



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. xxxi.

An Act for enlarging the Term and Powers of Three Acts, for repairing the Roads from *Lobcombe Corner* in the Parish of *Winterslow* to *Harnham Bridge* in the County of *Wilts*, and from the West Corner of *Saint Anne's Street* in the City of *New Sarum* to *Landford*, and other Roads in the County of *Southampton*. [8th May 1818.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for repairing and widening the Roads leading from Lobcombe Corner in the Parish of Winterslow to Harnham Bridge in the County of Wilts, and from the West Corner of Saint Anne's Street in the City of New Sarum to the Parishes of Landford and Brook, and from thence to Ealing, and from Landford aforesaid through Ower and Testwood to Ealing aforesaid, in the County of Southampton*: And whereas another Act was passed in the Twelfth Year of the Reign of His present Majesty King *George the Third*, intituled *An Act to continue and enlarge the Term and Powers of an Act made in the Twenty-sixth Year of the Reign of King George the Second, for repairing and widening the Roads leading from Lobcombe Corner in the Parish of Winterslow to Harnham Bridge in the County of Wilts, and from the West Corner of Saint Anne's Street in the City of New Sarum to the Parishes of Landford and Brook, and from thence to Ealing, and from Landford aforesaid through Ower and Testwood to Ealing aforesaid, in the County of Southampton, and for repairing and widening the Road from the Romsey and Ringwood Turnpike* 26 G. 2. c. 66.

[Local.] pike

38 G. 3. c. 38. *pike Road, near the House of Francis Fry, to Lyndhurst, and from a Place called Hampton Ford to Lamb's Corner, in the said County of Southampton; and for repairing the Footways within the said City: And whereas another Act was passed in the Thirty-eighth Year of the Reign of His said present Majesty, intituled An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, Two Acts, the one passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled 'An Act for repairing and widening the Roads leading ' from Lobcombe Corner in the Parish of Winterslow to Harnham Bridge ' in the County of Wilts, and from the West Corner of Saint Anne's Street in ' the City of New Sarum to the Parishes of Landford and Brook, and from ' thence to Ealing, and from Landford aforesaid through Ower and Test- ' wood to Ealing aforesaid, in the County of Southampton; and the other passed in the Twelfth Year of the Reign of His present Majesty, to continue and enlarge the Term and Powers of the said Act, and for repairing and widening the Road from the Romsey and Ringwood Turnpike Road, near the House of Francis Fry, to Lyndhurst, and from a Place called Hampton Ford to Lamb's Corner, in the said County of Southampton; and for repairing the Footways within the said City: And whereas the Trustees appointed in and by virtue of the said Three recited Acts have proceeded in the Execution thereof, and have borrowed divers Sums of Money on the Credit of the Tolls thereby granted, a considerable Part of which Money still remains due and cannot be repaid, nor can the said Roads be kept and maintained in good and sufficient Repair, unless the Term of the said Acts be continued, and some of the Powers and Provisions thereof altered and enlarged, and the Tolls increased: 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 of the Twenty-sixth Year of the Reign of His said late Majesty King George the Second, and the Twelfth and Thirty-eighth Years of the Reign of His present Majesty, and all and every the Powers, Authorities, Provisions, Penalties, and Clauses therein contained (except such as are varied, altered, or repealed), shall be and continue in full Force, and be executed, for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Alterations, and Additions herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Term and Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on account of the said recited Acts or any of them, and to the Payment of such other Sum or Sums of Money as shall be borrowed or become due and owing on the Credit thereof, and of this Act, together with the Interest due and to grow due for the same respectively.*

Recited Acts continued for a further Term.

Repealing Clause in 26 Geo. 2. respecting the compounding for Tolls, and directing the

II. And whereas by the said Act passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second it is enacted, that for the better Recovery of such Sum or Sums of Money as should be agreed to be paid by any Person or Persons for or in lieu of passing through all or any of the Turnpikes, it should be lawful for the Trustees to levy the same by Distress and Sale of the Goods and Chattels of such Person

or Persons as might make such Composition: And whereas it is expedient that all such Composition Monies should be paid in Advance; be it therefore further enacted, That the said Clause shall from and after the passing of this Act be and the same is hereby repealed; and all Composition Monies in lieu of Tolls shall be paid by the Person or Persons so compounding to the Treasurer to the said Trustees, or Renter of the Tolls, in Advance, on or before the First Day of *October* for the Six Months ending at *Lady Day*, and on or before the First Day of *April* for the Six Months ending at *Michaelmas* in each Year; and in default thereof the Composition with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are by this or the said recited Acts directed to be paid and applied.

same hereafter
to be paid in
Advance.

III. And whereas by the said Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second it is enacted, that if any Person or Persons should assault any Gate-keeper or Collector or Collectors of the Tolls, or threaten him, her, or them in the Execution of his, her, or their Office or Offices, or should forcibly pass through any Turnpike Gate or Toll Bar set up by virtue of the said recited Act, without paying the Toll appointed to be paid at such Gate or Bar, the Party so offending, upon Conviction before any Justice or Justices of the Peace for the County of *Wilts* or *Southampton*, should either forfeit and pay any Sum not exceeding Five Pounds, or otherwise should be ordered to be publicly whipped in the City of *Salisbury* or the Parish of *Ealing*, which should happen to be nearest the Place where the Offence might be committed: And whereas it is expedient that so much of the said Clause as authorizes the public Whipping of such Offender or Offenders should be repealed; be it therefore further enacted, That so much and such Parts of the said Clause as directs any Person or Persons convicted of the Offence or Offences therein mentioned to be publicly whipped, shall from and after the passing of this Act be repealed, and the same is hereby repealed accordingly: Provided always, that every such Penalty shall and may be levied and recovered in like Manner as any other Penalty is authorized by this Act or the said recited Acts to be levied and recovered.

Repealing
Clause in
26 G. 2.
respecting
publicly
whipping
Offenders.

IV. And be it further enacted, That so much of the said Act passed in the Twelfth Year of the Reign of His present Majesty, as authorizes the Trustees for executing the said Act, or any Justice or Justices of the Peace, to administer an Oath to any Officer or Officers appointed or to be appointed by virtue of the said Act, or any of the said recited 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 Office, shall be and the same is hereby repealed.

For repealing
so much
of former
Acts as au-
thorizes
Trustees or
Justices to
administer
Oaths to Ac-
countants.

V. And be it further enacted, That the Right Honourable *William Sturges Bourne*, Sir *James Burrough* Knight, *Edward Duke* Clerk, *Francis Thomas Egerton*, *George Eyre*, *George Yalden Fort*, *Herbert Hawes* Doctor in Divinity, *George Purefoy Jervoise*, *Joseph May*, *Hans Sloane*, and *Strangeways* Clerk, being qualified in the Manner directed by the said first-recited Act, shall be and they are hereby added to and joined with the Trustees appointed or elected by virtue of the said Three several recited

New Trust-
tees.

recited Acts, for carrying the several Purposes of the same Acts and this Act into Execution, and shall have the same Powers and Authority to act in the Execution of the said recited Acts and of this Act, in all respects whatsoever, as if they had been named and appointed Trustees in or by virtue of the said recited Acts or either of them.

Power to
appoint addi-
tional Truf-
tees.

VI. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at a Meeting to be holden for that Purpose (of which Meeting and of the Purpose thereof such Notice shall be given as is directed by the first-recited Act respecting the Appointment of future Trustees on Vacancies), to elect, nominate, and appoint any Number of other fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of the said recited Acts and this Act, in addition to the Trustees by or in pursuance of the said recited Acts nominated and appointed.

Trustees
may sue and
be sued in
the Name of
their Clerk or
Treasurer.

VII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts and this Act, either in the Name of the Trustees who may be Parties to any Deed or Instrument in Writing upon which any Action shall or may be brought, or in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees in their Names, or in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death, Incapacity, or Removal of any Trustee or Trustees, or Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees or any Five or more of them; but that the Clerk or Treasurer for the Time being to the said Trustees, in case such Action shall be brought by or against or defended in the Name of such Clerk or Treasurer, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that such Trustees or Clerk or Treasurer, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of the said recited Acts or this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of the said recited Acts and this Act, all the Costs, Charges, Damages, and Expences which by the Event or in consequence of any such Action or Proceeding he shall bear, pay, expend, or be put unto, or become chargeable with, by reason of their or his being so made Plaintiff or Defendant as aforesaid.

Offices of
Clerk and
Treasurer not
to be held
by the same
Person.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint or continue the Person who has been or shall be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act, or to appoint or continue the Person who has been or shall be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Acts or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of the said recited Acts or this Act, every Person so offending shall

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 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 Effoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

IX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk 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 hereby granted, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the same Manner as other Forfeitures and Fines are directed to be recovered by the said recited Acts.

Accounts to be kept of Receipts and Disbursements.

X. And be it further enacted, That from and after the passing of this Act the several Tolls and Duties granted in and by the said recited Acts shall cease, determine, and be no longer paid or payable, and that instead thereof the respective Tolls or Duties following shall be demanded and taken before any Horse, Beast, or other Cattle, or any Carriage, shall be permitted to pass through any Turnpike or Gate erected or to be erected by virtue of the said recited Acts or this Act upon and across the said Roads, or upon and across any Lane or Way leading into the same; (that is to say),

Repealing former Tolls and granting others in lieu thereof.

For every Horse, Mule, or Ass drawing any Coach, Chariot, Landau, 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, Drug, Cart, or other such like Carriage, exceeding the Number of Three, the Sum of Four-pence Halfpenny; and for Three Horses, or a less Number, the Sum of Three-pence for each Horse or Beast of Draught:

For every empty Carriage with Four Wheels fastened to or behind any Waggon, Wain, Drug, 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 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: And,

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

[Local.]

7 T

XI. Pro-

Stage
Coaches and
Post Chaise.

XI. Provided always, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of all Horses or Mules drawing any Stage Coach every Time they shall pass through any Toll Gate or Turnpike already erected or hereafter to be erected by virtue of the said recited Acts or of this Act upon the said Roads, and for and in respect of all Post Horses or Mules drawing any Post Chaise or other Carriage every Time they shall pass through any such Toll Gate or Turnpike, and the Driver thereof shall deliver a Ticket denoting a fresh Hiring, any Thing in this Act contained to the contrary thereof notwithstanding: Provided always, that no more than the Number of Tolls limited by this Act to be received on each Line of Road shall be demanded or taken.

Powers of
recited Acts
relating to
Tolls conti-
nued.

XII. And be it further enacted, That all the Powers, Provisions, Matters and Things in the said recited Acts contained, which relate to or concern the Tolls and Duties thereby authorized to be demanded and taken upon the said Roads, except such Parts as are hereby varied, altered, or repealed, shall from and after the passing of this Act, for and during the Continuance of the Term herein-after mentioned, be deemed and considered as relating to the Tolls or Duties by this Act granted, and shall be put in force and be executed accordingly as if the same were repeated and re-enacted in this Act.

Waggons,
&c. having
Wheels and
Axletrees
according to
55 G.3. c. 119.
to have an
Abatement of
One-fourth
of Toll.

XIII. And be it further enacted, That for and in respect of all Waggons, Carts, or other Carriages having the Wheels of the Widths and Descriptions, 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 present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow their carrying extra Weights in certain Cases*, and for and in respect of all Horses and other Beasts, drawing the same respectively, there shall be allowed an Abatement of One Fourth Part of the Tolls hereby granted,

Tolls to be
paid but once
a Day.

XIV. And be it further enacted, That no Person or Persons having paid the Tolls authorized to be taken by virtue of this Act, or passing with any Horses, Cattle, Sheep, Beasts, or Carriage whatsoever, through any Turnpike Gate erected or to be erected by virtue of the said recited Acts or this Act, shall be subject to pay any further or other Tolls for returning or repassing with the same Horses, Cattle, Sheep, Beasts, or Carriage as often as he, she, or they shall have Occasion on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), through the same Gate where such Toll shall have been so paid, such Person or Persons producing a Ticket of the Day denoting such Payment, which Ticket the Collectors of the said Tolls are hereby required to give *gratis* on Receipt of the Toll.

Limiting the
Number of
Tolls.

XV. Provided also, and be it further enacted, That no more than One full Toll shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any one Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, for passing and repassing, as often as he, she, or they shall have Occasion, through all or any of the said Turnikes or Gates erected or to be erected on that Part of the said Road leading from *Lobcombe Corner* to

Harnham

Harnham Bridge; and no more than Two full Tolls in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing, as often as he, she, or they shall have Occasion, with the same Horses or other Beasts, Cattle, or Carriages, through all or any of the said Turnpikes or Gates erected or to be erected on the Road leading from *Saint Anne's Street* in the City of *New Sarum* to *Ealing*; and no more than Two full Tolls in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing, as often as he, she, or they shall have Occasion with the same Horses, or other Beasts, Cattle, or Carriages through all or any of the said Turnpikes or Gates erected or to be erected on the Road leading from *Saint Anne's Street* in the City of *New Sarum* to *Lyndhurst*.

XVI. And be it further enacted, That the said respective Tolls or Sums of Money raised or to be raised by virtue of the said recited Acts and this Act shall be vested in the Trustees for executing the said recited Acts and this Act, and shall be applied in the same Manner as the Tolls authorized by the said recited Acts to be taken and received are directed to be applied. Tolls vested in Trustees.

XVII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made either at the Turnpike Gate where such Toll should be collected, or immediately after passing through the same, neglect or refuse to pay the said Tolls or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, or for the Trustees, or for any other Officer duly appointed for that Purpose, to seize and distrain any Horse or Horses, or other Cattle in respect whereof such Tolls are payable, with their Harness and Accoutrements, or their Lading, or any Carriage with its Lading, or such of them or any Part thereof (except the Bridle or Halter thereof) as such Collector may think fit; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after the Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Things so seized or distrained, or such of them or such Part thereof as will be sufficient to satisfy such Tolls, and the Expence of making such Distress and Sale, returning the Overplus of the Money (if any), and what shall remain unsold, on Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress and Sale, shall have been deducted. How Payment may be enforced.

XVIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or about the Charges of making, keeping, or selling any Distress taken by virtue of the said recited Acts or this Act, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due and the Charges of the Distress and Sale, and of keeping the Distress (as the Case shall happen), shall have been ascertained by some Justice of the Peace for the County, City, Town, or Place where such Dispute shall arise, who, on Application Disputes concerning Tolls to be settled by a Justice.

Application made to him for that Purpose, shall examine the Matter on the Oath of the Party or Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied, and recovered in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Tickets to be printed.

XIX. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and upon which Note or Ticket shall be printed and specified the Names of the several or respective Gates which under the Provisions of this Act are allowed to be passed free for Payment of such Toll.

For preventing Toll Collectors taking undue Tolls.

XX. And be it further enacted, That every Toll Collector being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of the said recited Acts or this Act, 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 Turnpike Gate, immediately on his beginning to collect such Toll or 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 either in Black Letters on a White Ground, or in White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, 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 any ways 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 in Answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment, or, upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as
other

other Penalties are by the said recited Acts or any of them directed to be recovered and applied.

XXI. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpike Gates erected or to be erected or continued upon the said Roads for any Horses, Cattle, or Carriages of whatsoever 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 therefrom, or for the Horses belonging to any Officers or Soldiers on their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses 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, or for any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place in which any Part of the said Roads lie, or for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for any or either of the Counties of *Wilts* and *Southampton*, or of carrying or conveying Vagrants sent by legal Passes, or of carrying or conveying Hay, Straw, or Corn in the Straw, for the Use of the Owners, and not for Sale or purchased, or of carrying or conveying any Dung, Mould, Manure, or Compost (other than Lime), to be used only for manuring the Land, or going or returning empty in that Employment, or for any Horses, Beasts, or Cattle 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 any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry be also laden with any other Thing not hereby intended to be exempted from Payment of Toll, or for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture, or for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried, or for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Materials for making or repairing any Highway or public Road within any such Parish, Hamlet, or Place as aforesaid, or for rebuilding, building, or repairing any present or future Bridge or Bridges on the said Roads under this Trust, or for any Horse, Beast, Cattle, or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon, or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review,

General Ex-
emptions
from Toll.

[Local.]

7 U

provided

provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps, at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Owners or Drivers of Waggon conveying Military Stores not subject to Penalties for Overweight.

XXII. 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 in this Act contained, to the contrary notwithstanding.

Power to reduce Tolls, and raise them again.

XXIII. And be it further enacted, That the said Trustees or any Seven or more of them may and they are hereby authorized and empowered from Time to Time as they shall think proper, to lessen or reduce all or any of the Tolls granted or authorized to be taken by the said recited Acts or this Act, and to raise them again to any Sum not exceeding the Tolls respectively hereby granted or authorized to be taken: Provided that every such Reduction be made with the Consent of the Persons who shall be entitled to Two Third Parts at least of the Money then due on the Credit of such Tolls; and that Notice in Writing be given of a Meeting to be held for that Purpose, by affixing the same upon all the Turnpike Gates then erected upon the said Roads, Fourteen Days before the Meeting for making such Reduction; and such Tolls so lessened, varied, or reduced or raised again, shall be vested in the said Trustees, and shall be collected in such Parts and Proportions, at such of the Turnpike Gates on the said Roads, as they the said Trustees or any Seven or more of them shall direct, and shall be collected, recovered, paid, and applied in the same Manner as the Tolls hereby granted or authorized to be taken are directed to be collected, recovered, and applied.

Power to lease the Tolls.

13 G. 3. c. 84.

XXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf in and by a certain Act of Parliament passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, from Time to Time to lease and demise the Tolls granted by this Act, and arising upon the said Roads to be widened, improved, or kept in Repair by virtue of the said recited Acts and this Act, or any Part or Parts thereof, for any Term or Terms of Years

Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit; they the said Trustees taking a Counterpart of all such Lease and Leases, and taking such sufficient Security from the Person and Persons to whom such Tolls shall be leased and demised, for Payment of the Rents and Performance of the Covenants to be reserved and comprized in such Lease or Leases, as the said Trustees shall think fit.

XXV. And be it further enacted, That if upon or after any Letting or Agreement for letting the said Tolls or any Part thereof, any Default shall be made in Payment of the Rent agreed to be paid for the same or any Part thereof on the Days appointed for Payment thereof, then and in such Case the said Trustees shall and may and are hereby empowered at any Meeting, after Notice of the holding of such Meeting shall have been given to the Lessee or Lessees of the said Tolls, and shall have been also affixed upon all the Turnpikes or Gates then erected or standing upon or across the said Roads, Ten Days at least before such Meeting, to declare any Lease of the said Tolls, or any Contract or Agreement for letting the same, void; and such Lease, Contract, or Agreement shall be thereupon void to all Intents and Purposes from the Time of such Declaration; but the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences which the said Trustees or their Treasurer for the Time being shall or may pay, sustain, or be put unto by reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement, on the Part of such Lessee or Lessees.

Power to declare Leases void on Non-payment of Rent.

XXVI. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby granted, or any Person or Persons claiming under him or them, shall, at any Time after the Expiration of the Term for which such Tolls shall be leased, or for the Space of Two Days after the Demise, Lease, or Agreement for letting of such Tolls shall be declared void as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Buildings, and Premises which shall have been let or demised to him or them with the Tolls so let or leased, it shall be lawful for any Justice of the Peace for the County or Place where such Toll House or Toll Houses, Buildings and Premises shall be situate respectively, by Warrant under his Hand and Seal, to order the Constables or other Peace Officers of the Parish or Place where such Toll House or Toll Houses, Buildings, and Premises shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll House or Toll Houses, Buildings and Premises respectively in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels out of such Toll House or Toll Houses, Buildings, and Premises, and to put any Person or Persons, whom the said Trustees or any Five or more of them shall appoint, in Possession of the said Toll House or Toll Houses, Buildings, and Premises, so that the Tolls payable thereat may from thenceforth be received and taken for the Use of the said Trustees, to be applied as by the said recited Acts or this Act is directed.

For obtaining Possession of Toll Houses.

XXVII. Pro-

Deviation
not to ex-
ceed more
than 100
Yards from
the present
Road.

XXVII. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Roads under the Powers of the said recited Acts and this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Application
of Compen-
sation when
amounting
to 200l

XXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said Acts mentioned, 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 Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts and this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the general Orders of the said Court, without Fee or Reward, to the Intent that such Money may be applied under the Direction and with the Approbation of the said Court, to be signified by an Order 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 authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Monies shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, 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 the Conveyance and 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 Court of Chancery, upon Application thereto, be vested 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 such 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 Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXIX. Pro-

XXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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, or 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 in the Name and with the Privy 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 herein-before 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 Five or more of the Trustees for executing the said recited 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 Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Compensation is less than 200l. and exceeds 20l.

XXX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed 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, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them 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.

Application when the Money does not exceed 20l.

XXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts or 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 any Five or more of them; 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, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, 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 Privy of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said 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

In case of not making out Titles.

[*Local.*]

7 X

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 Estate or Estates, Title or Interest, of the Person or 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 such Sum or Sums of Money, 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 of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

XXXII. 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 Privy of the Accountant General of the said Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of other Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, 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 such Lands, Tenements, 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, Tenements, 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 said 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, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of
Chancery
may order
Trustees to
pay Ex-
pences.

XXXIII. Provided also, 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 recited Acts or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute
Work.

XXXIV. And be it further enacted, That so much of the said recited Acts as relate to the Performance of Statute Labour on the said Roads, shall be

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 for the Counties of *Wilts* and *Southampton*, and for the City of *New Sarum*, within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or 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 respective Parishes, Hamlets, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, 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 to 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 every such Parish, Hamlet, or Place, within their respective Jurisdictions, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Five Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Hamlet, or Place are by Law subject 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 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 appoint and order such and so many of the Persons who shall appear to be subject and liable to 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, and the same shall be done on 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 Persons who 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, Hamlet, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct ; and in default of Payment thereof by any such Surveyor or Surveyors, 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 recited Acts authorized or directed to be recovered ; and each and every Person who shall refuse or neglect to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of 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

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 every such Person shall be subject and 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 amending the said Roads; and if any Surveyor of the Highways for any of the said Parishes, Hamlets, or Places, 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 Forty Shillings.

For getting
Materials to
repair the
Roads.

XXXV. And be it further enacted, That so much of the said recited Acts as authorizes the said Surveyors, by Order of the said Trustees, to get Materials for repairing the said Roads, shall be and the same is and are hereby repealed; and it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, Chalk, Furze, Heath, or other Materials for making or repairing the said Roads, out of any Waste or Common Ground, Common River or Brook, in any Parish, Town, or Place adjoining the said Roads, without paying any Thing for the same, they the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground or sloping down the Banks from whence such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, Common River or Brook, then and in such Case the Surveyor or Surveyors or other Persons as aforesaid may, by Order of any Two Justices of the Peace for the County in which the Land may be situated, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Planted Walk or Walks, or Avenue to a House, or a Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of such Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for making or repairing the said Roads shall be carried, as the said Justices shall adjudge reasonable.

Notice to be
given before
Materials
taken.

XXXVI. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this or the said recited Acts, to dig, gather, get, take, or carry away any Materials for repairing such Roads out of or from any inclosed Lands or Grounds

Grounds without the Consent in Writing of the Owners or Occupiers thereof first had and obtained for that Purpose, and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Roads, shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace acting in and for the County or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not 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, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials in such Manner as is directed by the said recited Acts, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they or any of them are hereby empowered to administer) 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.

XXXVII. And be it further enacted, That if any Person or Persons shall take and carry away any Materials which shall have been dug or gathered for the Purpose of repairing or amending the said Roads, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), all and every such Person and Persons so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty on
taking away
Materials got
by Surveyor.

XXXVIII. 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 Thirty Feet at least from the Centre of such Parts of the said Roads; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening contrary to the Directions of this Act, shall, within Fourteen 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 in the Manner hereby directed, whenever the same shall be practicable, but in every Case in such a Manner as that 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 such Gate to be so hung, 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 in which such Gate shall have been erected, and upon Conviction thereof upon the Oath of One credible

Gates to open
inwards.

[Local.]

7 Y

dible

dible, Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum of Money, 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 as aforesaid.

For securing
transient
Offenders.

XXXIX. And whereas Offences may be committed against the said recited Acts and this Act, by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall and may be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or he shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any Offence or Offences against the said recited Acts or this Act, and to take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed, to be dealt with according to Law.

Power to
raise Money
at Five
Pounds per
Cent. In-
terest.

XL. And whereas by the said Act passed in the Twenty-sixth Year of His said late Majesty King George the Second, it is enacted, that from and after the passing of the said Act, it should be lawful for the said Trustees from Time to Time during the Term granted by the said Act to borrow and raise any Sum or Sums of Money at Interest, not exceeding Four Pounds *per Centum per Annum*, on the Credit of the said Tolls and Duties by the said Act granted, and in such Manner and by such Ways and Means as should appear to them most proper and convenient for paying for the effectual carrying on and completing the repairing of the said Roads, by the said Act directed to be amended: And whereas since the passing of the said Act, and for many Years last past, a higher Rate of Interest hath been paid for Monies borrowed on any Security, and it would be found very difficult, if not wholly impracticable, to borrow or obtain any further Sum of Money that may be requisite for the Purpose of keeping the said Roads in Repair, at a less Rate of Interest than Five Pounds *per Centum per Annum*; be it therefore further enacted, That it shall and may be lawful for the said Trustees, during the Term hereby granted, to borrow and raise such further Sum or Sums of Money at Interest not exceeding Five Pounds *per Centum per Annum*, on the Credit of the Tolls and Duties by this Act granted, in the Manner and by such Ways and Means as shall appear to them most proper for carrying into Execution the Purposes of this and the said recited Acts; and also that the said Trustees shall and may, according to their Discretion, pay a like Interest, not exceeding Five Pounds *per Centum per Annum*, on the Monies already borrowed and raised on the Credit of the said Tolls by virtue of the said recited Acts, and still remaining due and unpaid.

For paying
the Expences
of this Act.

XLI. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said recited Acts, or out of the first Monies which shall be raised

raised or borrowed upon the Credit of the said recited Acts and this Act, or out of any Money to be collected by virtue thereof, in preference to all other Payments whatsoever.

XLII. And be it further enacted, That this Act shall be deemed **Public Act.** 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.

XLIII. 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 that the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained), and this Act, shall from thenceforth commence, continue, and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. **Commence-
ment and
Continuance
of this Act.**

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1818.

Q 7

... the ... of the ...
... the ... of the ...
... the ... of the ...

... the ... of the ...
... the ... of the ...
... the ... of the ...

... the ... of the ...
... the ... of the ...
... the ... of the ...

... the ... of the ...
... the ... of the ...
... the ... of the ...