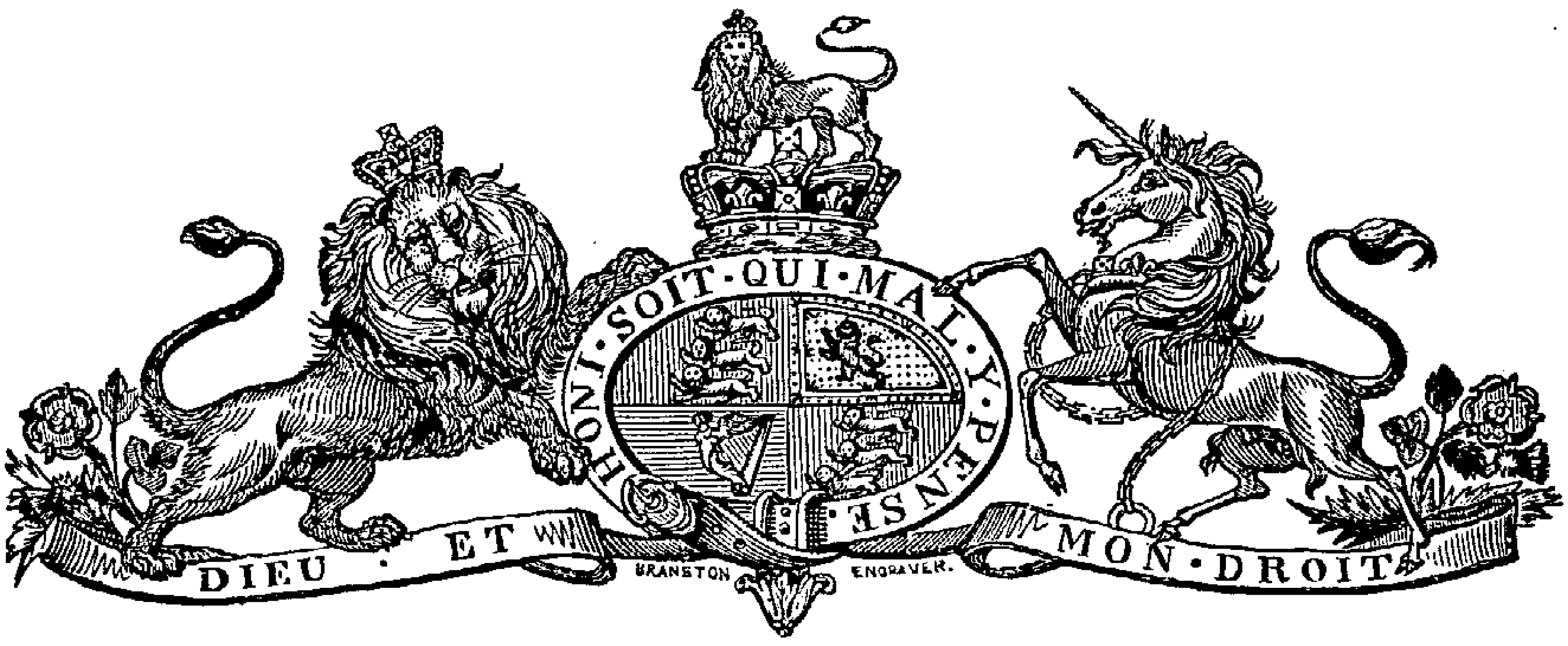


ANNO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xxiii.

An Act to amend and explain some of the Provisions of the Acts relating to the General Steam Navigation Company. [14th *April* 1840.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting certain Powers to a Company* 1 & 2 W. 4.
called "The General Steam Navigation Company:" And whereas c. 53.
another Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend and* 4 & 5 W. 4.
enlarge the Powers of an Act passed in the Second Year of the Reign c. 82.
of His present Majesty, intituled 'An Act for granting certain Powers to a Company called "The General Steam Navigation Company:"' And whereas Doubts have arisen whether the Words contained in the said recited Acts authorize the said Company to hold, purchase, and sell Lands, Tenements, and Hereditaments, and it is desirable that such Doubts should be removed: 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

Powers of former Acts extended to this Act., so far as are not altered.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Penalties, Forfeitures, Restrictions, Matters, and Things whatsoever in the said recited Acts contained (so far as the same are not altered, varied, or repealed,) shall and may be put in execution, as well for the Purposes of this Act as of the said recited Acts, as fully and effectually, to all Intents and Purposes, as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof.

Company may hold and purchase Lands.

II. And be it further enacted, That it shall be lawful for the said Company to hold any Lands, Tenements, and Hereditaments which the Directors of the said Company were by the said first-recited Act authorized to contract for and purchase, and for the said Company to treat, contract, and agree for the absolute Purchase of any other Lands, Tenements, and Hereditaments within the United Kingdom of *Great Britain* and *Ireland*, for the Purposes of the said Company, with any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute, or determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, or Committees of or for Lunatics or Idiots, or other Trustees whomsoever, or with any Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, or with any other Person or Persons whomsoever who shall be willing to sell the same, or his, her, or their Right and Interest in the same, for the Uses and Purposes of the said Company; and upon Payment of the Purchase Money for any such Lands, Tenements, and Hereditaments to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Lands, Tenements, and Hereditaments may be taken and used for the Purposes of the said Company, and from thenceforth all Parties and Persons whosoever whose Interests shall be paid for or compensated by such Payment as aforesaid shall be divested of all Right and Title, Claim, Remainder, or Reversion to such Lands, Tenements, and Hereditaments, and the same Lands, Tenements, and Hereditaments shall vest in the said Company; and it shall be lawful for the said Company to hold all such Lands, Tenements, and Hereditaments as aforesaid, and any Term, Right, and Interest therein, the Statutes of Mortmain, or any other Law or Statute whatsoever, to the contrary thereof in anywise notwithstanding, and also at any Time or Times thereafter to sell or dispose of the said Lands, Tenements, and Hereditaments, or any of them, as they shall think proper, and from Time to Time to purchase and hold other Lands, Tenements, and Hereditaments, more suitable for the Uses and Purposes of the said Company, and again to sell the same in like Manner: Provided always, that nothing herein contained shall authorize or empower the said Company to hold at any One Time Lands, Tenements, and Hereditaments exceeding Twenty Statute Acres in the whole

in Measure, or to hold in any One Place more than Ten Statute Acres.

Incapacitated Persons empowered to sell Lands.

III. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute, or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics or Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuisque Trust respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and for and on behalf of any Person or Persons entitled in Remainder or Reversion, and also to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for all and every Persons and Person whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which the said Company are hereby enabled to purchase as aforesaid, to treat, contract, and agree with the said Company for the Sale thereof or of any Part thereof, and to sell and convey all or any Part thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Company; and every Conveyance which shall be so made by virtue of this Act shall be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, and other Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuisque Trust, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as the same might be barred and extinguished by a Conveyance for that Purpose made under or by virtue of the Statute passed for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and every such Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, and other Person and Persons as aforesaid, is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Application of Compensation Money when amounting to 200*l.*

IV. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased by virtue of the Powers of this Act for the Purposes of the said Company, which shall belong to any Body Politic,

Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or any Trustee or Trustees, or Person or Persons, who have or has no Power to give a valid Receipt for the same, or to sell and convey the same Premises otherwise than by virtue of this Act, or for any Estate of Freehold or Copyhold belonging to a Feme Covert (other than and except a Right to Dower, Thirds, or Freebench), 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 Court of Exchequer, to be placed to his Account there *ex parte* the General Steam Navigation Company, pursuant to the Directions of an Act passed in the First Year of the
1 G. 4. c. 35. Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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 Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or other 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 Incumbrances, 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 and being 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 and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and 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 purchased, taken, or used for the Purposes of the said Company stood and were settled and 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 meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, 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, or in Government or Real Securities; and in the meantime and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments

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

When less than 200*l.* but exceeding 20*l.*

V. And be it further enacted, That if any Money so contracted or agreed to be paid as lastly herein-before mentioned 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 Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy, with the Approbation of the said Company, to be signified in Writing under their Common Seal, or under the Hands of Three at least of the Directors of the said Company, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, 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 and with the like Approbation, to Two Trustees, to be named by the Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Person or Persons making such Option, and approved of by the said Company (such Nomination and Approbation to be signified in Writing under the Hands or Seals of the nominating and approving Parties); and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in manner herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer (so far as the Case shall be applicable), but without obtaining or being required to obtain the Direction or Approbation of the said Court.

When not exceeding 20*l.*

VI. And be it further enacted, That where such Money so contracted or agreed to be paid as before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased as aforesaid, in such Manner as the Directors of the said Company shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where Question shall arise touching the Title to any Money to be paid into the Bank.

VII. And be it further enacted, That where any Question shall arise touching the Title of any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or 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 Exchequer, 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, or to any Annuities or Securities purchased with any such Money, or to the Dividends or Interest of any such Annuities or Securities, the Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Person or Persons who shall have been in possession or receipt of the Rents and Profits of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Bodies, Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons claiming under or consistently with the Possession of such Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or of such Person, 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or Person, was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Exchequer may order the Expence of Purchases and Costs to be paid by the Company.

VIII. And be it further enacted, That where, by reason of any Disability or Incapacity of any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or of the Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court to order the reasonable Costs, Charges, and Expences attending any such Purchase, or which may be incurred in consequence thereof, and of the Investment of the same in Government or Real Securities, and of the Re-investment of the same, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, Tenements, or Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities as aforesaid; and the said Company shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

On Payment of Purchase Money the Property to vest in the Company.

IX. And be it further enacted, That upon Payment of the Money contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments by the said Company to the Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or Person or Persons respectively entitled to such Money, or their Agents, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein-before directed (as the Case may be), and upon the Conveyance in manner herein-after directed

directed of such Lands, Tenements, or Hereditaments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity, of the Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or Person or Persons respectively to whom or for whose Use the same shall be paid, in, to, or out of such Lands, Tenements, or Hereditaments, shall vest in the said Company and their Successors for ever.

Form of Conveyance.

X. And be it further enacted, That all Conveyances and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Company under the Authority of this Act may be made in the Form or to the Effect following, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

'I [*or* We, *as the Case may be*,] of in consideration 'of the Sum of Pounds paid to me [*or* us, *or* into the 'Bank of *England, as the Case may be*,] by "The General Steam 'Navigation Company," incorporated under or by virtue of an Act 'passed in the Fifth Year of the Reign of His late Majesty King '*William* the Fourth, intituled *An Act to amend and enlarge the* '*Powers of an Act passed in the Second Year of the Reign of His* '*present Majesty, intituled* '*An Act for granting certain Powers to* '*a Company called* "*The General Steam Navigation Company,*"' do 'hereby grant and release [*or* assign, *as the Case may be*,] to the said 'Company and their Successors all [*here describe the Premises to be* '*conveyed*], and all my [*or* our] Right, Title, and Interest in and to 'the same and every Part thereof, to hold to the said Company and 'their Successors for ever [*or, as the Case may be*, during all the 'Remainder of my [*or* our] Term, Estate, and Interest in the said 'Premises]. In witness whereof I [*or* we] have hereunto set my 'Hand and Seal [*or* our Hands and Seals] this Day 'of in the Year of our Lord One thousand eight 'hundred .'

Power to sell superfluous Lands.

XI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture or Indentures under their Common Seal to grant and convey, by way of absolute Sale in Fee Simple, for a competent Consideration in Money, all or any Part of the Lands, Tenements, and Hereditaments which may have been purchased, and which shall not be wanted for the Purposes of the said Company, and also to grant and convey all or any Part of the Lands, Tenements, and Hereditaments which may have been so purchased by the said Company as aforesaid by way of Mortgage, either in Fee or for any Term or Terms of Years; and upon Payment of the Money which shall arise by or from the Sale or Sales, Mortgage or Mortgages, of such Lands, Tenements, and Hereditaments, or of any Part thereof, it shall be lawful for any Three of the Directors for the Time being of the said Company to sign and give a Receipt or Receipts for the Money for which the same shall be sold or mortgaged, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers, Mortgagee or Mortgagees, for the Money therein and thereby expressed or acknowledged to be received;

ceived; and such Purchaser or Purchasers, Mortgagee or Mortgagees, having *bonâ fide* paid the same, and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Money or any Part thereof, nor shall the Lands, Tenements, or Hereditaments so sold or mortgaged by the said Company as aforesaid, or any Part of the same, be liable, in the Hands of the Purchaser or Purchasers, Mortgagee or Mortgagees thereof, to any Debts of or any Claims and Demands upon the said Company: Provided always, that the said Company, before they shall sell and dispose of any such Lands, Tenements, or Hereditaments, shall first offer to sell the same to the Person or to the several Persons whose Lands or Premises shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold, at such Price as the Company shall be disposed to sell the same, or can or may obtain for the same from any other Person or Persons, such Persons being in *England*, and conveniently to be found, and being capable of entering into a Contract for the Purchase of such Lands, Tenements, or Hereditaments; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention in that Behalf to the said Company within Thirty Days after such Offer of Sale shall have been made; and in case such Persons shall decline to avail themselves of such Offer, or shall neglect to signify their Desire and Intention to purchase such Lands, Tenements, or Hereditaments for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands, Tenements, or Hereditaments included in such Offer of Sale, shall cease; and a Declaration in Writing made and sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the County or Place where such Lands shall be situate, as the Case may be, by some Person not interested in such Lands, Tenements, or Hereditaments, stating that the Person entitled to such Right of Pre-emption was not in *England*, or was not found, or was not capable of entering into a Contract for the Purchase of such Lands, Tenements, or Hereditaments, or that such Offer was made by or on behalf of the said Company, and that such Offer was refused or was not accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused, or was not accepted within the Time aforesaid (as the Case may be), by the Person to whom such Offer was made.

Limiting the Quantity of Land to be purchased from incapacitated Persons.

XII. And whereas the said Company are enabled to hold at any one Time not more than Twenty Statute Acres of Land by virtue of this Act for the Purposes of the said Company, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whosoever, are empowered to sell Lands, Tenements, and Hereditaments to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands, Tenements, and Hereditaments so purchased from Persons and Corporations being under legal Disability or Incapacity, and again purchasing

other Lands, Tenements, and Hereditaments from the same or any other Persons or Corporations, being under legal Disability or Incapacity, in lieu of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands, Tenements, and Hereditaments are limited in strict Settlement, or other Persons, being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Twenty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or any other Person or Corporation being under legal Disability or Incapacity, nor for the same, nor for any other Person or Corporation being under legal Disability or Incapacity, to sell to the said Company any other Lands, Tenements, and Hereditaments in lieu or stead of those Twenty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

Declaring what shall be good Service of Notice by the Company.

XIII. And be it further enacted, That in all Cases in which it may be necessary for the said Company to give any Notice to any Corporation, or to any Person whomsoever, under the Provisions or Directions contained in this or the said recited Acts, such Notice shall or may be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Secretary or Clerk for the Time being of the said Company, without being required to be under the Common Seal of the said Company; and such Notice shall be delivered to such Person, or or to some Inmate of the last or usual Place of Abode of such Person, or be delivered to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or be delivered to some Inmate of the last or usual Place of Abode of such Clerk or Officer, or in case there shall be no such Clerk or other Officer, or his last or usual Place of Abode or Office shall not be found or known, then the same shall be delivered to some Member of such Corporation, or to some Inmate of the last or usual Place of Abode of such Member, except in Cases in which any other Mode of giving such respective Notices is by this or the said recited Acts particularly directed.

Plaintiff not to recover after Tender of Amends.

XIV. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action against the said Company for any Irregularity, Trespass, or other wrongful Proceeding, if Tender of sufficient Amends shall have been made by or on behalf of the said Company before such Action brought; and in case no Tender shall have been made it shall be lawful for the said Company, by Leave of the Court where such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as the said Company shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Public Act.

XV. 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.

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