



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 52.

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 *Bellmour 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*. [7th May 1802.]

WHEREAS by an Act made in the Forty-first Year of the Reign of His present Majesty, intituled, "An Act to continue the Term and alter and enlarge the Powers of Two Acts made in the Thirty-first Year of the Reign of His late Majesty, and in the Twentieth Year of the Reign of His present Majesty, for repairing and widening the Roads" 41 Geo. 3.
[Loc. & Per.] 97 Roads

Roads from the Town of Stockbridge, in the County of Southampton, to the City of Winchester, and from the said City through Bellmour 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 Otterbourne to Bar Gate, in the Town and County of the Town of Southampton, certain Powers are vested in the Trustees for the South District of the Southampton Road, for the Purpose of maintaining and keeping in Repair the said South District of Road: And whereas before the passing of the said Act, several considerable Sums of Money had, by virtue of the Powers contained in the two former Acts of the Thirty-first Year of the Reign of His late Majesty, and of the Twentieth Year of the Reign of His present Majesty, been borrowed on the Credit of the Tolls to be collected by Virtue of the said Acts: And whereas the Powers contained in the said several Acts are insufficient to enable the said Trustees to pay the Interest of the said Debt, and effectually to maintain and repair the said South District of the Southampton Road, unless the said Act passed in the last Session of Parliament be altered, amended, and enlarged: And whereas the Road adjoining to and leading from the East Side of the South District of the Southampton Road near Belle-vue, in the Parish of All Saints, in the Town and County of the Town of Southampton through Rockstone-Lane, in the Parish of St. Mary, in the said Town and County of the Town of Southampton, and Portswood in the Parish of South Stoneham, partly within the Liberties of the said Town and County of the Town of Southampton, and partly within the said County of Southampton to the Bridge over the River at Swatbling, in the said Parish of South Stoneham, in the County of Southampton, is in bad Condition, and cannot be repaired and kept in Repair by the ordinary Course of Law: 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 from and after the passing of this Act, the said Road adjoining to and leading from the East Side of the said South District of the Southampton Road, near Belle-vue through Rockstone Lane, and Portswood to the said Bridge over the River at Swatbling, shall be and become, and shall be deemed and taken as Part and Parcel of the said Road lying within and belonging to the South District of the said Southampton Road, and shall be repaired and kept in Repair in such Manner as the Trustees appointed, in or by virtue of the said recited Acts, for the said South District shall order, direct, or appoint; and all the Powers, Authorities, Regulations, Matters, and Things contained in the said recited Acts, shall be and are hereby extended to the said Road, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this present Act.

New Road.

Power to make the New Road.

Application of Compensation Money above 250/.

II. 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 other Disability or Incapacity, as in the said recited Acts particularly mentioned, such Money

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 there; *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 or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts 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 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 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 Lands 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 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 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 Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

III. Provided always and be it further enacted, That if any Money Below 200l. 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 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 said Trustees (such Nomination and Approbation

bation 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 be applicable, without obtaining, or being required to obtain the Direction or Approbation of the Court of Chancery.

Less than
20l.

IV. 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.

Explaining
Clause in
former Act,
relating to
Exemption
on the Road
between
Romsey and
Southamp-
ton.

V. And whereas Doubts have arisen as to the true Meaning and Construction of the Clause contained in the said Act of the Forty-first Year of the Reign of His present Majesty, by which it is enacted, That to prevent Persons evading the Payment of the Tolls by the said Act of the Thirty-first Year of the Reign of His late Majesty, granted within the South District of the *Southampton* Road, it should be lawful for the Trustees acting within the said District to erect, or cause to be erected any Fence or Turnpike across or over any Waste, Common, or Commonable Fields lying near the Town of *Southampton*, and within the Liberties of the County of the same Town, and also One or more Toll-Gate or Bar across a certain Lane called *Love Lane*, leading to the said Town of *Southampton*, and to take and levy thereat respectively such Tolls as are by the said Act of the Thirty-first Year of the Reign of His said late Majesty made payable within the said District, so as the same, or the Tolls to be collected at any Gate or Turnpike thereafter to be erected within Eight Hundred Yards of *Bar-Gate* in the Town and County of the Town of *Southampton*, do not extend to a double Charge: And whereas, if the said recited Clause should be construed to exempt Cattle or Carriages passing or re-passing between the Town of *Romsey*, in the County of *Southampton*, and the Town and County of the Town of *Southampton*, from being liable to pay any Toll at any Gate to be erected within Eight Hundred Yards of the *Bar-Gate*, the same will be extremely prejudicial to the Interest of the respective Creditors, and will tend considerably to diminish the Tolls which were authorized to be collected by Virtue of the said Acts, and thereby lessen the Security on which the said Creditors have advanced the several Sums of Money now due to them: Be it therefore enacted, That from and after the passing of this Act, so much of the said recited Clause as extends, or shall be construed to extend to exempt any Cattle or Carriage passing or re-passing between the Town of *Romsey*, in the County of *Southampton*, and the Town and County of the Town of *Southampton*, from being subject or liable to the Payment of Toll at any Gate to be erected within Eight Hundred Yards of the said Gate called *Bar-Gate*, or at any Side Gate or Gates, shall be, and the same is hereby repealed.

VI. Provided

VI. Provided always, and be it further enacted, That it shall not be lawful for the Trustees acting within the South District of the *Southampton* Road, to take, or levy, or cause to be taken or levied at any Gate erected or to be erected within Eight Hundred Yards of *Bar-Gate*, in the Town and County of the Town of *Southampton*, any Toll whatever on any Cattle, or Carriage, passing or repassing to or from the Town of *Southampton*, having payed Toll at, and bringing, and showing, a Ticket of the Day, denoting such Payment from any Gate or Turnpike already erected or that shall hereafter be erected, between the Town of *Romsey*, and the County of the Town of *Southampton*, under and by virtue of an Act passed in the Twenty-ninth Year of the Reign of His late Majesty, intituled "An Act for repairing and widening the Roads leading from a Pond belonging to *Henry Eyre*, Esquire, in the Parish of *White Parish*, 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*;" unless the Trustees named or appointed under the said Act of the Twenty-ninth Year of the Reign of His late Majesty, or any Five or more of them, shall erect or cause to be erected any Gate or Bar between the Junction of the Road from *Millbrooke* and the said Road from *Romsey*, to the said Town of *Southampton* and the Boundary of the County of the Town of *Southampton*, at or near a certain Bridge called *Acron* or *Four Posts* Bridge.

No Toll to be taken at any Gate within 800 Yards of *Southampton*, for any Carriage, &c. having paid Toll on the *Romsey* Road.

VII. And whereas in consideration of the Injury done and that may be done to that Part of the Road lying within the said South District, between the South Side of the Entrance of the Road leading to *Northam Bridge* from *Bar Gate*, in the Town of *Southampton*, by Cattle and Carriages passing and repassing to and from *Southampton* and *Northam Bridge* during the Period of Twenty-one Years now to come and unexpired of the Term granted by the said Act of the Forty-first Year of the Reign of His present Majesty, the Company of Proprietors of *Northam Bridge* and Roads should make a Remuneration for such Injury; be it therefore enacted, That the said Company of Proprietors shall, within Ten Days from the passing of this Act, pay or cause to be paid to the Treasurer of the said South District for the Time being, the Sum of Seventy-five Pounds Seventeen Shillings and Six-pence; and, that in consideration thereof, no Toll or Duty whatsoever shall be demandable or taken at any Toll-Gate or Turnpike erected or to be erected by virtue of this Act, or of the said recited Acts or any of them, in any Lane, Waste, Common, Common Field, By-way, Place, or other Situation between *Northam Bridge* and the Town of *Southampton*, for or in respect of any Cattle or Carriage passing or repassing *Northam Bridge*, or Roads to or from the said Town of *Southampton*, but that all Cattle and Carriages passing or repassing the said Bridge, Roads, or Places shall pass altogether free and exempt from Toll, any Thing in this Act, or in the said recited Acts, or any of them, contained to the contrary notwithstanding.

Proprietors of *Northam Bridge* to make a Remuneration.

VIII. And be it further enacted, That all the Costs and Charges incident to the obtaining and passing of this Act, shall be in the first Place paid and discharged out of the Tolls already collected or to be

Expences of the Act.

[Loc. & Per.]

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collected,

collected, or out of the Money borrowed or to be borrowed on the Credit of the South District of the *Southampton* Road.

Public Act.

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

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