ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

****

Cap. 4.

An Act to continue and amend an Act, paſſed in the Twentieth Year of the Reign of His preſent Majeſty, for repairing the Road from the *Trent Bridge*, in the County of the Town of *Nottingham*, to *Cotes Bridge*, in the County of *Leiceſter*.

[9th *March* 1804.]

WHEREAS by an Act paſſed in the Twentieth Year of the Reign of His preſent Majeſty, intituled, *An Act for repealing Two* 20 G. 3. *Acts made in the Eleventh and Twenty-ſeventh Years of the Reign of King* George *the Second, for repairing the Road from the* Trent Bridge, *in the County of the Town of* Nottingham, *through* Coſtock *otherwiſe* Cortlingſtock Lane, *to* Cotes Bridge, *in the County of* Leiceſter; *and for making more effectual Proviſion for the Repair of the ſaid Road*, ſeveral Tolls and Duties were granted and made payable, and divers Powers and Authorities were given to Truſtees for amending and repairing the ſaid Road, during the Term therein limited: And whereas the Truſtees authorized to put the ſaid Acts of the Eleventh and Twenty-ſeventh Years of the Reign of King *George* the Second, and of the Twentieth Year of the preſent Reign, in Execution, have borrowed ſeveral Sums of Money on the Credit of the Tolls thereby granted or made payable, which ſtill remain due, and the ſame cannot be diſcharged, nor can the ſaid Road be kept in ſufficient Repair, unleſs the ſaid Act of the Twentieth Year of the preſent

sent Reign be continued for a further Term; and it is expedient that the Tolls and some of the Powers granted by the said last mentioned Act, should be varied and altered: 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 Act of the Twentieth Year of the Reign of His said present Majesty, and all the Powers, Authorities, Remedies, Penalties, Forfeitures, Punishments, Exemptions, Directions, Provisions, Clauses, Matters, and Things therein contained (except such of them as are hereby varied, altered, or repealed, or as are repugnant to any of the Provisions contained in this Act, and as relate to Exemptions from Stamp Duties), and all and every the Tolls, Powers, Authorities, Remedies, Exemptions, Directions, Provisions, Matters, and Things contained in this Act, shall be and are hereby declared to be in full Force and Effect, for and during the further Term herein-after mentioned, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if such Powers, Authorities, Remedies, Penalties, Forfeitures, Punishments, Exemptions, Directions, Provisions, Clauses, Matters, and Things (except as aforesaid), were expressly inserted and enacted in this Act; which said further Term, and the Tolls hereby granted or made payable, shall be subject and liable to the Payment of all Monies now due and owing from the said Trustees under or by virtue of the said former Acts, or any of them.

Former Act continued.

Trustees Names.

II. And be it further enacted, That *John Aspinshaw* Clerk, *James Amys*, *George Almond* Junior, *John Balguy*, *Jonas Bettison*, *Joseph Boultbee*, *William Boultbee*, *Richard Burden*, *Thomas Bolton*, *Samuel Bolton*, *John Burnside*, *Robert Bigsby*, *John Barber*, *Michael Buckley*, *John Breedon*, *William Breedon*, *Henry Breedon*, *Robert Clifton*, *Daniel Parker Coke*, *D'Ewes Coke* Junior, *William Clifton* Clerk, *William Bailey Cocker* Clerk, *Thomas Crabtree*, *John Chamberlin*, *John Chamberlin* Junior, *James Cox*, *John Cox*, *Richard Cole*, *John Coates*, *Samuel Cullen*, *William Cutts*, *Thomas Donithorne* Clerk, *William Hooton Deverel*, *Benjamin Deverel*, *Samuel Deverel* Junior, *Thomas Dodson*, *James Dams*, *William Elliott Elliett*, *John Elliott*, *Thomas Webb Edge*, *Thomas Evison*, *James Ella*, *Francis Else*, *John Falkner*, *Joseph Flewitt*, *Alexander Foxcroft*, *James Green*, *Robert Green*, *John Green*, *Henry Garton*, *Nathan Tempest Haines*, *Mark Huish* Junior, *Stokeham Huthwaite*, *Cornelius Huthwaite*, *William Huthwaite* Junior, *James Hooley*, *Samuel Hooley*, *John Heath*, *Richard Hooton*, *Alexander Hadden*, *John Hadden*, *Humphry Hopkins*, *Samuel Hulse*, *James Harwood*, *John Hilton*, *William Hardmett*, the Reverend *Joseph Jackson* D. D., *William Jamson*, *Gibson Jalland*, *John Kirkby* Clerk, *Henry King*, *Jonas Kewney*, *John Longden*, *Robert Leeson*, *John Lowe*, *William Lowe*, *James Lees*, *John Musters* Junior, *William Richard Middlemore*, *Thomas Maltby*, *Thomas Moore*, *Jonathan Markland*, *Pendock Neale*, *Pendock Barry Neale*, *Pendock Neale* Clerk, *John Need*, *George Need*, *Matthew Needham*, *George Nelson*, *Edward Pearson* Clerk, *William Pidcock*, *Robert Padley*, *John Parker*, *Henry Piercy*, *Daniel Pawlett*, *William Pepper*, *Christopher Rolleston*, *Thomas Jeykell Rawson*, *William Ford Rawson*, *Martin Rowe*, *William Rowland*, *Richard Lumley Savile*, *George Sedley*, *John Storer* M. D., *John Storer* Junior, *Edward Spencer*, *John Sanders*, *George Sanders* Clerk, *Samuel Sanders*, *Robert Sykes*, *William Sanday*, *Alexander Strahan*, *James Severn*, *John Stone*, *Richard*

Richard Stevenſon, *William Stretton*, *William Surplice*, *Edward Sterland*, *Peter Thoroton* Clerk, *John Taylor*, *William Taylor*, *Charles Twells*, *Thomas Tollington*, *Samuel Tupman*, *Francis Vickers*, Sir *John Borlace Warren* Baronet, *Ichabod Wright*, *John Smith Wright*, *William Gregory Williams*, *Gregory Gregory Williams*, *John Walter* Clerk, *Edmund Wright*, *Richard Webſter*, *Thomas Walker*, *Richard Walker*, *John Wibberley*, and *Jonas Warwick*, being duly qualified according to the Directions of the ſaid recited Act, ſhall be and they are hereby added to and joined with the Truſtees appointed in or by virtue of the ſaid Act, and ſhall have the ſame Powers and Authorities to act in the Execution of this Act, as if they had been named and appointed Truſtees in the ſaid recited Act.

Former Tolls to ceaſe, and others granted in lieu thereof.

III. And be it further enacted, That the ſeveral Tolls granted and made payable in and by the ſaid recited Act of the Twentieth Year of the preſent Reign, ſhall, from and after the Thirtieth Day of *April* One thouſand eight hundred and four, ceaſe, and be no longer payable; and that inſtead thereof the ſeveral Tolls herein-after mentioned, ſhall be demanded and taken at each of the Toll Gates erected or to be erected upon the ſaid Road, before any Cattle or Carriages (upon which any Toll is hereby impoſed) ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Horſe or other Beaſt drawing any Coach, Chariot, Landau, Chaiſe, Curricle, Chair, Calaſh, Hearſe, or other ſuch Carriage, the Sum of Three-pence:

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burthen, laden or unladen, and dot drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for a greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for a greater or leſs Number:

For every Horſe or other Beaſt drawing any Waggon, Wain, Cart, or other ſuch Carriage, the Sum of Four-pence:

For every Pair of Mill Stones, and for the Carriage on which the ſame ſhall be drawn or conveyed, the Sum of Two Shillings and Six-pence.

Which ſaid reſpective Tolls herein-before mentioned ſhall be, and are hereby declared to be veſted in the Truſtees for executing this Act for the Time being; and they, or any Five or more of them, ſhall have ſuch and the ſame Powers, Authorities, and Remedies, for varying, mortgaging, transferring, leaſing, and compounding for the Tolls and Duties hereby granted or made payable, and the ſame ſhall and may be collected, levied, recovered, paid, and applied in the ſame Manner and Form, as in and by the ſaid recited Act of the Twentieth Year of the preſent Reign, are given and expreſſed, with reſpect to the Tolls thereby granted or made payable.

Power to adjourn Truſtees Meeting when a ſufficient Number of Truſtees ſhall not attend.

IV. Provided, and be it enacted, That if it ſhall happen that there ſhall not appear, at any Meeting of the Truſtees for putting this Act in Execution, a ſufficient Number of Truſtees to act, or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk to the Truſtees, ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by

by Notice in Writing to be affixed on all the Turnpikes which ſhall then be erected upon the ſaid Road, at leaſt Ten Days before the next Meeting, and without any other Notice being given thereof, to appoint the Truſtees to meet at the Houſe or Place where the laſt Meeting was appointed to have been held, or at any other Place on or near the ſaid Road, on that Day Three Weeks next, or on ſome other Day within One Month after the Day on which ſuch laſt Meeting was appointed; any Thing in the ſaid recited Act to the contrary thereof notwithſtanding.

Expences of the Act.

V. 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 and defrayed by the ſaid Truſtees out of the Monies now remaining in their Hands, or which ſhall firſt come to their Hands by virtue of the ſaid recited Act and this Act, or either of them.

Application of Compenſation when amounting to 200*l.*

VI. And be it further enacted, That if any Money ſhall be agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of this Act, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, if the ſame 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 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 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled to the ſame or the like Uſes, Intents, or Purpoſes; and 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, 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 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 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,

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

Application of Compenſation if leſs than 200*l.* and exceeding 20*l.*

VII. Provided always, and be it further enacted, That if any Money ſo agreed or aſſeſſed 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 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 Hereditaments ſo purchaſed, taken, or uſed, or of his 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 Three or more of the Truſtees for executing 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 ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compenſation if leſs than 20*l.*

VIII. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or aſſeſſed to be paid as herein-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 Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of 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, *&c.*

IX. 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 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 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 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.

X. 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 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 to be made in purſuance of this Act, 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 Truſtees for executing this Act, who ſhall from Time to Time pay ſuch Sums of Money, for ſuch Purpoſes as the ſaid Court ſhall direct.

Publick Act.

XI. 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, without the ſame being ſpecially pleaded.

Commencement and Continuance of the Act.

XII. And be it further enacted, That the Term granted by this Act ſhall commence upon the Firſt Day of *May* One thouſand eight hundred and four, and ſhall continue in Force 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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