowered from Time to Time as they shall think proper, to lessen, vary, or alter all or any Part or Parts of the Tolls hereby granted at any of the said Turnpikes, and to raise the same again, so as the same do not exceed the Tolls by this Act granted: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Tolls may be lessened, &c.

XXVIII. And be it further enacted, That the said Trustees, or any Five or more of them may, and they are hereby authorized and empowered from Time to Time as they shall think proper, to lessen, vary, reduce, or alter, all or any Part or Parts of such Tolls, at all, any or either of the said Turnpikes; and to raise the same again, so as not to exceed the Tolls by this Act granted; but no such Alteration, Variation, or Reduction shall be made, unless Notice in Writing be given for that Purpose by affixing the same upon all the Turnpike Gates erected or to be erected by virtue of the said recited Acts and this Act, at least Ten Days before the Meeting for making such Alteration, Variation, or Reduction; nor shall any such Reduction be made without the Consent of the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall have been borrowed and be then due and owing on the Credit of the said Tolls; and such Tolls, so lessened, reduced, varied, or altered, shall be collected, recovered, paid, and applied in the same Manner

Manner as the Tolls hereby granted, or any Toll by the said recited Acts or this Act is or are directed to be collected, recovered, and applied.

XXIX. And be it further enacted, That the Right and Property of, in, and to all the said Roads, and the Toll Gates, Turnpikes, Weighing Machines, Bars, Rails, Fences, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereunto belonging, which have been provided or erected under and by virtue of the said recited Acts or any of them, and which shall be provided, erected, or made by virtue of this Act, and all Materials for repairing or building the same, and for repairing the said Roads or any Part thereof, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act or for any Part of the said Roads, shall be vested in the Trustees of the said Roads; and they, or any Five or more of them respectively, are hereby empowered to sell and dispose of the same respectively as they shall think proper, and to bring or cause to be brought in the Name or Names of their respective Clerk or Clerks for the Time being, any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall without Right keep Possession of any such Houses or Appurtenances, or who shall break down or damage, steal or take away any such Turnpikes, Toll Gates, Weighing Machines, Toll Houses, and other Houses and Buildings, Conveniences, Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Articles or Things, or who shall disturb them the said Trustees, or their Agents or Servants in the Possession thereof; and in all Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of the Trustees of the said Roads acting in Execution of this Act, without naming or otherwise describing the said Trustees; and in all Civil and Criminal Proceedings whatsoever, relating to the said Roads, or any or either of them, or any Part thereof, no Person being a Trustee, Creditor, Mortgagee, Farmer, Lessee, or Collector of the Tolls, Clerk, Treasurer, Surveyor, or other Officer or Servant of, or other Person employed by the said Trustees, or any of their Officers, or an Inhabitant of any Township, Parish, or Place through or into which the said Roads, or either or any of them, or any Part thereof, doth or shall pass, shall be incompetent to give Testimony or Evidence therein, by reason of his, her, or their being such Trustee, Creditor, Mortgagee, Farmer, Lessee, Collector, Clerk, Treasurer, Surveyor, Officer or Servant, or Person employed as aforesaid or Inhabitant as aforesaid.

Toll Gates,
Houses, &c.
vested in
Trustees.

Trustees, &c.
not incom-
petent Wit-
nesses.

XXX. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by the said first recited Act shall seek to obtain the Possession of the Toll Gates, Toll Houses, and Buildings, erected on the said Roads, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the

Allowing an
Action of
Ejectment to
be supported
by one Mort-
gagee.

the said Tolls and Premises, to obtain such Possession; but such Person or Persons, who shall obtain the Possession thereof, shall not apply the Tolls, which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Surveyors
may make
Causeways,
&c.

XXXI. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths in or along the Sides of the said Roads, or any Part thereof, and to cut or make Drains or Watercourses upon and through any Lands lying contiguous to the said Roads, (not being a Garden, Orchard, Yard, Park, Paddock, Planted Walk or Avenue to any House or Ground set apart and used as a Nursery for Trees), and to erect and keep in repair the Bridges and Arches thereupon, and also to make Ditches and Fences in such Places, and in such Manner as such Surveyor or Surveyors by order of the said Trustees shall judge necessary, and make sufficient Fences and Barriers, and other Erections, on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees touching such Damages, the same shall be settled by any Two or more Justices of the Peace for the County or Place where such Lands shall be situated.

Penalty for
defacing Mile
Stones, &c.
and commit-
ting any Nui-
sance.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees hereby appointed from Time to Time, when and as often as they shall think necessary, to cause the said Roads or any Part thereof to be measured, and Stones or Posts or other Erections to be placed in or near the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles and Distances of Places as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post, or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Roads; or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or if any Person shall ride on any Footpath formed or maintained by the Surveyor to the said Trustees, upon or on the Side of or adjoining to the said Roads, or shall drive or ride any Horse, Beast, or Swine, or drive any Carriage upon, or do or cause any Damage to be done to any such Footpath, or if any Person, after having blocked any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Thing used in such Blocking, or if any Person shall hale or cause to be haled or drawn any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stones, or other Thing which shall be

carried

carried upon wheeled Carriages, to drag upon the said Roads, or any Part thereof, to the Prejudice thereof, or if any Person driving any Swine upon the said Roads, or any Part thereof, shall suffer the said Swine to damage or root up the same, or the Fences on either Side thereof, or shall turn or permit or suffer his, her, or their Horse or Horses or other Beast or Beasts, Cattle, or Swine to feed, graze, or run loose upon any Part of the said Roads, or on the Side or Sides thereof, or if any Person shall slaughter, burn, or dress any Animal on any Part of the said Roads, or if any Person driving any Carriage on the said Roads, and meeting another Carriage, shall not keep his or her Carriage on his or her Left or Near Side of the Roads, or if any Person shall wilfully prevent another from passing him or her, or any Carriage under his or her Care, or if any Person shall make or assist in making any Fire or Fires, or shall set fire to, or let off or throw any Squib, Rocket, or Fireworks whatsoever, on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Foot-ball, or any other Game or Games on any Part of the said Roads, to the Annoyance of any Passenger or Passengers, or if any Person shall leave any Carriage (except in case of Accident), upon or on the Side of any Part of the said Roads, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Roads as near as conveniently may be, or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person or Persons travelling thereon, or if any Person or Persons shall scrape or sweep off, or shall carry away any Mud, Soil, or other Matter or Thing which shall lie or be upon the said Roads, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXIII. And be it further enacted, That if any Horse, Cow, Ass, Swine, or other live Stock or Cattle, shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof (except on such Parts of the said Roads as lead or pass through or over any Commons or uninclosed Lands) it shall and may be lawful to and for the Surveyor of the said Roads for the Time being, or any other Person or Persons employed by him or by the said Trustees, to seize and impound every such Horse, Cow, Ass, Swine, or other live Stock or Cattle in the common Pound (if any) of the Parish or Place where they shall be so found straying, or in such other Place or Places as the said Trustees or any Five or more of them shall appoint, and the same there to detain until the Owner or Owners thereof shall for each and every Horse, Cow, Ass, Swine, or other live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Seven Days after such impounding,

For impounding Cattle or Swine straying.

[Local.]

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it shall and may be lawful to and for the said Trustees or any Five or more of them, to sell or cause to be sold every such Horse, Cow, Ass, Swine, or other live Stock or Cattle, and the Money arising from such Sale after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Horse, Cow, Ass, Swine, or other live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Gates to open
inwards.

XXXIV. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any such Part of the said Roads, so that no Part of such Gate shall when open project over any Part of the said Roads, or any of the Footpaths belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outward contrary to the Meaning of this Act, shall within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung so as no Part of the Gate, when open, shall project over any Part of the said Roads or any Footpath belonging thereto, and in Default thereof the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Gate shall be situate, and upon the Conviction or upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expences of making the Alteration, and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

In diverting
Roads not to
deviate more
than 100
Yards.

XXXV. And be it further enacted, That it shall not be lawful for the said Trustees in diverting, turning, varying, or altering the Course or Path of any Part of the Roads comprized in the said Acts, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing herein, or in either of the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Getting Ma-
terials.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to dig, gather, and carry away Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials, out of any common River or Brook, or out of or from any Waste or Common, within any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township,
or

or Place, without paying any thing for the same, such Surveyor or Surveyors, or other Persons, levelling or causing to be levelled all such Holes and Pits where any Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a safe and sufficient Fence round all such Holes or Pits; and where a sufficient Quantity of Materials cannot be had from such Rivers, Brooks, or Common, for repairing and amending the said Roads, it shall and may be lawful for such Surveyor or Surveyors, or other Persons as aforesaid, by Order of any Justice or Justices of the Peace for the County or Place in which such Materials are to be gotten, to be made upon the Application of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of and from the Lands and Grounds of any Person or Persons, not being the Ground whereon any House stands, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk, or Avenue to any House, or a Piece or Parcel of Ground set apart or used as a Nursery for Trees, where such Materials are or may be found, in any Township, Parish, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Township, Parish, or Place, and from Time to Time to carry away the same, or so much thereof as the Surveyor or Surveyors shall judge necessary for repairing and amending the said Roads, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Lands or Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of any private Lands or Grounds over which such Materials, gotten in any River, Brook, or Waste Ground, shall be carried or conveyed, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of Difference concerning the same, between such Owners or Occupiers, and the said Trustees, touching such Damages as aforesaid, then Two Justices of the Peace, acting in and for the County or Place where such Lands or Grounds shall lie, shall and may adjudge, assess, and determine the same.

XXXVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take or carry away such Materials for repairing such Roads, out of or from any inclosed Land or Ground, until Fourteen Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his usual Place of Abode, to appear before any one or more Justice or Justices of the Peace, acting in and for the County or Place where such Premises shall lie, to shew Cause why such Materials ought not to be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case, it shall be lawful for such Justice or Justices, by their Order, to authorize such Surveyor or other Person or Persons to dig, get, gather,

Notice to be given of taking Materials.

gather, and carry away such Materials, at such Time or Times as to the said Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Justice or Justices may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Application
of Money
above 200l.

XXXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased or to be purchased by virtue of the said Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order to be made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorise to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be so conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes; and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act and the said Acts, in case such Purchase or Settlement was made.

XXXIX. Provided always, and be it further enacted, That if any Money so agreed and awarded to be paid for any Lands, Tenements, or Hereditaments, purchased for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees for executing the said Acts and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Monies and the Dividends arising thereon may be applied as hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When less than 200l. and not less than 20l.

XL. Provided always, and be it further enacted, That when such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased for the Purposes of the said Acts and this Act, in such manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When under 20l.

XLI. And be it further enacted, That in case the Person or Persons to whom any such Sum or Sums of Money shall be adjudged or awarded by or for the Purchase of any Lands or Hereditaments to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to the Credit of the Parties interested in the said Lands or Hereditaments (describing

In case of not making out Titles, &c.

them) subject to the Order, Control, and Disposition of the said High Court of Chancery, which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, or Interest of the Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

When any Question shall arise touching the Title to Money to be paid, the Person who shall be in possession at the Time of such Purchase, shall be deemed entitled thereto.

XLII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of any such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by the Trustees.

XLIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said Acts and this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to

Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLIV. And be it further enacted, That so much of the said first Statute recited Act, as relates to the Performance of Statute Labour on the said Roads, shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace, and they are hereby required and empowered upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Roads by the Inhabitants of the Parish, Hamlet, or Place in which the said Roads do lie, according and in Proportion to the Extent of the said Roads and of the other Highways in such Parish, Hamlet, or Place, and also what Proportion (according to the Extent aforesaid) of the Money received or to be received by the Surveyor or Surveyors of the Highways of such Parish, Hamlet, or Place, or in case no Surveyor is or shall be appointed, then by some Person or Persons to be appointed by the said Justices Surveyor or Surveyors of such Parish, Hamlet, or Place, (which Appointment they are hereby required and empowered to make), in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors, of the Highways for such Parish, Hamlet, or Place or such other Person or Persons to be appointed by them for that Purpose, as the Case may be, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Hamlet, or Place are by Law subjected and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature and Quantity of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, according and in proportion to the Extent of the said Roads, and of the other Highways in such Parish, Hamlet, or Place, and the same shall be done at such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Person who by

by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said first recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode, for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that Case such Person shall be subject or liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Roads; and if any Surveyor of the Highways for the said Parish, Hamlet, or Place shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and in case such Surveyor or Surveyors shall omit or wilfully neglect to obey the Order of the said Justices for, and shall make Default in the Payment of such Proportion of the Monies received or to be received by him, her, or them in lieu of or as a Composition for such Statute Work as aforesaid, to the said Trustees, or their Treasurer or Treasurers, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Surveyor or Surveyors so making such Default, in like Manner as any Penalty is by this Act authorized and directed to be recovered.

Recovery
and Applica-
tion of
Penalties.

XLV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Acts inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein or by the said recited Acts otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed, either by the Confession of the Party offending, or by the
Oath

Oath of any credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines shall not be paid forthwith upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted, to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his or their Appearance before him, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no such sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

XLVI. And be it further enacted, That it shall be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against the said Acts or this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place near to where the Offence or Offences shall be committed, and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders, according to the Provisions of the said Acts and this Act.

For securing
transient
Offenders.

XLVII. And be it further enacted, That all Powers and Authorities by the said recited Acts or this Act given to and vested in any Justice or Justices of the Peace, shall be exercised and executed by such Justice or Justices within the Limits of their respective Jurisdictions only, and not elsewhere.

Justices only
to act within
their respec-
tive Jurisdic-
tions.

[Local.]

20 A

XLVIII. And

For defray-
ing the
Charges of
this Act.

XLVIII. And be it further enacted, That the Expences of obtaining and passing this Act shall be paid, as soon as conveniently may be after the passing the same, out of the first Tolls or Duties arising or to arise by virtue of the said recited Acts or of this present Act, or any of them, upon the said Roads, or out of any Money borrowed or to be borrowed upon the Credit thereof.

Public Act.

XLIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance
of this Act.

L. And be it further enacted, That the Term granted by the said recited Acts shall on the passing of this Act cease and determine; and the said recited Acts (subject to the Alterations and Amendments herein contained) and this Act shall thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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