

5 G. 4. c. 69. intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas some Part of the Road comprized in the said first-recited Act is narrow and inconvenient, and it would be of public Utility if the same was widened, and if other Part of the same Road was shortened and improved; and it would be more convenient if the said first-recited Act were repealed, and more effectual Provisions made for repairing, maintaining, diverting, widening, and improving the said Road in manner herein-after mentioned: May it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 after the Third *Saturday* next after the passing of this Act, the said recited Act made in the Forty-sixth Year of the Reign of His said late Majesty King *George the Third* shall be and the same is hereby repealed, and from thenceforth this Act shall commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of making, amending, altering, diverting, turning, widening, improving, and keeping in repair the Road from *Cosham* in the County of *Southampton*, through the Parishes of *Widley, Wymering, Farlington, Bedhampton, Havant, and Warblington*, in the said County of *Southampton*, and *Westbourne, Funtington, Childham, Bosham, New Fishbourne, and Saint Bartholomew*, in the County of *Sussex*, to the said City of *Chichester*.

Recited Act of 46 G. 3. repealed, and this Act to be executed instead thereof.

Powers of General Turnpike Acts extended to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act passed in the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act,) and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for in and by this Act,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body thereof.

Tolls under this Act to be subject to Debts under former Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted and made payable, shall be and they are hereby declared to be subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or the Tolls hereby authorized to be collected.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, Contracts, Securities, and Debts entered into or owing by any Person or Persons with or to the Trustees for executing the said recited Act hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account of and for the Benefit of the Trustees of this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said recited Act hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively; the Repeal of the said former Act, or any Law to the contrary notwithstanding.

Bonds, Contracts, &c. under former Act to continue in force.

V. And be it further enacted, That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in the Execution of the said recited Act hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Books kept under former Act to be Evidence.

VI. And be it further enacted, That the said Trustees may receive in and cancel all or any of the Mortgages now standing out, and instead and in lieu thereof respectively give and execute another Mortgage or other Mortgages, at the Expence of the Parties requiring the same, upon the Tolls of the said Road granted by this Act.

Old Mortgages may be called in, and new ones granted.

VII. And whereas divers Creditors on the said Road may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees for securing to him, her, or them the Principal Money lent on the Credit of the said Act hereby repealed, or the Tolls thereby granted, with Interest for the same, or the Transfer of such Mortgages or Assignments; and it is reasonable that in Cases where it can be proved to the Satisfaction of the Trustees, that any Person is truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Act, although they may not be able to produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed, for the securing the Repayment of the Money now due on the Credit of the said Act, or the Tolls thereby granted; be it therefore further enacted, That in all Cases where it shall appear, by the Books kept by the Clerk or Treasurer to the said Trustees for executing this Act, or by any other satisfactory Evidence, adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls authorized by the said Act hereby repealed to be taken on the Road comprized in this Act, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Trustees, or any Three or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted, for the Sum or Sums of Money mentioned

Where old Securities are lost, new ones may be executed.

mentioned in such original Assignment or Transfer; and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Appointment
of Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Southampton* and *Sussex* respectively for the Time being, together with *Elias Bruce Arnaud*, *Saint John Alder* Clerk, Colonel *James Achmuty*, *Charles Andrews*, Colonel *William Brereton*, *John Burrell*, *John Butler*, *Thomas Bennett*, *Richard Bingham* Clerk, *James Brown*, Sir *James Brisbane* K.C.B., *John Burrough* D.D., *Joseph Bingham*, *John Blagden*, *George Burton*, *Thomas Nixon Blagden* Clerk, *John Boniface*, Captain *Charles Bullen*, *John Barton*, Colonel *Richard Buckner*, *Samuel Barbut* Clerk, *George Bliss* Clerk, *William Baines*, *John Burnand*, *Richard Boniface*, *Thomas White Cogan* Clerk, Sir *Lucius Curtis* Baronet, *George Copis*, *Samuel Cobby*, *Thomas Israel Clark*, *Benjamin Caffin*, *Edward Halsey Cobby*, *Harry Comper*, *Samuel Clark*, *Newman Coote*, *Edmund Cartwright* Clerk, *Thomas Cartwright*, *Charles Cooper*, *Henry Comper*, *John Bridger* Clerk, *William Collins*, *William Dearling*, *James Sholto Douglas*, *Charles Dendy*, *John Dyer*, *James Williamson Deacon* Clerk, *William Deacon*, *Edward Dawn*, *Stephen Dendy*, *Henry Duke*, *Daniel Davis* D.D., *Christopher Elliott*, *James Bennett Freeland*, *James Florance* of *Bracklesham*, *Joseph Godman*, *William Gruggen*, *George Guy* Clerk, Sir *George Garratt*, *John Gage*, *William Groome* Clerk, *Thomas Gawne*, *William Gibbs*, *William Guy*, *John Guy* of *West-wittering*, *Cornelius Green* Clerk, *Samuel Gloyne*, *Moses Greetham*, *Jack Gates*, *George Gatehouse*, *Edward Goddard* Clerk, *Thomas Wheeler Gillham* Clerk, *Samuel Gloyne* the younger, *Joseph Harfield*, *James Hack*, *William Humphrey*, *John Hicks*, *Gawen Holloway*, *Robert Harfield*, *William Halsted* of *Merston*, *Thomas Hobgen*, *Thomas Humphry*, *Edward Humphry*, *Moses Hawker*, *Joseph Porter Holloway*, *James Hack* the younger, *William Hardham* of the *Pallant*, *William Hardham* of *Eastgate*, *William Woollams Holland* Clerk, *James Hewett*, *William Holloway*, *Charles Brune Henville* Clerk, *James Henville* Clerk, *Joseph Holloway* of *Leigh*, *Samuel Holland* Clerk, *Thomas Agar Holland* Clerk, *Robert Hardy* Clerk, *John Hounsome*, *Richard Hasler*, *Richard Hasler* the younger, *William Hipkins*, *Thomas William Knott*, *John Kirkby* Clerk, *John Knight*, *Andrew Lindigreen*, Captain *Henry Leeke* R. N., *John Smith Lane*, Captain *Trevor Hull Letham*, *Charles Beare Longcroft*, *Charles John Longcroft*, *Joseph Lane*, *Richard Lacy*, *Richard Merricks*, *John Murray*, *George St. Vincent Nelson Murray*, *Bartholomew Middleton* Clerk, *John Marsh*, *Charles Mant*, *William Miller* Clerk, *George Robert Mountain* Clerk, *Edward Martin*, *John Marsh* the younger, *John Moss* Clerk, Captain *Charles Newland*, *William Charles Newland*, *William Norris* Clerk, *William Norris* the younger, Clerk, *James Norris* Clerk, General *Nicholls*, *William Newland*, *Charles Osborn*, *William Postlethwaite*, *Arthur Peskett*, *John Child Purvis*, Sir *George Provost*, General *Theophilus Pritzler*, *Joseph Paddon*, *John Price*, *Barré Phipps* Clerk, Admiral *Stephen Poyntz*, *William Padwick*, *William Padwick* the younger, *David Padwick*, *Richard Power*, *Charles Pilkington* Clerk, *Charles Pilkington* the younger, Clerk, *George Porcher* Clerk, *Powell* of *Drayton*, *William Peachey*,
Cornelius

Cornelius Quinton, George Renaud Clerk, William Ridge, William Ridge the younger, Charles Ridge, Thomas Rhoades, Edward Tew Richards Clerk, Henry Richards Clerk, John Randall, William Cobden Rhoades, Samuel Slade D.D., William Slade, Thomas Sanden, George Sayers, Hobart Seymour Clerk, John Souter, George Souter, George Stamper, Joseph Smith, John Snook, Thomas Lowry Skelton, Henry Silverlock, George Augustus Shawe, John Scardeville, Maurice Smelt Clerk, Henry Snook, Daniel Wells Stephens, Samuel Joliffe Tufnell Clerk, William Tireman, William Thresher, Colonel Henry Teesdale, Robert Tredcroft Clerk, Christopher Teesdale, George Turner, Honourable Edward Turnour Clerk, William Titchenor, William Upton, James Upton, John Victor, Thomas Valentine Clerk, William Walker Clerk, John Weller, Thomas Waller, Lewis Way, James White, Charles Webber Clerk, Charles Webber the younger, Clerk, William Watkins Clerk, Onslow Wakeford, George Duke Wyatt, Stephen Wise, George Whicher, Major General Widdrington, William Thomas Williams, John Harris Wright, John Wyatt, and Charles Whicher, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying the same recited Acts and this Act into Execution.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given in manner directed by the said recited Act of the Third Year of the Reign of His present Majesty with respect to Meetings for the Appointment of Trustees on Vacancies), to elect and appoint any Number of Persons, not exceeding Five, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Persons so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed Trustees in and by this Act.

Power to appoint additional Trustees.

X. And be it further enacted, That the said Trustees shall meet at the *Swan Inn* in the City of *Chichester* aforesaid, or at some other convenient Place in the said City, on the Second *Saturday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Morning and Two in the Afternoon, and shall then and there proceed to put this Act into Execution; and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Places upon or near to any Part of the said Road, as they shall think proper.

Meetings of Trustees.

XI. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts, and not contrary to the Provisions and Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Act hereby repealed, shall hold and enjoy

Old Officers to continue until removed by Trustees.

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such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

XII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any other Place or Office of Profit or Trust under the said Trustees, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to continue and erect Toll Gates, Toll Houses, &c.

XIII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to continue or remove all or any of the Toll Gates, Toll Houses, Turnpikes, Bars, or Chains now standing in, upon, or across the said Road, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Road, or any Part thereof, or on the Sides thereof, when, where, and as the said Trustees shall judge necessary or expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, or any Weighing Machine or Weighing Machines, and also to erect or provide a Toll House or Toll Houses, with suitable Outbuildings, Lamps, and Conveniences thereto,

thereto, and to take in and inclose from the Sides of the said Road convenient Garden Plats to the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each Toll House ; and from Time to Time afterwards to remove, alter, or discontinue such Turnpikes, Toll Gates, Bars, Chains, or Toll Houses, or any of them, as they the said Trustees shall think proper and expedient.

XIV. And be it further enacted, That upon and from and after the Third *Saturday* next after the passing of this Act, the respective Tolls following shall (subject nevertheless to any Order which shall be made respecting the same at the first Meeting of the said Trustees, and subject thereafter to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts of the Third and Fourth Years of His present Majesty contained,) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate, Bar or Chain, to be continued or erected upon, across, or on the Side or Sides of the said Road, by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Beast, Cattle, Coach, Cart, or other Carriage shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate, Bar or Chain ; (that is to say,) Power to take Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Hearse, or other such Carriage, the Sum of Four-pence Halfpenny : Tolls.

For every Horse or other Beast drawing any Chaise, Chair, Taxed Cart, Market Cart, or other Cart for conveying Passengers or light Goods, the Sum of Four-pence Halfpenny :

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

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

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

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

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth so flat or level as not to deviate more than an Inch from a flat Surface, the Sum of Three-pence ; and for every Ass drawing any such Carriage, the Sum of One Penny Halfpenny :

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and less than Nine Inches, and rolling such Surface as aforesaid, the Sum of Four-pence ; and for every Ass drawing any such Carriage, the Sum of Two-pence :

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom

Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches, and less than Six Inches, the Sum of Five-pence; and for every Ass drawing any such Carriage, the Sum of Two-pence Halfpenny:

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Four and a Half Inches, the Sum of Five-pence Halfpenny; and for every Ass drawing any such Carriage, the Sum of Two-pence Three Farthings:

And such respective Tolls or Sums of Money shall be and they are hereby vested in the said Trustees, and shall be applied in manner herein-after directed.

Tolls to be paid but Once for passing and repassing on the same Day;

but to be again paid after passing and repassing Once.

Number of Tolls limited.

Stage Coaches, Post Chaises, &c.

XV. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any one of the Turnpikes or Toll Gates, Bars or Chains, to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall (upon a Ticket being produced denoting such Payment for that Day, and which Ticket the Collector or Collectors of such Toll is and are hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates, if any, freed by the Payment of such Toll,) be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time during the same Day, except as herein-after provided: Provided always, that all and every Person or Persons who shall have passed and repassed Once in the same Day through the same Turnpike or Toll Gate, Bar or Chain as aforesaid, shall be subject and liable to the Payment of the like Toll for every Time such Horses, Cattle, Beasts, or Carriages shall afterwards pass and repass through the same Turnpike or Toll Gate, Bar or Chain, during the same Day, (any thing herein contained to the contrary notwithstanding).

XVI. Provided nevertheless, and be it further enacted, That no more than Two full Tolls shall be demanded or taken from any Person or Persons for passing and repassing with the same Horses, Cattle, Beasts, and Carriages, on the same Day, through all the Turnpikes, Toll Gates, or Bars to be continued or erected on the whole Extent of the Road to be repaired by virtue of this Act.

XVII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Road; and also for or in respect of all Horses or other Beasts travelling for Hire, drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road, whenever a new Hiring thereof shall have taken place.

XVIII. And

XVIII. And be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, employed in carrying or conveying, or going to fetch, carry, or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, nor for any Horse or Horses employed in carrying or conveying, any Corn, Grist, Barley, or Malt, of the Owner's own Growth, to or from any Corn Mill or Kiln situate within any of the Parishes, Hamlets, or Places in which any Part of the said Road may lie, for the Grower's own Consumption only, and not for Sale, within the Distance of Two Miles. Exemptions.

XIX. And whereas Maps or Plans describing the present Road, and the proposed Alterations and Improvements therein, and the Lands, Tenements, and Hereditaments through or over which the same are intended to be made or carried, together with Books of Reference containing the Names of the Owners or reputed Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited with the respective Clerks of the Peace for the Counties of *Southampton* and *Sussex*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said respective Clerks of the Peace, to the end that all Persons may, at all seasonable Times, have liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts: Provided always, that the said Trustees, in widening and altering the said Road, shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made. Maps and Plans, with Book of Reference, deposited.

XX. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the proposed Alterations and Improvements in the said Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of Lands, Tenements, or Hereditaments through or over which the same is or are set out and described in the said Maps or Plans and Books of Reference, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two Justices of the Peace for the County in which the Lands, Tenements, or Hereditaments shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake. Power to make proposed Alterations in the Road, notwithstanding Errors in Book of Reference.

XXI. Provided also, and be it enacted, That it shall not be lawful for the said Trustees, in widening, diverting, or altering the said Road, to take or pull down any Dwelling House or other Building, or to take in or make use of any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, (other than and except such as are mentioned Trustees restrained from pulling down Dwelling Houses, &c., except those mentioned in the Schedule.

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Premises in
Schedule to
be purchased
within Five
Years.

and described in the Schedule to this Act, which it shall be lawful for the said Trustees to purchase, take, and pull down, with or without any such Consent as aforesaid); provided nevertheless, that if the said Trustees shall not within the Space of Five Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty is mentioned and directed, the several Lands, Tenements, and Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth, the Powers and Authorities by this Act granted to them of purchasing the same, or such Parts thereof as aforesaid, shall cease and determine, and be utterly void (save and except with the Consent of the Owners and Proprietors thereof respectively).

Application
of Tolls and
Money bor-
rowed.

XXII. And be it further enacted, That all the Monies which on or before the Third Saturday next after the passing of this Act shall have been raised and produced by virtue of the said recited Act hereby repealed, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which shall hereafter be borrowed upon the Credit thereof, or arise and be produced by virtue thereof, or of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and not otherwise appropriated, 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 applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto; secondly, in paying and discharging all the Interest which shall be at the Commencement of this Act owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore payable under the said recited Act hereby repealed; thirdly, in paying and discharging all Interest which shall hereafter accrue or become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable, and of any Mortgages or Securities which shall, after the Commencement of this Act, be made and granted of the Tolls or Duties hereby made payable on the said Road; fourthly, in defraying the Expences of building or erecting any additional or new Toll House and Toll Gate, Toll Houses and Toll Gates, and suitable Outbuildings and other Conveniences herein before authorized to be built and erected by the Side of or upon and across the said Road; fifthly, in defraying the Expences of diverting, altering, raising, widening, improving, repairing, and preserving the said Road, and of erecting and providing, altering and repairing such Turnpikes, Toll Gates, Bars, Chains, Toll Houses, and Outbuildings as aforesaid, 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 have already been borrowed and secured, or may, after the Commencement of this Act, be borrowed and secured upon the Tolls hereby authorized to be collected, and all other Debts and Sums now due or hereafter to become due and owing by or on account of the Trust under and by virtue of this Act.

XXIII. And

XXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors employed by the said Trustees, and such Person or Persons as he or they shall appoint, from Time to Time, without giving any previous Notice, to remove all such Earth, Trees, Roots of Trees, and other Things as shall suddenly slide, fall, or be blown down from any Hedge, Bank, or Land into or upon any Part of the said Road, so as to narrow or obstruct the Passage thereof, and to carry and place the same on any Waste Ground near thereto; and such Surveyor or Surveyors shall forthwith give Notice thereof in Writing under his Hand to the Owners or Occupiers of the Lands from which such Earth, Trees, Roots, or other Things shall so slide, fall, or be blown down as aforesaid; and the Charges of carrying away the same, (to be settled by One Justice of the Peace acting for the County or Place within which the same may happen, in case of any Dispute respecting the same,) shall be reimbursed and paid to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as other Penalties and Forfeitures can or may be recovered by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty.

Surveyor empowered to remove sudden Obstructions without Notice.

XXIV. And be it further enacted, That if any Person or Persons shall hang out any Linen or other Clothes on any Bank, Rail, or Fence adjoining the said Road, or on any Line within the Distance of Thirty Feet of the said Road, every Person so offending shall pay a Sum not exceeding Forty Shillings for every such Offence, and such Penalty shall be levied and recovered (together with necessary Costs and Charges for levying the same,) by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for any Nuisance committed in or upon any Turnpike Road may by Law be levied or recovered; and One Moiety of such Penalty shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and applied and disposed of for the Purposes of this Act.

Penalty for hanging out Clothes.

XXV. 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 Act passed in the Third Year of the Reign of His present Majesty, or of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said Act 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 Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction

Application of Compensation Money if amounting to 200*l.*

1 G. 4. c. 35.

and

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 Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be 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, or 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 Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less than 200*l.* and amounting to 20*l.*

XXVI. 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, 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 Privity of the said Accountant General of the said Court of Exchequer, 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 the Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that

such

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 Exchequer.

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

Where less than 20l.

XXVIII. 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 Act passed in the Third Year of the Reign of His present Majesty, or of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees ; or in case such Person or Persons to whom any 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 to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, 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 Exchequer ; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective 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.

In case of not making a good Title, &c.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer,

Respecting disputed Titles.

[Local.]

C c

quer,

quer, in pursuance of the said recited Act passed in the Third Year of the Reign of His present Majesty, or of this Act, for the Purchase of any Lands, Tenements, 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 shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXX. 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 Act, passed in the Third Year of the Reign of His present Majesty, 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 last-mentioned Act, 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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXXI. 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.

Commencement and Continuance of this Act.

XXXII. And be it further enacted, That this Act shall commence upon the Third *Saturday* next after the passing thereof, and shall 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.

The SCHEDULE referred to by the foregoing Act.

| Tenements. | Owners. | Occupiers. |
|---------------------------------|---|--------------------|
| <i>Parish of Chidham :</i> | | |
| Meadow and Garden | Miles Poole Penfold, Esq. and Elizabeth his Wife. | Thomas Bigwood. |
| Meadows, Garden, and Gate Room. | Thomas Byerley - - | Thomas Byerley. |
| <i>Parish of Havant :</i> | | |
| Garden - - | Abraham Girod and Mary his Wife. | James Hammond. |
| Cottage - - - | Ditto - - - - | Richard Whiting. |
| Shop and Garden - | Ditto - - - - | James Hammond. |
| <i>Parish of Bedhampton :</i> | | |
| Garden - - - | James Hewett - - - | James Hewett. |
| Gate Room - - - | Rev. Thomas Franks - - | William Softly. |
| Arable Field - - - | Ditto - - - - | Ditto. |
| Garden - - - | Ditto - - - - | Elizabeth Loe. |
| Arable Field - - - | Ditto - - - - | William Softly. |
| <i>Parish of Havant :</i> | | |
| Meadow and Hovel - | Rev. Thomas Franks - - | John Dawes. |
| Front Court - - - | Benjamin Booker - - | Benjamin Booker. |
| <i>Parish of Bedhampton :</i> | | |
| Meadow - - - | Rev. Thomas Franks - - | John Dawes. |
| Orchard - - - | Ditto - - - - | Rev. John Webster. |
| Meadow - - - | Ditto - - - - | John Dawes. |
| Garden - - - | Ditto - - - - | Rev. John Webster. |
| Late a Privy - - - | Ditto - - - - | Ditto. |
| Front Court - - - | Ditto - - - - | Ditto. |
| Waste - - - | Ditto - - - - | Ditto. |
| Shop - - - | Ditto - - - - | John Norkett. |
| Meadow - - - | Ditto - - - - | John Dawes. |

