



ANNO QUADRAGESIMO NONO

# GEORGI II. REGIS.

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## Cap. 71.

An Act to enable the Company of Proprietors of the *Stainforth and Keadby Canal Navigation* to raise a further Sum of Money for the Discharge of their Debts, and to finish and complete the said Canal Navigation; and for amending the several Acts passed relative thereto. [20th May 1809.]

**W**HEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, King *George the Third*, intituled, *An Act for making and maintaining a Navigable Canal from the River Dunn Navigation Cut, at or near Stainforth in the West Riding of the County of York, to join and communicate with the River Trent at or near Keadby in the County of Lincoln; and also a Collateral Cut from the said Canal to join the said River Dunn in the Parish of Thorne, in the said Riding; whereby certain Persons therein named, and their respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons as should at any Time thereafter be possessed of One or more Share or Shares, as therein-after mentioned, of and in the said Canal and Collateral Cut, were incorporated by the Name and Style of "The Company of Proprietors of the Stainforth and Keadby Canal Navigation," with Powers to make and complete a Canal, navigable for Boats, Barges, and other Vessels, from the River Dunn Navigation Cut, near Stainforth aforesaid, to Keadby aforesaid, there to join with the River Trent, in such Course and Direction as is delineated and described in certain Maps, Plans, and Books of Reference, deposited with the Clerks of the Peace for the* 3 Geo. 3.

[Loc. & Per.]

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West



West Riding of the County of *York*, and for the Division of *Lindsey* in the County of *Lincoln*; and also to make a Collateral Cut, navigable for Boats, Barges, and other Vessels, from the said Canal on *Thorne Common* to a Place called *Hanzman Hill*, there to join with the said River *Dunn*, as delineated in the said Maps or Plans: And whereas by the said recited Act the said Company of Proprietors were empowered to raise amongst themselves a competent Sum of Money for making the said Canal and Collateral Cut, Side Drains and other Works to the same belonging, not exceeding the Sum of Twenty-four thousand and two hundred Pounds; and it was enacted, that the Sum of Twenty-four thousand and two hundred Pounds, or such Part thereof as should be raised for the Purposes aforesaid, should be divided into Two hundred and forty-two equal Shares, not exceeding One Hundred Pounds *per* Share, and that the several Shares should be vested in the several Subscribers therein mentioned, their respective Executors, Administrators, and Assigns, proportionably to the Sum they severally subscribed, and that they and each of them should pay an equal proportionable Sum according to the Number of Shares they were respectively entitled to, towards completing the said Undertaking; and if the said Sum of Twenty-four thousand and two hundred Pounds should be found insufficient, it should be lawful for the said Company of Proprietors to raise amongst themselves, in Proportion to their respective Shares, any further Sum for completing the said Navigation, and Side Drains and other Works not exceeding Twelve thousand and one hundred Pounds, or by borrowing or taking up the same, or any Part thereof, on Mortgage of the said Undertaking, and the Rates to arise to the said Company by virtue of the said recited Act: And whereas another Act was passed in the Thirty-eighth Year of the Reign of His said Majesty, intituled, *An Act for amending and enlarging the Powers of an Act passed in the Thirty-third Year of the Reign of His present Majesty, for making and maintaining a navigable Canal from the River Dunn Navigation Cut, at or near Stainforth in the West Riding of the County of York, to join and communicate with the River Trent at or near Keadby in the County of Lincoln; and also a Collateral Cut from the said Canal to join the said River Dunn, in the Parish of Thorne in the said Riding*; whereby, after reciting that great Progress had been then already made by the said Company of Proprietors in the Execution of the said first recited Act, and that they had nearly expended the Whole of the said Sum of Twenty-four thousand and two hundred Pounds in proceeding in and carrying on the said Works, and had Occasion for a larger Sum of Money than they had by the said recited Act a Power to raise by Mortgage, for completing and finishing the Works of the said Undertaking, the said Company of Proprietors were authorized and empowered to raise any Sum or Sums of Money (over and above the said Sum of Twenty-four thousand and two hundred Pounds by the said first recited Act empowered to be raised) upon the said several and respective Proprietors of Shares in the said Canal, their several and respective Successors, Executors, Administrators or Assigns, as should be sufficient for making and completing the said Navigation and Undertaking, in a due Proportion according to the Number of Shares each Proprietor was or should be entitled to in the said Canal, provided that the said Sum so to be raised did not exceed the Sum of Twenty thousand Pounds; and in case the said Sum of Twenty thousand Pounds should be found insufficient, the said Company of Proprietors were thereby authorized and empowered to borrow and take up at Interest on Mortgage, any further Sum of Money not exceeding

Ten



Ten thousand Pounds, on the Credit of the said Navigation and Undertaking: And whereas the said Company of Proprietors, in pursuance of the Powers contained in the said recited Acts, have raised by voluntary Contribution amongst themselves, nearly the Whole of the Two Sums of Twenty-four thousand and two hundred Pounds, and Twenty thousand Pounds, making together Forty-four thousand and two hundred Pounds, which has been expended in the Prosecution and Furtherance of the Works of the said Canal Navigation, and the said Company have also incurred sundry Debts in the Prosecution of the said Undertaking: And whereas the said Company of Proprietors have nearly made and completed the said Canal and Side Drains and other Works to the same belonging, but the said Collateral Cut is not yet made; and in order to enable them entirely to finish and complete the same, and to discharge the Debts by them contracted, and to maintain and provide for the general Purposes of the said Undertaking, a considerable Sum of Money more than they have yet raised will be required, and which cannot be conveniently borrowed on Mortgage of the said Undertaking and the Rates arising therefrom, and the same cannot be raised without the Aid and Authority of Parliament: And whereas the said recited Acts have in other Respects been found defective, and the Powers and Provisions thereof require to be in some Respects 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 from and after the passing of this Act, so much and such Part or Parts of the said last recited Act as enables the Company of Proprietors of the *Stainforth* and *Keadby* Canal Navigation to raise the Sum of Ten thousand Pounds, by borrowing and taking up the same or any Part thereof on Mortgage of the said Undertaking, according to the said last recited Act, shall be and the same is and are hereby declared to be repealed; and instead thereof it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise the Sum of Ten thousand Pounds in the Manner herein-after mentioned, for discharging all and every Debt and Debts, Sum and Sums of Money, which are or shall become owing or payable from or by the said Company, and for finishing, completing, and maintaining the said Canal, Collateral Cut, and Side Drains, and other Works by the said recited Acts authorized to be made and done; any Thing in the said recited Acts contained to the contrary notwithstanding.

Certain Parts  
of the said last  
recited Act  
repealed.

II. And be it further enacted, That in case the Sum of Ten thousand Pounds herein-before directed to be raised shall be found insufficient for the Discharge of the said Debts, and for finishing, completing and maintaining the said Canal, Collateral Cut, and Side Drains and other Works by the said recited Acts authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case the said Company of Proprietors shall, and they are hereby authorized and empowered to borrow and take up at Interest on Mortgage, any further or other Sum of Money not exceeding in the Whole the Sum of Five thousand Pounds, on the Credit of the said Navigation and Undertaking, and to assign the Property of the said Navigation and the Rates arising and to arise to the said Company by virtue of the said recited Acts or this Act, or any Part thereof, as a Security for any Sum or Sums of Money

Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustees, who shall be willing to advance the same; all which Assignments shall be made under the Common Seal of the Company, in the Form and to the Effect prescribed and set forth in the said first recited Act; and all and every Person and Persons to whom such Assignment or Assignments shall be made, shall be equally entitled to his, her, or their Proportion of the said Rates, Canal, and Premises, according to such respective Sums in such Assignments mentioned to be advanced, without any Preference by Reason of the Priority of the Date of such Assignments, or on any other Account whatsoever; and the Money so to be borrowed, is hereby directed and appointed to be laid out and applied for and towards the finishing, completing, and maintaining the said Canal and other Works, by the said recited Acts authorized to be made, and for the other Purposes of the said Acts, and to no other Use, Intent, or Purpose whatsoever.

Prescribing  
the Mode of  
raising the  
£ 10,000.

III. And be it further enacted, That the said Sum of Ten thousand Pounds, or any Part thereof, shall and may be raised by the said Company of Proprietors, by all or any of the Ways and Means by which the said Company of Proprietors are or were authorized to raise any Money by virtue of the said recited Acts or either of them, or by raising, paying, and contributing amongst themselves proportionably and rateably in respect of their several Shares in the said Navigation; and that it shall be lawful for the said Company, and they are hereby authorized and empowered, at any General or Special Assembly, to be held and convened in the Manner and agreeable to the Directions contained in the said first recited Act, or for their Committee for the Time being, to make any Call or Calls for Money from the Proprietor or Proprietors of any Share or Shares in the said Canal Navigation, in order to raise the said Sum of Ten thousand Pounds, or so much thereof as shall be deemed requisite, in the Manner and subject to the Regulations herein-after mentioned, so that no Call does exceed the Sum of Ten Pounds for each Share of One hundred Pounds in the said Canal, and so as no Calls be made but at the Distance of One Calendar Month at the least from each other, which Money so to be called for shall be paid to such Person or Persons and in such Manner as the said General or Special Assembly or Committee shall direct and appoint; and all and every the Owner and Owners of One or more Share or Shares in the said Undertaking shall pay his, her, and their Share and Shares or Proportion of the Monies to be called for as aforesaid, at such Time and Place and in such Manner as shall be appointed as aforesaid, and of which Time and Place One Calendar Month's Notice shall be given, by publishing the same in *The Doncaster Gazette*, or in some Newspaper circulating in the Counties of *York* and *Lincoln*, or in such other Manner as the said General or Special Assembly or Committee shall direct or appoint; and all Executors and Administrators shall be and are hereby empowered to pay their respective Proportions of the said Money to be called for as aforesaid, in respect of the Share or Shares of their Testators and Intestates respectively, and to charge the same to the Account of such Person's Estates and Effects.

Manner of  
enforcing  
Payment of  
Calls.

IV. And, for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act,  
for



for or in respect of any Share or Shares in the said Undertaking, and who shall not have given Notice, in the Manner in this Act directed, of his, her, or their Intention of relinquishing any such Share or Shares, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Six Calendar Months next after such Call or Calls shall have been directed to be paid by such Publication as aforesaid, then and in such Case all and every the Share and Shares of such Person or Persons so refusing or neglecting as aforesaid, shall be vested in the said Company of Proprietors, their Successors, Executors, Administrators and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Navigation, shall vest in or accrue to the said Company, until Notice in Writing thereof be given by the Treasurer or Clerk of the said Company, to the Owner or Owners of or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered or entered in the Books of the said Company; and in case of Infants, to the Guardians or Trustees of or for such Infants, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, Thirty Days at least before such Accruer shall take place, or until Notice shall be published Three Times at least in *The London Gazette*, and in *The Doncaster Gazette*, or some other Newspaper circulating in the Counties of *York* and *Lincoln*, and in which Notice shall be contained a Statement and Account of how much Money is due from such Owner or Owners, Person or Persons, for his, her or their Call or Calls, in respect of his, her or their Share or Shares in the said Undertaking, and that such Share or Shares shall not be vested in the said Company of Proprietors, provided the Owner or Owners thereof, or such Person or Persons as aforesaid, shall pay up what shall appear by such Statement to be due, together with Interest on the same, and all Expences attending the applying for the same, within the Time specified in such Notice; any Thing contained in the said recited Acts or this Act to the contrary notwithstanding.

V. And be it further enacted, That when any Share or Shares in the said Undertaking, shall by virtue of this Act have become vested in the said Company of Proprietors as aforesaid, then and in every such Case it shall be lawful for the said Company or their Committee for the Time being, and they are hereby empowered to sell or cause to be sold by public Auction to the best Bidder, at such Time and Place as the said Company or their Committee shall direct, of which Sale Twenty Days Notice at least shall be given by publishing the same in *The London Gazette* and in *The Doncaster Gazette*, or some other Newspaper usually or then circulating in the Counties of *York* and *Lincoln*; and it shall be lawful for the said Company of Proprietors or their Committee to assign over and transfer the Share or Shares of such Defaulter or Defaulters, or such and so many of the said Share or Shares as the said Company of Proprietors or their Committee, shall from Time to Time find necessary and direct, in order to make good the Deficiency and Deficiencies of such Defaulter or Defaulters, as shall not pay his, her, or their Call or Calls pursuant to the Directions of this Act, unto such Person or Persons as shall become the Purchaser or Purchasers of such Share or Shares, his, her, or their Executors, Administrators or Assigns, and to receive and give Receipts for the Money agreed to be paid or given for such Share or Shares; and such

The Company empowered to sell Shares that shall become vested in them by the Owners not paying the Calls thereon.

Surplus to be paid to the Person to whom such Share did belong, and no Shares to be sold until Notice shall have been given to the Owner.

Assignments, Transfers, and Receipts, shall be good, valid, and effectual against the Owner and Owners of every such Share or Shares, so vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by Sale of any such Share or Shares, shall be more than sufficient to pay such Arrears as aforesaid, the Surplus arising from such Sale, after Payment of all Arrears of Money due thereon, and Interest, and the Expences attending such Sale, shall be paid on Demand, to the Person or Persons to whom such Share or Shares shall have belonged; provided also, that no such Share or Shares shall be sold or advertised for Sale, until the Expiration of Two Calendar Months next after Notice in Writing shall have been given by the Treasurer or Clerk to the said Canal Company, to the Owner or Owners thereof, or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered or entered in the Books of the said Company of Proprietors, and in case of Infants, to the Guardians or Trustees of or for such Infants, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, or until such Notice shall have been published Three Times in *The London Gazette* and in *The Doncaster Gazette*, or some other Newspaper circulating in the Counties of *York* and *Lincoln*, in which Notice shall be contained a Statement and Account of how much Money is due from such Owner or Owners, Person or Persons, for his, her, or their Call or Calls, in respect of his, her, or their Share, or Shares in the said Undertaking; provided likewise, that the said Canal Company or their Committee shall not by virtue of this Act, at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears of Calls of such Defaulter or Defaulters, and the Interest and Expences attending the same, and from and after Payment of all and every the Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company of Proprietors as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares had before belonged, in such Manner as if the Calls had been duly and regularly paid.

Shares may be relinquished and sold after Notice.

VI. Provided nevertheless, and be it further enacted, That if any Proprietor or Proprietors of any such Share or Shares, or the Executors, Administrators, Guardians, or Trustees of any such Proprietors, or any Mortgagee of such Shares, shall within Six Calendar Months next after the passing of this Act, give Notice in Writing to the Treasurer, or Law Clerk or Law Clerks of the said Company of Proprietors, of his, her, or their Intention of relinquishing any such Share or Shares, then and in such Case, such Shares shall not be forfeited or vested in the said Company of Proprietors, by the Non-payment of any Call, but such Shares shall, within One Calendar Month after such Notice, be sold by public Auction to the highest Bidder in Manner aforesaid, and the Monies arising from such Sale, after deducting the necessary Charges and Expences attending the same, and the Arrears of Calls before that Time made, shall be paid to the Person or Persons to whom the Share or Shares so sold shall have belonged.

VII. Provided



VII. Provided always, and it is hereby further enacted and declared, That nothing in the said recited Acts contained shall empower the said Company of Proprietors, to sue for any Call or Calls for Money directed to be made by virtue of this Act, or to forfeit or declare forfeited any Share or Shares, on Non-payment of any such Call or Calls, or in any Manner to recover or enforce Payment of the same, other than by selling such and so many of the Shares of the said respective Proprietors as shall be necessary for the Purposes and under the Regulations, and according to the true Intent and Meaning of this Act, save and except in the Case next herein-after mentioned; any Thing in the said recited Acts contained to the contrary notwithstanding.

Not to sue for Calls on forfeited Shares.

VIII. And be it further enacted, That in case no Purchaser shall be found at the Sale by Auction of such Share or Shares in the said Canal, as shall by Default of the Owner or Owners thereof become vested in the said Company of Proprietors in Manner aforesaid, or as shall be relinquished in the Manner and according to the Power for that Purpose herein-before contained, (such Sale being made in the Events and according to the Manner herein-before directed), then the Share or Shares for which no Purchaser shall be found at such Sale by Auction, and all Profits and Benefit thereof, and all Monies advanced on such Share or Shares, shall and they are hereby declared to be vested in the said Company of Proprietors absolutely, for the equal Benefit of all the remaining Proprietors, according to their respective Shares in the said Undertaking.

Provido that in case no Bidders shall be found for Shares vested in the Company, they shall become vested in the Company for the Benefit of all the Proprietors according to their Shares.

IX. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, being possessed thereof or entitled thereto for Life, or for any other limited Estate or Interest, and who shall be compelled or compellable in pursuance of this Act, to advance any Sum or Sums of Money, over and above the original Subscriptions, and for the Husbands, Guardians, Trustees, Committees, and Attornies, of or for any such Proprietors, being under Coverture, Minors, Lunatics, beyond the Seas, or under any Disability or Incapacity of acting for themselves, to borrow and take up at Interest upon the Credit of such Share or Shares, such Sum and Sums of Money as they shall so respectively advance, or be compellable to pay, and by Writing under their Hands and Seals to grant and assign over such Share or Shares unto the Person or Persons who shall advance and lend the Money thereon, his, her, or their Executors, Administrators, and Assigns; and the Money so to be borrowed shall be paid to the Treasurer or Treasurers to the said Company of Proprietors, for the Purpose of answering and paying the Sum or Sums of Money, which such Proprietors respectively may be compelled or compellable to pay as aforesaid: Provided always, that in every such Grant or Assignment there be contained a Proviso or Condition, to make the same void, or an express Trust to re-assign the Interest, Benefit, and Advantage thereby granted, when the Money thereby secured, with the Interest thereof, shall be fully paid and satisfied, and that where the same shall be made by or on Behalf of any Proprietor interested in or entitled to such Share or Shares for Life, or for any other limited Estate or Interest, there be contained a Covenant or Proviso, that the Person or Persons entitled to such Share or Shares in Remainder or Reversion, shall not be liable upon becoming possessed thereof, to the Payment of any further or larger Arrear of Interest, than for One Year preceding the Time that

Persons having particular Interests only in Shares, may mortgage such Shares for the Calls paid in pursuance of this Act.

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the Possession of such Estate or Interest in Reversion or Remainder shall commence, provided that any Interest, Dividends, or Profits of the said Undertaking, shall have been paid in respect of such Share or Shares, equal to the Discharge of such further Arrear of Interest, but not otherwise; and every such Grant and Assignment shall be valid and effectual, and shall have Priority in every Respect, to any Charge or Incumbrance affecting such Share or Shares: Provided also, that no such Grant or Assignment, or any Transfer or Assignment thereof, shall be valid unless the same be produced and notified to the Clerk of the said Company of Proprietors, within Fourteen Days next after the Date thereof, who shall enter the same in a Book to be kept for that Purpose, for which he shall be paid the Sum of Two Shillings and Sixpence, and no more, but no such Grant or Assignment, or any Transfer or Assignment thereof, shall entitle any Person to a Right of voting at any Assembly or Meeting of the said Company of Proprietors.

Power for  
Mortgages,  
&c. to deduct  
Money due  
to them out  
of Calls.

X. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons, who now are or hereafter may be entitled to any Mortgage or Mortgages, or other Security, Sum or Sums of Money on the said Undertaking, and to the Principal and Interest due thereon, and also for such of the Proprietors of the said Navigation as hold any Share or Shares therein, and from whom any Sum or Sums of Money shall become due and payable to the said Company of Proprietors, by Reason of any Call or Calls to be made by virtue of this Act, in case such Person or Persons shall so think proper, to deduct the Amount of such Call or Calls from the Principal Money and Interest due and owing to him, her, or them respectively from the said Company, and that all the Receipt and Receipts of the Person or Persons entitled to such Mortgage or Mortgages, or other Security, Sum or Sums of Money shall be deemed and taken as the Payment of such Call and Calls, and shall be accepted and taken by the said Company of Proprietors as such, and that such Treasurer or Treasurers shall indorse on such Mortgage, or enter into his Books a Memorandum, stating how much of such Mortgage or other Sum or Sums of Money has been so discharged.

If an Agent,  
Toll-Collector,  
&c. who  
is discharged,  
refuses to de-  
liver up pos-  
session of the  
House, &c.  
the Justices  
may by War-  
rant order  
him to be re-  
moved with  
his Goods.

XI. And be it further enacted, That if any Agent, Toll Collector, Lock Keeper, Wharfinger, or other Servant of the said Company of Proprietors, occupying any House, Office, Lockhouse, or Buildings, Lands, or Tenements belonging to the said Company, shall be discharged from his Office. by or by the Order of the said Company of Proprietors, or their Committee, and shall not deliver up the Possession of such House, Offices, Tolls, Lock-house, Buildings and Appurtenances, Lands or Tenements, together with the Books, Papers, and other Matters and Things belonging to the said Company of Proprietors, in his Custody, Power, or Possession, within One Calendar Month after Notice of such his Discharge shall be given to him, or left at such House, Office, or Building, or if the Wife, or Family, or Servant, Inmate, or Representative, Under Tenant, or Assigns of any such Agent, Toll Collector, Lock Keeper, Wharfinger, or other Servant, who shall happen to die whilst in the Service of the said Company of Proprietors, shall refuse to deliver up the Possession of such House, Tolls, Lock-house, Offices, Buildings, and Appurtenances, Lands, or Tenements as aforesaid, together with the Books, Papers, and other

Matters



Matters and Things belonging to the said Company, in his, her, or their Custody, Power or Possession, within One Calendar Month after Notice of another Person having been appointed in the Place and Stead of the Person so dying, then and in either of the said Cases, it shall be lawful for any Justice of the Peace for the Limit or District where such House, Tolls, Lockhouse, Offices and Buildings, Lands and Tenements shall be, by Warrant under his Hand and Seal to order the Constable, or other Peace Officer, or Sheriffs Officer, with such Assistance as shall be necessary, to enter such House, Tolls, Lockhouse, Offices, and Buildings, Land, and Tenements, in the Day-time, and to remove the Person who shall be found therein, together with their Goods and Chattels, out of such House, Tolls, Lockhouse, Offices, and Buildings, Lands, and Tenements, and to take Possession of the same Premises, and all the Books, Papers, Matters, and Things, belonging to the said Company, which shall be found therein, and to deliver the Possession of such House, Offices, and Buildings, Lands, and Tenements, together with the Books, Papers, Matters, and Things found therein, belonging to the said Company, to the new-appointed Agent, Toll Collector, Lock Keeper, Wharfinger, or other Servant, or to such other Person or Persons, as the said Company of Proprietors or their Committee shall appoint to receive the same.

XII. And be it further enacted, That it shall be lawful for the Committee for the Time being, of the said Company of Proprietors, to hold their Meetings from Time to Time at such Place or Places within the West Riding of the County of *York*, or within the Division of *Lindsey* in the County of *Lincoln*, as they shall judge proper and convenient; any Thing in the said recited Acts or either of them, contained to the contrary thereof notwithstanding.

Committee Meetings.

XIII. And be it further enacted, That from and after the passing of this Act, all and every Body and Bodies Politic or Corporate, or other Person or Persons already possessed of any Share or Shares, or who shall become a Proprietor or Proprietors of any Share or Shares in the said Canal or Undertaking, shall have a Vote for every such Share in the General and Special Assemblies to be held for carrying on the said Undertaking, which Vote may be given by him, her, or them, or in his, her, or their Absence, by his, her, or their Proxy or Proxies, such Proxy or Proxies being a Proprietor or Proprietors duly constituted in Manner in the said first-recited Act mentioned; and every Question, Matter, or Thing, which shall be proposed, discussed or considered in any General or Special Public Assembly of the said Company of Proprietors, to be held by virtue of the said first-recited Act, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share; any Thing in the said recited Acts contained to the contrary notwithstanding.

Proprietors enabled to vote for every Share by themselves or Proxy.

XIV. 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 Acts or of this Act, or any of them, for the Purposes thereof, which shall belong to any Corporation, Feme-Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said Acts or either of them is or are mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed

Application of Compensation Money when exceeding £200.

[Loc. & Per.]

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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 Company of Proprietors of the *Stainforth* and *Keadby* Canal Navigation," together with the Name of Three of the Commissioners 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, Tenements, or 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and 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, 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 said 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 be 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  
when the  
Compen-  
sation does not  
exceed £200,  
nor less than  
£20.

XV. 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 of the said Act, or either of them, or of this Act, 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 Lands, Tenements, or Hereditaments so purchased, taken or used, or of his 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 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 Two or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing



Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XVI. 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, Tenements, or Hereditaments so purchased, taken or used, for the Purposes of this Act, as the said Commissioners or any Two or more of them shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than £20.

XVII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners or any Two of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid 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 be lawful for the said Commissioners, or any Two or more of them, to order the said Sum or Sums so awarded 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, and Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court, which said Court 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 Public Funds, or to order Distribution 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; and the Cashier and Cashiers of the Bank of *England*, who shall receive such Sum and Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, 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.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, upon Motion or Petition.

Cashier of the Bank to give a Receipt for such Money.

XVIII. Provided always, and be it further 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 Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities,

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in the Possession of the Lands,



&c. at the Time of such Purchase shall be deemed entitled thereto according to such Possession.

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.

Expences of Purchases, and investing the Money, how to be paid.

XIX. Provided also, and be it further 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 this or the said recited Acts, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof respectively, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

For paying the Expences of the Act.

XX. And be it further enacted, That the Costs and Charges of the obtaining and passing this Act, and all other Costs, Charges, and Expences relating to or concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, out of the Money received or raised, or to be received or raised by virtue of the said recited Acts or this Act.

Public Act.

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