ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 13.

An Act for amending and enlarging the Powers of an Act of His present Majesty, for making and maintaining the *Barnsley* Canal Navigation, and certain Railways and other Roads to communicate therewith; and for increasing the Rates, Tolls, and Duties thereby granted. [28th *March* 1808.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from the River* Calder, *in the Township of* Warmfield cum Heath, *to or near the Town of* Barnsley, *and from thence to* Barnby *Bridge, in the Township of* Cawthorne *in the West Riding of the County of* York, *and certain Railways and other Roads to communicate therewith*, whereby the several Persons therein named, and such other Persons as should thereafter become possessed of One or more Share or Shares in the said Canal, their Successors, Executors, Administrators, and Assigns, were incorporated by the Name and Style of *The Company of Proprietors of the Barnsley Canal Navigation*, and are authorized to make, complete, and maintain a Canal, navigable and passable for Boats, Barges, and other Vessels, from the River *Calder*, in the Townships of *Warmfield cum Heath*, to or near the Town of *Barnsley*, and from thence to *Barnby* Bridge, in the Township of *Cawthorne* in the West Riding of the said County of *York*; and also to make and lay divers Railways or other Roads, or both, to communicate with the said Canal in such Course and Direction as in the said Act, and in certain Maps, Plans, and Books of Reference, certified by the Right Honourable the Speaker 33 G. 3.

of the Houſe of Commons, or made under the Authority of the ſaid Act, and ſeverally depoſited, One with the Clerk of the Peace for the Weſt Riding of the County of *York*, and the other with the Clerk of the ſaid Company of Proprietors, are directed; and the ſaid Company were thereby authorized to raiſe and contribute amongſt themſelves a competent Sum of Money for making and completing the ſaid Canal and other Works authorized to be made by the ſaid Act, not exceeding in the Whole the Sum of Seventy-two thouſand Pounds (except as therein-after is mentioned); and in caſe the ſaid Sum of Seventy-two thouſand Pounds ſhould be found inſufficient for making, completing, and maintaining the ſaid Canal, Railways, and other Works thereby authorized to be made, the ſaid Company were alſo enabled to raiſe and contribute among themſelves, in the Manner in the ſaid Act mentioned, or by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Navigation, not exceeding Twenty-five thouſand Pounds: And whereas the ſaid Company of Proprietors, in purſuance of the Powers contained in the ſaid recited Act, have raiſed by voluntary Contribution among themſelves the Whole of the Sum of Seventy-two thouſand Pounds, and alſo the further Sum of Twenty-five thouſand Pounds or thereabouts, by Loans at Intereſt, from certain of the Proprietors of the ſaid Canal, the Whole of which ſaid Sum of Ninety-ſeven thouſand Pounds 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 made and completed the ſaid Canal, and ſome of the Works relating thereto, but the Railroads or other Roads to communicate therewith are not yet made, by reaſon whereof the ſaid Canal is of leſs publick Utility than it otherwiſe would be; and in order to enable them to finiſh the ſame, and other Works of the ſaid Canal, 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 now be borrowed on Mortgage without the Aid and Authority of Parliament: And whereas the ſaid recited Act hath 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 it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered to raiſe the Sum of Forty-three thouſand and two hundred Pounds, 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 and Railways, and other Works, and particularly the Railway or other Road from the ſaid Canal near *Barnby* Bridge to or near *Norcroft* Bridge, and from thence towards *Silkſton Croſs*, by the ſaid recited Act authorized to be made and done; any Thing in the ſaid recited Act contained to the contrary thereof notwithſtanding.

Power to raiſe 43,200*l.*

If 43,200*l.* inſufficient, to raiſe 10,000*l.* by Mortgage.

II. And be it further enacted, That in caſe the ſaid Sum of Forty-three thouſand and two hundred Pounds, being Sixty Pounds *per* Share, herein-before

before authorized to be raiſed, ſhall be found inſufficient for making, completing, and maintaining the ſaid Canal, Reſervoirs, Feeders, Ways, Quays, Wharfs, and other Works by the ſaid recited Act authorized to be made, and for defraying all neceſſary Expences and Charges 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 Ten thouſand Pounds, on the Credit of the ſaid Navigation and Undertaking, and to aſſign the Property of the ſaid Navigation, and the Rates ariſing or to ariſe to the ſaid Company by virtue of the ſaid recited Act or this Act, or any Part thereof, as a Security for any Sum or Sums of 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 ſaid Company, in the Form or to the Effect preſcribed and ſet forth in the ſaid 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 Aſſignment mentioned to be advanced, without any Preference by reaſon of the Priority of the Date of ſuch Aſſignment, or on any other Account whatſoever; and the Money ſo to be borrwed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining the ſaid Canal and other Works by the ſaid recited Act authorized to be made, and for the other Purpoſes of the ſaid Act, and to no other Uſe, Intent, or Purpoſe whatſoever.

Preſcribing the Mode of raiſing the 43,200*l.*

III. And be it further enacted, That the ſaid Sum of Forty-three thouſand and two hundred Pounds, or any Part thereof, ſhall and may be raiſed by the ſaid Company of Proprietors, by raiſing, paying, and contributing among 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 agreeably to the Directions contained in the ſaid recited Act, or for their Committee for the Time being, to make any Call or Calls for Money from the Proprietor or Proprietors of a Share or Shares in the ſaid Canal Navigation, in order to raiſe the ſaid Sum of Forty-three thouſand and two hundred Pounds, in the Manner and ſubject to the Regulations herein-after mentioned; 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 Thirty Days Notice ſhall be given, by publiſhing the ſame in ſome Two Newſpapers uſually or then circulating in the Country through which the ſaid Canal paſſes, or in ſuch other Manner as the ſaid Company ſhall at any General or Special Aſſembly direct or appoint; and ſuch Sum or Sums of Money as ſhall be paid in reſpect of every Share in the ſaid Undertaking, ſhall be and the ſame is and are hereby declared to be conſolidated with every ſuch Share, and ſhall entitle the reſpective Owners thereof to a proportionably

tionably increaſed Share of the Profits and Advantages of the ſaid Undertaking; and every Share in the ſaid Undertaking ſhall, for all Purpoſes whatſoever, be conſidered as ſo much Stock in the ſaid Undertaking as ſhall from Time to Time be the Quotient ariſing from a Diviſion of the whole Money which hath been or ſhall be raiſed under and by virtue of the ſaid recited Act and this Act, by the whole Number of Shares in the ſaid Undertaking; 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 charge the ſame to the Accounts of ſuch Perſons 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 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 hereinafter 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 Dwellinghouſe 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 Two Newſpapers uſually or then circulating in the Country through which the ſaid Canal paſſes; 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 Statements 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 Act or this Act to the contrary notwithſtanding.

The Company empowered to ſell Shares that ſhall become veſted in them by default of the

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 publick Auction

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 Two Newſpapers uſually or then circulating in the Country through which the ſaid Canal paſſes); 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 Aſſignment and Tranſfer and Receipt 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 advertized for Sale, until the Expiration of One Calendar Month 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 Two Newſpapers uſually or then circulating in the Country through which the ſaid Canal paſſes, in which Notice ſhall be contained a Statement and Account 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 *Barnſley* 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.

Owners not paying the Calls thereon.

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

VI. Provided nevertheleſs, and be it further enacted, That if any Proprietor or Proprietors of any ſuch Share or Shares, or the Executors, Adminiſtrators,

Shares may be relinquiſhed and ſold after Notice.

niſtrators, Guardians, or Truſtees of any ſuch Proprietors, or any Mortgagee of ſuch Shares, ſhall, within Three Calendar Months next after the paſſing of this Act, give Notice in Writing to the Treaſurer, or Law Clerk or Law Clerks to 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 publick 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.

Not to ſue for Calls on forfeited Shares.

VII. Provided always, and it is hereby further enacted and declared, That nothing in the ſaid recited Act or this Act 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 mentioned; any Thing in the ſaid recited Act or in this Act contained to the contrary notwithſtanding.

Proviſo, 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.

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.

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

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 any ſuch Proprietors being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other 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

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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 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 to 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 Mortgagees, &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, on which a further Sum of Thirty-three Pounds *per* Share hath been advanced, or any Part thereof, 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 which ſhall be due and owing to him, her, or them reſpectively from the ſaid Company; and that the Receipt and Receipts of the Perſon or Perſons entitled to ſuch Mortgage or Mortgages, or other Security, Sum or Sums of Money, for the Amount of each and every ſuch Call and Calls, ſhall, on the Delivery thereof to the Treaſurer or Treaſurers for the Time being of the ſaid Company of Proprietors, in caſe ſo much Money ſhall be due to ſuch Perſon or Perſons on ſuch Mortgage or Mortgages, or other Security, Sum or Sums of Money, 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 endorſe 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.

XI. And

The Company to make the Railroad from Barnby to Silkſton.

XI. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby ordered, directed, and required, as ſoon as may be after the paſſing of this Act, to ſet out, make, and complete the ſaid Railroad from the ſaid Canal near *Barnby* to or near *Norcroft* Bridge, and from thence to *Silkſton*, in the Line and Direction and under the Authority of the ſaid recited Act.

Company empowered to collect additional Rates.

XII. And whereas, in conſideration of the great additional Expence the ſaid Company of Proprietors have already ſuſtained and been put to in making and completing the ſaid Canal, and may hereafter ſuſtain in making and finiſhing the Railways and other Works intended to be made, beyond what was eſtimated and propoſed when the Rates of Tonnage and Wharfage, Craneage and Porterage, payable by virtue of the ſaid recited Act, were ſettled and fixed, it is reaſonable that they ſhould be authorized to collect ſome additional Rates towards anſwering ſuch additional Expence; be it therefore further enacted, That it ſhall be lawful for the ſaid Company of Proprietors (over, above, and in addition to the Rates of Tonnage they are entitled to take and receive by virtue of the ſaid recited Act, and over and above and in addition to the Rates of Wharfage, Craneage and Porterage, they are entitled to take and receive by virtue of this Act) to aſk, demand, take, and recover, for their own proper Uſe and Behoof, for the Tonnage of all Goods, Wares, Merchandize, Coal, Stone, Timber, and other Things which ſhall be navigated or conveyed upon or through all or any Part of the ſaid Canal, or upon any of the Railways thereto belonging, all ſuch Sums and Sum of Money as they ſhall from Time to Time direct or appoint, not exceeding One Moiety or Half-Part of the Tolls, Rates, and Duties they are now entitled to take and receive by virtue of the ſaid recited Act; which ſaid additional Tolls, Rates, and Duties hereby granted ſhall, and the ſame are hereby declared to be veſted in the ſaid Company, and ſhall and may be aſcertained, collected, levied, and recovered by ſuch and the like Ways and Means, and ſhall become due and payable 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.

Proviſo. To take ſame Dues from Barnby to the Junction on Goods going Dearne and Dove, or the Calder, but without affecting the Clauſe in former Act for paying for Six Miles on paſſing a Lock.

XIII. Provided always, and be it further enacted, That nothing herein contained ſhall at any Time or Times authorize or empower the ſaid *Barnſley* Canal Company to aſk, demand, take, or receive by virtue of this preſent Act, any higher or additional Toll, Rate, or Duty *per* Mile for the Tonnage of any Goods, Wares, Merchandize, Coal, Stone, Timber, or other Things which ſhall be navigated, carried, or conveyed upon or through all or any Part of that Part of the ſaid *Barnſley* Canal, commencing at *Barnby* Bridge, and ending at the Junction with the *Dearne* and *Dove* Canal, at or near *Barnſley* or upon any of the Railways to the ſame Part of the ſaid *Barnſley* Canal, now or hereafter belonging, and which ſhall paſs into or out of the ſaid *Dearne* and *Dove* Canal, than the Toll Rate or Duty *per* Mile, which ſhall for the then Time being be charged for the Tonnage of the Goods, Wares, Merchandize, Coal, Stone, Timber, or other Things which ſhall be navigated, carried, or conveyed upon or through all or any Part of the ſaid Part of the ſaid *Barnſley* Canal, commencing at *Barnby* Bridge aforeſaid, and ending at the

ſaid Junction with the ſaid *Dearne* and *Dove* Canal, at or near *Barnſley* aforeſaid; or upon any of the Railways now or hereafter to the ſame Part belonging without paſſing, and which ſhall not paſs into or out of the ſaid *Dearne* and *Dove* Canal: Provided always, that nothing in this Act contained ſhall be conſtrued to extend to affect, or in any Manner reſtrain or abridge, the Powers contained in the ſaid recited Act for enabling the ſaid *Barnſley* Canal Company to charge for the loading in any Boat or Veſſel going up or down the ſaid *Barnſley* Canal, which ſhall paſs through One or more Locks of the ſame Canal without paſſing more than Six Miles thereon, as if ſuch Boat or Veſſel had actually gone the full Length of Six Miles upon the ſame Canal.

No additional Rate to be taken on Flag Stones, &c. which ſhall have been previouſly carried along the Dearne and Dove Canal.

XIV. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors to aſk, demand, take, or receive by virtue of this preſent Act, any additional Rate or Duty upon Flag Pavingſtone, Limeſtone, or Lime, navigated upon the ſaid Canal, which ſhall previouſly have been navigated or brought up the *Dearne* and *Dove* Canal Navigation, from *Swinton* on the River *Dun* to the Junction of the ſaid *Dearne* and *Dove* Canal with the ſaid *Barnſley* Canal, at or near *Barnſley* aforeſaid.

Power for Company to collect additional Rates of Craneage and Porterage, and Wharfage.

XV. And whereas the ſaid Company of Proprietors have expended conſiderable Sums of Money in building proper Wharfs, Staiths, Cranes, Warehouſes, and Granaries upon the Line of the ſaid *Barnſley* Canal, and are liable to and neceſſarily put to and incur great Expence in the keeping and maintaining ſufficient and neceſſary Clerks, Porters, and Labourers for the Management, Attendance, and Care thereof reſpectively: And whereas the preſent Rates of Craneage and Porterage are inſufficient for the Support of ſuch Clerks, Porters, and Labourers ſo neceſſarily employed in and about the Management, Attendance, and Care of ſuch Wharfs, Staiths, Cranes, Warehouſes, and Granaries reſpectively as aforeſaid; be it therefore enacted, That for the Cranage and Porterage of every Ton of Goods, Wares, Merchandize, Commodities, and other Things, upon which the Sum of Sixpence *per* Ton is allowed by the ſaid recited Act to be charged, received, and taken for the Craneage and Porterage thereof, there ſhall be charged by and paid to the ſaid Company of Proprietors, their Agents, Servants, or Wharfingers, from and after the paſſing of this Act, the Sum of One Shilling *per* Ton for Craneage and Porterage (over and above Tonnage and Wharfage), or ſo much thereof as the ſaid Company of Proprietors ſhall from Time to Time in that Behalf appoint and direct; and further, that for the Craneage and Porterage of each and every Parcel which ſhall be of Two hundred Pounds Weight, and ſhall not exceed Five hundred Pounds Weight, there ſhall be paid not exceeding the Sum of Sixpence; and for each and every ſmall Parcel not exceeding Two hundred Pounds Weight, there ſhall be paid the Sum of Three-pence for each and every ſuch Parcel, or ſo much thereof as the ſaid Company of Proprietors ſhall from Time to Time in that Behalf appoint and direct.

Payment of Wharfage.

XVI. And be it further enacted, That the ſaid Company of Proprietors, or their Agents, Servants, or Wharfingers, at any of the ſaid Wharfs, Staiths, Warehouſes, or Granaries now erected or made, or which ſhall be hereafter erected, made, or uſed by the ſaid Company of Proprietors, for

for the Uſe and Purpoſes of the ſaid *Barnſley* Canal, may aſk, demand, and receive, and they are hereby authorized and empowered to aſk, demand, and receive for Wharfage and Warehouſe Room (in lieu and in the Place of the ſeveral Sum or Sums authorized to be received by the ſaid recited Act for Wharfage and Wharehouſe Room), ſuch Sum or Sums of Money over and above what is directed by the ſaid recited Act and by this Act, to be paid for Craneage and Porterage as they ſhall think fit, not exceeding the Sums herein-after mentioned; (that is to ſay,)

	Goods, &c. not remaining more than Four Days.			Goods, &c. for every Day after the Expiration of the firſt Four Days.		
	£.	s.	d.	£.	s.	d.
For every Ton of Goods, Wares, Merchandize, Commodities, and other Things depoſited in the Warehouſes or other Buildings of the ſaid Company (except what are herein-after enumerated), for Warehouſe Rent only, and excluſive of the Craneage and Porterage, — — —	0	0	6	0	0	1
And for all Parcels under Five hundred Pounds Weight, for Warehouſe Rent only, — —	0	0	1½	0	0	¼
For every Quarter of Corn and Grain of all Kinds, Cole, Rape, Line, Muſtard Seed, Apples, Pears, Onions and Potatoes, and Oak Bark, depoſited in the Warehouſes or Buildings of the ſaid Company, for Warehouſe Rent only, and excluſive of Craneage and Porterage, — — —	0	0	1	0	0	¼
For every Ton of Pig Iron, Timber of all Kinds, Stone, Ironſtone, Limeſtone, and Lime, Flint, Clay, Sand, Bricks, Tiles, Plaiſter, Soap Aſhes, and all Goods, Wares, and Merchandize, Commodities and other Things whatſoever laid upon any Wharfs or Staiths of the ſaid Company, and not depoſited in any Warehouſes or Buildings, for Wharfage only, and excluſive of Craneage and Porterage, — — —	0	0	6	0	0	1

Which ſaid laſt-mentioned additional Rates and Duties, hereby granted for Wharfage, Craneage, and Porterage, ſhall and the ſame are hereby declared to be veſted in the ſaid Company, and ſhall and may be aſcertained, collected, levied, and recovered by ſuch and the like Ways and Means, and ſhall become due and payable in ſuch and the like Proportions and Manner, and ſubject to ſuch and the like Exemptions as the Rates and Duties of Wharfage, Craneage, and Porterage, 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.

Mode of charging Fractions of a Mile or a Ton.

XVII. Provided always, and be it further enacted, That in all Caſes where there ſhall be a Fraction of a Mile in the Diſtance which any Boat, Barge, or other Veſſel ſhall be navigated or paſs upon the ſaid Canal, or in the Diſtance which any Waggon or Cart ſhall paſs upon the Railways or other Roads thereto belonging, or any of them, where ſuch Fraction ſhall not be leſs than One Quarter of a Mile, ſuch Fraction ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered as a whole Mile; and

and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated on the said Canal, a Proportion of the said Rates shall be demanded and taken by the said *Barnsley* Canal Company for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton.

If an Agent or a Toll Collector, and who is discharged, refuses to deliver up Possession of the House, &c. the Justices may by Warrant order him to be removed with his Goods.

XVIII. And be it further enacted, That if any Agent, Toll Collector, Lock Keeper, Wharfinger, or other Servant of the said *Barnsley* Canal Company, occupying any House, Offices or Buildings, Lands or Tenements, belonging to the said *Barnsley* Canal Company, shall be discharged from his Office by or by the Order of the said *Barnsley* Canal Company or their Committee, and shall not deliver up the Possession of such House, Offices, Buildings, and Appurtenances, Lands or Tenements, together with the Books, Papers, and other Matters and Things belonging to the said *Barnsley* Canal Company, 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, while in the Service of the said *Barnsley* Canal Company, shall refuse to deliver up the Possession of such House, Offices, Buildings, and Appurtenances, Lands, or Tenements as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said *Barnsley* Canal 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, Offices, and Buildings, Lands, and Tenements, shall be, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer or Sheriff's Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings, Lands and Tenements, in the Day Time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, 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 *Barnsley* Canal Company, which shall be found therein, and to deliver Possession of such House, Offices, and Buildings, Lands, and Tenements, together with the Books, Papers, Matters, and Things found therein, belonging to the said *Barnsley* Canal Company, to the new appointed Agent, Toll Collector, Lock-Keeper, Wharfinger, or other Servant, or to such other Person or Persons as the said *Barnsley* Canal Company or their Committee shall appoint to receive the same.

Company empowered to lease the Rates.

XIX. And be it further enacted, That it shall and may be lawful for the said *Barnsley* Canal Company, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times to let to farm the Rates by the said recited Act and this Act made payable, and which they are hereby empowered to alter as aforesaid, or any Part or Parts thereof, upon the

Whole or any Part or Parts of the ſaid Canal or Railroad, unto any Perſon or Perſons for any Term or Terms they ſhall think proper, not exceeding Twenty-one Years from the Commencement of any Leaſe; and every ſuch Leaſe ſhall be valid and effectual; and the Leſſee or Leſſees thereof, and all ſuch Perſon or Perſons as ſuch Leſſee or Leſſees ſhall appoint to collect and receive the Rates ſo let, ſhall, during the Continuance of ſuch Leaſe, be deemed Collectors of the Rates ſo let, and ſhall have the ſame Power and Authority for collecting and recovering the ſame, as if they had been appointed for that Purpoſe by the ſaid *Barnſley* Canal Company, in purſuance of the ſaid recited Act or of this Act; provided publick Notice of the Intention to let the ſaid Rates, or any Part thereof, be given by Advertiſement in the *Sheffield*, *Wakefield*, and *Leeds* Newſpapers, or any Two of them, or ſome other publick Newſpaper circulated in the County of *York*, or in ſuch other Manner as the ſaid *Barnſley* Canal Company ſhall direct or appoint, at leaſt Twenty-one Days prior to any ſuch General Aſſembly at which the ſaid Rates, or any Part or Parts thereof, are propoſed to be let as aforeſaid.

Power to detain Boats, Barges, and Waggons, doing any Damage to the Works, until Satisfaction is made.

XX. And whereas by the ſaid recited Act the Maſters or Owners of any Boat, Barge, or Veſſel, navigating within the Limits of the ſaid Navigation, and the Maſters or Owners of any Waggon, Cart, or other Carriage, paſſing along the ſaid Railways or other Roads, are thereby made anſwerable, as therein mentioned, for any Damages, Spoil, or Miſchief, which ſhall be done by them or any of them reſpectively unto the ſaid Navigation, or any of the Works belonging thereto, contrary to the Directions and Reſtrictions in the ſaid Act contained: And whereas the ſaid Navigation and Works would be more effectually protected, if the ſaid Company of Proprietors were enabled to detain the Veſſel or Cart of the Perſon or Perſons who ſhall commit any Spoil or Miſchief until all Damages and Coſts, to be given and aſcertained as in the ſaid Act is directed, be fully paid and ſatisfied; be it therefore enacted, That from and after the paſſing of this Act, it ſhall and may be lawful for the ſaid *Barnſley* Canal Company, their Agents, Lock Keepers, and Servants, or any Perſon or Perſons by their Order, to detain and keep any Boat, Barge, or other Veſſel navigating within the Limits of the ſaid *Barnſley* Canal, and alſo any Waggon, Cart, or other Carriage, paſſing along the ſaid Railways or other Roads, in all Caſes where Damage, Spoil, or Miſchief ſhall be done to the ſaid Canal, or Works belonging thereto, by any ſuch Boat, Barge, or other Veſſel, or by any ſuch Waggon, Cart, or other Carriage, or by the Maſter, Owner, or Boatmen, Watermen, or Driver of or belonging to or employed in or about the ſame reſpectively, until full Satisfaction be made to the ſaid Company of Proprietors for ſuch Damages, Spoil, or Deſtruction, according to the Order or Determination of the Juſtice or Juſtices of the Peace before which the Offender ſhall be convicted, or of any Court of Record at *Weſtminſter* in which the Offender ſhall be ſued, as the Caſe may be.

Penalty on Perſons guilty of wilful Delay in paſſing the Locks.

XXI. And be it further enacted, That if any Boat, Barge, or other Veſſel going up or down the ſaid Canal ſhall paſs the Firſt Lock at *Barugh*, the Firſt Lock at *Walton*, or the Firſt Lock at *Agbrigg*, upon the ſaid *Barnſley* Canal, and the Maſter Boatman or Owner of ſuch Boat, Barge, or Veſſel ſhall not proceed immediately and without Delay through all the remaining Locks of the ſaid Canal, next unto ſuch Firſt Lock at thoſe reſpective

reſpective Places through which he may have Occaſion to paſs (except where ſuch Delay is or ſhall be occaſioned by the loading or unloading of ſuch Boat, Barge, or Veſſel, or in Caſes of Misfortune or inevitable Accident), that then and in every ſuch Caſe the Maſter Boatman or Owner of every ſuch Boat, Barge, or other Veſſel ſhall, on Conviction of the Offence before any Juſtice of the Peace for the County, Riding, Liberty, or Place where any ſuch Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witneſs or Witneſſes (which Oath or Oaths ſuch Juſtice is hereby empowered and required to adminiſter), pay to the ſaid Company of Proprietors, their Agents or Servants, the Damages to be aſcertained by ſuch Juſtice, provided ſuch Damages do not exceed the Sum of Five Pounds; and alſo ſhall, over and above ſuch Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings, and all Coſts, Charges, and Expences attending ſuch Conviction; which Damages, Penalties, and Coſts ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Maſter Boatman, Owner or Owners of ſuch Boat, Barge, or other Veſſel, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, and the Overplus (if any), after ſuch Penalties, Damages, and the Coſts and Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned upon Demand to the Maſter Boatman or Owner or Owners of ſuch Goods and Chattels.

Application of Compenſation when exceeding 200l.

XXII. 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 or 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 Act mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed 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 Company of Proprietors of the *Barnſley* Canal Navigation, together with the Name of Three of the Commiſſioners for executing the ſaid 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, 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 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 when the Compenſation does not exceed 200l. nor leſs than 20l.

XXIII. 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 Lands, Tenements, or 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 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 under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in 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 20l.

XXIV. 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, her, or their Guardian or Guardians, Committee or Committees, and to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be

XXV. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be 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, or 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 Publick Funds, or to order Distribution thereof or Payment of the Dividends 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 or Cashiers of the Bank of *England*, who shall receive such Sum or 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.

paid into the Bank; subject to the Order of the Court of Chancery, by Motion or Petition.

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

XXVI. 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, or of any Estate, Right, or Interest in 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, 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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XXVII. 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 Act, 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

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

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 Commiſſioners, or any Two or more of them, 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.

XVIII. 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 *Barnſley* Canal Company, out of the Money received or raiſed, or to be received or raiſed, by virtue of the ſaid recited Act or of this Act.

Publick Act.

XXIX. 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 others, without being ſpecially pleaded.

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