



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 55.

An Act for enabling the Company of Proprietors of the Navigation from the *Leicester* Navigation to *Melton Mowbray*, in the County of *Leicester*, to complete their Navigation, and to discharge the Debts contracted by them in the making thereof; and for amending the Act, passed in the Thirty-first Year of the Reign of His present Majesty, for making and maintaining the said Navigation.

[20th June 1800.]

WHEREAS by an Act, passed in the Thirty-first Year of the Reign of His present Majesty, intituled, *An Act for making navigable the Rivers Wreak and Eye, from the Junction of the said River Wreak with the intended Navigation from Loughborough to Leicester, at or near a certain Place called Turnwater Meadow, in the Lordship of Cossington, to Mill Close Homestead, in the Parish of Melton Mowbray, all in the County of Leicester*, certain Persons therein named, and their Successors, Administrators, and Assigns, incorporated by the Style of *The Company of Proprietors of the Navigation from the Leicester Navigation to Melton Mowbray, in the County of Leicester*, are authorized and empowered to make and keep navigable the said Rivers *Wreak* and *Eye*, in Manner therein mentioned, and to raise any Sum of Money for

Preamble.
31 Geo. III,
Cap. 87, re-
cited.

[Loc. & Per.]

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defraying the Expences thereof, not exceeding the Sum of Twenty-five thousand Pounds; but if the said Sum should be found insufficient, they were also enabled to raise the further Sum of Five thousand Pounds: And whereas the said Company of Proprietors are proceeding in making the said Navigation and Works authorized by them to be made as aforesaid, and have nearly completed the same, in which they have not only raised and expended the said Two Sums of Twenty-five thousand Pounds and Five thousand Pounds, together with all the Tolls and Duties they have received since the opening of the said Navigation, amounting to the further Sum of Seven thousand Pounds and upwards, but have contracted Debts to the Amount of upwards of Four thousand Pounds, and some Parts of their Works are still incomplete: And whereas some of the Powers and Provisions of the said Act require to be altered: In order therefore to prevent Delay in completing their said Works, and to enable the said Company of Proprietors to discharge the several Debts owing from them: May it 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 to raise and contribute amongst themselves, according to their present Shares, or by Admission of new Subscribers, any further or other Sum or Sums of Money not exceeding the Sum of Ten thousand Pounds; and every Subscriber towards raising such further or other Sum or Sums of Money hereby authorized to be raised, shall have a like Vote, by himself or his Proxy, in respect of every such Share in the said Sum hereby authorized to be raised, and shall stand interested in the Profits and Interest in the said Navigation, in Proportion to the Sum or Sums of Money he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum or Sums of Money hereby authorized to be subscribed for and raised, had been Part of the said Sum of Twenty-five thousand Pounds first authorized to be raised by the said recited Act.

Company empowered to raise further Sum not exceeding 10,000^l.

Power to raise the Money by Mortgage.

II. Provided always, and be it further enacted, That in case the said Company of Proprietors shall not be able to raise the same Sum of Ten thousand Pounds amongst themselves, or by Admission of new Subscribers, or if the said Company shall think it more advisable or proper to raise the said Sum of Ten thousand Pounds, or any Part thereof, by Mortgage of the Rates authorized to be taken by virtue of the said recited Act and of this Act, then it shall be lawful for the said Company of Proprietors, or the Committee for the Time being, to borrow and take up at Interest the said Sum of Ten thousand Pounds, or any Part thereof, in the Manner and Form prescribed by the said recited Act for borrowing the additional Sum of Five thousand Pounds therein mentioned; and the said Company of Proprietors are hereby authorized and empowered to assign and make over their Interest and Property in the said Undertaking and Works, and the Rates to arise by virtue of the said recited Act and of this Act, or any Part thereof, as a Security or Securities for any Sum or Sums of Money to be so borrowed, with Interest, to the Person or Persons who shall advance the same, by Deed of Mortgage, in like Manner and Form, and with and
subject

subject to the like Powers and Directions for transferring, assigning, and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same, and the Interest arising therefrom, as are mentioned and contained in the said recited Act of the Thirty-first Year of the Reign of His present Majesty, respecting the borrowing of the additional Sum of Five thousand Pounds therein mentioned, and the Securities to be made for the same.

III. And whereas, in Consideration of the great additional Expences the said Company of Proprietors have sustained and been put unto in making the said Navigation and Works directed to be made by the said recited Act, beyond what was estimated and proposed when the Rates of Tonnage payable by virtue of the said Act were settled and fixed, and of the further additional Expence which the said Company of Proprietors will still necessarily be put unto in fully completing the same Works, it is reasonable that they should be authorized to collect some additional Rates towards answering such additional Expence; be it therefore further enacted, That, from and after the passing of this Act, it shall be lawful for the said Company of Proprietors (over and above the Rates of Tonnage and Wharfage they are entitled to take and receive by virtue of the said recited Act), to ask, demand, take, and receive, for their own Use and Behoof, the several Rates of Tonnage herein-after mentioned; (that is to say),

Company empowered to take additional Tolls.

For all Coals which shall be navigated, carried, or conveyed from the *Leicester* Navigation to *Eye-Kettleby*, *Sysonby*, or *Melton Mowbray*, and which shall not be carried so far as the Fifth Lock on the *Oakham* Canal, the Sum of One Shilling *per* Ton: Rates.

For all Coals which shall be navigated, carried, or conveyed from the *Leicester* Navigation to the said Fifth Lock on the *Oakham* Canal, the Sum of Sixpence *per* Ton:

For all Coals which shall be navigated, carried, or conveyed upon any Part of the said Navigation, and which shall not be navigated, carried, or conveyed, so far as *Eye-Kettleby*, *Sysonby*, or *Melton Mowbray*, the Sum of One Penny *per* Ton *per* Mile:

For all Iron, Timber, and other Goods, Wares, and Merchandizes (except as herein-after is excepted) which shall be navigated, carried, or conveyed from the *Leicester* Navigation to *Eye-Kettleby*, *Sysonby*, or *Melton Mowbray*, and which shall not be carried so far as the said Fifth Lock on the *Oakham* Canal, the Sum of One Shilling and Sixpence *per* Ton:

For all Iron, Timber, and other Goods, Wares, and Merchandizes (except as herein-after excepted) which shall be navigated, carried, or conveyed from the *Oakham* Canal, *Melton Mowbray*, *Sysonby*, or *Eye-Kettleby*, to the *Leicester* Navigation, the Sum of One Shilling and Sixpence *per* Ton:

For all Iron, Timber, and other Goods, Wares, and Merchandizes (except as herein-after excepted) which shall be navigated, carried, or conveyed more than Five Miles upon the said Navigation, and shall be afterwards carried to the said Fifth Lock on the *Oakham* Canal, the Sum of Nine-pence *per* Ton:

For all Iron, Timber, and other Goods, Wares, and Merchandizes (except as herein-after excepted) which shall be navigated, carried, or conveyed upon any Part of the said Navigation, and which shall not be carried

carried so far as from the *Leicester* Navigation to *Eye-Kettleby*, *Syfonby*, or *Melton Mowbray*, or shall not be carried so far as from the *Oakham* Canal, *Melton Mowbray*, *Syfonby*, or *Eye Kettleby*, to the *Leicester* Navigation, the Sum of One Penny Halfpenny per Ton per Mile: And,

For all Lime, Limestone, and Stones, to be used for Building, and Materials for paving and repairing Roads, Half of the Rates, Tolls, and Duties herein-before authorized to be taken on Coals:

Which said additional Rates hereby granted shall and may be ascertained, collected levied, and recovered by such and the like Ways and Means, and in such and the like Proportions and Manner, and subject to such and the like Exemptions, as the Rates of Tonnage granted and made payable to the said Company of Proprietors in and by the said recited Act, are thereby directed to be ascertained, collected, levied, and recovered, and are subject to.

Exemption from additional Tonnage if Article passing into the *Melton* Basin only, etc.

IV, Provided always, and be it further enacted, That no additional Tonnage, Rates, or Duties whatever, shall be taken by virtue of this Act on any Goods, Wares, or Merchandize, or other Articles or Things which shall pass out of the *Oakham* Canal, and shall be carried no further upon the said *Melton Mowbray* Navigation, than into the publick Basin, at the Termination thereof at *Melton Mowbray*, nor on any Timber, Stone, Lime, or other Materials which shall be navigated on the said *Melton Mowbray* Navigation, and afterwards used in the making or repairing the said *Oakham* Canal, or any Works belonging thereto; any Thing herein-before contained to the contrary notwithstanding.

For reducing the additional Tonnage in the Proportion which the *Oakham* Company shall reduce theirs.

V. And whereas a Bill is now depending in Parliament to enable the Company of Proprietors of the *Oakham* Canal to raise Money for completing the said Canal, and for altering and amending an Act passed in the Thirty-third Year of the Reign of His present Majesty for making the said Canal, whereby the said Company of Proprietors of the *Oakham* Canal are applying for Powers to take additional Tonnage Rates or Duties on Coals, Iron, Timber, Coaks, and other Goods, Wares, and Merchandizes; be it further enacted, That when and so often as the said Company of Proprietors of the *Oakham* Canal shall alter the additional Tonnage Rates or Duties, by their said intended Act to be granted on Coals, the said Company of Proprietors of the Navigation from the *Leicester* Navigation to *Melton Mowbray*, or their Committee for the Time being, upon Seven Days Notice of the Day on which such Alteration is to take place, to be given to their Clerk by the Clerk of the *Oakham* Canal Company, shall from Time to Time vary, by reducing or increasing the additional Tonnage Rates or Duties hereby granted and made payable upon all Coals which shall be navigated, carried, or conveyed from and out of the *Melton Mowbray* Navigation into and upon the *Oakham* Canal, as far as the Fifth Lock thereof, so as that the said Company of Proprietors of the Navigation to *Melton Mowbray*, shall at all Times take the same Proportion of the additional Tonnages hereby granted on Coals passing as far as the Fifth Lock upon the *Oakham* Canal, as the *Oakham* Canal Company shall receive upon Coals by virtue of their intended Act; and that when and so often as the said Company of Proprietors of the *Oakham* Canal shall alter the additional Tonnage Rates or Duties, by their said intended Act to be granted, on Iron, Timber, Coaks, and other Goods,

Wares; and Merchandizes, the said Company of Proprietors of the Navigation from the *Leicester* Navigation to *Melton Mowbray*, or their Committee for the Time being, upon Seven Days Notice of the Day on which such Alteration is to take place, to be given to their Clerk by the Clerk of the *Oakham* Canal Company, shall from Time to Time vary, by reducing or increasing the additional Tonnage Rates or Duties hereby granted and made payable on Iron, Timber, and other Goods, Wares, and Merchandizes, which shall be navigated, carried, or conveyed from or out of the said *Oakham* Canal through the *Melton* Basin, so as that the said Company of Proprietors of the Navigation from the *Leicester* Navigation to *Melton Mowbray*, shall at all Times take the same Proportion of the additional Tonnage Rates and Duties hereby granted on the above-mentioned Articles, as the *Oakham* Canal Company shall receive upon the same Articles by virtue of their intended Act.

VI. And whereas Doubts have arisen, under the said recited Act, what Number of the Committee are for certain Purposes competent to act, be it further enacted, That in all Cases where a larger Number of the Committee are not by some particular Provision in the said Act declared to be necessary, any Five or more of the said Committee shall be competent to act, to all Intents and Purposes whatsoever.

What Number of the Committee shall be competent to act.

VII. And whereas Doubts have arisen as to the Mode of conveying, in certain Cases, Lands and Hereditaments to and from the said Company of Proprietors, be it therefore further enacted, That all Lands and Hereditaments authorized by the said Act to be bought or sold by the said Company of Proprietors, shall be conveyed by Deed, to be inrolled in One of His Majesty's Courts of Record at *Westminster*; or with the Clerk of the Peace for the County of *Leicester*; and all Conveyances and Assurances already made, either to or from the said Company of Proprietors by virtue of the said recited Act, shall be deemed to be well and effectually inrolled, to all Intents and Purposes whatsoever, which have already or shall within Six Calendar Months after the passing of this Act be inrolled as aforesaid.

Conveyances to be inrolled.

VIII. 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 other 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 Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Melton Mowbray* Navigation, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing the said Act and 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

Application of Compensation, where exceeding 200 l.

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

Application where the Compensation does not exceed 200 *l.* nor less than 20 *l.*

IX. 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 as aforesaid, shall be less than the Sum of Two hundred 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 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 Money is less than 20 *l.*

X. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall

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, or any Three 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.

XI. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be paid, borne, and defrayed by the said Company of Proprietors, by and out of the Money already received, or the first Money that shall come to their Hands by virtue of the said recited Act and of this Act.

Expences of
obtaining this
Act, how
paid.

XII. 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 other Persons, without specially pleading the same.

Publick Act;

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