ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

****

Cap. 9.

An Act for enabling the Company of Proprietors of the *Rochdale Canal* more effectually to provide for the Discharge of their Debts, and to complete the Whole of the Works to be executed by them, in pursuance of the several Acts passed for making and maintaining the said Canal.

[23d *March* 1804.]

WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for making and maintaining a Navigable Cnnal from the* Calder Navigation, *at or near* Sowerby Bridge Wharf, *in the Parish of* Halifax, *in the West Riding of the County of* York, *to join the Canal of his Grace the Duke of* Bridgwater *in the Parish of* Manchester, *in the County of* Lancaster, *and also certain Cuts from the said intended Canal,* certain Persons in the said Act named, and their Successors, were incorporated by the Name, Stile, and Title of *The Company of Proprietors of the Rochdale Canal*, for making and completing the said Canal and Cuts, and the several other Works necessary for carrying the said Act into Execution; and the said Company of Proprietors were thereby authorized to raize and contribute amongst themselves a competent Sum of Money, for making and completing the said Canal, Cuts, and Works, not exceeding the Sum of Two hundred and ninety-one thousand nine hundred Pounds, (except as thereafter mentioned) which was to be divided into Two thousand one hundred and nineteen Shares of One hundred Pounds each; and that in case the said Sum of Two hundred and ninety-one thousand nine hundred Pounds should be found insufficient for the making and completing of the said Canal, Cuts, and Works, the said Company were thereby empowered to raise and contribute amongst themselves, in such Shares and Proportions as to them should seem meet, any further or other Sum for the completing and perfecting of the said Under- 34 G. 3.

taking, not exceeding One hundred thouſand pounds; and that in caſe the ſaid Company ſhould be deſirous of raiſing the ſame by Mortgage of the ſaid Undertaking, they were empowered to borrow and take up at Intereſt, all or any Part of the ſaid One hundred thouſand Pounds on the Credit of the ſaid Undertaking, as to them ſhould ſeem meet, and to aſſign the Property of the ſaid Navigation, and the Rates, Tolls, and Duties, ariſing therefrom, as a Security for any Sum or Sums to be ſo lent and advanced, to the Perſon or Perſons who ſhould advance the ſame, in the Manner therein expreſſed: And whereas by an Act paſſed in the
40 G. 3. Fortieth Year of the Reign of His ſaid preſent Majeſty intituled, *An Act for better enabling the Company of Proprietors of the* Rochdale Canal *to raiſe Money for completing the ſaid Canal, and to vary the Line of the ſaid Canal; and to alter, explain, and amend, the Act paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, for making the ſaid Canal*, the ſaid Company of Proprietors are authorized and empowered to raiſe in Manner therein mentioned, any Sum or Sums of Money, not exceeding in the Whole the Sum of One hundred thouſand Pounds, over and above the ſaid Sum of Two hundred and ninety-one thouſand nine hundred Pounds, authorized to be raiſed by the ſaid firſt mentioned Act: And whereas the ſaid Company of Proprietors have raiſed on Promiſſory Notes, under the Common Seal of the ſaid Company, in the Manner and on the Terms and Conditions ſpecified and directed in and by the laſt-mentioned Act, the Sum of Eighty thouſand Pounds only or thereabouts, in Part of the Sum of One hundred thouſand Pounds thereby authorized to be raiſed, but have not hitherto been able to raiſe the Reſidue thereof: And whereas the ſaid Company of Proprietors have made great Progreſs in or towards the completing of the ſaid Canal, Cuts, and Works, and have expended therein not only the whole of the ſaid Sum of Two hundred and ninety-one thouſand nine hundred Pounds, authorized to be raiſed by the ſaid firſt-mentioned Act (after deducting the Intereſt by the ſaid Act directed to be paid or allowed to the Subſcribers, and the Calls and Proportions of ſundry Perſons, who are become inſolvent and in arrear) but alſo the Whole of the ſaid herein-before mentioned Sum of Eighty thouſand Pounds ſo as aforeſaid raiſed under or by virtue of the ſaid laſt mentioned Act: And whereas from the very great Advance in the Price of Labour, and of all Sorts of Materials, the Expences of the ſaid Company have increaſed very conſiderably beyond the Eſtimates made by their Surveyors or Engineers, whereby they have contracted Debts to a large Amount, which are now due and owing, and which they are at preſent unable to diſcharge; and it is expedient that the ſaid Company of Proprietors ſhould be authorized, not only to provide for the Diſcharge of their ſaid Debts, but alſo that they ſhould be enabled to finiſh and complete the Whole of their ſaid Works; and it is alſo found that the Powers and Proviſions of the aforeſaid Acts are inſufficient for that Purpoſe: 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 any ſuch Sum or Sums of Money as ſhall from Time to Time be found neceſſary for paying and diſcharging the Debts owing by the ſaid Company of Proprietors, and ſuch further Debts as they ſhall contract in the completing of the ſaid Canal, Cuts, and Works, not exceeding in the Whole the Sum of Seventy thouſand Pounds, (over and above the before mentioned Sums of Two hundred and ninety-one thouſand nine hundred Pounds, and One hundred thouſand Pounds,

Enabling the Company to borrow 70,000*l.* in Addition to the ſeveral Sums they are authorized to raiſe by ſaid Acts.

or

or ſo much of the ſame Sums as the ſaid Company have been or ſhall be able to get in and receive; and notwithſtanding that the ſame two laſt mentioned Sums have not been wholly raiſed and received as aforeſaid), any Thing in the ſaid Acts, or either of them, contained to the contrary thereof notwithſtanding; which ſaid Sum of Seventy thouſand Pounds ſhall be raiſed by the ſaid Company of Proprietors by Means of creating new or additional Shares, or Part or Parts of Shares in the ſaid Undertaking, and diſpoſing of the ſame to ſuch Perſon or Perſons, and at ſuch Price or Prices, as to the ſaid Company of Proprietors, or their General Committee for the Time being, ſhall from Time to Time ſeem meet and convenient, or by ſuch other Ways and Means, and in ſuch Form and Manner as the ſaid Company of Proprietors, or their General Committee for the Time being, ſhall from Time to Time think expedient or neceſſary for that Purpoſe; and that the reſpective Proprietors of any Share or Shares, or Part or Parts of any Share or Shares, to be created by virtue of this Act, ſhall be and become entitled to an equal Share or Diviſion of the Profits of the ſaid Navigation, and to ſuch and the ſame Powers, Privileges, and Advantages, and be liable to ſuch and the ſame Reſtrictions, Penalties, and Forfeitures, as if the ſame were Part and Parcel of the Shares created in and by the firſt herein-before mentioned Act, and now veſted in the ſeveral and reſpective Proprietors by virtue of the ſaid Act; and the Admiſſion of every Perſon to any ſuch new Shares, or Part or Parts of Shares, by any Order or Reſolution of the ſaid Company of Proprietors, or their General Committee for the Time being as aforeſaid, ſhall be good and effectual Titles to ſuch Perſon or Perſons, and his, her, or their reſpective Executors or Adminiſtrators, on his, her, or their Payment to the ſaid Company of Proprietors of the Purchaſe Money or Price agreed for the ſame; which Monies ſo to be raiſed by the Ways aud Means aforeſaid, ſhall be paid, applied, and diſpoſed of, in the Liquidation and Diſcharge of the Debts of the ſaid Company of Proprietors, and in finiſhing and completing the ſaid Canal, Cuts, and Works.

In caſe of not making out Titles;

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

II. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid Acts or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the Commiſſioners, for executing the ſaid Acts and this Act; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded 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 Five or more of them, to order the ſaid Sum or Sums of Money, ſo awarded as aforeſaid, 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 of Chancery; 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends

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

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 of Money, 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.

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

III. 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 any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this Act, 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 other Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under 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; and the Dividends and Intereſt of the ſaid 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 a 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.

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

IV. 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 Houſes, Buildings, 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 ſaid Court, and to be applied in the Purchaſe of other Houſes, Buildings, Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Company, 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 this Act; and declaring the ſame a publick Act.

V. And be it further enacted, That the Charges and Expences incident to or attending the obtaining and paſſing of this Act, ſhall be paid and defrayed by the ſaid Company of Proprietors; and 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 other Perſons, without ſpecially pleading or ſetting forth the ſame.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1804.