



# Improvement of Land Act 1864

## 1864 CHAPTER 114

### *Proceedings preliminary to Sanction of Improvements*

**21 In case of Dissent, or when Landowner's Infant Children are to be protected, Court of Chancery or Session may authorize Commissioners to proceed.**

If and when any Dissent from any such Application to the Commissioners for their Sanction of proposed Improvements shall have been notified in Writing to the Commissioners, either by a Party interested in the Lands proposed to be improved (not being Lands held in right of any Church, Chapel, or other Ecclesiastical Benefice), or by the Commissioners, Trustees, Company, or other Body or Individuals interested in any River or Canal which would or might be interfered with as herein-before mentioned, or if the Landowner, or the Husband of the Landowner, shall be the Father of the Person or Persons entitled either at Law or in Equity to any Estate in the Land to be improved, or any Part thereof, in reversion or remainder, up to and inclusive of the Person entitled to the first vested Estate of Inheritance, and such Person or Persons, or any of them, shall be an Infant or. Infants, or a Minor or Minors, the Landowner desiring, such Improvements may apply to the High Court of Chancery in *England* or *Ireland* where such Lands are situate in *England* or *Ireland* respectively, or to the Court of Session where such Lands are situate in *Scotland*, for an Order of such Court authorizing the Commissioners to entertain and proceed upon the Application for such proposed Improvements notwithstanding such Dissent or Circumstance; and such Application shall be made, as to Lands in *England*, to the Master of the Rolls or any One of the Vice Chancellors sitting at Chambers, by Summons, calling on the Party dissenting to show Cause why such Order should not be made; as to Lands in *Ireland*, to the Master of the Rolls, by summary Petition or otherwise, as he shall by any General Order direct; and as to Lands in *Scotland*, to either Division of the Court of Session in Time of Session, or to the Lord Ordinary sitting on Bills in Time of Vacation, by summary Petition; and the Court or single Judge, as the Case may be, to whom such Application shall be made, shall hear and determine such Application, and for that Purpose shall have Power to make or direct to be made all such Inquiries, and receive and entertain all such Statements and Evidence, on Oath or by Affidavit as such Court or Judge may consider necessary or desirable, or as may be produced before, them or him ; and if upon a Consideration of all the Circumstances such Court or Judge shall be of opinion that the Commissioners should entertain and proceed

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*Status: This is the original version (as it was originally enacted).*

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upon such Application, an Order shall be made authorizing and requiring them to proceed thereon, and to deal with the same according to the Provisions of this Act authorizing them in that Behalf, notwithstanding such Dissent or Circumstance as aforesaid: Provided that if at any Time after Notification of such Dissent, and before any such Order shall have been applied for and made as aforesaid, such Dissent shall be withdrawn by a like Notification in Writing, it shall not be necessary to make or proceed with such Application, or to obtain such Order.