



ANNO QUADRAGESIMO SEXTO

# GEORGI II. REGIS.

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## Cap. 14.

An Act to continue and amend Two Acts passed in the Fifth and Twenty-sixth Years of His present Majesty for repairing several Roads leading from *Lymington*, in the County of *Southampton*, and for amending and widening the Road to *Wilverley Post*, in the *New Forest*. [31st March 1806.]

**W**HEREAS an Act was made in the Fifth Year of the Reign of His present Majesty, intituled "An Act for repairing and widening several Roads leading from the Quay at *Lymington*, in the County of *Southampton*:" And whereas another Act was made in the Twenty-sixth Year of the Reign of His present Majesty, intituled "An Act to enlarge the Term and alter the Powers of an Act made in the Fifth Year of the Reign of His present Majesty for repairing and widening several Roads leading from the Quay at *Lymington*, in the County of *Southampton*:" And whereas great Progress hath been made in repairing and widening the said Roads, and several Sums of Money are now due and owing on the Credit of the Tolls granted by the said Acts, which cannot be paid off, nor the said Roads kept in Repair, unless the Term of the said Acts are further continued, and the Powers thereof altered and enlarged: And whereas the Road branching from One of the said Roads leading from *Lymington* to *Lyndhurst*, at a Place called *Jenny Cobler's Corner*, in the Parish of *Boldre*, to a Place called *Wilverley Post*, in the *New Forest*, and leading to *Ringwood*, is much out of Repair, narrow, and incommodious, and cannot be widened, repaired, and kept in Repair by the ordinary Course of Law, and it would be a great Convenience to the Neighbourhood, and of Public Utility, if the same were included under the Powers and Provisions of the said recited Acts and this Act; 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

5 Geo. 3. c. 59.  
 26 Geo. 3. c. 156.

[Loc. & Per.] 32 all



Acts further  
continued.

all the Powers, Provisions, Matters, and Things therein contained, (except such as relate to Exemptions from Stamp Duties, and as are hereby repealed,) shall be and continue in full Force, and shall be executed for and during the Term hereinafter mentioned for the Purpose of repairing, improving, and keeping in Repair the Roads therein mentioned; as also for repairing, widening, improving, and keeping in Repair the Additional Road hereinbefore described, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, and as if the said Additional Road had originally been Part of the Roads included in the said Acts and this Act; and the Additional Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the said Roads, and of such other Sum and Sums of Money as shall or may be borrowed for the Purposes of the said Acts, or of this Act, and of all Interest now due and to grow due for the same respectively.

Additional  
Trustees.

II. And be it further enacted, That The Reverend *Ellis Jones, Jacob Neufville, Charles Dodd, Robert Allen, James Allen, John Lyons, Robert Smith, William Rooke, Charles William Mitchell, Thomas Goldwin, Harry Scott, James Livett*, The Right Honourable *George Rose*, The Honourable Admiral *Cornwallis*, Admiral *Robert Mann*, Admiral *John Peyton*, The Reverend *John Gilpin, Thomas Weld, Sir Harry Neale*, Baronet, *Sir Matthew Blakston*, Baronet, The Reverend *William Coney*, The Reverend *Thomas Rivett, William Yeats, James Macelwain, John Shepherd, Daniel Saint, Joseph Saint, John Fludor, Thomas Fludor, John How, John Newell, William Newell, John Brexton, Thomas Smith, John King, John Harmesford, William Towsey, David Dore, William Hayward, Thomas Elmes, James Brown, William Kent, Benjamin Turner, Christopher Rotsey, Samuel Elgar, Jarvis Barker, William Mursell, James Martin*, and *Edward Templer*, (being qualified according to the Directions of the said recited Acts) shall be and are hereby appointed Trustees, and added to and joined with the Trustees appointed or elected by or in pursuance of the said recited Acts, for putting in Execution the said Acts and this Act, and all the Powers thereby and hereby given and granted.

General Ex-  
emptions.

III. And be it further enacted, That from and after the passing of this Act the Exemptions granted by the said recited Acts shall be repealed, and that no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse, employed in carrying or conveying only, or going empty to carry or convey only, or returning empty 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 the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Roads doth lie, or any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof, situated within the same Parish from which such Hay, Straw, or Corn in the Straw, shall be removed, or for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying or conveying



veying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, for the Purpose only of using or repairing the same, or in carrying or conveying from Place to Place within the same Parish, any Mould, Dung, Lime, Marl, Sullage, Compost, or other Manure employed in Husbandry for manuring or improving Land; or any Stone, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land, or for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Bricks, Lime, Stone, Plaister, Timber, or other Materials to be used for building or repairing any Church, Chapel, House, Out-house, Barn, Stable, or Hovel within the same Parish where such Bricks, Lime, Stone, Plaister, Timber, or other Materials, shall be made, got, or cut down, or for any Horses or Cattle going to or returning from Pasture or Watering Places, or for any Horses going to be, or returning from being shod, 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, nor for any Horses furnished by or for any Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry, and ride by them in going to or returning from the Place appointed for, and on the Days of Exercise, provided that such Persons 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, or for any Horses, Carts, Waggons, or other Carriages employed in the Conveyance of Vagrants sent by legal Passes, or for any Coach, Landau, Berlin, Chariot, Calash, Chair, or other Carriage, or any Horse or other Beast conveying any Person or Persons to or 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 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



whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Statute  
Work.

IV. And be it further enacted, that so much of the said recited Acts as relate to the Performance of Statute Labour on the said Roads shall be, and the same is hereby repealed, and 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 Roads hereby directed to be made, widened, and repaired, 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 required and empowered, upon Application made to them by the said Trustees, or by their Clerk, or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, 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 or Treasurers; and in order thereunto, it shall and may be lawful to 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 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 are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways, and out of such Lists the said 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 Roads as the said Justices shall think reasonable, and the same shall be done at such Days, and at such Times, (not being Hay Time or Harvest,) and in such Parts of the said Roads, 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 they 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 Penalties by the said recited Acts are authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work

as



as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of 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 or 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 on the said Roads, 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 Roads: All which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; 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 and 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.

V. And be it further enacted, That if any Money, shall be paid or agreed, or awarded to be paid, for the Purchase of any Lands, Tenements, 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 Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there *ex parte* the Trustees for executing the said recited 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, Tenements, or Hereditaments, in the Purchase or Redemption of the Land-Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorise to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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 Lands, Tenements, or Hereditaments, which shall be conveyed and

Application  
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sation if a-  
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200*l*.

[*Loc. & Per.*]

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settled



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 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 said Court, 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, and Hereditaments, to be purchased by virtue of the said recited Acts and this Act, in case such Purchase or Settlement were made.

Application  
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sation, if less  
than 200*l.*  
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ing 20*l.*

VI. Provided always, and be it 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 as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, 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 any Five or more of the said Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction and Approbation of the Court of Chancery.

Application  
of Compen-  
sation if less  
than 20*l.*

VII. Provided also, and be it 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, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of the said recited Acts or this Act, in such Manner as the said Trustees shall think



think fit; or, in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid 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.

VIII. 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 Acts and 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 Five 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 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 same 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 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.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition;

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

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IX. Provided always, and be it 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 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 Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such 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 Lands, Tenements, or Hereditaments, according to such Possession,



tion, 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.

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

X. Provided also, and be it 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 Acts and 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, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and 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 Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For paying Expences of the Act.

XI. 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 Trustees for executing the said recited Acts, and this Act, or any Five or more of them, out of any Monies already raised by virtue of the said 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.

Public Act.

XII. 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.

Commencement and Continuance of the Act.

XIII. And be it further enacted, That this Act shall commence upon the Expiration of the Term granted by the said recited Acts, and shall from thenceforth continue 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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