



ANNO TRICESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 67.

An Act for Continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, and rendering more effectual, several Acts for Repairing the Road from the *Golden Farmer* near *Bagshot* in the County of *Surrey*, to *Hertford-Bridge Hill* in the County of *Southampton*, and from thence to *Basingstoke* and *Odiham*, both in the said County of *Southampton*; and for Repairing and Widening the Road from the Southern Extremity of *Northwarnborough Lane* near *Odiham* aforesaid, over *Northwarnborough Common*, *Hook Common*, and *Bartley Heath*, and through the Parishes of *Rotherwicke*, *Mattingley*, and *Heckfield*, to a Place called the *Bull Inn* in the Parish of *Swallowfield*, on the Turnpike Road leading from the Town of *Reading* in the County of *Berks* to *Basingstoke* aforesaid.

[21st June 1798.]

**W**HEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing the Road from Hertford-Bridge Hill to the Town of Basingstoke, and also the Road from Hertford-Bridge Hill aforesaid to the Town of Odiham in the County of Southampton*, which was to continue in Force for Twenty-one Years, and from thence to the End of

Preamble.  
10 Geo. II.

[Loc. & Per.] 10 X the

the then next Session of Parliament, and which was amended and further continued by Two Acts passed in the Twenty-first Year of the Reign of His said late Majesty and the Thirteenth Year of the Reign of His present Majesty: And whereas another Act was passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from a Place called The Golden Farmer near Bagshot in the County of Surrey, to Hertford-Bridge Hill in the County of Southampton*, which was to continue in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament, and which was continued by another Act made in the Seventeenth Year of the Reign of His present Majesty: And whereas the respective Trustees appointed to put the said Acts in Execution have proceeded in the Execution of the said Acts, and have borrowed several Sums of Money on the Credit of the respective Tolls thereby granted, which cannot be repaid and the said Roads amended and kept in Repair, unless the Powers granted by the said recited Acts are enlarged and made more effectual: And whereas all the said Roads lead to and from *Hertford-Bridge Hill*, and it would tend to the more easy and effectual Execution of the said Acts, and be attended with much less Expence, if the said Roads were consolidated and put under the Management of One Set of Trustees: And whereas it would be of great Public Utility if a Road was made from a certain Part of the said Roads at the End of *Northwarnborough Lane* over certain Wastes called *Northwarnborough Common*, *Hook Common*, and *Bartley Heath*, in the Parishes of *Northwarnborough*, *Nately Skewers*, *Newnham*, and *Odiham*, and through the Parishes of *Rotherwicke*, *Mattingley*, and *Heckfield*, in the County of *Southampton*, to unite with the Road leading from *Reading* in the County of *Berks*, to *Basingstoke* at or near a Place called the *Bull Inn* in the Parish of *Swallowfield* in the Counties of *Berks* and *Wills*: 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 Terms granted by the said recited Acts shall be repealed, and that all and every the Powers, Authorities, Articles, Rules, Penalties, and Forfeitures therein contained, (except such of them or such Parts thereof as are hereby varied, altered, or repealed, or as are repugnant to any of the Provisions contained in this Act, and also except such of them as relate to Exemptions from Stamp Duties,) and also this present Act, shall continue in full Force and Effect for the Term hereinafter mentioned, and shall extend to the said New or Additional Roads hereinbefore described, for the Purpose of making, amending, widening, and repairing the same, in like Manner, and as fully to all Intents and Purposes as if the said Powers, Authorities, Articles, Rules, Penalties, and Forfeitures were re-enacted in the Body of this Act; which said Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Monies now due on the said Roads on the Credit of the said recited Acts, or either of them, or which shall or may hereafter be borrowed and become due on the Credit of this Act, and all Interest due and to become due for the same respectively.

New Road.

Terms repealed, and Powers further continued.

Trustees of former Acts to execute this Act.

II. And be it further enacted, That the respective Trustees appointed or elected to carry the said recited Acts or any of them into Execution shall be, and they are hereby appointed Trustees for putting this Act into Execution.

III. And

III. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may from Time to Time cause to be erected any Turnpike or Toll Gate, Turnpikes or Toll Gates, in, upon, or across any Part or Parts of the said Additional Road hereby directed and intended to be repaired and widened, or across any Lane or Way leading out of the same, and also a Toll House or Toll Houses on the Side or Sides thereof; and from Time to Time to cause any such Turnpikes, Toll Gates, and Toll Houses respectively to be taken down, removed, or altered, and to appoint fit and proper Persons to be Collectors of the Tolls to be taken and collected at such Turnpikes or Toll Gates respectively, at the same Rate as were granted and authorized to be taken in and by the said Act of the Thirteenth Year of His Majesty's Reign: Provided always, That no Person or Persons paying the proper Toll or Tolls at any Gate erected or to be erected under the Authority of the said former Acts, or of this present Act, shall be liable on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next Night) to pay any Toll a Second Time for the Passage of the same Horses, Cattle, or Carriage, through the same Gate, or through any other of such Gates on any of the said Branches of Road, (save and except as hereinafter mentioned,) so as every such Person produces a Ticket to shew that the said Toll hath been paid at One of the Gates thereon or belonging thereto, which Ticket the Collectors of the Tolls are hereby respectively required to deliver *gratis*, if demanded, immediately upon receiving the Toll: Provided also, That all Exemptions from the Payment of Tolls granted by the said former Acts, or any of them, shall extend and be construed to extend to the Tolls authorized to be taken by this Act, save and except as by this Act is otherwise specially directed.

Trustees may  
erect Toll  
Gates on  
New Road.

IV. Provided nevertheless, That nothing in this Act, or any former Act or Acts contained, shall extend or be construed to extend to exempt any Person or Persons from any or either of the Tolls imposed by or payable under any or either of the said former Acts, at the Turnpike Gate situate at or near a certain Place called *Blackwater*, on the said Great Western Turnpike Road leading to *Basingstoke*, but that each and every Person or Persons passing the said Turnpike Gate at *Blackwater* shall be liable to and pay the said Toll or Tolls at such Gate in the same Manner as if no such Toll or Tolls had been paid at any or either of the other Gates on any or either of the said Roads; nor shall any Person or Persons so passing the said Turnpike Gate at *Blackwater* be exempted from Payment of any or either of the Toll or Tolls imposed or payable by or under any or either of the said former Acts at any or either of the Gates on any Part of the aforesaid Roads, in consideration of having paid such Toll or Tolls at the said Turnpike Gate at *Blackwater* aforesaid.

V. And whereas great Quantities of Chalk, intended not only for manuring of Lands, but for various other Purposes, are carried from the Town of *Odibam* or Places in the Vicinity thereof, upon and over the said Roads by the said recited Acts and this Act directed to be repaired, or some of them; and although the Exemption from Toll granted by Law for such Carriages as are loaden with Chalk extend only to such Chalk as is used for manuring Lands, yet the Uses intended for the same not being known to the Gate Keepers, no Toll whatever hath been paid at any of the Toll Gates on the said Roads for any Carriages loaded therewith: And whereas, in regard to the great Demand in those Parts for

Charging  
Chalk Carts  
with Tolls.

Chalk, and the great Injury which the said Roads sustain by the constant Draught thereon in Carts and Waggons with narrow Wheels, it is become highly expedient and just that such Carts and Waggons should be made to contribute in a reasonable Degree to the Support of the said Roads: Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from Time to Time by their Orders to direct such Toll to be demanded and taken at the Toll Gates on the said Roads for Carts and Waggons loaded with Chalk, as they shall from Time to Time think just and reasonable, so that such Toll shall not at any Time exceed the Rate of One Half Part of the Toll which such Carts or Waggons would severally be liable to pay if loaded with any other Goods or Commodities, and so that, nevertheless, such Toll shall not be made to extend to any Carriages loaded with Chalk used or intended to be used *bonâ fide* in manuring Lands lying within the same Parish in which the same shall have been dug or gotten, nor to charge any Toll upon any Cart loaded with Chalk having the Fellies of the Wheels of the Breadth of Six Inches or more, and not being drawn by more than Three Horses, or by more than Four Oxen or other Beasts of Draught, nor upon any Waggon loaded with Chalk having the Fellies of the Wheels of the Breadth of Six Inches or more, and not being drawn by more than Five Horses, or Six Oxen or other Beasts of Draught, any Exemption granted by any Law or Statute now in Force to the contrary notwithstanding; and that the several Powers and Authorities granted by the said recited Acts or any of them, or this Act, for Recovery of Tolls thereby granted respectively, shall be, and are hereby extended to the Recovery of the Toll hereby authorized to be taken for Carts and Carriages loaded with Chalk as aforesaid, and that the like Penalties for any Evasion or Refusal of Payment thereof shall be incurred and recovered as by the said former Acts or any of them are imposed and provided for the Evasion of any of the Tolls thereby granted, and the said Toll hereby authorized to be taken shall be applied in all Respects to the same Uses and Purposes as the several other Tolls arising at the said Gates are directed to be applied by the said recited Acts and this present Act.

For Recovery of Tolls on New Road.

VI. And be it further enacted, That the Tolls to be collected at such new erected Gate or Gates shall be, and the same are hereby vested in the said Trustees, and that all the Powers and Authorities given by the said former Acts, or any of them, and now in Force, for compelling the Payment of the Tolls thereby granted, shall extend and be extended to the Collection and Recovery of the Tolls to be taken at the said new erected Gates respectively; and that the said Tolls hereby authorized to be collected on the said New Branch of Road shall be carried to the General Account of and made One Aggregate Fund with the Tolls to be collected at the other Gates erected or to be erected under the Authority of the said former Acts, to be paid, applied, and disposed of, in Satisfaction and Discharge of all Sums of Money now due, or which shall hereafter be borrowed, or grow due and be owing upon the Credit of the Tolls granted by the said former Acts and this present Act, and the Interest thereof; and for making, widening, and repairing all the said Roads by the said former Acts and this present Act directed to be made, repaired, and widened, and to and for such several other Uses and Purposes, and in such Manner as in and by the said several Acts and this Act are or is directed and provided.

VII. And

VII. And be it further enacted, That the several Securities given or to be given to the said Trustees by their Treasurers and other Officers, shall extend to the due answering of the said Tolls to be taken at such new erected Gate or Gates, and that the said Trustees, or any Nine or more of them, shall and may, if they think fit, cause the said Securities to be renewed or enlarged.

Securities given by Treasurers to extend to New Road.

VIII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act, or any of the said former Acts, of any Body Corporate or Ecclesiastical, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes Covert or Feme Covert, or other incapacitated Person or Persons, shall, if the same exceed the Sum of Twenty Pounds, be paid to such Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed to be reinvested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to and upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies as the Lands, Tenements, Hereditaments, and Premises which shall be purchased from them respectively by the said Trustees and their Successors as aforesaid were respectively settled, limited, or assured at the Time of such the purchasing the same, or so many thereof as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect.

For receiving Trust Money.

IX. And be it further enacted, That out of the Monies now in the Hands of, or which shall hereafter arise and be received by the said Trustees, and their Treasurers and Collectors, under the Authorities of the said recited Acts and of this present Act, they the said Trustees, or any Five or more of them, shall in the first Place pay and discharge the Costs of obtaining this present Act, and shall pay and apply the Residue of such Monies in keeping down the Interest of the Monies borrowed or to be borrowed, and in repairing, improving, widening, and keeping in Repair the said Additional or New Branch of Road, and the several other Roads by the said recited Acts directed to be amended and repaired, and for the several other Purposes to which the said Monies are by the said former Acts and this Act made subject and liable unto; and in case the said Trustees shall find that any further Sum or Sums of Money shall be necessary to be borrowed for the due Execution of the said former Acts and this present Act, then and in such Case it shall and may be lawful to and for the said Trustees, or any Nine or more of them, by any Writing or Instrument under their Hands and Seals, to borrow and raise for the Purposes in the said former Acts and this present Act mentioned, and for the paying off the Money already borrowed and owing on the Credit of the said former Acts, any Sum or Sums of Money, at lawful or less Interest, on the Credit of the Tolls by the said former Acts and this present Act granted, and to assign over the said Tolls or any Part thereof, (the Costs and Charges attending the borrowing and raising such Sum and Sums of Money, and of assigning the said Tolls, to be first borne and paid out of such Tolls,) for all or any Part of the Term for which such Tolls are granted or made payable, to the Person or Persons, his, her, or their Trustee or Trustees, Guardian or Guardians, who shall advance or lend the same, as a Security for the Re-payment of such Sum or Sums of Money as shall be so borrowed or raised, with lawful or less Interest for the same, in such

Paying Expenses of the Act.

Manner and by such Ways and Means as shall appear to them the said Trustees, or any Nine or more of them, most proper and convenient for the paying off the Money already owing on the Credit of the said former Acts, and assigning the said present Securities for the same, or making such other Securities, or doing or performing such other Matters as they shall think proper for the effectual Reparation, widening, and improving all the said Roads, and completing the same; which said Sum and Sums of Money collected and to be collected in pursuance or by virtue of the said former Acts and this present Act shall, after deducting the Charges and Expences of passing this Act, and of borrowing or raising any Sum or Sums of Money, and of assigning the said Tolls for the Purposes aforesaid, be applied and disposed of either in discharging such Sum and Sums of Money as is, are, or shall be due and owing on the Credit of the said former Acts or this present Act, together with the Interest due or to grow due for the same, and for and towards the repairing, widening, and improving the said Additional or New Branch of Road hereby directed to be repaired, and the several other Roads directed to be repaired by the said former Acts, and to and for such other Purposes as are therein and herein mentioned and expressed, and to or for no other Use or Purpose whatsoever.

No Prefer-  
ence to Cre-  
ditors.

X. And be it further enacted, That, from and after the passing of this Act, no Preference shall be given to any Person or Persons who already hath or have advanced or shall advance any Sum or Sums of Money on the Credit of the said before-recited Acts and this present Act, and the Tolls thereby granted, in respect of the Priority of advancing his, her, or their respective Sum or Sums, but that all Lenders and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, already are or shall be made as aforesaid, shall be, and are hereby declared to be, for their several and respective Principal Sums, Creditors on the said Tolls in equal Degree one with another as to the Time or Times of advancing or lending such Principal Sum or Sums, and shall be deemed and taken to be Tenants in Common of the said Tolls, as to their several and respective Shares and Interests therein, by means or virtue of such Mortgage or Mortgages, and so far as such their several and respective Shares and Interests will extend, but no farther or otherwise.

For compli-  
ing Payment  
of Subscrip-  
tions.

XI. And be it further enacted, That in case the said Trustees, or any Nine or more of them, shall resolve that a further Sum of Money is necessary to be borrowed upon the Credit and Security of the said Tolls, that then and in such Case the several Persons who shall subscribe Money for and towards repairing and widening the said Additional or New Branch of Road shall, and they are hereby required to pay the Sum so subscribed by every of them, or such Parts or Proportions thereof within such Time and Times, and to such Person or Persons as the said Trustees, or any Nine or more of them, shall direct and appoint, and, by any Writing under their Hands, authorize to receive the same; and if any of such Persons shall neglect or refuse to pay the same, or such Parts or Proportions thereof as aforesaid, it shall be lawful for the said Trustees, or any Nine or more of them, to sue for and recover the same, either in their own Names, or in the Name of the Clerk or Treasurer to the said Trustees, 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 Effoign, Protection, Wager of Law, or more than One Impar lance shall be allowed.

XII. And

XII. And be it further enacted, That the Right and Property of and in the several Turnpikes, Gates, and Toll Houses erected or to be erected on the said Roads, or any of them, and the Materials thereof, and all Bridges, Posts, Rails, Pales, and other Fences, which are or shall be made, erected, or set up, under or by the Authority of the said former Acts or this Act, across or upon, or on the Sides of the said Roads, or any of them, and of and in all Materials which shall be actually gotten, collected, or gathered for repairing the said Roads or any of them, shall be and are hereby vested in the said Trustees, and they, or any Seven or more of them, are hereby empowered to bring or cause to be brought any Actions or Suits in their Names, or in the Name or Names of any One or more of them, or in the Name of their Treasurer for the Time being, or to prefer or order to be preferred any Indictment or Indictments against any Person or Persons who shall deface, break down, injure, remove, or take away any of the Premises hereby vested in the said Trustees, or otherwise disturb them in the Possession thereof.

Property of  
Turnpikes,  
&c. vested  
in Trustees.

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

Limitation of  
Actions.

General  
Issue.

XIV. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action at Law to be commenced under the Authority of the said former Acts or this present Act, if Tender of sufficient Amends shall be made to such Plaintiff or Plaintiffs by or on the Behalf of the Defendant or Defendants thereto for his or their wrongful Doing or Proceeding before the bringing of such Action; and in case no such Tender shall have been made, it shall be lawful for every Defendant, by Leave of the Court wherein the Action shall be depending, at any Time before Issue joined therein to pay into Court such Sum of Money as he or they shall think fit, and thereupon such Proceeding or Order and Judgment

Plaintiff not  
to recover if  
Tender of  
sufficient  
Amends  
made.

Judgment shall be had, made, and given by the Court as in other Cases where the Defendant is allowed to pay Money into Court; and that, before any such Action shall be brought, Twenty-eight Days previous Notice thereof shall be given in Writing by the Plaintiff or Plaintiffs unto the Clerk of the said Roads, or left at his last or most usual Place of Abode, specifying the Cause of such intended Action, and the Name or Names of the intended Defendant or Defendants thereto; and for Want of due Proof of such Notice upon the Trial, the Jury shall find for the Defendant or Defendants therein.

Prescribing  
Form of  
Conviction.

XV. And be it further enacted, That when any Person or Persons shall be convicted of any Offence against the said former Acts respectively or this present Act, the Conviction shall and may be drawn up in the following Form of Words, as the Case shall happen, or in any other brief Form of Words to the like Effect; (that is to say,)

‘ **B**E it Remembered, That on            Day of            in the  
‘ **B** Year of His Majesty’s Reign, *A. B.* is convicted before  
‘            (specifying the Name or Names of the Justice or Justices of  
‘ the Peace before whom the Conviction is made, and the Offence, Time,  
‘ and Place when and where the same was committed, as the Case shall  
‘ be). Given under my Hand and Seal (or Hands and Seals) the Day  
‘ and Year aforesaid.’

Appeal.

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

Publick Act.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and be judicially taken notice of as such in all Courts and other Places whatsoever, without specially pleading the same.

Commence-  
ment and  
Continuance  
of the Act.

XVIII. And be it further enacted, That this Act shall commence and take place upon the Twenty-fifth Day of *June* One Thousand Seven Hundred and Ninety-eight, and shall continue in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.