



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 108.

An Act for enabling the Company of Proprietors of the *Dorset* and *Somerset* Canal Navigation to raise a further Sum of Money towards completing the said Canal; and for altering and amending an Act passed in the Thirty-sixth Year of the Reign of His present Majesty, for making and maintaining the said Navigation. [4th July 1803.]

WHEREAS an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for making a Navigable Canal from or near Gains Cross, in the Parish of Shillingston Okeford, in the County of Dorset, to communicate with the Kennet and Avon Canal, at or near Widbrook, in the County of Wilts, and also a certain Navigable Branch from the intended Canal, whereby certain Persons therein named were incorporated by the Name of The Company of Proprietors of the Dorset and Somerset Canal Navigation, in perpetual Succession, with a Common Seal; and the said Company were authorized to raise and contribute among themselves a competent Sum of Money for making, completing, and maintaining the said Canal and Branch, and the other Works and Conveniencies to the same belonging, not exceeding in the Whole the Sum of One hundred and fifty thousand Pounds, (except as therein-after mentioned), which was to be divided into* 36 Geo. 3.

[Loc. & Per.] 21 T One

Power to raise
Money.

One thousand five hundred Shares of One hundred Pounds each, and if the said Sum of One hundred and fifty thousand Pounds should be found insufficient for the Purposes of the said Act, the said Company of Proprietors were enabled to raise and contribute among themselves, in the Manner in the said Act mentioned, any further Sum or Sums of Money, not exceeding the Sum of Seventy-five thousand Pounds; and in case the said Company should be desirous of raising the said last-mentioned Sum, or any Part thereof, by Mortgage of the said Undertaking, they were by the said Act empowered to borrow and take up at Interest all or any Part of the said Sum on the Credit of the said Undertaking, as to them should seem meet, and to assign the Property of the said Undertaking, and the Rates and Tolls arising therefrom, or any Part thereof, as a Security or Securities for any such Sum or Sums of Money so to be borrowed, with the Interest: And whereas the said Company of Proprietors have proceeded in the Execution of the said Act, and have expended, in the Prosecution of the Works of the said Undertaking, the Whole of the Money which hath been received by virtue of the Powers contained in the said recited Act, and the said Company of Proprietors have also incurred sundry Debts to a considerable Amount, which are now owing and unsatisfied by them; but by reason of the said Sum of One hundred and fifty thousand Pounds thereby authorized to be raised not having been wholly subscribed for, the said Company cannot legally raise the said Sum of Seventy-five thousand Pounds, or any Part thereof, by either of the Ways or Means aforesaid mentioned in the said recited Act: And whereas it would tend to the more speedy and effectual Completion of the said Canal and Branch if the said Company were empowered to raise a certain Sum of Money by Mortgage of the Rates and Duties of the said Canal and Branch, or on Promissory Notes, under the Seal of the said Company of Proprietors, as herein-after mentioned: And whereas the Powers and Provisions of the said Act have in many Respects been found insufficient and ineffectual, and it is requisite that the same should be altered, amended, 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 it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, by their Committee of Management for the Time being, to raise upon Mortgage or Mortgages, in Manner by the said recited Act directed, the Sum of Thirty thousand Pounds for discharging the Debts of the said Company of Proprietors, and for making, completing, and maintaining the said Navigable Canal and Branch, and other Works, (notwithstanding the said several Sums by the said recited Act authorized to be raised by Subscription have not been wholly subscribed for), and to borrow and take up the same Sum of Thirty thousand Pounds at legal Interest, from such Person or Persons as shall be willing to advance and lend the same; and the Money so to be raised, together with such Part or Parts of the said several other Sums in the said recited Act as remain unraised, shall be applied first towards defraying the Expences of obtaining and passing this Act, and all other Expences relating thereto, and then in discharging the Debts owing by the said Company of Proprietors to any other Person or Persons, and the Residue thereof in completing the said Navigable Canal and Branch, and other Works, authorized by the said recited Act and this Act to be made: Provided always, that nothing herein

herein contained shall extend or be construed to extend so as to prevent or hinder the said Company of Proprietors from raising the Remainder of the said Sum of One hundred and fifty thousand Pounds by the said recited Act authorized to be raised by Subscription.

II. Provided always, and be it further enacted, That in case the said Company of Proprietors shall deem it expedient, at any General or Special Assembly, to raise all or any Part of the said Sum of Thirty thousand Pounds, hereby authorized to be raised for the Purposes aforesaid, upon Promissory Notes under the Common Seal of the said Company, of not less than Fifty Pounds each, it shall be lawful for them so to do; and such Notes shall be respectively transferrable by Indorsement, and bear Interest, payable Half-yearly or Yearly, at the Rate of Five Pounds *per Centum per Annum*, or at any lower Rate that the Parties may agree upon, and shall be subject to Repayment at such respective Times as shall also be agreed on between the Person or Persons advancing the same and the said Company of Proprietors.

Additional Sum may be raised by Notes.

III. And be it further enacted, That the several Rates authorized to be received by virtue of the said recited Act and this Act, shall be a Security for each and every Sum and Sums of Money so to be borrowed on Mortgage or Mortgages, or Note or Notes as aforesaid, with Interest, to the Person or Persons who shall from Time to Time be entitled to such Securities respectively; and all Persons to whom any such Securities as aforesaid shall be given, shall be equally entitled to a Claim or Lien on the said Rates in Proportion to the respective Sums advanced and lent by them respectively on the Credit of the said Rates, without any Preference by reason of the Priority of the Date of any such Mortgage or Note; and an Entry or Memorial of every such Mortgage and Note, containing the Date thereof, and an Account of the Name or Names of the Party or Parties, with their proper Additions, to whom the same shall have been made, and of the Consideration of such Mortgage or Mortgages, Note or Notes, and the Duration thereof, and also of every Transfer or Transfers thereof, shall within Thirty Days next after the Date thereof be written and inserted in a Book to be kept for that Purpose by the Clerk to the said Company; and for every such Entry such Clerk shall be paid the Sum of Five Shillings, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage or Mortgages, Note or Notes; and it shall not be in the Power of such Person or Persons who shall have made any such Transfer, at any Time afterwards, to make void, release, or discharge such Mortgage or Mortgages, Note or Notes; and the Interest of the Money so borrowed on such Mortgage or Mortgages, Note or Notes, shall be paid and discharged in such and the same Manner, and subject to the same Rules and Regulations and Powers for the Recovery thereof, as the Interest of any Sum or Sums of Money borrowed by virtue of the said recited Act can or may be paid and discharged in case any Sum or Sums of Money had been borrowed on Mortgage by virtue thereof.

Rates a Security for Money to be borrowed.

IV. And be it further enacted, That in case the Interest of the Money so borrowed on such Mortgage or Mortgages, Note or Notes, or any Part thereof, shall be in Arrear by the Space of Six Calendar Months next after

Interest to be paid Half-yearly.

the

the same shall become due and payable, and after Demand made thereof, that then it shall and may be lawful to and for the Commissioners appointed under or by virtue of the said recited Act, and they are hereby required, on Request to them made by any such Creditor or Creditors whose Interest shall be so in Arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole or any Part or Parts of the Rates or Duties authorized to be raised or levied by the said Act and this Act, with a Salary or Allowance for the Trouble of collecting the same, such Receiver giving Security faithfully to account; and the Money so to be received shall be applied in the First Place in Payment of what shall from Time to Time be due for or in respect of such yearly Rents, or other Sum or Sums of Money as have been or shall be agreed upon, determined, or assessed and awarded for Damages or Satisfaction, under and by virtue of the said recited Act and this Act; and after such Payments, then in Payment of the Salary or Allowance of such Receiver or Receivers respectively, and afterwards in Payment, *pari passu*, of what shall from Time to Time become due for Interest on the said Mortgages and Promissory Notes as aforesaid; and the Money to be received by such Receiver or Receivers shall (subject to the Payment or Payments so as aforesaid hereby directed to be made in the First Place thereof) be and be considered as so much Money received for the Use of the Creditor or Creditors on Mortgages and Promissory Notes to whom such Interest or Arrears shall be then due; to the Extent of such Interest; and after such Interest, and the Costs of collecting the said Rates and Duties shall be satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid shall and may be sued for and recovered by the Person or Persons entitled thereto, by Action of Debt, or on the Case, against such Receiver or Receivers who shall have Money in his or their Hands applicable to the Payment thereof, or (as the Case may be) against the said Company, in any of His Majesty's Courts of Record at *Westminster*.

Rates to be paid for Coal, etc. at intermediate Places on the Branch.

V. And whereas it is in and by the said Act enacted, that it should be lawful for the said Company of Proprietors at all Times thereafter to ask, demand, take, receive, and recover to and for their own Use and Benefit, for all Coal, Culm, and Coke, which shall be carried on the said Branch of Canal leading from *Nettlebridge* to *Frome*, as far as to the Point of Junction with the said intended Canal at or near the Field therein mentioned to be then in the Occupation of *Samuel Humphries*, or which should be carried to any Wharf in the Town of *Frome*, One Shilling and Sixpence *per* Ton for the whole Distance, but no Provision is made in the said Act for the Payment or Recovery of any Rate or Toll for any Coal, Culm, or Coke, which should be carried from the Coal Works adjoining to or near the said Branch, and which may be carried thereon to any intermediate Place between the Coal Works and the Town of *Frome* aforesaid, (except for what shall be raised or made in or under any of the Lands belonging to *Thomas Horner Esquire*), and carried on the said Branch of the said Canal, for which the said Company of Proprietors or their Successors were empowered to charge and receive Two-pence *per* Ton *per* Mile; be it therefore enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, receive, and recover, to and for their own proper Use and Benefit, for all Coal, Culm, and Coke, which shall be carried on the said Branch from any Coal Works,

Works, (except for what shall be raised on or under the said Land of the said *Thomas Horner* Esquire, as above mentioned), to any Place lying intermediate between such Coal Works and the said Town of *Frome*, the Sum of One Shilling and Sixpence *per* Ton, making only thereout a proportionate Deduction or Abatement in respect of such Coal, Culm, or Coke, for the Distance from the Place where the same shall be delivered to the said Town of *Frome* after the Rate of Two-pence *per* Ton *per* Mile.

VI. And be it further enacted, That in any Action brought or to be brought by the said Company against any Person or Persons, who shall not have paid the full Amount of his, her, or their Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company, for or by reason of his, her, or their Subscription or Subscriptions thereto, or by virtue of any Assignment or Assignments of any Share or Shares therein, it shall be sufficient for the said Company to declare and alledge, that the Defendant or Defendants, being a Proprietor or Proprietors of so much or so many Share or Shares in the Undertaking, is or are indebted to the said Company in some Sum or Sums of Money in Arrear, to complete the full Amount of his, her, or their Share or Shares therein, whereby an Action hath accrued to the said Company, without setting forth any other Special Matter; and on the Trial of such Action, it shall only be necessary to prove that the Defendant or Defendants, at the Time of bringing such Action or Actions, was or were, or is or are, a Proprietor or Proprietors of some Share or Shares in the said Undertaking, or that he, she, or they paid a Sum or Sums of Money as a Proprietor or Proprietors of some Share or Shares therein; and that Fourteen Days Notice in Writing, under the Hand of the principal Clerk to the said Company, hath been delivered to such Proprietor or Proprietors, or left at his, her, or their usual or last known Place of Abode; and that the Production by the principal Clerk, or other Officer or Persons employed by the said Company, of the Register Book, or other Book or Books, denoting the Proprietorship of Shares in the said Concern, and Proof of such Notice or Notices being delivered or left as aforesaid, and also of the Sum or Sums which was or were, and is or are, or shall be in Arrear and due to the said Company, to complete the full Amount of such Share or Shares, shall thereupon entitle the said Company to recover the same; and after Judgement shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizances, to be acknowledged in the Court in which Judgement shall be given, in Double the Sum adjudged to the said Company by such Judgement, to prosecute such Writ of Error with Effect, and also if the said Judgement be affirmed, or the said Writ of Error be nonprossed, to satisfy and pay the Debts, Damages, and Costs, adjudged by the said Judgement, and all Costs and Damages to be awarded for Delay of Execution; any Thing in the said recited Act contained to the contrary in anywise notwithstanding.

Prescribing what shall be the Pleadings in Actions to recover Subscriptions.

VII. And be it further enacted, That all Proxies shall be produced to the Clerk to the said Company of Proprietors, and entered in a Book or List to be kept by him for that Purpose, before any Vote shall be given

Proxies to be produced to the Clerk.

[*Loc. & Per.*]

21 U

in

in respect of such Proxies; which Book or List shall be a sufficient Authority for any Person deputed by such Proxy, to give his or her Vote, without Production of the Proxy at the Time of his or her voting, until such Proxy is revoked.

Persons holding One-fifth Part of Number of Shares sufficient to constitute General or Special Assembly.

VIII. And be it further enacted, That if, from and after the passing of this Act, any Number of Persons holding (either as Principals or Proxies) One-fifth Part of the Number of Shares subscribed for, and then actually in being in the said Undertaking, and entered in the Register Book or Books, denoting the Proprietorship of Shares in the said Undertaking, (and which said Book or Books shall or may from Time to Time be varied, amended, and corrected, as the Case may require), shall be present at any General or Special Assembly of the said Company of Proprietors to be holden by virtue of the said recited Act or this Act, such Number of Persons shall be and be deemed to be sufficient to constitute such General or Special Assembly for the Purposes of the said former Act and also of this present Act; and such Persons so present shall be invested with such and the same Powers as are given to or vested in any General or Special Assembly of Proprietors of the said Undertaking, by virtue of the said recited Act, or any Provisions contained in this Act, and shall be subject and liable to the like Rules, Regulations, and Restrictions; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Officers of the Company admissible Evidence.

IX. And be it further enacted, That any Clerk or other Officer employed by or on Behalf of the said Company of Proprietors, shall and may be admissible; and examined as a Witness for or against the said Company of Proprietors, touching any merely ministerial Act done, or to be done or performed by or for the said Company, in any Court of Law or Equity, or before any Commissioner or Commissioners, Arbitrator or Arbitrators, or Jury, or on any other Occasion, notwithstanding such Clerk or Officer shall be possessed of One or more Share or Shares in the said Undertaking.

Commissioner empowered to sell Land, etc. not wanted.

X. And be it further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal, to grant and convey in Fee, all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments already purchased by and conveyed to the said Company of Proprietors, or which shall be purchased by and conveyed to the said Company, as shall not be wanted for the Purposes of the said Undertaking and Works, or any Part or Parts thereof; for such Sum or Sums of Money as can be gotten for the same; and that all such Grants and Conveyances shall be valid and effectual; any Thing in the said recited Act, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcel thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money arising from any such Sale or Sales, which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money so paid on account of the Premises, or so much thereof as in such Receipts shall be acknowledged or expressed to have been received; and such Person or Persons shall not be answerable
or

or accountable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof; and every such Sum or Sums of Money shall be applied by the said Company to the Uses of the said Undertaking, in the same Manner as the other Monies by the said recited Act authorized to be raised are directed to be paid and applied: Provided always, that such Messuages, Buildings, Lands, Tenements, and Hereditaments shall, by the said Company of Proprietors, or Committee of Management for the Time being, be offered for Resale to the several Parties from whom the same respectively shall have been purchased by the said Company; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, then and in every such Case, an Affidavit made by some Person or Persons not interested in the said Premises, and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County wherein such Lands or Buildings are situate, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

XI. And be it further enacted, That in case the said Company of Proprietors, or Committee of Management for the Time being, shall at any Time deem it expedient to make, complete, and maintain, any Railway or Railways in any Part or Parts of the said Line of Canal, or to communicate therewith, passable for Waggons, Carts, and Cattle, and Carriages, or any inclined Planes, or any other Device, in or on any Part or Parts of the Line of Canal, or of any Branch, to communicate therewith, by the said recited Act authorized to be made, instead of making the same navigable, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, or Committee of Management for the Time being, from Time to Time to make, complete, and maintain, and from Time to Time to alter any Railway or Railways in or on such Part or Parts of the said Line of Canal, or of any Branch to communicate therewith, and such other Works, Matters, and Conveniencies as they shall think necessary and proper for making, effecting, preserving, improving, completing, and using the same respectively, as they shall deem expedient for the general Benefit and Advantage of the said Undertaking, and to have, receive, and take to their own Use and Benefit, such and the same Rates, Tolls, and Duties, with such and the same Powers and Remedies for recovering the same, as are in and by the said Act authorized and directed, in case the Whole of such Line or of such Branch were made navigable; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Company may finish Railways, or make Part navigable and Part Railways.

XII. And be it further enacted, That in all Cases where in making the said Canal, Branch, Reservoirs, Rail and Carriage or Roadways, and other Works by the said recited Act or this Act authorized, there has been or shall be Occasion to cut through, take, or use any Part of any Common or Waste Ground for the Purposes of the said Undertaking, or any Road or Roads thereto, the Conveyance to the said Company of Proprietors of such Parts of such Common or Waste Ground by the Lord or Lady, Lords

Company may make use of Commons or Waste Grounds on Conveyance by Lord of Manor.

or

or Ladies, of the Manor to which such Common or Waste Ground is appurtenant, shall be a good and sufficient Conveyance for the Purpose of vesting in the said Company the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Common or Waste Ground, had joined in and executed such Conveyance.

Repealing Provisions as to Swivel Bridges.

XIII. And whereas in and by the said recited Act it is enacted, that if any Swivelbridge or Drawbridge should be laid over or across the said Canal or Branch, or any Trenches or Passages to be made by virtue of the said recited Act, all and every Person or Persons opening any such Swivelbridge or Drawbridge for the Passage of any Boat, Barge, or other Vessel, should shut and fasten the same from Time to Time, so soon as such Boat, Barge, or other Vessel should have passed such Bridge: And whereas the same may be prejudicial to the said Canal, be it therefore enacted, That so much of the said recited Act as requires such Swivelbridges or Drawbridges, so soon as any Boat, Barge, or other Vessel shall have passed the same, to be shut and fastened by the Person or Persons opening the same for the Purposes aforesaid, (except Bridges on publick Roads), shall be, and the same is hereby repealed: Provided nevertheless, that the said Company of Proprietors shall and they are hereby required to fix a Chain to each such Swivelbridge and Drawbridge, so as to extend across the Bottom of the Canal or Branch to the opposite Bank, and be affixed to such opposite Bank, to enable Persons to shut such Swivelbridges and Drawbridges when necessary.

Explaining how Approaches to Bridges are to be repaired.

XIV. And whereas Doubts may arise how far the said Company of Proprietors are liable to the Repair of Roads leading to the Bridges already made, or which may be made over the said Canal and Branch; be it therefore enacted, That, from and after the passing of this Act, the said Company of Proprietors shall not be liable to repair or amend any Part of the Roads approaching to any Bridges made or to be made over the said Canal or Branch, after such Roads shall have been first made and used, for Six Calendar Months, and then put into good Repair by the said Company of Proprietors, any Thing in the said recited Act or in this Act contained to the contrary notwithstanding; but nothing herein contained shall be construed to exonerate the said Company of Proprietors from the future Repairs of the Bridges, and the Wing Walls, Ramparts, and Side Banks thereof, and the Banks supporting the Approaches thereto, and the Approaches within Twenty Yards thereof.

Power to regulate the Construction of Vessels.

XV. And be it further enacted, That if any Person or Persons shall use or navigate on the said Canal any Boat, Barge, or Vessel, constructed or made in any Respect so as to injure or tend to injure the Lining, Pudding, or other Works of the said Canal, or shall drive any Cart or Carriage on any Road or Railway of or belonging to the said Company of Proprietors, the Construction of which shall not be approved by the said Company or Committee of Management for the Time being, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds nor less than Five Pounds; and such Penalty or Forfeiture shall be recovered and applied in the Manner directed by the said recited Act.

XVI. And

XVI. And be it further enacted, That all Bodies Politick and Corporate, and all and every Person and Persons whose Names are and stand or shall at any Time hereafter stand in the Register Book or Books, or List of Proprietors of the said Company, as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties, to which Proprietors of Shares in the said Undertaking are made subject and liable by the said recited Act and this present Act, and that all Notices by the said recited Act and this Act required to be given, previous to the Forfeitures of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the said Register Book or Books of the said Company to be such Proprietor or Proprietors, or their Representatives, be in all Respects good, sufficient, and conclusive, and all Payments of Interest and Dividends due and to grow due on any such Shares, shall be made to such Persons as by the said Book or Books of the said Company shall so appear to be Proprietors thereof; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been brought to the principal Clerk to be inrolled or registered as directed by the said Act or this Act, shall be given or admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Interest or Dividends to any other Person or Persons than such as appear upon the said Book or Books to be Proprietors of the said Shares; but that in all such Cases, the said Book or Books shall be considered as sufficient and conclusive Evidence of Proprietorship of the said Shares.

Other Regulations for ascertaining the Proprietorship of Shares.

XVII. And be it further enacted, That it shall be lawful for the principal Clerk to the said Company of Proprietors, with the Consent of the said Committee of Management, to be given at any General Meeting of such Committee, by any Writing under his Hand, to appoint One or more Deputy or Deputies; and all Acts required to be done by the said principal Clerk, and all Notices and Proceses which by the said Act may be served upon the said principal Clerk, shall be equally good, valid, binding, and effectual, if done by or served upon such Deputy or Deputies.

Principal Clerk may appoint a Deputy.

XVIII. And be it further enacted, That in case any Thirty or more Proprietors, whose Shares collectively shall amount to One hundred at least, shall send a Requisition in Writing under their Hands, to the principal Clerk to the said Company of Proprietors, for the Time being, requiring him to call a Special Meeting of the Proprietors at large, in order to take their Opinion respecting any Matter or Thing concerning the said Navigation or Undertaking, to be specified in such Requisition, that then and in such Case the said Clerk shall, and is hereby authorized and required to give Notice, by Advertisement, for the Proprietors to meet at a certain Time and Place therein to be mentioned and fixed, in like Manner.

For calling a Special Meeting of Proprietors.

as in the said recited Act is directed for holding Special Meetings of the Proprietors; in pursuance of any Order or Resolution of the Committee of Management, to take into Consideration such Matters and Things as shall be specified and set forth in such Requisition; and the Determination of the Proprietors present at such Meeting, or the major Part of them, shall be binding and conclusive upon the rest of the Proprietors, in like Manner and Form as in Cases of such Special Meetings of the Proprietors, which shall or may be held under or in pursuance of any Order or Resolution of the Committee of Management of the said Undertaking.

Application of Compensation in Cases exceeding 200/.

XIX. 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 Act and 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 recited Act particularly mentioned, such Money shall, in case the same shall 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 Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte*, *The Dorset and Somerset Canal Company*, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing the said Act or this Act shall, by Writing signed by them, direct and appoint, 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 towards 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, that 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 Messuages, Lands, Tenements, and Hereditaments, which shall be 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, Tenements, and Hereditaments, to hereby directed to be purchased, in case such Purchase or Settlement were made.

XX. And

XX. 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 aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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 said 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 Three or more of the said Commissioners (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 Purchase Money does not exceed 200 £. nor less than 20 £.

XXI. 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 Hereditaments so purchased, taken, or used for the Purposes of the said Act and this Act, in such Manner as the said Commissioners 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.

Application where the Purchase Money is less than 20 £.

XXII. And be it further enacted, That all and every the Clauses and Provisions of this Act shall, in the Execution of the said recited Act, be used, applied, and construed, as far as the same are applicable, in like Manner as if the same were specially enacted in the said Act; and all and every the Provisions and Clauses of the said recited Act shall, in the Execution of this Act, except where the same are hereby expressly varied, altered, or repealed, be used and applied, extended and construed, in like Manner as if the same Provisions and Clauses (except as aforesaid) were specially enacted in this Act.

Provisions of former Act to continue where not repealed or altered by this Act.

XXIII. And be it further enacted, That this Act shall be deemed and taken to be a publick Act; and all Judges, Justices, and other Persons are hereby required to take Notice of it as such, without specially pleading the same.

Publick Act.

