



ANNO QUADRAGESIMO TERTIO

# GEORGI III. REGIS.

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## Cap. 72.

An Act for continuing the Term, and altering the Powers, of Two Acts made in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, and in the Twenty-second Year of the Reign of His present Majesty, for repairing and widening the Roads leading from a Pond late belonging to *Henry Eyre* Esquire, in the Parish of *Whiteparish* in the County of *Wilts*, to the Top of *Dunwood Hill*, and from thence over *Great Bridge* and *Middle Bridge*, through *Romsley Infra*, to *Hundred Bridge* in the County of *Southampton*, and from thence to the County of the Town of *Southampton*. [11th June 1803.]

WHEREAS an Act was made in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads leading from a Pond belonging to Henry Eyre Esquire in the Parish of Whiteparish, in the County of Wilts, to the Top of Dunwood Hill, and from thence over Great Bridge and Middle-Bridge, through Romsley Infra to Hundred-Bridge, in the County of Southampton, and from thence to the County of the Town of Southampton*, which said Act was to have Continuance from the First Day of *June* One thousand seven hundred and fifty-six, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas another Act was made in the Twenty-second Year of the Reign of His present Majesty, to continue

[Loc. & Per.] 15 B the



the Term and alter the Powers of the said Act: And whereas the Trustees appointed to put the said recited Acts in Execution have borrowed several considerable Sums of Money on the Credit of the said Acts, which, together with the Tolls collected upon the said Roads, have been duly applied according to the Directions thereof, and great Progress hath been made in repairing and amending the said Roads; but the same cannot be effectually amended and kept in sufficient Repair, and the Money borrowed be repaid, unless the Term and Powers of the said recited Acts be further continued and enlarged: 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 and all and every the Authorities, Powers, Articles, Rules, Penalties, Clauses, Provisions, Tolls, Privileges, Exemptions, Provisoos, Forfeitures, and Punishments, and all other Matters and Things therein respectively contained, (except such as are hereby varied, altered, or repealed, and as relate to Exemptions from Stamp Duties,) shall be, remain, and continue in full Force and Effect during the Term herein-after mentioned, and shall, together with this present Act, be put in Execution for amending, widening, and repairing the Roads by the said Acts directed to be repaired, for and during the Term hereinafter granted as fully and effectually to all Intents and Purposes whatsoever as if the same were expressly repeated and re-enacted in the Body of this present Act; which said Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Monies now due on the Credit of the said recited Acts, or which shall or may hereafter be borrowed or become due on the Credit of the said recited Acts, and this Act, and all Interest due and to become due for the same respectively.

Additional  
Trustees.

II. And be it further enacted, That the Right Honourable *Henry Paulet*, commonly called Lord *Henry Paulet*, the Right Honourable *Henry Lord Viscount Palmerston*, the Honourable *William Temple*, Sir *Henry Paulet St. John Mildmay* Baronet, Sir *Charles Mill* Baronet, Sir *Yelverton Peyton* Baronet, Sir *John Thomas* Baronet, Sir *Charles Rich* Baronet, Sir *Nathaniel Dance Holland* Baronet, *James Amyatt*, *Arthur Atherley* the Younger, *James Aldridge* the Younger, the Reverend *Charles Barton* Clerk, *Thomas Baker*, *Aaron Barling*, *William Barnard*, *Samuel Blake*, *Moses Boorn*, *Fredrick Breton*, *Thomas Coleman*, *Andrew Berkeley Drummond*, *Thomas Durell*, *George Eyre*, *John Maurice Eyre*, *Edward Fiott*, *William Fitzbugh*, the Reverend *Nat. Fletcher* Clerk, *William Footner*, *William Goffe*, *William Goffe* the Younger, *Arthur Hammond*, *Charles Hilgrove Hammond*, the Reverend *Arthur Atherley Hammond* Clerk, *Thomas Hall*, the Reverend *Samuel Heathcote* Clerk, *John Butler Harrison*, *Samuel Harrison*, *Clement Hilgrove*, *Joseph Samuel Hollis*, *Edward Horn*, *John Hunt*, *John Jarrett*, *James Lockbart*, *Lowder*, *Richard Light*, *John May*, *Charles May*, *May*, *John Martin*, *Griffith Masklin*, *Thomas Mears*, the Reverend *Thomas Mears*, *Charles Morris*, *Samuel Newell*, *Samuel Orr*, *John Osborn*, the Reverend *Thomas Penton* Clerk, *William Price*, *George Henry Rose*, *Alexander Scott*, *Godwin Seward*, *William Sloane*, *Stephen Sloane*, *Samuel Sharp*, *Clement Sharp*, *James Sharp* the Younger, *Giles Stibbert*, *Henry Thomas Timson*, *William Tinling*, *John Willis*, and *Hugh Weeks*, shall be, and they are hereby added to and joined with the Trustees appointed by or in pursuance of the said recited Acts, for putting the said Acts into Execution; and the said Trustees hereby appointed, and their Successors, being qualified according to the Directions of the said first-



recited Act, are hereby empowered to act in the Execution of the said recited Acts and this Act, as fully and effectually to all Intents and Purposes as if they had been appointed Trustees in and by the said Acts, or either of them.

III. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Clerks, and that no Action or Actions which shall be brought or commenced by or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or by the Act or Default of such Clerk or Clerks, without the Consent of the Trustees, or any Five or more of them at a Public Meeting to be held for that Purpose, but the Clerk or Clerks to the said Trustees for the Time being shall be deemed Plaintiff or Defendant in such Action, as the Case may be.

IV. Provided always, That every such Clerk or Clerks in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and Charges, as by the Event of every such Proceeding he shall be put to or become chargeable with by reason of his being so Plaintiff or Defendant.

V. And be it further enacted, That it shall be lawful for the said Trustees to erect a Gate or Turnpike on the said Road, at the Distance of One Mile and a Quarter from *Bar-Gate* in the Town of *Southampton*, but that no Toll whatever on any Cattle or Carriage passing or re-passing through the same shall be taken, levied, or collected thereat, but for the same Term, and on the same Days only in each Year, as Tolls are allowed to be, and shall actually be collected at a certain Gate or Turnpike lately erected, within Eight Hundred Yards of the said *Bar-Gate*, by virtue of an Act passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for altering, amending, and enlarging the Powers of so much of an Act passed in the Forty-first Year of the Reign of His present Majesty, for repairing the Roads from the Town of Stockbridge, in the County of Southampton, to the City of Winchester, and from the said City through Belmore-Lane to the Top of Stephen's-Castle-Down, near the Town of Bishop's Waltham, in the said County; and from the said City of Winchester through Otterborne to Bar-Gate, in the Town and County of the Town of Southampton, as relates to the South District of the Southampton Road*; and that Persons, Cattle, and Carriages passing through the first-mentioned Gate to the said Town of *Southampton*, and having paid Toll thereat, and bringing and shewing a Ticket of the Day denoting such Payment, shall not be liable to pay Toll at the said Gate or Turnpike erected within Eight Hundred Yards of the said *Bar-Gate*; and in like manner Persons, Cattle, and Carriages passing through the last-mentioned Gate, and having paid Toll thereat, and bringing and shewing a Ticket of the Day, denoting such Payment, shall not be liable to pay Toll at the said Gate or Turnpike, which shall or may be erected One Mile and a Quarter from the said *Bar-Gate*.

VI. Provided always, and be it further enacted, That nothing herein, or in the said recited Acts contained, shall extend or be construed to extend, to empower the said Trustees to erect any Turnpike, Toll Gate, or

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

Clerk to be  
repaid his  
Expences.

Turnpike  
near Bar-  
Gate.

No other  
Toll to be  
taken within  
Three Miles  
Bar, of Bar-Gate.



Bar, or take or levy, or cause to be taken or levied, any Toll whatever within Three Miles of *Bar-Gate*, in the Town and County of *Southampton*, except as herein before provided.

Officers may  
distrain, and  
be Witnesses.

VII. And be it further enacted, That where it shall be necessary to distrain for the Recovery of the Tolls authorized to be collected by the said recited Acts, such Distress shall and may be made or taken by the Person or Persons appointed to collect the said Tolls, or by any Surveyor or Surveyors of the said Roads, or by any other Person or Persons who shall be fit for that Purpose appointed by them, or either of them, or called upon to assist; and that in case any Dispute, Litigation, or Suit, shall arise or be had or prosecuted, touching or concerning any such Distress, or the Prosecution thereof, or concerning the Non-payment of the Tolls, any such Surveyor, Collector, or other Person or Persons employed by the said Trustees, or in any Manner in the Execution of this Act, shall at all Times, and in all Courts, and before all Justices, be good and competent Witnesses to prove the Legality of the Distress, the Non-payment of such Tolls, or to give any other Proof or Evidence concerning the Premises.

Power to  
Collectors to  
detain Per-  
sons guilty of  
Offences.

VIII. And whereas Persons guilty of Offences against this Act may be Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall be lawful for any of the Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence aforesaid, and to convey him, her, or them before One or more Justice or Justices of the Peace of the County or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty or Special Session to be holden for the Division or Place where such Offence or Offences shall be committed, and on such Conviction, or for Want of such sufficient Security, to commit the Person or Persons so offending to the House of Correction in and for the County, District, or Place where the Offence shall be committed, until he, she, or they shall pay the respective Penalties by him, her, or them incurred for such respective Offence or Offences, or shall give such Security as aforesaid; provided such Conviction be not for a longer Term than three Months.

Penalty on  
taking away  
Materials got  
by Surveyors.

IX. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, for the Purpose of making or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads, before the Surveyor of the said Roads or his Workmen shall have discontinued working therein for the Space of Twenty-one Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale) every Person so offending shall forfeit for every such Offence any Sum not exceeding Forty Shillings, nor less than Twenty Shillings.

X. And

X. And be it further enacted, That Conviction for Offences against the Form of said recited Acts or this Act may be drawn up in the following Form, or Conviction. to the like Effect (that is to say):

“ To wit. } BE it remembered, that on the (here insert  
 “ *the Day of the Month, and the Year of our Lord and*  
 “ *the King's Reign)* A. B. is convicted before me C. D. One of His Ma-  
 “ jesty's Justices of the Peace for the County of on  
 “ his own Confession, or on the Oath of a credi-  
 “ ble Witness, (or and credible  
 “ Witnesses *as the Case may be*) of  
 “ *(here specify the Offence and the Time and Place when and where the*  
 “ *same was committed)* contrary to the Form of the several Acts of Parlia-  
 “ ment passed for repairing and widening the Roads leading from a Pond  
 “ late belonging to Henry Eyre Esquire, in the Parish of *Whiteparish* in  
 “ the County of *Wilts*, to the Top of *Dunwood Hill*, and from thence  
 “ over *Great Bridge* and *Middle Bridge*, through *Romsey Infra* to *Hundred*  
 “ *Bridge* in the County of *Southampton*, and from thence to the County  
 “ of the Town of *Southampton*; and I the said Justice do adjudge the said  
 “ A. B. to have thereby incurred the Penalty of  
 “ to be paid, recovered, and applied in Manner directed by the  
 “ said Acts. Given under my Hand and Seal the Day and Year afore-  
 “ said:”

Which Conviction shall be valid and effectual in Law to all Intents and Purposes whatsoever:

XI. And be it further enacted, That the said Trustees for the said Roads for the Time being, or any Five or more of them respectively, shall and they are hereby authorized and required out of the First Monies to arise by the said Tolls or Duties of the said Roads, or out of such Money as shall be borrowed on the Credit thereof, to pay and discharge all the Costs and Expences of procuring and passing this present Act, together with lawful Interest for the same until Payment thereof. Paying the Expences of the Act.

XII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the said recited Acts or this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, if the same amount to 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 High Court of Chancery, to be placed to his Account, there *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be paid 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 or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, 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 to the same, or the like Uses, Intents, or Pur-  
 [Loc. & Per.] Application of Compensation, when amounting to Two Hundred Pounds.  
 15 C poses;



poses; or where such Money 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 Messuages, 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 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 such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, 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 mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purpose 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation is less than Two Hundred Pounds, and exceeds Twenty Pounds.

XIII. Provided always, and be it further enacted, That if any Money so agreed or assessed 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 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 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 High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is less than Twenty Pounds.

XIV. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid, as hereinbefore 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 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

Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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 all other Persons whomsoever, without specially pleading the same. Public Act.

XVI. And be it further enacted, That this Act shall commence upon the Day of passing thereof, and together with the said recited Acts be put in Execution during the Term now to come and unexpired of the said Acts, and from thence for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-  
ment and  
Continuance  
of the Act.

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