ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Cap. ccclxxiii.

An Act for authorizing the Sale of the *Andevor* Canal and other Property of the Company of Proprietors of the *Andevor* Canal Navigation.

[13th *August* 1846.]

WHEREAS by an Act passed in the Twenty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable* 29 G. 3. c. 72.
Canal from or near the Borough of Andevor *in the County of* Southampton *to or near* Redbridge *in the Parish of* Millbrook *in the said County*, a Company was incorporated by the Name of "The Company of Proprietors of the *Andevor* Canal Navigation," and was authorized to make and maintain a navigable Canal from *Andevor* to or near to *Redbridge* aforesaid, there to communicate with the *Southampton* River, with other Works mentioned or referred to in the same Act: And whereas the said Canal and other Works authorized by the recited Act have been accordingly made and constructed by the said Canal Company: And whereas a Bill is now pending in Parliament, intituled *A Bill for making a Railway from* Southampton *to* Swindon *in the County of* Gloucester, *to be called "The* Manchester and

Southampton *Railway*," and by which Bill, if passed into a Law, a Company will be incorporated by the Name of "The *Manchester and Southampton* Railway Company," and will be empowered to construct a Railway and other Works, and the Line of the said Railway is proposed to be made over or upon a considerable and material Part of the said Canal: And whereas the Construction of the said Railway in the intended Line or Course thereof they will render the Remainder of the said Canal, and the Lands, Buildings, and Property belonging to the said Company of Proprietors of the *Andevor* Canal Navigation, (which Company is herein-after referred to as the Canal Company,) of comparatively small Value for the Purposes of the same Company, and it is expedient that such Company should be empowered to sell the whole of their said Canal and other Property to the said Railway Company so to be incorporated, but the same cannot be effected without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 in citing or referring to this Act in other Acts of Parliament, and in legal Instruments or Proceedings, or for any other Purposes, it shall be sufficient to use the Expression "The *Andevor* Canal Sale Act, 1846."

Short Title.

Power for the Andevor Canal Company to sell their Canal and other Property.

II. And be it enacted, That in case the said Bill which is so pending as aforesaid shall be passed into a Law during the present Session of Parliament, it shall be lawful for the said Canal Company, by or pursuant to the Resolution of a Majority of the Votes of the Proprietors of the same Company who may be present, either personally or by Proxy, at a special Assembly of the Proprietors of the same Company convened for that Purpose, to sell, transfer, or dispose of to the Railway Company to be incorporated by the said pending Bill, and for the same Company, by or pursuant to the Resolution of an Extraordinary Meeting thereof, to purchase or acquire, the said navigable Canal which was authorized to be and has accordingly been made under or pursuant to the Provisions of the recited Act, and the Reservoirs, Basins, Towing Paths, Houses, Buildings, Wharfs, Warehouses, Bridges, Locks, Feeders, Tunnels, Culverts, and other Works, Rights, Easements, Privileges, and Hereditaments belonging to the said Canal Company, and all other Property whatsoever, whether real, personal, or mixed, belonging or appertaining to the same Company, including all Tolls, Dues, and Charges payable to the same Company under the recited and any other Acts or otherwise howsoever, and all Powers, Authorities, Immunities, and Benefits whatsoever of or belonging to, or which may be or might have become capable of being exercised, enforced, or enjoyed by the said Canal Company; and such Sale or other Disposition may be made subject and without Prejudice to all or any of the Mortgages, Charges, Liabilities, and Incumbrances subsisting upon or affecting the said Canal and other the Premises so to be sold or disposed of, or any Part thereof, and which shall not be agreed to be and shall accordingly be discharged or satisfied out of the Purchase Money or other Consideration for the Purchase or other Acquisition

of the same Canal and Premises, and may be made for such Considerations, and generally upon such Terms and Conditions, and with and subject to such Provisions and Stipulations, as shall be or may have been agreed upon between the said Companies; and from and after the Completion of the said Purchase or other Arrangement between the said Companies (whereof a Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the Common Seal of the said *Andevor* Canal Company, shall be sufficient Evidence,) the said Canal and Premises so to be purchased as aforesaid shall be and the same are hereby declared to be thenceforth vested in the said Railway Company so to be incorporated, their Successors and Assigns, subject to all Mortgages, Charges, Liabilities, and Incumbrances subject to which the same shall have been so purchased as aforesaid, and also subject to the Terms and Conditions upon which the same shall be so sold; and all Acts of Parliament, Deeds, Grants, Conveyances, Contracts, Covenants, and other Instruments, Matters, and Things, relating to or entered into with or which have conferred or may confer any Powers, Authorities, Rights, or Privileges upon the said Canal Company with respect to the said Canal and Premises so to be acquired as aforesaid, or any of them, or any Part or Parts thereof respectively, or the Tolls, Rates, Duties, and Charges upon or in respect of the Use of the same Canal and Premises, or which might have been otherwise received or enjoyed by the said Canal Company, shall thenceforth relate and apply to and may be enforced and exercised respectively by the said Railway Company so to be incorporated, with respect to the same Canal and Premises so to be purchased as aforesaid, or any Part or Parts thereof which for the Time being shall not have been converted into or form any Part of the Railway and other Works which the said Railway Company shall be authorized to make and maintain, and also with respect to such Tolls, Rates, Duties, and Charges, in lieu and instead of the said Canal Company, as fully and effectually for all Intents and Purposes as if the said Railway Company had been originally named or referred to in every such Act or Instrument in lieu of the said Canal Company.

Receipt of the Canal Company to be good Discharge for Purchase Money.

III. And be it enacted, That every Receipt or Acknowledgment of the Payment of the said Canal Company, under their Common Seal, for the Purchase Money or Consideration for the said Canal and Premises so to be purchased or acquired as aforesaid, or any Part thereof, shall be a good and sufficient Discharge to the said Railway Company so to be incorporated for so much of the same Purchase Money or Consideration as shall be therein acknowledged to have been received or satisfied; and the said last-mentioned Company shall not be bound to see to the Application of such Money or other Consideration, or be answerable or accountable for any Loss, Misapplication, or Non-application thereof.

Application of Purchase Money.

IV. And be it enacted, That the Monies which may be payable by the said Railway Company so to be incorporated to the said Canal Company as the Consideration wholly or in part for the Sale or Transfer of the same Canal and Premises, and all other (if any) the Funds

Funds and Property of the said Canal Company, shall (subject to and after the Payment or Satisfaction of all incidental Costs and Expences) be from Time to Time applied, under the Control and Superintendence of the Committee of Management of the said Canal Company, in or towards the Discharge of the Debts and Liabilities of such Company, and any Surplus thereof shall be paid and distributed, under the like Control and Superintendence, amongst the Proprietors for the Time being of Shares in the said Canal Company, and in proportion to their several Rights and Interests in such Shares; and from after the Completion of such Purchase or Transfer, and the Distribution of the said net Monies, in manner aforesaid, the said Canal Company shall be dissolved and cease to exist, save only as respects and for the Purposes of the Satisfaction of any existing Debts or Liabilities of the same Company, and the general Settlement of the Affairs thereof.

Existing Agreements to be valid.

V. And be it enacted, That any Agreement made between the said Parties prior to the passing of this Act, and in strict Conformity with the several Provisions thereof, shall be as valid and effectual as if the same had been made subsequently to the passing hereof.

Executors, Trustees, &c. empowered to give Receipts for the Monies payable in respect of the Shares vested in them.

VI. And be it enacted, That it shall be lawful for all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots or Lunatics, in whose respective Names any Shares in the Capital of the said Canal Company are or shall be standing, or who in such respective Capacities as aforesaid, any or either of them, are or shall be entitled to the Receipt of the Dividends or other Profits of any such Shares, may agree to accept, in lieu of the same Shares or any of them, any Shares in the Capital of the said Railway Company so to be incorporated which may be allotted in pursuance of any Agreement between the said Companies; and they are hereby authorized and empowered, upon or with reference to the Distribution or Division of the Property and Funds of the said Canal Company, to give effectual and conclusive Receipts and Discharges for the Monies to arise from or otherwise represent the Produce of the Shares in the Capital of the said Canal Company, which are or may be vested in them or in which they are or may be interested in such respective Capacities, and so as to release the said Canal Company and the Committee of Management and Officers thereof from all Obligation in respect of the Amount and Application of the Monies for or concerning which any such Receipt or Discharge shall be given.

Provisions as to Shares of unknown or incapacitated Persons.

VII. And be it enacted, That as concerning any Shares in the Capital of the said Canal Company the Owner or Owners of which shall not be known or cannot be found, or in respect of which no Claim shall be made and supported by proper Evidence within Twelve Calendar Months next after the Completion of the Sale or Transfer hereby authorized to the said Railway Company so to be incorporated, or in respect of which there shall be no Person competent to receive and give an effectual Discharge for the Monies payable in respect thereof on the Distribution herein-before directed of the net or surplus Funds of the same Company, it shall be lawful for the said Canal

Canal Company to deposit, invest, and pay such Proportion or distinct Proportions of the net Monies to arise from the Property of the same Company, and which are herein-before directed to be distributed amongst the Proprietors thereof, as shall correspond with or represent the same Shares respectively, in the Manner and subject to the Provisions contained in the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having limited Interests or prevented from treating or not making Title, and the Monies so to be deposited, invested, and paid shall be applied in pursuance of the same Clauses, but at the Expence in all things of the Person or Persons who shall be or shall claim to be entitled thereto, and not at the Expence in any Particular of the said Canal Company: Provided nevertheless, that any Investment of such Monies, or of the annual Income thereof or of any preceding Investment thereof, may be made upon the Petition of the said Canal Company, or of any Two of the Committee of Management of the same Company, and at the Expence of the Trust Fund, and that in any Case in which any such Monies may be lawfully paid to Two Trustees, such Trustees shall or may be appointed by the Canal Company, or by or pursuant to a Resolution of the Committee of Management thereof, with such Provisions for the Appointment of new Trustees from Time to Time upon the Death, Retirement, Incapacity, or Unfitness to act of any Trustees or Trustee thereof for the Time being as may be thought expedient; and every Deposit, Investment, or Payment under this present Clause shall conclusively discharge the said Canal Company and the Committee of Management thereof from all further Liability in respect of the Application of the Monies so deposited, invested, or paid, and be as effectual in their Favour as if the same Monies had been duly paid to a Person absolutely entitled thereto.

Repealing Provision as to Sale of Canal if disused.

VIII. And whereas it was by the said recited Act enacted, That if the said Canal should be made and afterwards disused for Seven Years, then after such Seven Years the said Company of Proprietors should convey the Lands or Grounds which they should under the Authority of the same Act have acquired to the Persons or Bodies Politic, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners thereof immediately before the said Company of Proprietors became seised of the same, in case they should think fit to become Purchasers thereof and to pay such Considerations as therein expressed; be it enacted, That such Provision of the said recited Act shall be and the same is hereby repealed.

As to Sale of Land belonging to the Canal Company not required for the Railway.

IX. And be it enacted, That the Persons or Bodies Politic, Corporate, or Collegiate, their Heirs, Successors, or Assigns, who would, under the lastly herein-before recited Provision, if the same had not been repealed, have been entitled to purchase such Lands or Grounds, shall, under the Provisions with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of this or the special Act or any Act incorporated therewith, but which shall not be required for the Purposes thereof, be entitled to purchase, according to the same Provisions, such of the same Lands or Grounds not required for the Purposes of the Railway as, if this Act had not been

passed and the said Canal had been disused for the Space of Seven Years, they would under the said repealed Provision have been entitled to purchase.

Expences of Act.

X. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Canal Company out of the first Monies that shall come to their Hands, and in preference to any other Payments whatsoever.

Public Act.

XI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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