



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 28.

An Act to continue and amend an Act made in the Twenty-fifth Year of His present Majesty, for repairing the Roads leading from *Lutterworth Hand*, on the *Watling Street Road*, through *Churchover*, *Brownsover*, *Newbold upon Avon*, *Rugby* and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton*, in the said County. [5th May 1806.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Roads leading from the Gibbet or Lutterworth Hand, on the Watling Street Road, through the Parishes of Churchover, Brownsover, Newbold upon Avon, Rugby and Bilton, in the County of Warwick, to the Turnpike Road between Dunchurch and Hillmorton in the said County, at or near a Publick House known by the Sign of the Cock, in the said Parish of Bilton*: And whereas several Sums of Money have been borrowed, and are now due and owing upon the Credit of the Tolls by the said Act granted which cannot be repaid, and the said Roads kept in sufficient Repair, unless the Term and Powers of the said Act be further 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That the said Act, and all the Powers, Provisions, Matters and Things therein contained (except such as are hereby repealed or altered) shall be

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Act further continued.

[Loc. & Per.]

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and

and continue in full force, and shall be executed for and during the Term herein-after mentioned, 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 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 Road, and of such other Sum and Sums of Money as shall or may be borrowed for the Purposes of the said Act or of this Act, and of all Interest now due and to grow due for the same respectively.

The former Waggon Toll to be repeated, and an additional Toll taken if required.

II. And be it further enacted, That, from and after the passing of this Act, the Tolls directed to be taken, in and by the said recited Act, for Waggon and such like Carriages with Four Wheels, shall be repealed; and that in the Stead thereof the Toll of One Shilling and Eight-pence for every Waggon and such like Carriage with Four Wheels, shall and may be demanded, and taken, at the several Turnpikes on the said Road, of the several Person or Persons attending any such Waggon or Carriage in like Manner, and subject to such Regulations and Abatements as are in the said recited Act contained, respecting the Tolls therein authorized to be taken.

General Exemptions.

III. And be it further enacted, That from and after the passing of this Act the Exemptions granted by the said recited Act 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, Lime, Timber, Wood, Gravel, or other Materials, for repairing the said Road, or any of the Roads in the Parishes or Places in which any Part of the said Road doth lie, or in any adjoining Parish; or any Hay, Straw, or Corn in the Straw only, not sold or disposed of or passing for the Purpose of being sold or disposed of, but passing to be laid up, or placed in the Out-houses, or on the Lands of the Owners thereof, or 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 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 or Place, any Mould, Dung, Marl, Sullage or Compost, employed in Husbandry, for manuring or improving Land, or any Stones, Bricks, or other Materials for draining Land, or for any other Purpose in the Management of any Farm or Land, within the several Parishes or Places through which the said Road passes, or for any Horse or Cattle going to or returning from Pasture or Watering Places, or for any Horse 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 Places, 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 Horse, Cattle, or Carriages, of whatever De-

scription, 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 rode 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 *Warwick*, 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 shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

IV. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Road 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 amending and widening the Road hereby directed to be amended and widened, 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 *Warwick*, and they are hereby 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 Road by the Inhabitants of the respective Parishes or Places in which the said Road doth 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 Fourteen Days after the serving of 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;

paid ; which List 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 Répairs of the Publick 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 Road 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 Road 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 Penalty is by the said recited Act authorized or directed to be recovered : And each and every Person who shall neglect or refuse to do such Statute Work 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 Publick 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 Road, 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 Road ; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road : 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 Five Pounds.

Trustees may
raise Tolls.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at any of their Meetings, to lease and demise the Tolls granted by this or the said recited Act, or any Part or Parts thereof, as effectually to all Intents and Purposes as if the same were let by any Seven or more of the said Trustees at any General Meeting, under the Powers given in and by the said recited Act ; subject nevertheless in all other Respects to the like Restrictions and Conditions as are therein contained respecting the Leasing of the said Tolls.

VI. And

VI. 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 Act and this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, 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 should 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, *exparte* the Trustees for executing the said recited Act 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 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 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 Act and this Act, in case such Purchase or Settlement were made.

Application of
Compensation
if amounting
to 200l.

VII. 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

Application of
Compensation
if less than
200l. and ex-
ceeding 20l.

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the

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, Idiocy, 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 Two or more of the said Trustees for executing the said recited Act 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 20l.

VIII. 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 the Sum of 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 Act, or this Act, in such Manner as the said Trustees shall 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.

In case of not
making out
Titles.

Or if Persons
cannot be
found, Pur-
chase Money
to be paid in-
to the Bank.

IX. 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 Act 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 said Court shall seem meet, to order the same to be laid out and invested in the Publick 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;

Subject to the
Order of the
Court of Chan-
cery on Mo-
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tition.

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.

X. 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 Privy 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 Act 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, 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.

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

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

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

XII. 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 Act, and this Act, or any Five or more of them, out of any Monies already raised by virtue of the said Act, or out of the first Monies which shall be collected or received by virtue of the said recited Act, and this Act, in preference to all other Payments whatsoever.

For paying the Expences of this Act.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Publick Act.

XIV. And

Commence-
ment and
Continuance
of the Act.

XIV. And be it further enacted, That this Act shall commence upon the Expiration of the Term granted by the said recited Act, 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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