



ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. xxxi.

An Act for more effectually repairing the Road from *Basingstoke* in the County of *Southampton* to *Lobcomb Corner* in the County of *Wilts*, and other Roads therein described; and for making a new Road from the said Road at the Eastern Entrance of the Town of *Andover* to the *Warren Farm* Station on the *London* and South-western Railway in the said County of *Southampton*.

[14th April 1840.]

WHEREAS an Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and widening the Road from Basingstoke, through Wortin, Overton, Whitchurch, Hurstbourne Priors, Andover, and Middle Wallop in the County of Southampton, to a Place called Lobcomb Corner in the Parish of Winterslow in the County of Wilts, and other Roads in the County of Southampton*: And whereas considerable Sums of Money have been borrowed for the Purposes of the said Act on the Credit of the Tolls thereby granted, a great Part of which Money still

[Local.] 7 T remains

1 & 2 G. 4.
c. 25.

remains due and unpaid, and cannot be paid off, nor can the Roads mentioned and described in the said recited Act, nor the new Road herein-after mentioned and described, be effectually made, amended, widened, improved, and kept in repair, unless the Term and Powers granted by the said recited Act be further continued and extended: And whereas it will be of great Convenience to the Public if a certain Highway, commencing at or near the Eastern Entrance to the Town of *Andover* to a certain Turnpike Road leading from *Winchester* to *Whitchurch* in the said County of *Southampton*, and from such last-mentioned Turnpike Road to a Field in the Parish of *Bullington* in the said County of *Southampton*, belonging to *George Twynam* Esquire, were made Turnpike; and also if a new Road commencing from the End of the said last-mentioned Highway to a Station called the *Warren Farm* Station, between *Basingstoke* and *Winchester*, on the Line of the *London and Southampton* Railway, now called the *London and South-western* Railway, in the said County of *Southampton*, were made, which said Highway and new Road are intended to be made Part and Parcel of the Roads now included in the said recited Act, and will lead from, in, through, or into the several Parishes, Townships, or Places of *Andover*, *Longparish*, *Barton Stacey*, *Bullington*, *Wonston*, *Hunton*, and *Mitcheldever*: And whereas it is expedient that the said recited Act should be repealed, and further and more effectual Powers and Provisions granted in lieu thereof, as well for repairing, completing, maintaining, and improving the Roads comprised therein, as also for making and maintaining the new Road herein mentioned; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 on the Second *Monday* next after the passing of this Act the said recited Act of the First and Second Years of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed, but nothing in this Act contained shall extend or be construed to extend to revive all or any of the Acts repealed by the said recited Act.

Recited Act repealed.

This Act to commence for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall commence and take effect on the said Second *Monday* next after the passing thereof, and shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, altering, improving, and keeping in repair the Roads mentioned in the said recited Act, and herein-after mentioned and described; (that is to say,) the Road from the Termination of the *Hertford Bridge* Turnpike Road at the East End of the Town of *Basingstoke*, through the same Town, and through *Wortin*, *Overton*, *Whitchurch*, *Hurstbourne Priors*, *Andover*, and *Middle Wallop*, in the County of *Southampton*, to a Place called *Lobcomb Corner*, in the Parish of *Winterslow* in the County of *Wilts*; and from the *Spittle Houses*, over *Weyhill*, to *Mullen's Pond* in the County of *Southampton*; and from

from the Church in *Andover* aforesaid, through *Charlton*, to the Extremity of the Parish of *Andover* towards *Tangley*; and from the said Road at *Charlton*, through *Foxcott*, to *Clanfield Bottom* in the Parish of *Wey*; and from the Turnpike Road at *Weyhill*, through *Sarson Lane*, to *Sarson Street* in the Parish of *Amport*, by *Sarson Mill*, through Part of the Parish of *Abbotts Ann*, across the Turnpike Road leading from *Andover* to the City of *New Sarum* at or near the Three Mile Stone proceeding towards *Redrice*, and through *Clatford Oakcutts*, to the Turnpike Road in the Parish of *Longstock* leading from *Stockbridge* to the said City of *New Sarum*; as also for making Turnpike, and for effectually amending, widening, altering, improving, and keeping in repair, a certain Highway, commencing at or near the Eastern Entrance to the Town of *Andover* to a certain Turnpike Road leading from *Winchester* to *Whitchurch* in the said County of *Southampton*, and from such last-mentioned Turnpike Road to a Field in the Parish of *Bullington* in the said County of *Southampton*, belonging to *George Twynam* Esquire, and from the End of the said last-mentioned Highway to a Station called the *Warren Farm* Station, between *Basingstoke* and *Winchester*, on the Line of the *London and Southampton* Railway, now called the *London and South-western* Railway, in the said County of *Southampton*, which said intended new Road leads from, in, through, or into the several Parishes, Townships, or Places of *Andover*, *Longparish*, *Barton Stacey*, *Bullington*, *Wonston*, *Hunton*, and *Mitchelever*, in the said County of *Southampton*.

III. And be it further enacted, That all Her Majesty's Justices of the Peace acting for the respective Counties of *Southampton* and *Wilts*, together with *William Buckler Astley*, *William Appletre*, the Honourable and Reverend *Samuel Best*, *James Blatch* Clerk, *Frederick Charles Blackstone* Clerk, *Joshua Brownjohn*, *John Brownjohn*, *Edward Walter Blunt*, *William Hicks Beach*, *John Corrie*, *Henry Criswick*, *Henry Beaumont Coles*, *David Cockerton* Clerk, *Robert Dowling*, *John Edney*, *Henry Earle*, *Joseph Hague Everett*, *Robert Evans* Clerk, *Ralph Etwall*, the Honourable *Newton Felowes*, *Henry Arthur Wallop Fellowes*, *William Fowle*, *Burnaby Greene* Clerk, *William Henry Gater*, *Henry Gawler*, *William Stanley Goddard* Doctor in Divinity, *William Henry Gale*, *Peter Hawker*, *Joshua Hird* Doctor in Divinity, *Allan Borman Hutchins* Clerk, *Charles Harwood*, *Thomas Heath*, *William Hawkins Heath*, *John Harwood* Clerk, *William Iremonger*, *William Iremonger* the younger, *Edward Saint John* Clerk, *William Knight* Clerk, *William Longman*, *James Longman*, *Henry Marsh*, *Thomas May*, *Hugh Mundy*, *Harry Noyes*, *Philip Henry Poore*, *Robert Pitter*, *Sir John Walter Pollen* Baronet, *William Pitman*, *William Portal*, *John Portal*, *Charles Henry Ridding* Clerk, *John Reeves*, *Robert Rawlins*, *Thomas Assheton Smith*, *Henry Tredgold*, *George Twynam*, *Edward Twynam*, *William Wickham*, *James Wickham*, *John Henniker Wilson*, *Henry Wake* Clerk, *Joseph Wakeford*, *James Warne*, and their Successors, being duly qualified to act as Trustees according to the Provisions of the several Acts in force for regulating Turnpike Roads in *England*, shall be, and they, and their Successors, to be duly elected in manner directed by the same Acts for

for regulating Turnpike Roads in *England*, are hereby appointed the Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, at their First or Second Meeting to be holden in pursuance of this Act, to elect, nominate, and appoint any Number of fit and proper Persons (not exceeding Five in the whole), being duly qualified, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein expressly named and appointed.

First Meeting of Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Star Inn* in *Andover* in the said County of *Southampton*, or at some other convenient Place in the said Town of *Andover*, on the Second *Monday* next after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to the Execution of this Act; and shall then and from Time to Time adjourn to and meet at such Times and Places at or near the said Roads as the said Trustees or the major Part of them present at any such Meeting shall think proper; and if there shall not be a sufficient Number of Trustees present to form a Meeting, then it shall be lawful for the Clerk for the Time being to the said Trustees to adjourn any such Meeting in the same Manner as if a sufficient Number of Trustees had attended thereat.

Power to make the new Line of Road.

VI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to set out, make, and complete the said new Line of Road, and of such Width as they may think proper, not exceeding the Width of Fifty Feet, together with such Arches, Bridges, Ditches, Drains, Fences, and other necessary Works adjoining thereto as they may think requisite; and for the Purposes aforesaid to take, pull down, or remove all or any Part of the Houses, Outhouses, Edifices, Buildings, Yards, Gardens, Orchards, Lands, or other Hereditaments which are mentioned and described in the Schedule to this Act annexed, making Satisfaction to the Owners, Lessees, Occupiers, or other Persons interested in such Houses, Buildings, Lands, Grounds, and other Hereditaments for the same, or for the Damage they may sustain by making such new Line of Road, and without making Compensation for any Common or Waste Grounds; and for the several Purposes aforesaid it shall be lawful for the said Trustees, their Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter into and upon the said Lands, Grounds, and Premises whereupon the said Road is hereby authorized and intended to be made, and also any adjoining Lands or Grounds, and to mark or stake out the same for the Purposes of this Act, and to make Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, in such Manner
as

as the said Trustees shall think necessary or proper, first making Satisfaction to the Owners and Occupiers of such last-mentioned Lands and Grounds for the Damage that shall be thereby occasioned.

VII. And whereas a Plan describing the Line of such Parts of the Road as are intended to be made, altered, and improved, and of the Buildings, Lands, Grounds, Hereditaments, and Premises intended to be taken, or through or over which the same are respectively intended to be made or carried, and a Section of the new Line of Road hereby authorized to be made, together with a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Buildings, Lands, Grounds, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Southampton*; be it therefore enacted, That the said Plan, Section, and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying to the Clerk of the Peace for the said County of *Southampton* for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of such Plan, Section, and Book of Reference; and the said Trustees in making the Road described in such Plan and Section shall not deviate more than One hundred Yards from the Line described in such Plan, without the Consent in Writing of the Person or Persons, Bodies Politic or Corporate or Collegiate, through whose Land or Premises such Deviation, Alteration, or Improvement shall be made.

Plan deposited with the Clerk of the Peace to remain there, and be open to Inspection.

Limiting Deviation from Plan.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the new Line of Road through, across, and over the several Buildings, Lands, and other Hereditaments and Premises described in the said Plan and the Schedule to this Act annexed, although the same or any of them, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may happen to be inaccurately described, omitted, or misstated in the said Plan or Book of Reference, or in the Schedule to this Act annexed, in case it shall appear to any Two Justices of the Peace for the said County of *Southampton*, and be certified by Writing under their Hands, that such Omission or Error proceeded from Mistake only, or that the real Owners or Occupiers of such Houses, Buildings, Lands, or Premises had Notice that the same would be required for the Purposes aforesaid.

Omissions and Misnomers in Plan not to prevent the Execution of this Act.

IX. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making the new Line of Road herein-before described shall not extend or be construed to extend to empower or authorize the said Trustees to take down any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and

No other Buildings, &c. than those mentioned in the Schedule to be taken.

[*Local.*]

7 U

set

Limiting the Time for taking Buildings, &c.

set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner and Occupier thereof first had and obtained, except such as are mentioned or specified in the Schedule to this Act annexed: Provided always, that if the said Trustees shall not within the Space of Three Years (to be computed from the passing of this Act) agree for, and cause to be valued and paid for, the several Buildings, Gardens, Yards, Lands, and Hereditaments mentioned in the Schedule to this Act annexed, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby given them for such Purposes only shall cease and determine and be void, save and except with the Consent of the Owners or Proprietors and Occupiers of such Messuages and other Hereditaments and Premises respectively.

The Freehold and Inheritance of Lands to remain vested in the Persons of whom they are purchased.

X. And be it further enacted, That in case any Lands shall, in pursuance of this Act or the Acts for regulating the Turnpike Roads in *England*, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, or in case the same shall be of any other Tenure the Estate and Interest in the same, shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary), by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees; but the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, or in case such Lands shall be of any other Tenure the Estate or Interest in the same, shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or either of them, be entitled to a perpetual Right of Way in or over or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

Trustees to have the same Powers of using the Lands taken by them as if they had purchased the Fee Simple.

XI. Provided always, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and of building any Toll House or any Bridge or any other Erection thereon, as fully and effectually, to all Intents and Purposes, as the said Trustees would have had in case they had purchased the Fee Simple of or other Estate and Interest in the said Lands and Hereditaments, under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*.

Right of Way to cease when Lands are not wanted.

XII. Provided also, and be it further enacted, That if at any Time any Lands purchased by the said Trustees on which any Road shall have been made in pursuance of this Act shall not be wanted for the same, then and in such Case the Right of Way in or upon the Land vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of such Land in case
the

the same shall be of Freehold Tenure, and the Estate and Interest in such Land in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

XIII. And whereas when the said new Line of Road hereby authorized to be made shall be completed some Parts of the Highways and of the Footpaths leading into or out of the same may become useless, and other Parts of the said Highways and Footpaths may, for the Convenience of the Public, require to be diverted into the said Turnpike Road or otherwise; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held under this Act, after the making of the said new Road, by Writing under their Hands and Seals, to order and direct that such Parts of the said Highways and Footpaths, or any of them, as they shall deem expedient, shall be diverted, and that such Part or Parts thereof as they shall deem useless and unnecessary shall be stopped up and discontinued, at the End of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months it shall not be lawful for any Person or Persons whomsoever afterwards to use the said Highways or Footpaths, or such Part or Parts thereof as shall be so stopped up and discontinued as aforesaid, but the same shall thenceforth cease to be common Highways or a common Highway, common Footpaths or a common Footpath, to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Highways or Footpaths so ordered to be diverted, stopped up, and discontinued as aforesaid, and also upon the principal Door of the Church or Chapel (if any) belonging to the Parish or Parishes within which such Highways or Footpaths shall be situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be inserted twice in some public Newspaper usually circulated in the said County of *Southampton*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make his, her, or their Appeal against the same as herein-after provided, nor shall any such Highway or Footpath be stopped up or discontinued, in case any such Person or Persons shall make any such Appeal within Four Calendar Months next after the making of such Order, until the Determination of such Appeal.

The Trustees to have Power of stopping up or diverting unnecessary Highways, &c.

XIV. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for diverting, stopping up, and discontinuing the said old Highways or Footpaths, or any or either of them, to appeal against the same at any General or Quarter Sessions of the Peace for the County in which the same shall be situate which shall be held within the Space of Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal, to be signed by such Appellant or Appellants, to the Clerk
of

Appeal may be made against the Order within Four Months.

of the said Trustees for the Time being, or by leaving the same at the usual Place of Abode of such Clerk, at least Twenty-one Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the quashing or Confirmation of the said Order to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever, and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only: Provided always, that in case no Appeal shall be made within the Time aforesaid the said Order or Orders shall be final and conclusive on all Persons whomsoever.

If no Appeal
the Order to
be final.

Satisfaction
to be made
to the Owners
of the Land
through
which such
Diversions
are made.

XV. And be it further enacted, That Satisfaction shall be made to the Owner or Owners of the Land or Ground through which any such Diversion of the said Highways or Footpaths respectively shall pass, such Satisfaction to be made by the said Trustees in the Manner directed by the Laws now in force for regulating Turnpike Roads in *England*; and all Monies expended in diverting or stopping up the said Highways and Footpaths shall be paid out of the Monies received by virtue of this Act.

Parts of High-
ways stop-
ped up to re-
vert to Own-
ers of adjoin-
ing Lands.

XVI. And be it further enacted, That such Parts of the said Highways or Footpaths as shall be ordered to be stopped up or discontinued shall revert to and become the Property of the Owner or Owners of the adjoining Lands.

For continu-
ing the pre-
sent Toll
Gates, and
erecting
others.

XVII. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered, to continue all and every or any of the Toll Gates, Turnpikes, Bars, and Weighing Machines now standing upon or across the said Roads or on the Sides thereof, and also from Time to Time, subject to the Provisions of the several Acts now in force for regulating Turnpike Roads in *England*, to erect and build others in lieu thereof or in addition thereto, upon any of the Roads comprised in this Act, or upon any Part or Parts thereof respectively, or upon the Sides thereof, when and where as they shall judge proper, and also to continue, erect, or provide a Toll House or Toll Houses, with suitable Outbuildings and Conveniences, at or near each Toll Gate, Bar, or Weighing Machine, and from Time to Time to remove, alter, or discontinue any of such Turnpikes, Toll Gates, Bars, Weighing Machines, or Toll Houses, or any of them, and to erect or cause the same to be erected and placed elsewhere on the said Roads, as the said Trustees shall think expedient, and shall and may take in and enclose on the Sides of the said Roads a convenient Garden Plot, not exceeding One Eighth Part of a Statute Acre, to each Toll House.

Power to
take Tolls.

XVIII. And be it further enacted, That, subject to the Provisions, Restrictions, and Exemptions in the general Acts now in force

force for regulating Turnpike Roads in *England* and in this Act, it shall be lawful for the said Trustees, or any Person being a Lessee or Farmer or who shall be continued or appointed a Collector or Collectors of Tolls, or shall be otherwise authorized by the said Trustees for that Purpose, to demand and take, at each and every Turnpike, Toll Gate, and Side Gate which is now or which shall hereafter be erected or set up upon or across or on the Sides of the said Roads, to be repaired, made, and maintained by virtue of or under the Powers and Provisions of this Act, on each and every Day (such Day to be computed from Twelve of the Clock of one Night to Twelve of the Clock on the next succeeding Night) before any Horse, Beast, or other Cattle or Animal liable to Toll, or any Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate, the respective Tolls following; (that is to say,)

For every Horse, Mule, or Ass drawing any Coach, Chariot, Landau, Tolls.

Landauet, Phaeton, Marine, Berlin, Barouche, Chaise, Calash, Curricule, Hearse, Gig, Chair, or Taxed Cart, the Sum of Four-pence Halfpenny :

For every Horse or Beast of Draught drawing any Caravan, Waggon, Wain, Cart, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Nine Inches, the Sum of Four-pence Halfpenny :

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches or upwards, and so flat or level as not to deviate more than One Inch from a flat Surface, the Sum of Three-pence :

For every empty Carriage with Four Wheels, fastened to or behind any Waggon, Wain, Cart, or other Carriage, the Sum of Four-pence Halfpenny; and for every empty Carriage with Two Wheels so fastened, the Sum of Two-pence Halfpenny; and if loaded, Double such respective Sums :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number :

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Three Shillings :

And for every Dog or Goat drawing any Cart, Carriage, Truck, Barrow, or other Thing, the Sum of One Penny :

Which said respective Tolls or Sums of Money shall be and the same are hereby vested in the said Trustees, and shall be applied and disposed of for the Purposes of this Act in manner herein-after mentioned.

As to the fractional Parts of a Halfpenny in Tolls.

XIX. Provided always, and be it further enacted, That where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls hereby granted or authorized to be taken, or in the Apportionment of such Tolls, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once on the same Day.

XX. And be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or other Cattle, or Carriage, through any Turnpike, Toll Gate, or Side Gate, by the Person or Persons attending the same, such Horse, Beast, or other Cattle, or Carriage, shall, upon a Ticket denoting the Payment of Toll on that Day being produced by the Person or Persons attending or having the Care of the same, be permitted to pass Toll-free (except as herein-after mentioned) during the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) through the same Turnpike, Toll Gate, or Side Gate, or through such other Toll Gate, Turnpike, or Side Gate as the Ticket for such Payment shall denote to be free, any thing in this Act contained to the contrary notwithstanding.

Horses drawing different Carriages to pay each Time of passing.

XXI. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid in respect of any Horse or other Beast or Cattle drawing any Caravan, Waggon, Wain, Cart, or other such Carriage of the like Description, for passing through any Turnpike, Toll Gate, or Side Gate, and any such Horse or other Beast shall afterwards be employed on the said Roads on the same Day in drawing another Caravan, Waggon, Wain, Cart, or other such Carriage, laden different from that which they were employed in drawing when such Payment was made, every such Horse or other Beast or Cattle so drawing shall be liable to Toll in respect of being employed in drawing such different Caravan, Waggon, Wain, Cart, or other such Carriage.

Stage Coaches to pay every Time of passing.

XXII. And be it further enacted, That for and in respect of the Horses or other Cattle drawing any Stage Coach or Caravan for the Conveyance of Passengers for Pay, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for every Time of passing and repassing through any such Toll Gate, in like Manner as if no Toll had been before paid thereat: Provided always, that no further or additional Toll shall be payable in respect of any Stage Coach or Caravan carrying Passengers for Pay, Hire, or Reward on account only of the Horses drawing the same having been changed.

Limiting the Exemption in respect of Carriages laden with Gravel, &c. for Repair of Roads, &c.

XXIII. Provided also, and be it further enacted, That nothing contained in any Act or Acts for regulating Turnpike Roads in *England*, or in this Act, shall extend or be construed to extend to exempt from the Payment of Toll any Horse or other Beast drawing any Carriage laden with Stones, Gravel, or other Materials for the making or repairing any Road or public Highway in any other Parish

Parish than those through which the said Turnpike Road passes or shall hereafter be made to pass, or for the making or repairing any Road or public Highway in any other Parish or Parishes than that wherein the same are found, unless the drawing of such Carriage so laden as aforesaid along the said Turnpike Roads shall be between the First Day of *May* and the First Day of *November* in the Year, or in the Time of hard Frost in the Winter Season.

XXIV. And be it further enacted, That the said Tolls shall be paid for in respect of all Horses or Cattle let to Hire, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Roads, whenever any new Hiring thereof shall have taken place.

Horses let to Hire to pay Toll for each new Hiring.

XXV. And be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled, drawn, or moved by Steam, Gas, Machinery, or any other like Power shall be paid every Time of the passing and repassing of such Carriage along the said Roads.

Steam Carriages to pay each Time of passing.

XXVI. Provided always, and be it further enacted, That no more than One Toll shall be taken in any One Day, such Day to be computed as herein-before mentioned, between *Basingstoke* and *Overton*, nor more than One Toll between *Overton* and the Town of *Andover*, nor more than One Toll between the said Town of *Andover* and the *Warren Farm* Station, nor more than One Toll between the said Town of *Andover* and *Lobcomb Corner*.

Limiting the Number of Tolls.

XXVII. And be it further enacted, That nothing in this Act contained shall extend to empower the said Trustees to erect any Turnpike or Toll Gate in the Town of *Basingstoke*, nor to empower the said Trustees to erect any Toll Gate on the East Side of the Town Bridge within the said Borough of *Andover* on the present Turnpike Road from *Andover* to *Whitchurch*, or between the *Stockbridge* Turnpike Road and the said *Warren Farm* Station.

Trustees not to erect any Turnpike in Basingstoke, nor on the East Side of the Bridge in Andover, &c.

XXVIII. And be it further enacted, That all the Monies already received by virtue of the said recited Act on account of the Roads in the said Act mentioned, and now in the Hands of the Treasurer, and all Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, the Application whereof is not hereby otherwise directed, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act; in the second place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of making, altering, raising,

Application of the Money.

raising, widening, repairing, and preserving the said Roads, and of erecting and making necessary and convenient Bridges and Arches, and all other Works upon the same, and of executing the other Purposes of this Act; in paying the Interest accruing upon the several Principal Sums of Money which now remain due and secured by virtue of and under the said recited Act, or which shall hereafter from Time to Time be secured in pursuance of this Act; and in reducing, paying off, and discharging the Principal Sums of Money which have been secured by the said former Acts or any of them, and also such Principal Sums of Money as shall be secured in pursuance of this Act.

Old and new Roads to be deemed distinct Roads.

XXIX. And be it further enacted, That for the Purposes of this Act the Road from the Eastern Entrance at the Town of *Andover* to the said *Warren Farm* Station, as well as the several other Roads in the said recited Act and in this Act mentioned, shall be considered as distinct Roads.

Separate Accounts to be kept, and Roads to be repaired out of the Tolls taken thereon.

XXX. And be it further enacted, That the said Trustees shall and they are hereby required to keep separate Accounts of the Tolls and Monies to be collected or received upon or in respect of each distinct Road by virtue of this Act, and that the Repairs and Maintenance thereof respectively, and the necessary Expences of erecting and maintaining Toll Gates, Toll Houses, and other Works within each of such distinct Roads respectively, shall be defrayed out of the Monies to be collected or received upon or in respect of each of such distinct Roads respectively.

Tolls not to be applied in the Repair of any Road unless there be a Toll Gate erected and continued thereon.

XXXI. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be repaired by this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road, or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Road than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Securities chargeable only on the Road in respect of which the Money is borrowed.

XXXII. And be it further enacted, That all Mortgages and other Securities now due and owing or hereafter to be created upon the Credit of the Tolls granted by the said recited Act, and the Interest from Time to Time to become due in respect thereof, shall be and continue to be binding on the Tolls and Receipts to be collected on the Roads mentioned in the said recited Act; and that all Monies borrowed for the Purposes of the Road from *Andover* to the said *Warren Farm* Station, together with the Interest payable thereon, shall be taken up and borrowed, and shall be charged and chargeable, upon the Security of the Tolls of the said Road only.

New Term and Tolls liable to the

XXXIII. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and

liable to the Payment, as herein mentioned, of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Act, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due or owing upon the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Act shall be liable to the Payment thereof to the Trustees for executing this Act; and all Conveyances, Covenants, Bonds, and Agreements, Contracts and Securities whatsoever, entered into by any Person or Persons to or with the Trustees for executing the said recited Act, or any Three or more of them, shall remain in full Force and Effect, and be and continue available, in all Courts of Law and Equity, until the same shall be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Contracts or Agreements duly made or entered into by the Trustees for executing the said recited Act hereby repealed, or any Three or more of them, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept according to the Terms and Stipulations thereof respectively by the Trustees under this Act, notwithstanding the Repeal of the said recited Act.

existing
Mortgages
and Debts.

XXXIV. And be it further enacted, That all Arrears of Tolls or Rents and other Monies due to, and all Property, Real or Personal, and all Choses in and Rights of Actions, either at Law or in Equity, vested in the Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under or by virtue of this Act.

Arrears of
Tolls, Rents,
and other
Monies and
Property
vested in
Trustees.

XXXV. And be it further enacted, That all Leases of the Tolls arising on the said Roads granted and made by the Trustees for executing the said recited Act, and the several Covenants and Conditions thereof, shall, notwithstanding the Repeal of the said recited Act, remain and continue in full Force and Effect until the Expiration of the Term thereby granted, or until any other legal Determination of any such Lease; and the same and the respective Grantees shall be subject to the Powers and Provisions of this Act in the same Manner as if such Leases had been granted by the said Trustees, and as if the Trustees granting the same had been Trustees for executing this Act, and the Tolls payable and received immediately before the passing of this Act at the Gates erected on or by the Sides of the said Road, and none others, shall continue to be paid and received until the Expiration of the said Leases.

Present
Leases or
Lettings of
Tolls to con-
tinue in
force.

[Local.]

7 Y

XXXVI. And

Tolls not to be applied in Repair of the Roads passing through Towns.

XXXVI. And be it further enacted, That nothing in this Act contained shall empower the said Trustees to apply any of the Tolls received by virtue of this Act in repairing, altering, widening, or improving any Parts of the Roads herein-mentioned which shall pass through any Town or Place the Roads of which shall be maintained under the Provisions of any Local Act, nor to continue or erect any Turnpike or Toll Gate within the said Towns.

No Clothes, &c. to be hung out near the Road.

XXXVII. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes on any Line, Bank, Rail, or Fence adjoining or within Fifteen Yards from any Part of the said Roads, or shall hang or put or place any Hook or Hooks, or other Thing or Things, so as to project into the said Roads or any Part thereof, and be an Annoyance to any Person or Persons passing thereon, or prevent the free and safe Use of the whole Breadth of the said Roads, every Person so offending in any of such Cases shall, for each and every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings, to be levied, recovered, paid, and applied in the Manner directed by the said several Acts for regulating Turnpike Roads in *England*, some or one of them, in respect of Penalties thereby imposed.

The Entrance to all Fields, &c. to be made with hard Materials.

XXXVIII. And be it further enacted, That in all Places throughout the said Roads to be repaired by virtue of this Act, where any Entrance shall be from the said Roads to any Field, Garden, Yard, or other Land or Ground, or to any Buildings, from the said Roads, or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made, by or at the Expence of the Proprietor or Occupier of such Field, Garden, Land, Ground, or Building, so that such Road may not be injured by the Stoppage or running of Water, or by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to put and keep the same respectively in proper Order, for the Space of Fourteen Days after Notice in Writing setting forth this Provision given to such Proprietor or Occupier, or left for him or her at his or her usual or last Places of Residence, by the Surveyor or Surveyors to the said Trustees, or other Person or Persons appointed by them, requiring such Proprietor or Occupier so to make or repair the same, that it shall be lawful for the said Trustees, or their Surveyor or Surveyors, or any other Person or Persons acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively (as the Case may be), and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Nonpayment of such Expences within Ten Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the recovering the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier,

Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County within which such Default in Payment shall be made; and which Warrant of Distress any Justice or Justices is or are hereby authorized and empowered to grant, on Proof made before him or them on Oath of such Expence having been incurred, and of such Notice having been given as aforesaid; and any Overplus shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

XXXIX. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the said Roads from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike-Roads, which may pass during the present or any future Session of Parliament.

Roads liable to the Provisions of any general Act.

XL. 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.

Public Act.

XLI. And be it further enacted, That this Act shall commence and take effect on the Second *Monday* next after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of the Act.

The SCHEDULE to which the foregoing Act refers.

No. on the Plan.	Description of Property.	Parish where situate.	County where situate.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Arable Land	Andover -	- - -	Elizabeth Child - Richard Bright, Esquire.	- - -	Charles Matcham. Mary Ball.
2	Ditto -	Long Parish				
3	Ditto -	Ditto -				
4	Water Meadow	Ditto -				
5	Meadow -	Barton Sta- cey.	- - -	The Dean and Chapter of Win- chester.	The Execu- tors of the late Wil- liam Court- ney.	Executors of the late William Courtney.
6	Arable Land -	Ditto -	- - -	Same - -	Charles Penton	Charles Penton.
7	Ditto -	Ditto -	- - -	Same - -	Same - -	Same.
8	Ditto -	Ditto -	- - -	Mary Henniker Wilson.	- - -	Mary Henniker Wilson.
9	Ditto -	Ditto -	- - -	Same - -	- - -	Thomas Spencer.
10	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
11	Ditto -	Bullington	- - -	Peter Hawker -	- - -	Joseph Diddams.
12	Ditto -	Ditto -	- - -	The Earl of Ports- mouth.	- - -	Anthony Price.
13	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
14	Ditto -	Ditto -	- - -	Peter Hawker -	- - -	John Webb.
15	Ditto -	Ditto -	- - -	William Wick- ham, Esquire.	- - -	William Wickham.
16	Ditto -	Ditto -	Southampton	George Twynam, Esquire.	- - -	John Webb.
17	Ditto -	Wonston -	- - -	William Henry Gater.	- - -	Robert Couzens.
18	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
19	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
20	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
21	Ditto -	Ditto -	- - -	Mary Henniker Wilson.	- - -	William Saunders.
22	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
23	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
24	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
25	Ditto -	Hunton -	- - -	Robert Pitter, Esquire.	- - -	Robert Pitter, Esquire.
26	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
27	Ditto -	Ditto -	- - -	Same - -	- - -	Same.
28	Ditto -	Mitcheldever	- - -	Sir Thomas Ba- ring, Baronet.	- - -	Thomas Dowden.
29	Turnpike Road from Stock- bridge to Basingstoke.	Ditto -	- - -	Trustees of Stock- bridge Turnpike.	- - -	
30	Arable Land	Ditto -	- - -	Sir Thomas Ba- ring, Baronet.	- - -	Thomas Dowden.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.