



ANNO QUINQUAGESIMO SEXTO

GEORGI II. REGIS.

Cap. xiv.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing and widening the Road from *Preston Candover* to *Basingstoke*, and from thence to *Alton*, in the County of *Southampton*. [11th April 1816.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from Preston Candover to Basingstoke, in the County of Southampton, and from thence to Alton, in the said County*: And whereas the Trustees appointed for putting the said Act into Execution, have made considerable Progress in the Repair of the said Road; for which Purpose, several Sums of Money, borrowed upon the Credit of the Tolls thereby authorized to be taken, have, together with such Tolls, been duly applied; but the said Tolls are insufficient for the Payment of the Interest of the Money so borrowed, and for the proper Maintenance and Repair of the said Road; and the Principal Money, which is now due and owing, cannot be repaid, nor the said Road effectually amended and kept in Repair, unless the Term and Powers of the said Act be continued and enlarged, and the present Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Clauses, Powers, Provisions, Matters, and Things therein contained (except such Parts thereof as are hereby varied, altered, or repealed,) shall be and continue in full Force and Effect, and shall be executed for and during the Term herein-after mentioned,

35G.3.c.138.

Former Act continued.

[Local.]

tioned,

tioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations and Amendments herein contained; and that this Act shall commence and take Effect upon the passing thereof, and the Term and Powers hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said recited Act, and of such other Sums of Money as shall be borrowed upon the Credit thereof and of this Act, and of all Interest due and to grow due thereon respectively.

For discontinuing the present Tolls and granting new ones.

II. And be it further enacted, That the several Tolls and Duties in and by the said recited Act authorized to be demanded and taken at each and every of the Toll Gates erected under the Authority of the said Act, shall from and after the passing of this Act, cease and be no longer payable; and that instead thereof, the following Tolls shall be demanded and taken, before any Cattle or Carriage shall be permitted to pass through the same; (that is to say),

For every Horse, Mare, Gelding, Mule, or Beast of Draught, drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise Marine, Sociable, Caravan, Curricule, Chair, Car, or other Carriage whatsoever, used for the Purposes of Pleasure, or for carrying Passengers, the Sum of Six-pence; and for every such Horse, Mare, Gelding, Mule, or Beast of Draught, travelling on the Lord's Day, commonly called *Sunday*, a further additional Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage whatsoever, used for the Purpose of carrying any Goods or Merchandize, the Sum of Four-pence; and for every such Horse, Mare, Gelding, Mule, or Beast of Draught, travelling on the Lord's Day, commonly called *Sunday*, the further additional Sum of Two-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen and not drawing, One Penny Halfpenny; and for every such Horse, Mare, Gelding, Mule, or Ass, travelling on the Lord's Day, commonly called *Sunday*, the further additional Sum of One Halfpenny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in Proportion for any less Number; and for every such Drove travelling on the Lord's Day, commonly called *Sunday*, One Penny *per* Head:

For every Drove of Calves, Hogs, Sheep, and Lambs, the Sum of Five-pence *per* Score; and so in Proportion for any less Number; and for every such Drove travelling on the Lord's Day, commonly called *Sunday*, One Halfpenny *per* Head.

Manner of Recovery of Tolls.

III. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied to the Purposes of the said recited Act and this Act; and if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall and may be lawful for the Person or Persons authorized and appointed by the said Trustees, or any Seven or more of them, to collect the said Tolls, to enforce the Payment of such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, and to seize or distrain

any

any Horse, Beast, or other Cattle upon which any such Toll is by this Act imposed, together with their Saddles, Geers, Harness, or Accoutrements (except the Bridle or Reins of any such Horse or other Beast separate from such Horse or other Beast) or any Carriage in respect of the Horses or Beasts drawing; and if such Toll, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horses, Beasts, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

IV. Provided always, and it is hereby declared, That no Person shall be subject to pay the Tolls hereby granted at more than One Gate, on the same Day, for or in respect of the same Horse, Cattle, or other Beast, and Carriage passing or repassing upon the said Road, in case more than Two Gates shall hereafter be erected thereon. Tolls not to be paid at more than One Gate on the same Day.

V. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed or continued either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act or the said recited Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in any Ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded (all which Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of such Toll, and such Tickets shall name and specify the several Gates freed by the Payment of such Toll or Tolls); or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Traveller or Travellers, Passenger or Passengers; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid For preventing Toll Collectors from taking undue Tolls.

laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Act or this Act directed to be recovered and applied.

For settling
Disputes con-
cerning Tolls.

VI. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen) till the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen) be ascertained by One or more Justice or Justices of the Peace for the County, Town, or Place in which the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice or Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Accounts of
the Trust to
be open to
the Inspec-
tion of Cre-
ditors.

VII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book regular Accounts of the Receipts and Disbursements, and of the several Articles for which such Sums have been disbursed; which Book shall be kept by the Treasurer or Clerk, in order that any of the said Trustees, or any Creditor or Creditors on the said Tolls, may at all reasonable Times have Access thereto, and take Copies or Extracts therefrom, without paying any Thing for the same; and in case the said Treasurer or Clerk shall refuse to permit such Person or Persons as aforesaid to inspect or take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Power for
Trustees to
vary Tolls.

VIII. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be holden for that Purpose, whereof at least Twenty Days Notice shall be given in Writing, affixed upon all the Toll Gates erected upon the said Road, and inserted in the *Reading Mercury*, or in some other Newspaper published or circulated in the said County of *Southampton*, may and they are hereby authorized and empowered from Time to Time, in case it shall appear requisite and expedient to lessen and reduce, and again to raise and advance the Tolls hereby authorized to be taken or any Part or Parts thereof, as they shall think fit, so that the respective Tolls shall never exceed the Tolls by this Act authorized to be taken, and so that such Tolls be never lessened until the Money borrowed upon the Credit thereof, together with the Interest, be repaid, (except the Person or Persons entitled to Five Sixths or more of such Money consent thereto); and such Tolls so varied, lessened, or reduced, and every of them, shall be collected, recovered, and applied in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, and applied.

IX. And

IX. And be it further enacted, That the said Trustees may sue and be sued for and concerning any Thing to be done against or by virtue or in pursuance of the said recited Act or this Act, in the Name either of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by any Act of such Clerk or Treasurer, without the Consent of the said Trustees, or any Five or more of them, at any Meeting to be held in pursuance of this Act; but that the Clerk or Treasurer for the Time being shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit; and every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of the said recited Act or this Act, shall be fully reimbursed, out of the first Money to arise by virtue of the said recited Act and this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Suit or any Proceeding past thereon, he shall bear, pay, expend, or be put unto or become chargeable with or liable to, by reason of his so being made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued in the Name of the Clerk or Treasurer, who is to be reimbursed his Expences.

X. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls or any of them, or the Recovery of any of the Penalties by the said recited Act or this Act to be levied, or to the Execution of any of the Powers of the said recited Act or this Act, no Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be deemed to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being appointed to collect the said Tolls.

Collectors of Tolls not to be deemed incompetent Witnesses.

XI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying; having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or any Hay, Potatoes, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up or placed in the Barns, Outhouses, or Yards, or on the Lands of the Owner or Owners thereof, in any of the said Townships or Parishes; or in carrying or conveying any Mould, Manure, or Lime for manuring Land, (Chalk and Lime excepted) or for any Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, Corn for feeding the Ground, or any Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, (except as before excepted) or for any other Thing employed in the Management of any Farm or Lands; nor for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried, or from any Person residing in any Township or Place in which the said Road lies, going to or returning from his or her proper parochial

Exemptions from Tolls.

[*Local.*]

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Church,

Church, Chapel, or other Place of Religious Worship authorized by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Townships or Parishes, or from any Clergyman going to or returning from visiting any sick Person, or going to or returning from his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Cart, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Southampton*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that no Tolls shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit for every such Offence the Sum of Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Surgeons exempted from additional Tolls on a Sunday, in certain Cases.

XII. Provided always, and be it further enacted, That the additional Tolls by this Act imposed and made payable on a *Sunday*, shall not be demanded or taken from any Surgeon or Apothecary resident for the Time being in either of the Towns of *Basingstake* or *Alton*, going to or returning from visiting any sick Person in the Exercise of his Profession.

Carriages conveying Military Stores, not to be subject to Penalties for Overweight, &c.

XIII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn

by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Act contained, to the contrary notwithstanding.

XIV. 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 or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said recited Act particularly 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 High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing the said recited Act or this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and 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 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 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 such Conveyance or 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 said 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 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 said Lands, Tenements, or Hereditaments, by the said recited Act or this Act directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compen-
sation Mo-
ney when
amounting to
200l.

XV. 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

Where less
than 200l.
and amount-
ing to 20l.

capacity

capacity 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 High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in Manner 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 Seven or more of the said Trustees for executing the said recited Act 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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less
than 20l.

XVI. Provided also, and be it further enacted, That where 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 the said recited Act and this Act, in such Manner as the said Trustees, or any Seven or more of them, shall think fit; and in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Directions in
Cases of not
making out
Titles.

XVII. 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 or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 said 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

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.

XVIII. 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 Court of Chancery, in pursuance of the said recited Act or 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 of the said recited Act or this Act, 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, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the 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.

Respecting
disputed
Titles.

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

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

XX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors or other Person or Persons, under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road or any Part thereof, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors for the Time being, shall have been given to the Owners and Occupiers of Lands before Materials are taken for repairing the Road.

[Local.]

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have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner and Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the said County of *Southampton*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners and Occupiers, or any of them, or their or his Agent or Agents, shall not attend, or shall attend in pursuance to such Notice but shall not shew sufficient Cause to the contrary, then and in either of the said Cases the said Justices shall or may authorize such Surveyor or Surveyors or other Person or Persons to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier had attended; any Thing in the said recited Act contained to the contrary hereof notwithstanding.

Satisfaction
for Materials
and Damages.

XXI. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby, to the Owners and Occupiers of such Lands, Fields, or Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road, shall be carried, according to their respective Rights and Interests in such Lands, Fields, or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place where or from whence such Materials shall be so cut, dug, gathered, taken, and carried away, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to and upon all Parties.

Respecting
Statute
Work.

XXII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Southampton*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer; and in order thereunto, it shall and may be lawful to

and

and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work upon the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For com-
pounding for
Statute
Work.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Road is situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the First Day of *October*, in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

For paying
the Expences
of this Act.

XXIV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for the same from the passing thereof, shall be paid out of any Money now remaining in the Hands of the Treasurer to the said Trustees, or out of the first Money to arise by virtue of the said recited Act and this Act, in preference to all other Payments whatsoever, except such Payments as shall be made from Time to Time for the Repair and Maintenance of the said Road.

Public Act.

XXV. 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.

Commence-
ment and
Continuance
of this Act.

XXVI. And be it further enacted, That the Term granted by the said recited Act shall, upon the passing of this Act, cease and determine; and the said recited Act (subject to the Alterations, Additions, and Amendments herein-before contained) and this Act, shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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