ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

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Cap. 66.

An Act to continue the Term, and alter and enlarge the Powers of Two Acts, of the Twenty-eighth Year of King *George* the Second, and the Nineteenth Year of His present Majesty, for repairing the Road from *Market Harborough* in the County of *Leicester* to the City of *Coventry.*

[29th *June* 1804.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled, 28 G. 2.
An Act for repairing and widening the Road from the Town of Market Harborough, *in the County of* Leicester, *through the Town of* Lutterworth, *in the said County, to the City of* Coventry: And whereas an 19 G. 3.
Act was passed in the Nineteenth Year of the Reign of His present Majesty King *George* the Third, for continuing the Term, and altering and enlarging the Powers of the said Act: And whereas the Trustees appointed to put the said Acts in Execution have proceeded in the Execution thereof, for which Purpose they have borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted, which still remains due and unpaid, and cannot be paid off, nor can the said Road be effectually amended, improved, and kept in Repair, unless the Term of the said Acts be further continued, and the Powers and Provisions thereof in some Respects amended, altered, and enlarged: May it therefore please

28 G. 2. & 19 G. 3. further continued.

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, paſſed in the Twenty-eighth Year of the Reign of His late Majeſty King *George* the Second and the Nineteenth Year of the Reign of His preſent Majeſty, and all and every the Clauſes, Powers, Authorities, Proviſoes, Penalties, Exemptions, Forfeitures, Remedies, Directions, Proviſions, Articles, Matters, and Things whatſoever, therein reſpectively contained (except ſuch as relate to Exemption from Stamp Duties, and alſo except ſuch Parts thereof as are hereby varied or altered) ſhall be and continue in full Force and Effect, and be executed for and during the Term hereinafter mentioned, in as full, ample, and beneficial a Manner, 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, Additions, and Alterations 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 is hereby declared to be ſubject and liable to the Payment of all Monies now due and owing upon the Credit or on Account of the ſaid former Acts, or any or either of them, or which ſhall or may hereafter be borrowed and become due on the Credit of the ſaid Acts and this Act, and all Intereſt due and to become due for the ſame reſpectively.

Additional Truſtees.

II. And be it further enacted, That the Honourable *Berkeley Craven*, *Thomas Jelf Powys*, *William French Major*, *Edmund French Major*, *Robert Coleman*, *John Nethercoat*, *Charles Boſworth*, *George Turvill* the younger, *George Payne*, *George Marriott*, *Chriſtopher Saverland*, *Henry Grimes*, *William Chandler*, the Reverend *Pearce*, the Reverend *William Graham*, the Reverend *Robert Marriott*, *George Wartnaby*, *Henry Shuttleworth*, *John Wartnaby*, *John Lucas*, *William Lucas*, *Thomas Lucas*, *John Adcock* the younger, *James Woodhouſe*, *George Burrows*, *William Paddy*, *George Smith*, *Richard Chettele Smith*, *John Compton*, *Samuel Cooke* the younger, *Samuel Warden*, *John Warden*, *Edward Power*, *Thomas Arnold*, *Harry Bryerly*, *Thomas Congreve*, *Miller*, and *John Watts*, (being qualified according to the Direetions of the ſaid firſt recited Act) ſhall be and are hereby appointed Truſtees, and ſhall be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Acts, or either of them; and that the Truſtees herein-before named are hereby empowered to put the ſaid recited Acts and this Act in Execution, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees in and by the ſaid recited Acts or either of them.

Surveyors to get Materials.

III. And be it further enacted and declared, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and ſuch Perſons as he or they ſhall appoint, to dig, cut, gather, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the ſaid Road, in, upon, out of, and from any River or Brook, or any Waſte or Common Ground in any Pariſh, Town, Hamlet, Liberty, or Place, in which any Part of the ſaid Road doth lie, or in any neighbouring Pariſh, Town, Hamlet, Liberty, or Place, without paying any Thing for the ſame, ſuch Surveyor or Surveyors, or other Perſons, filling up the Pits and levelling the Ground from which ſuch Materials as aforeſaid ſhall be digged, gathered, or taken, or fencing off the ſame,

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ſo as ſuch Pits be not dangerous to Paſſengers or Cattle; and if Quantities of Materials proper and ſufficient for repairing the ſaid Road cannot be found in ſuch Rivers or Brooks, or in or upon ſuch Waſte or Common Grounds, it ſhall be lawful for ſuch Surveyor or Surveyors, or other Perſons, by Order of the ſaid Truſtees, or any Five or more of them, to dig, cut, gather, and carry away any ſuch Materials in, upon, out of, from, through, and over the ſeveral Grounds of any Perſon or Perſons (not being a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to, or Scite of any Houſe, or any Piece or Parcel of Ground ſet apart or uſed as a Plantation or Nurſery for Trees) paying ſuch Rates for ſuch Materials, and for the Damages done to the Owners and Occupiers of the reſpective Grounds where and from whence the ſame ſhall be digged, cut, gathered, or taken away, and over which the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning the ſame, the Juſtices of the Peace at their next General Quarter Seſſions for the County wherein ſuch Lands reſpectively lie, or at their Second General Quarter Seſſions at the fartheſt, ſhall hear, aſſeſs, and finally determine the ſame; any Thing in the ſaid recited Acts, or either of them, contained to the contrary thereof in anywiſe notwithſtanding.

Application of Compenſation Money where amounting to 200*l.*

IV. 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 Acts or 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 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 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, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or toward the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize 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 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

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, Tenements, or Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Money does not amount to 200*l.* and ſhall exceed 20*l.*

V. 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 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, 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, to 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 (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 Court of Chancery.

Application where the Money is leſs than 20*l.*

VI. 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, Tenements, 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.

In caſe of not making out Titles, *etc.* Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery.

VII. 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 or of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, 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

and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the Sum or Sums of Money 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 Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, or to order Diſtribution thereof in 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.

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

VIII. 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 or of 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, 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 to be paid by the Truſtees.

IX. 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 or of 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 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 re-

cited Acts or of 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 or of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of the Act.

X. And be it further enacted, That all Charges and Expences incident to or attending the obtaining and passing of this Act, shall be paid out of any Money already collected and received by virtue of the said recited Acts or either of them, or out of the first Monies to be collected or received by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever.

Publick Act.

XI. 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.

Continuance of the Acts.

XII. And be it further enacted, That the Term granted and continued by the said recited Acts shall, from and after the passing of this Act, cease and determine; and that the said Acts (subject to the Alterations and Additions in this Act contained) 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.

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