ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 17.

An Act to continue the Term, and alter and enlarge the Powers of Two Acts, passed for amending the Road from the North Gate of the City of *Winchester*, over *Worthy Cowdown*, to *Newtown River*, and also the Road from *Worthy Cowdown* aforesaid, to the Turnpike Road at *Andover*, in the County of *Southampton*. [3d *May* 1804.]

WHEREAS an Act was passed in the Second Year of His present Majesty's Reign, intituled, *An Act for altering, widening, and amending the Road from the North Gate of the City of* Winchester, *over* Worthy Cowdown, *through* Whitchurch *and other Places, to* Newtown River, *and also the Road from* Worthy Cowdown *aforesaid, through* Wherwell, *to the present Turnpike Road at* Andover, *in the County of* Southampton: And whereas an Act was passed in the Twenty-third Year of the Reign of His said Majesty, for enlarging the Term and Powers of the said Act: And whereas the Trustees, appointed in or by virtue of the said Acts, have proceeded to put the same in Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which still remain due and cannot be paid off, nor can the said Roads be properly amended, improved, and kept in Repair, unless the

2 G. 2.

23 G. 3.

the Term of the ſaid Acts be further continued, and ſome of the Powers and Proviſions thereof altered, amended, 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, Privileges, Proviſions, Penalties, Clauſes, Matters, and Things, therein contained (except ſuch as relate to Exemptions from Stamp Duties, and as are hereby varied, altered, or repealed), ſhall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein repeated and re-enacted, but ſubject nevertheleſs to the Amendments, Alterations, and Additions, herein contained, and which ſhall commence and take Effect upon the paſſing of this Act; and this Act, and the additional Term hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the ſaid recited Acts, or hereafter to be borrowed on the Credit of the ſaid Acts and this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Acts further continued.

Additional Truſtees.

II. And be it further enacted, That the Honourable *William Broderick*, the Honourable *William Auguſtus Townſhend*, the Honourable *Algernon Herbert*, *Caroline Herbert* Clerk, *John Daviſon* Clerk, *Arthur Atkinſon* Clerk, *David Middleton* Clerk, *Anthony Bacon*, *William Richards*, *Benjamin Saunders*, *William Smith*, *William Pern*, *William Wickham*, *Hinton Bailey*, the Honourable and Reverend *Auguſtus Legge*, *John Pearce*, *William Sweetapple*, *Hugh Mundy*, *Richard Dear*, *Anthony Dale*, *Joſias Gale* the younger, *Thomas Curtis*, *Thomas Evans*, *William Creſwick*, *Matthew Munday*, *John Curtis*, *Edward Hearn*, *Robert Vincent*, *George Hollis*, *Samuel Deverell*, *Thomas Jarvis*, *John Andrews*, *Major Bull*, *Daniel Ludlow*, and *Thomas Drake*, being qualified according to the Directions of the ſaid Firſt recited Act, ſhall be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Acts or either of them, for putting the ſaid Acts and this Act in Execution; and the Truſtees herein-before nominated are hereby empowered to act in the Execution of the ſaid Acts and this Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees by the ſaid recited Acts or either of them.

Truſtees to take an Oath.

III. Provided always, That in future no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid former Acts or this Act, until he ſhall have taken and ſubſcribed the following Oath, at ſome Meeting of the ſaid Truſtees, before any Five or more of the ſaid Truſtees, who are hereby empowered to adminiſter the ſame; (*videlicet*),

Oath.

'I *A. B.* do ſwear, That I am [*reciting the Qualification he claims under or by virtue of the ſaid former Acts*], and that I will truly and faithfully execute the Truſts and Powers veſted and repoſed in me by an Act, paſſed in the Forty-fourth Year of the Reign of His Majeſty King *George* the Third, for, *et cetera* [*here inſert the Title of this Act*], according to the beſt of my Skill and Judgement, and without Favour or Affection to any Perſon whomſoever.

'So help me GOD.'

And

And if any Perſon not being qualified as directed by the ſaid former Acts ſhall act as a Truſtee in putting the ſaid former Acts and this Act in Execution, or being ſo qualified, ſhall, previous to his acting, if thereunto required as aforeſaid, neglect or refuſe to take ſuch Oath as aforeſaid, contrary to the Intent and Meaning hereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds, to be recovered in Manner, and upon the Terms and Conditions, mentioned and preſcribed by the ſaid former Acts or either of them, reſpecting Penalties on Perſons acting not being qualified; which Penalty when recovered ſhall, after deducting the Charges and Expences of recovering the ſame, be applied One Half to the Informer or Proſecutor, and the other Half towards executing the ſaid former Acts and this Act.

General Exemptions.

IV. And be it further enacted, That none of the Tolls granted by the ſaid recited Acts ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes, 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 Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Roads doth lie; or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or on the Lands of the Owners thereof, or for any Waggons, Wains, Carts, Carriages, or Horſes, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Ploughs, Harrows, or Implements of Huſbandry; or any Mould, Dung, Sullage, Compoſt, or Manures employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed; or from any Perſon going to or returning from his or her proper Parochial Church, Chapel, or other Place of religious Worſhip tolerated by Law, on a *Sunday*, or on 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 Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other 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 Horſes, Cattle, or Carriages, 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 Horſes, Carts, or Waggons, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſes, Carts, or Waggons, employed in the Conveyance of Vagrants ſent by legal Paſſes, or for any Horſe, Cattle, or Beaſt, drawing any Coach, Landau, Berlin, Chariot, Calaſh, Chair, or Paſſenger on Horſeback, 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 if any Perſon

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 and pay, for every ſuch Offence, any Sum not exceeding Forty Shillings; One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Enabling the Truſtees to continue the Gate between a Street in *Newtown* and *Newbury*.

V. And whereas the ſaid Truſtees have found it neceſſary, to prevent the Tolls being evaded, to erect a certain Toll Bar or Bye Gate acroſs the Road leading from a certain Street in *Newtown* aforeſaid to *Newbury*, in the County of *Berks*; and Doubts having ariſen reſpecting the Right veſted in the ſaid Truſtees by the ſaid former Acts to erect ſuch Toll Bar or Bye Gate; be it therefore enacted, That, from and after the paſſing of this Act, it ſhall be lawful for the ſaid Truſtees to continue ſuch Toll Bar or Gate, and to receive and take ſuch Tolls for or in reſpect of Horſes, Cattle, and Carriages paſſing through the ſame, as are allowed to be taken by the ſaid former Acts at any other Bars or Gates upon the ſaid Roads.

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

VI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerks, or either of them; and that no Action to be brought or commenced by or againſt the ſaid Truſtees, or any Five or more of them, by virtue or on Account of the ſaid recited Acts or of this Act, in the Name or Names of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Clerks, or by the Act of ſuch Clerk or Clerks, without the Conſent of the ſaid Truſtees, or any Five or more of them; but the Clerk or Clerks, for the Time being, to ſuch Truſtees, ſhall always be deemed the Plaintiff or Plaintiffs, or Defendant or Defendants, in ſuch Action, as the Caſe may be: Provided always, that ſuch Clerk or Clerks, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of the ſaid recited Acts or of this Act, ſhall always be reimburſed and paid out of the Monies to ariſe by virtue of the ſaid Acts and this Act, all ſuch Coſts, Charges, and Expences, as by the Event of any ſuch Proceeding he ſhall pay, bear, expend, or be put unto or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant therein as aforeſaid.

Clerk to be reimburſed Expences.

Penalties may be compounded for.

VII. And be it further enacted, That in all Caſes where any Action, Suit, Information, or Complaint ſhall be brought, commenced, or proſecuted by, or by Order, or under the Authority of the ſaid Truſtees, or any of them, againſt any Perſon or Perſons for any Penalty or Penalties impoſed by the ſaid Acts or this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it ſhall be lawful for the ſaid Truſtees or any Five or more of them, from Time to Time to compound or agree for the ſame, for ſuch Sum or Sums of Money as they ſhall think proper, inſtead of receiving the Whole of ſuch Penalty or Penalties, but the Sum or Sums ſo compounded or agreed for ſhall not be leſs than the Injury or Damage for which ſuch Proſecution or Action may have been commenced, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

Directing the Application of the Money

VIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, or Hereditaments, purchaſed, taken, or

or uſed, by virtue of the Powers of the ſaid former Acts or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid firſt-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 Acts and 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 or Hereditaments in the Purchaſe of the Land Tax, or towards the 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 and Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, 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 Meſſuages, Lands, and 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 and 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 or 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 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 and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

paid for Compenſation for Lands, *etc.*

IX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands 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 Lands 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, 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,

Where leſs than 200*l.* and exceeding 20*l.*

and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing, under the Hands of the nominating or 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.

Where leſs than 20*l.*

X. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next 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 or Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of the ſaid Acts and 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 or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Money allowed for Lands, *etc.* purchaſed, how to be charged and tendered, *etc.*

XI. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, 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, Controul, and Diſpoſition of the ſaid Court, 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 ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the publick 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 and Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, 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.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c.

XII. 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 Acts or this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Lands or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money,

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, 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 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 Intereſts 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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

at the Time of ſuch Purchaſe ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

XIII. 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 or Hereditaments to be purchaſed under the Authority of the ſaid Acts or 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 or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act or the ſaid recited Acts, 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 this or the ſaid Acts, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

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

XIV. And be it further enacted, That all the Coſts, Charges, and Expences incident to, and attending the obtaining and paſſing of this Act, ſhall be paid out of any Money now in the Treaſurer's Hands, or out of the Firſt Monies to be raiſed by virtue of the ſaid former Acts and this Act, in preference to all other Payments whatſoever.

For paying the Expences of the Act.

XV. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act, and as ſuch be judicially taken Notice of, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Publick Act.

XVI. And be it further enacted, That the Term granted and continued by the ſaid recited Acts ſhall, upon the paſſing of this Act, ceaſe and determine; and that the ſaid Acts (ſubject to the Alterations, Additions, and Amendments, herein before-mentioned) and this Act ſhall from thenceforth 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.

Term of this Act.

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