



ANNO DECIMO

GEORGIIV. REGIS.

Cap. lxxxi.

An Act for maintaining and repairing the Road from the River at *Swathling*, through *Botley*, to the Road at *Sherril Heath*, in the County of *Southampton*. [22d May 1829.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Road leading from a Street called the Hundred at Romsey, through Chilworth, to the River at Swathling, in the County of Southampton, and for connecting the same with the Road leading from the City of Winchester, through Hursley, to Chandler's Ford, and from Hursley aforesaid to the Turnpike Road at Romsey aforesaid; and also for repairing and widening the Road leading from the River at Swathling aforesaid, through Botley, to the Turnpike Road at Sherrill Heath, in the said County of Southampton*: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and Powers of an Act made in the Fifth Year of the Reign of His present Majesty, so far as the same relates to the repairing and widening the Road leading from the River at Swathling, through Botley, to the Turnpike Road at Sherrill Heath, in the County of Southampton*: And whereas another Act was passed in the Forty-seventh Year of His said late Majesty's Reign, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Fifth and Twenty-sixth Years of the Reign*

5 G. 3. c. 95.

26 G. 3. c. 158.

47 G. 3. Sess. 2. c. 56.

[Local.]

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of

of His present Majesty, so far as the same relate to the repairing the Road leading from the River at Swathling, through Botley, to the Turnpike Road at Sherrill Heath, in the County of Southampton: And whereas the Trustees acting under and by virtue of the said recited Acts have proceeded to put the same into execution so far as the same relate to the said Road from the River at Swathling, through Botley, to the Turnpike Road at Sherrill Heath; and considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be taken on the same Road, which Money cannot be paid off, nor can the said Road be effectually amended, improved, and kept in repair, unless the Term and Powers of the said Acts, so far as the same relate to the said last-mentioned Road, are further continued, or other and more effectual Provisions are granted instead thereof: And whereas it would be more convenient and beneficial if the said recited Acts were repealed, and such other Provisions were granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the said recited Acts of the Fifth, Twenty-sixth, and Forty-seventh Years of the Reign of His said late Majesty King George the Third shall be respectively repealed, and the same are hereby declared to be repealed.

Recited Acts repealed.

This Act to take effect for repairing the Road.

II. And be it further enacted, That this Act shall henceforth commence and take effect, and be put in execution during the Term hereinafter mentioned, for the Purpose of repairing, amending, widening, diverting, improving, and keeping in repair the Road leading from the River at *Swathling*, through *Botley*, to the Turnpike Road at *Sherrill Heath*, in the County of *Southampton*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Southampton* for the Time being, together with *William Abbott*, *James Anderson*, Captain *James Anderson*, the Reverend *Henry Atkins*, *George Atherley*, *James Aldridge*, the Reverend *Richard Baker*, *Bailey*, the Reverend *William Baring*, *William Baring*, *John Barker*, *Peter Bernard*, *James Bernard*, *John Barney*, the Reverend *John Baynes*, *James Bedford*, the Reverend *Frederick Bedon*, *Samuel Ben- nis*, *Thomas Blatherwick*, Admiral *Bligh*, *Matthew Barton Bradby*, *Charles Brett*, *Edward Bridger*, *John Britten*, *Peter Britten*, *James Brookman*, *John Bogue*, *George Booth*, *John Buckland*, *John Buckland* the younger, *Charles Bullen*, *Joseph Carter*, *Richard Clark*, *John Clark*, *Thomas Clement*, *John Chidell*, *Francis Augustus Collier*, Admiral *Griffiths Colpoys*, *John Colson*, Compton, *James Cooper*, Captain *Crabb*, *Charles Day*, *Henry Peter Delmè*, Sir *William Dickson* Baronet, *James Dott*, *John Duthy*, *James Ede*, *Richard Eldridge*, *Henry Eyre*, *Edward Fiott*, Admiral *Footè*, *Thomas Fox*, *George Garnier*, the Reverend *William Garnier*, *Edward Morant Gale*, Sir *James Whalley Smythe Gardiner* Baronet, *Edward Gater*, *William Henry Gater*, *Jacob Gater*, *Robert Gater*, *William Grant*, *Barnaby Pitt*

Pitt Green, Captain Griffiths, Edward Guillaume, William Guillaume, William Gunner, Peter Halkett, William Hallett, the Reverend Arthur Hammond, Moses Hawker, the Reverend John Haygarth, Samuel Heathcote, Captain Heathcote, Henson, the Reverend James Henville, Henderson, Richard Hickley, John Hill, Robert Hewett, Isaac Hewlett, Richard Hinxman, the Honourable Henry Hood, John Hornby, Edward Houghton, James Hunt, John Hunt, the Reverend William Harrison, Edward Janverin, Samuel Raymond Jarvis, John Jenkins, Doctor Edwin Godwin Jones, General James Kemp, Simon Little, Hector Loring, Lovell, Francis John Lys, James Lys, Henry Lys the younger, General Mackenzie, Doctor M'Kenzie, William Woodrow Maidman, Charles Maret, Thomas Marshman, Henry Minchin, Richard William Missing, Richard Missing, John Vernon Moody, the Reverend W. H. Neale, Admiral Otway, the Reverend James Ogle, the Honourable Sir Arthur Paget, John Parsons, Lord Henry Paulet, the Reverend William Phillips, George Collins Poore, the Reverend Edmund Poulter, William Silvester Purchase, George Thomas Maitland Purvis, George Henry Ricketts, the Reverend Charles Richards, Mark Robinson, Charles Robinson, George Rogers, the Reverend Jonathan Stackhouse Rashleigh, John Goulding Seymour, Robert Sheddon, John Smith, William Smith, Thomas Stares, Thomas Stares the younger, Archibald Swinton, Samuel Silver Taylor, Thomas Thistlethwaite, John Tribe, the Reverend William Thresher, William Thresher, James Thresher, Richard Trench, Henry Twynam, James Waller the younger, the Reverend Charles Walters, George Waring, James Warner the elder, James Warner the younger, John Willis, Henry Penruddock Wyndham, the Reverend Daniel Williams, Sir Joseph Sidney Yorke, and their Successors, being duly qualified according to the General Laws in force for the Repair of Turnpike Roads, shall be and they are hereby appointed Trustees for putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, and they are hereby authorized, at any Meeting from Time to Time to be held for that Purpose, (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given as is directed by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, respecting the Appointment of Trustees on Vacancies,) to nominate, elect, and appoint any Number of fit Persons, not exceeding Four in the whole, to be Trustees for the Purposes of this Act, in addition to the Number of Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to appoint additional Trustees.

3 G. 4. c. 126.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the House known by the Sign of the *Dolphin Inn* in *Botley* aforesaid, or at some other convenient House or Place on the Line of the said Road, on the Second *Monday* next after the passing

First Meeting of Trustees.

passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Morning and Two in the Afternoon, and shall and may then from Time to Time afterwards adjourn to and meet at such Time and Times, Place and Places in the Neighbourhood of the said Road, as they shall think it expedient and proper.

Power to
take Tolls.

VI. And be it further enacted, That the respective Tolls following shall be demanded and taken at each and every such Turnpike, Toll Gate, Side Bar, or Chain as is now set up and continued, or shall hereafter be set up, upon, across, or by the Side of the said Road, by such Person or Persons as the said Trustees shall from Time to Time continue or appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle shall be permitted to pass through any such Turnpike; Toll Gate, Side Gate, Side Bar, or Chain; (that is to say,)

Tolls.

For every Horse, Mule, or Beast drawing any Coach, Berlin, Landau, Chariot, Chaise Marine, Calash, Vis-a-Vis, Chair, or Hearse, the Sum of Three-pence :
For every Horse, Ox, or other Beast drawing a Caravan, Waggon, Wain, Cart, Dray, or other Carriage, the Sum of Three-pence ; but if any such Carriages before mentioned shall be drawn by more than Four such Beasts, the Sum of One Shilling only to be taken :
For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny :
For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score ; and so in proportion for any greater or less Number :
For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score ; and so in proportion for any greater or less Number.

Horses and
Cattle hav-
ing once
passed to be
allowed to
repass Toll-
free.

VII. And be it further enacted, That in case a Toll shall have been paid for or in respect of any Horse, Beast, or Cattle, for passing through any of the Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, now erected and continued, or hereafter to be erected, upon, across, or on the Sides of the said Roads, no Toll shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle, for returning, passing, or repassing through the same Turnpike, Toll Gate, Side Gate, Side Bar, or Chain the same Day before Twelve of the Clock at Night, but that the Production of a Note or Ticket denoting the Payment of such Toll, such Horse, Beast, or Cattle shall (except in the Cases hereinafter mentioned) be permitted to pass Toll-free through such Turnpike, Toll Gate, Side Gate, Side Bar, or Chain.

Limiting the
Number of
Tolls.

VIII. And be further enacted, That no more than One full Toll shall be demanded or taken on the same Day, for or in respect of the passing and repassing of the same Horse, Mule, Ass, Beast, or Cattle through all the Turnpikes or Toll Gates erected or to be erected upon the said Roads (except as hereinafter mentioned), but on a Note or Ticket or Notes or Tickets being produced, denoting such Payment, the same Horse, Beast, or Cattle shall be permitted to pass and repass
Toll-

Toll-free through all the said Turnpikes or Toll Gates on the same Day.

IX. Provided always, and be it further enacted, That no Horse or Horses or other Beast or Beasts of Draught for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, returning the same Day through the same Turnpikes, Toll Gates, Side Gates, Side Bars or Chains, drawing any other or a different Waggon, Wain, Cart, or other such Carriage, shall be permitted to pass Toll-free through the same Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains on the same Day; any thing herein contained to the contrary thereof in anywise notwithstanding.

Horses and other Beasts drawing a different Carriage on returning to pay again.

X. Provided also, and be it enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses and other Beasts of Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing through every such Turnpike, Toll Gate, Side Gate, Side Bar, or Chain.

Stage Coaches, &c. to pay each Time of passing.

XI. And be it further enacted, That the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road on the same Day as often as a fresh Hiring thereof shall take place.

Post Chaises to pay each Time of hiring.

XII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby as aforesaid repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in obtaining and passing this Act, and otherwise relating thereto; secondly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls or Duties payable on the Road by this Act directed to be maintained, improved, and kept in repair; thirdly, in defraying the Expences of diverting, widening, improving, repairing, and preserving the Road by this Act directed to be improved and kept in repair, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Road, and otherwise in executing the other Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby repealed, and

Application of Tolls and Money borrowed.

also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

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

Term of Act. XIV. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1829.