



ANNO QUADRAGESIMO SECUNDO

# GEORGI II. REGIS.

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## *Cap. 44.*

An Act for continuing the Term, and altering and enlarging the Powers of Two several Acts, passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and in the Nineteenth Year of the Reign of His present Majesty, for repairing the Road from *Ashby-de-la-Zouch*, in the County of *Leicester*, through *Burton-upon-Trent*, in the County of *Stafford*, and to the *Cock Inn* in *Tutbury*, in the said County.

[4th May 1802.]

[*Loc. & Per.*]

8 B

WHEREAS

26 Geo. 2.

19 Geo. 3.

Acts further  
continued.

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from Ashby-de-la-Zouch, in the County of Leicester, through Burton-upon-Trent, in the County of Stafford, and to the Cock Inn in Tutbury, in the said County:* And whereas an 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 recited Act: And whereas the Trustees, appointed in or by virtue of the said Acts, have proceeded to put the same in Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit thereof, which still remain due and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers and Provisions thereof altered 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, That the said recited Acts, passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, and in the Nineteenth Year of the Reign of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, and Clauses therein contained, (except such as relate to Exemptions from Stamp Duties, and as are hereby varied, altered, or repealed), shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes,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 herein repeated and re-enacted; but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Term hereby granted, shall be and are hereby made subject to the Payment of all Money now due and owing upon the Credit or on Account of the said former Acts, or hereafter to be borrowed on the Credit of the said former Acts and this Act, and of all Interest due and to grow due for the same.

Additional  
Trustees.

II. And be it further enacted, That *William Ashby, John Allen, Charles Buchannon, Charles Buchannon the younger, John Hawkesworth Baxter, John Bott, Charles Bott, Philip Brookes, Thomas Cartwright, Richard Cleaver, Thomas Clarke, Sir Henry Every Baronet, John Evans, George Enfor, John Dickenson Fowler, William Greaves, John Greaves, Francis Hoskins, John Hoskins, Charles Hodson, Thomas Harvey, Daniel Hopkins, John Hopkins, William Hopkins, Thomas Hassall, Hugh Jones the younger, Clerk, John Lathbury the younger, Joseph Lathbury, William Leedam, Thomas Lea, Sir Oswald Mosley Baronet, Ashton Nicholas Mosley, Joseph Muckleston, Edward Marston, Humphrey Naydin, William Osborne the younger, Porter Orme, Joseph Orgil, Joseph Perks, Joseph Pycroft, Charles Perks, John Peel, Philip Port, John Port, Francis Pitt,*



*Pitt, John Ratcliff, Stebbing Shaw Clerk, John Spender the younger, Edward Smith, William Smith of Horninglow Street, William Smith of High Street, Thomas Steere, John Scott, John Staley, John Spencer, William Smith Mercer, John Thornewill, Francis Thornewill, George Tabberer, William Worthington, Thomas Worthington, George Wood, Thomas Willson, and John Yeomans,* being qualified according to the Directions of the said first recited Act, shall be added to and joined with the Trustees appointed by or in pursuance of the said recited Acts or either of them, for putting the said Acts and this Act in Execution, and the Trustees herein-before nominated are hereby empowered to act in the Execution of the said Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed Trustees by the said recited Acts, or either of them.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, on giving Notice in Writing, to be affixed on all the Gates or Turnpikes which shall be then erected upon the said Road, and also in One of the *Derby* Newspapers, of their Intention to let such Tolls, at least Ten Days before their Meeting for such Purpose, and from Time to Time, by Writing under their Hands and Seals, to demise and lease the Tolls by the said recited Acts, or either of them, granted and made payable, or any Part of such Tolls, to any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years at any One Time, for the best Price or yearly Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Five or more of them, shall direct or appoint; which Monies so to be paid, shall be applied and disposed of as the Tolls by the said recited Acts, or either of them, authorized to be taken, are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may  
lease the Tolls.

IV. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk; and that no Action to be brought or commenced by or against the said Trustees, or any Five or more of them, by virtue or on account of the said recited Acts, or of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them; but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of the said recited Acts or of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of the said Acts and this Act, all such Costs, Charges, and Expences, as by the Event of any such Proceeding he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant therein as aforesaid.

Trustees may  
sue and be  
sued in the  
Name of their  
Clerk.

V. And



Application of  
Money when  
amounting to  
200 l.

V. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands and 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 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 *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 and 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 and Hereditaments, or affecting other Lands and 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, and 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 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 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 and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less  
than 200 l. and  
exceeding 20 l.

VI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands and 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,



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 and 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 (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.

VII. 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 and 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 less than 20 l.

VIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, together with Interest for all Money which shall be advanced from Time to Time for that Purpose, shall be defrayed out of any Money already collected or received by virtue of the said recited Acts or either of them, or out of the First Monies to arise by virtue of the said Acts and this Act, in Preference to all other Payments whatsoever.

For paying Expences of the Act.

IX. 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.

Publick Act.

X. And be it further enacted, That the Term granted and continued by the said recited Acts, shall, upon the passing of this Act, cease and determine; and that the said Acts (subject as herein-before mentioned) and this Act, shall from thenceforth continue and be in

Term of this Act.

[Loc. & Per.]

§ C

force.

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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