

1° GULIELMI IV. Cap. xvii.

Recited Act
repealed.

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 Act passed in the Fiftieth Year of the Reign of His said Majesty King George the Third shall be and the same is hereby repealed.

This Act to
be put in
execution for
the Purposes
herein men-
tioned.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, improving, and keeping in repair the Road from *Lower Saint Cross Mill Lane*, on the Road from the City of *Winchester* to the Town of *Southampton*, to *Park Gate*, on the Road from *Southampton* to *Gosport*, in the County of *Southampton*, through the several Parishes of *Saint Faith*, *Chilcomb*, *Twyford*, *Owslebury*, *Bishops Stoke*, *South Stoneham*, *Botley*, *Bishops Waltham*, and *Titchfield* in the said County.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Southampton*, together with *George Atkins*, the Reverend *James Gover Bedford*, *Joseph Blundell*, *Peter Barnard*, *John Buckland*, *William Barnes*, *John Barfoot*, *William Collins*, *William Clarke*, *James Clarke*, *John Crouch*, *Stephen Dummer*, *Robert Gater*, the Reverend *Thomas Garnier*, *Edward Guillaume*, *William Godrich*, *Richard Goldfinch*, *Richard Goldfinch the younger*, *John Hornby*, *William Hallett*, *George Hoare*, *John Hunt*, *John Harvey*, *Richard Hinaman*, *Richard Hickley*, *Samuel Raymond Jarvis*, *John Jenkyns*, *Sir James Kempt*, *Richard Hockley Lavington*, *John Lavington*, the Reverend *Harry Lee*, *Leonard Leigh*, *Robert Moody*, *John Mant*, *William Newton*, the Reverend *Sir Henry Rivers Baronet*, *William Ross*, *James Robbins*, the Reverend *Charles Richards the younger*, *George William Ricketts*, the Reverend *Charles Shipley*, the Reverend *Harry Sissmore*, *Charles Smythe*, *Nathaniel Turner*, the Reverend *William Hamilton Turner*, *Henry Twynam*, *Henry Twynam the younger*, *Thomas Twynam*, *Edward Twynam*, *William Nicholas Wickham*, *James Wooldridge*, *James Warner*, *James Warner the younger*, the Reverend *Thomas Watkins*, *Thomas White*, and *William Wells*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for putting this Act in execution.

Power
to appoint
additional
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England* (not exceeding Three in the whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons 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 and appointed.

First Meet-
ing of the
Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the *George Inn at Fair Oak* in the said County
of

of *Southampton*, or at some other convenient Place upon or near the said Road, on the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then, and from Time to Time after, adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls or Sums of Money herein-after mentioned, or such Sum or Sums, not exceeding the following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall from Time to Time appoint and order, at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars, or Chains, which are or shall be standing and being or continued or erected in, upon, across, or on the Side or Sides of the said Road or any Part thereof; (that is to say,) Power to take Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Barouche, Berlin, Landau, Hearse, Chariot, Curricule, Calash, Chaise, Chaise Marine, Chair, Gig, Whiskey, Car, Caravan, Van, or other such like Carriage, the Sum of Three-pence : Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Three-pence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less Breadth than Six Inches at the Bottom or Soles thereof, the Sum of Four-pence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Four-pence Halfpenny :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, employed in carrying or conveying any Chalk between the First Day of *October* and the First Day of *April* in each and every Year, the Sum of Four-pence Halfpenny :

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

For every Drove of Oxen or other Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number than a Score :

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Three-pence *per* Score, and so in proportion for any less Number than a Score :

All which Sums of Money shall be demanded and taken as Toll before any Horse, Mule, Ass, or other Beast, Coach, Waggon, Cart, or Carriage, shall be permitted to pass through any of the said Toll Gates or Side Gates or Bars erected or to be erected across or by the Side or Sides of the said Road; and which Tolls are hereby vested in Tolls vested in Trustees.

the said Trustees, and shall be applied in the Manner herein-after directed.

Tolls to be
paid but
Once a Day.

VII. Provided always, and be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse or Beast, drawing or not drawing, or of any Cattle, through any One such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, such Horse or other Beast, drawing or not drawing, and such Cattle, shall, upon a Ticket denoting the Payment of such Toll on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, and also through such other Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains on the said Road, or on the Sides thereof, as the Ticket for such Payment shall free, at any Time during the same Day, except such Horses or Beasts as shall be employed in drawing a different Carriage from that which they were employed in drawing when the Payment was made, in which Case such Horses or other Beasts so drawing shall be again liable to Toll.

Limiting
Number of
Tolls to be
taken on the
whole Line
of Road.

VIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors of the said Tolls, to demand or take for or in respect of the same Horse, Beast, or Cattle for passing or repassing at any Time or Times in any One Day through all or any of the Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains along the whole Line of the said Road, more than Two full Tolls.

Stage
Coaches tra-
velling for
Hire to pay
every Time of
passing.

IX. And be it further enacted, That the Tolls payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage conveying any Passengers or Goods for Pay or Reward, shall be payable and paid each Time of passing along the said Road or any Part thereof: Provided always, that no further or additional Toll shall be payable in respect of any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage, on account only of the Horses or Beasts drawing the same having been changed.

Post Chaises,
&c. on every
fresh Hiring.

X. And be it further enacted, That the Tolls payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid each Time of passing along the said Road, or any Part thereof, whenever any fresh Hiring thereof shall take place.

Application
of Tolls.

XI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Act hereby repealed, and which shall be remaining in the Hands of the Trustees or their Treasurer or Treasurers 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 authorized to be taken by this Act, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced

produced by virtue thereof, 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 incurred in or incidental to the applying for, preparing, obtaining, and passing this Act; secondly, in repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts, and in paying Expences of Books, Advertisements, Salaries of Officers, and other such current Expences of the said Trustees; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Road; fourthly, in paying and discharging the Interest due or to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls heretofore payable on the same Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls by virtue of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Act hereby repealed, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act.

XII. And whereas Part of the Line of the said Road, after crossing the River *Itchen* Navigation at a Place near to *Twyford Lane End*, between the Villages of *Twyford* and *Saint Cross*, traverses certain Water Meadows, and also the River *Itchen* below the Mill of *Saint Cross*: And whereas it is expedient that Provision should be made for protecting the Owners and Occupiers of the said Water Meadows and Mill from any Injury from the keeping and maintaining the said Road; be it therefore enacted, That the said Trustees shall at all Times make or cause to be made on such Part of the said Road as crosses the said Water Meadows and River *Itchen* such Watercourses, Watercarriages, Arches, and Bridges as shall effectually provide for the watering and draining of the said Water Meadows, and also effectually provide for free Ingress and Egress to the said Mill by and through the said River *Itchen*, and to and from the said Mill over the said Road, in such Manner that the said Owners and Occupiers shall in no Case experience any Let, Hindrance, or Injury of any sort or in any degree from the maintaining and keeping of the said Road; and also that the said Trustees shall from Time to Time and at all Times hereafter keep or cause to be kept all the said Watercourses, Watercarriages, Arches, and Bridges in good and substantial Repair.

Protecting
Owners of
Water Mea-
dows.

XIII. And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Roads from the Town of Stockbridge to the City of Winchester, and from the said City of Winchester to the Top of Stephen's Castle Down, near the Town of Bishops Waltham, in the County of Southampton, and from the said City of Winchester through Otterbourne to Bar Gate in the Town and County of the Town of Southampton, and certain Roads adjoining thereto*: And whereas Travellers with Horses, Beasts, and Carriages passing along the Turn-

Empowering
Trustees to
contract for
Payment of
the Toll on
the Upper
District of
Road.

[Local.]

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pike

pike Road comprised in this Act, towards *Winchester*, will pass into and along Part of the Upper District of the *Winchester* and *Southampton* Turnpike Road comprised in the said last-recited Act, and will be liable to the Payment of Toll in respect thereof upon both the said Turnpike Roads; be it therefore further enacted, That the Trustees for executing this Act shall be and they are hereby empowered to contract and agree with the Trustees of the said Upper District of the *Winchester* and *Southampton* Turnpike Road for freeing Travellers with Horses, Beasts, and Carriages passing along the said Upper District of the *Winchester* and *Southampton* Road from or to the Road comprised in this Act, from Payment of the Tolls, or Part thereof, on the said Upper District of the *Winchester* and *Southampton* Turnpike Road, or for the Payment by the said Trustees of the said Upper District of the *Winchester* and *Southampton* Turnpike Road, to the Trustees for executing this Act, of any Sum of Money, as a Compensation for and in consideration of the Tolls so received by them from Persons travelling with Horses, Beasts, and Carriages from onto the Road comprised in this Act as aforesaid, as shall from Time to Time be mutually agreed upon between the Trustees of the said Upper District of the *Winchester* and *Southampton* Turnpike Road and the Trustees of the Road comprised in this Act.

Money not
to be laid out
in repair of
Streets.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls authorized by this Act, to be taken upon the said Road, nor any of the Monies raised by virtue of the said recited Act, or to be raised by virtue of this Act, in or towards the repairing or improving of any Street, Highway, or Place within the Towns of *Winchester* or *Southampton*.

Public Act.

XV. 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.

XVI. 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.

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