ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 5.

An Act for continuing the Term, and enlarging the Powers, of Two Acts, passed in the Second and Fifth Years of the Reign of His present Majesty, for repairing the Road from *Mullen's Pond*, in the County of *Southampton*, to the Eighteen Mile Stone from the City of *Salisbury*, and several other Roads in the said Acts mentioned. [9th *March* 1804.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Roads from* Mullen's Pond, *in the County of* Southampton, *to the Eighteen Mile Stone from the City of* Salisbury *near* Willoughby Hedge, *and from* West Amesbury *to* Anstlow Hill, *and from* Amesbury *to* Fiddleton, *and from* The New Inn *in* Amesbury *to the End of the Parish leading to* Durrington, *and from* Wily *to* Cook's House *and* Landford, *and from* Bacon Hill *to* The Nag's Head; *and from thence One Mile of the Road leading to* Shrewton, *in the County of* Wilts: And whereas an Act was also passed in the Fifth Year of the Reign of His said present Majesty to continue the Term, and enlarge the Powers of the said Act; and for repairing and widening several other Roads leading out of the said Roads, and for other Purposes therein mentioned, whereby the said first recited Act, and the Powers and Provisions thereof (except so much of the Term thereof as was then unexpired) were declared to be repealed: And whereas the Trustees appointed in and by virtue of the said Acts, have proceeded in the Execution thereof respectively, and

2 G. 3.

5 G. 3.

have borrowed divers large Sums of Money upon the Credit of the Tolls thereby granted, which ſtill remain due and owing, and cannot be paid off; nor can the ſaid Roads be properly and effectually amended, widened, improved, and kept in Repair, unleſs the ſaid laſt mentioned Act is 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,*

5 G. 3. continued.

That the ſaid recited Act, paſſed in the Fifth Year of the Reign of His ſaid preſent Majeſty, and all and every the Clauſes, Powers, Proviſions, Penalties, Forfeitures, Matters, and Things therein contained (except ſuch as relate to Exemptions from Stamp Duties, and ſuch as are hereby varied, altered, or repealed) ſhall be and continue in full Force and Effect, 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 repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Alterations, Variations, and Additions, herein contained, and which ſhall commence and take Effect immediately upon the paſſing of this Act; and this Act, and the additional Term hereby granted, ſhall be, and the ſame 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 thereof, or of this Act, and of all Intereſt due and to grow due thereon reſpectively.

Truſtees.

II. And be it further enacted, That the Right Honourable *William Pleydell Bouverie*, commonly called Viſcount *Folkſtone*, the Right Honourable *James Edward Harris*, commonly called Lord *Fitzharris*, the Reverend *Lancelot Green Halton*, the Reverend *John Henry Jacob*, *Henry Penruddock Wyndham*, *William Huſſey*, *Edward Hinxman*, *William Bowles*, *Thomas Ogden*, *John Hodding* the younger, *Edward Stevens*, *William Bennett Blackmore*, *Thomas Brown*, *George Brown*, *George Maton*, *Thomas Lake*, *James Goddard*, *John Caſe*, *Joſeph Purnell*, *John Bloxam*, *George Parſons*, *John Rolfe*, *William Heath*, *Henry Noyes*, *John Noyes*, *Richard Hutchence*, *Walter Goddard*, *George Moore*, *Henry Blatch*, *George Reade*, *Robert Pinckney*, and *Philip Pinckney* of *Wilsford*, ſhall be, and they are hereby nominated and appointed Truſtees for executing the ſaid laſt recited Act and this Act; and they and their Succeſſors, being qualified according to the Directions of the ſame Act, are hereby empowered and authorized to act in the Execution thereof and of this Act, as fully and effectually to all Intents and Purpoſes, as if they had been nominated and appointed in and by the ſaid Act.

Repealing the Times and Places for holding the Meetings of the Truſtees.

III. And whereas the Times and Places for holding the Meetings of the Truſtees for executing the ſaid Acts have been found very inconvenient; be it therefore enacted, That ſo much of the ſaid laſt recited Act, as directs the ſaid Truſtees to meet at the Times and Places therein mentioned, ſhall be, and the ſame is hereby declared to be repealed; and that inſtead thereof, it is hereby enacted and declared, that the Firſt Meeting of the Truſtees for executing the ſaid recited Act and this Act, ſhall be holden at the Houſe of *John Bailey*, known by the Name or Sign of *The George Inn*, in the Town of *Ameſbury*, on the Second *Wedneſday* next after the paſſing of this Act; any Adjournment of Meetings already made by the ſaid Truſtees to the contrary hereof notwithſtanding.

IV. Provided

No Adjournment of Meetings to be for a longer Time than Three Months.

IV. Provided always, and be it further enacted, That no Adjournment of any Meeting of the ſaid Truſtees ſhall be for a longer Space of Time than Three Calendar Months; and that all Meetings and Adjournments of the ſaid Truſtees for executing the ſaid recited Act and this Act, ſhall at all Times be holden at ſuch Place or Places within Two Miles of ſome Part of the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think proper: Provided alſo, that the ſaid Truſtees ſhall, at all their Meetings and Adjournments, pay and defray their own Coſts, Charges, and Expences.

Meetings on Emergences.

V. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall upon any Emergency be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, then and in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by any Five or more of the ſaid Truſtees (although not aſſembled at a Meeting) mentioning the Time, Place, and Purpoſe of ſuch intended Meeting, ſhall forthwith give Notice in Writing, to be affixed upon all the Turnpikes then ſtanding upon the ſaid Roads, of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Five Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at ſuch Meetings ſhall be as valid and effectual as they would have been in caſe the ſame had been held in purſuance of Adjournment.

Certain Exemptions from Toll.

VI. Provided always, and it is hereby further enacted and declared, That during the Term hereby granted, no Toll ſhall be demanded or taken from any Inhabitant or Occupier of Lands within the ſeveral Pariſhes or Hamlets of *Amport*, *Thruxton*, or *Eaſt Cholderton*, for any Carriage or Carriages, Horſe or Horſes, Cow or Cows, Pig or Pigs, Sheep or other Cattle, paſſing or repaſſing through the Turnpike Gates already erected or hereafter to be erected at a certain Place called *Mullen's Pond*, coming or going from either of the ſaid Pariſhes to the other or others of them, or to or from either of the ſaid Pariſhes to or from *Andover*.

Horſes, *etc.* going to be ſhoed or farried, to be exempt from Toll.

VII. And be it further enacted, That no Toll ſhall be demanded or taken for or in reſpect of any Horſes or other Cattle, belonging to any Owner or Occupier of Land ſituate within any Hamlet, Pariſh, or Place, through which the ſaid Roads paſs, going to be ſhoed or farried; and if any Perſon or Perſons ſhall claim or take the Benefit of the ſaid Exemptions, not being entitled to the ſame, ſuch Perſon or Perſons ſhall forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings, to be levied, recovered, paid, and applied, in ſuch and the ſame Manner as Penalties are directed to be levied, recovered, paid, and applied, by the ſaid recited Acts, or either of them.

Directing the Application of Compenſation Money, where exceeding 200*l.*

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 uſed, by virtue of the Powers of the ſaid recited Acts and 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 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

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 or 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, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, 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 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 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 Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money when less than 200*l.* and above 20*l.*

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, and approved of by Five or more of the said Trustees for executing the said 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 herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Sum is under 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

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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, *etc.* at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XI. 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, 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 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, 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 Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, 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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying the Expences of the Act.

XIII. And be it further enacted, That the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, shall be paid by the said Trustees, or any Five or more of them, out of any Monies already raised by virtue of the said recited Acts, or out of the first Monies which shall be collected or received by virtue of the said Acts and this Act, in Preference to all other Payments whatsoever.

Publick Act.

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

Commencement and Continuance of the Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1804.