ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

Cap. clxxiv.

An Act to alter and amend some of the Provisions of the Acts relating to the *Cromford* Canal.

[31st *July* 1845.]

WHEREAS an Act was 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. 74.
Canal from or from near to Cromford Bridge *in the County of* Derby, *to join and communicate with the* Erewash *Canal at or near* Langley Bridge, *and also a collateral Cut from the said intended Canal at or near* Codnor Park Mill *to or near* Pinxton Mill *in the said County:* And whereas an Act was passed in the Thirtieth Year of the Reign of His said Majesty, intituled *An Act to alter and amend an Act passed* 30 G. 3. c. 56.
in the last Session of Parliament, for making and maintaining a navigable Canal from or from near to Cromford Bridge *in the County of* Derby *to join and communicate with the* Erewash Canal *at or near* Langley Bridge, *and also a collateral Cut from the said intended Canal at or near* Codnor Park Mill *to or near* Pinxton Mill *in the said*

County: And whereas the said Canal and collateral Cut have been made, and opened to the Public: And whereas it is by the said first-recited Act enacted, that certain Persons therein named, and their Successors, to be elected in manner therein mentioned, should be Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences which should or might arise between the Company thereby incorporated by the Name of "The *Cromford* Canal Company," and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, or Hereditaments, Mills or Waters, that should or might be affected or prejudiced by the Execution of any of the Powers thereby granted: And whereas it is apprehended and believed that the several Persons so named as Commissioners as aforesaid did not, on the passing of the said first-recited Act, meet and carry the Provisions of such Act into execution, and that by reason of such Default no Tribunal at present exists, or can be legally constituted, for settling, determining, and adjusting any Question, Matter, or Difference which has arisen or may arise between the several Proprietors of and Persons interested in the Lands, Grounds, Tenements, and Hereditaments, Mills or Waters, that have been or may be affected or prejudiced by the Execution of any of the Powers of the said recited Acts and the said Company: And whereas certain Claims for Compensation under the said first-recited Act have been preferred against the said *Cromford* Canal Company, and are now pending, and the same cannot be determined by reason of the Default so apprehended and believed to have been made as aforesaid; and it is therefore expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, and enlarged; but the same cannot be effected without the Aid and 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 all the Provisions, Matters, and Things contained in the said recited Acts, so far as the same are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes of this Act, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes.

Provisions of recited Acts extended to this Act.

II. And for the Purpose of enabling all Questions, Matters, and Differences which now exist or shall or may arise between the said *Cromford* Canal Company and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, or Hereditaments, Mills or Waters, that have been or shall or may be affected or prejudiced by the Execution of any of the Powers by the said recited

The Act 8 & 9 Vict. c. 18. extended to this Act, for the Purpose of settling Differences.

recited Acts or either of them granted, to be respectively settled, determined, and adjusted, and so that the Remedies by this Act in that Behalf provided may be had and enjoyed in lieu of and as not less than a full Equivalent for the Remedies by the said recited Acts or either of them in that Behalf provided, be it enacted, That the Lands Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act, (except only as regards such of the Provisions of the same Act as may not in any way relate to or concern the settling, determining, or adjusting of such Questions, Matters, and Differences respectively, or the Rights or Remedies of the several Parties in that Behalf interested respectively, or any of them,) and shall have such Construction and Effect as shall best enable such Questions, Matters, and Differences to be respectively settled, determined, and adjusted, according to the true Intent of the said recited Acts and this Act respectively: Provided always, that nothing in this Act contained shall in anywise revive any Claim or Claims for Compensation for any Minerals or Leakage which any Party or Parties previous to the passing of this Act may have lost the Right to prosecute or recover for Want of the Notice required to be given to the Canal Company under the Twenty-eighth Section of the first-recited Canal Act, or otherwise.

Company may inspect Mines, &c.

III. And be it enacted, That for the better ascertaining whether any Mines are being worked or have been worked so as to damage the Canal or collateral Cut, or either of them, or for the better ascertaining whether any Leakage shall or may exist from the Canal or collateral Cut, or either of them, into any adjoining Mines, and the Cause, Amount, or Extent of such Leakage, it shall be lawful for the Company, or for any Person or Persons employed by them for that Purpose, as often as they shall or may consider necessary, after giving Forty-eight Hours Notice in Writing, to enter upon any Lands through or near which the Canal or collateral Cut, or either of them, shall pass, wherein any such Mines are being worked or are supposed so to be, to enter into and return from any such Mines or the Works connected therewith, and to use all necessary Means for ascertaining the Cause, Existence, or Amount of any such Leakage, and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery belonging to the Owner, Lessee, or Occupier of such Mines, for the Inspection thereof, and for the discovering the Distance from the Canal to the Parts of such Mines which are being worked, or about so to be, paying or tendering all reasonable Expences incurred by so doing.

Verdict of Jury may be enforced by Appointment of a Receiver.

IV. And be it enacted, That if within Thirty Days after the Delivery of the Verdict of a Jury upon or concerning any such Question, Matter, or Difference, and after Demand in Writing upon the

the Treasurer or Clerk of the said *Cromford* Canal Company for the Payment of the Amount of any Compensation assessed by such Jury; and also the Costs of the Inquiry, the same be not paid, the Party entitled to such Compensation and Costs may, without prejudice to his Right to sue for the same or any Arrear thereof, in any of Her Majesty's Superior Courts of Record at *Westminster*, require the Appointment of a Receiver, by an Application to be made as hereinafter provided.

Appointment of Receiver.

V. And be it enacted, That every Application for a Receiver shall be made to the Sheriff of the County in which the Lands, Grounds, Tenements, or Hereditaments, Mills or Waters, in respect whereof such Compensation shall have been assessed, or some Part thereof, shall be situate; and on such Application it shall be lawful for such Sheriff, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Rates authorized to be collected or received under or by virtue of the said first-recited Act, until the Amount of such Compensation, together with all Costs, including the Charges of receiving the Rates aforesaid, be fully paid; and upon such Appointment being made all such Rates as aforesaid shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Compensation shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Compensation and Costs have been so received the Power of such Receiver shall cease.

When Mortgage paid off Power to reborrow.

VI. And whereas the said Company were empowered by the said first-recited Act to raise a Sum not exceeding Twenty thousand Pounds by Mortgage, which Power has been exercised by the said Company; be it enacted, That if the said Company shall have at any Time paid off all or any Part of the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General or Special Assembly of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Security to be stamped.

VII. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated.

Transfer of Interest to be stamped.

VIII. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferable, except by Deed duly stamped.

IX. And

Repeal of Provision in 29 G 3. c. 74. as to Choice of Committee by Special Assembly.

IX. And whereas by the said first-recited Act it was enacted, that if at any General or Special Assembly there should not be Persons present who should have Two hundred and fifty Shares, either as Principals or Proxies, no Choice of a Committee should be made at that Time, but in such Case there should be a new Assembly of the Proprietors of the said Navigation at the same Place upon that Day Week following, and so from Time to Time until the Proprietors of such Number of Shares as aforesaid should be present, and such Choice should be then made of Persons to be of a Committee as ought to have been made on the Day for holding such General or Special Assembly had there been a sufficient Number of Votes present, and the Persons then chosen to be of the said Committee should have the same Power as they would have had, and should continue in such Office until such Time as they would have done, had they been chosen on the Day for holding such General or Special Assembly; and in case of Failure of the Meeting of the Persons having Two hundred and fifty such Shares, Principals or Proxies, at any such General or Special Assembly, all such Principals who should not be present at any Adjournment thereof, by themselves, or by his, her, or their Proxies, should forfeit to the said *Cromford* Canal Company, for every such Share which he, she, or they should then have in the said Navigation, the Sum of Five Shillings, to be deducted out of the next Payment of Interest or Dividend of Profits of the said Navigation, as the Case might happen: And whereas it is expedient that the said recited Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed.

Interpretation of Act.

X. And be it enacted, That in this Act the following Words shall, in addition to their ordinary Meetings, have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

Expences of Act.

XI. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or incident thereto, shall be paid and discharged out of the Funds of the said *Cromford* Canal Company, in preference to all other Payments whatsoever.

Public Act. XII. 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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