ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxix.

An Act to vest the *Stainforth and Keadby* Canal in the Company of Proprietors of the Navigation of the River *Dun*. [26th *June* 1849.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of King *George* the Third, intituled *An Act for* 33G.3.c.117. *making and maintaining a navigable Canal from the River* Dunn *Navigation Cut at or near* Stainforth *in the West Riding of the County of* York *to join and communicate with the River* Trent *at or near* Keadby *in the County of* Lincoln, *and also a collateral Cut from the said Canal to join the said River* Dunn *in the Parish of* Thorne *in the said Riding,* and by the said Act "The Company of Proprietors of the *Stainforth and Keadby* Canal Navigation" were incorporated: And whereas the Provisions of such Act have been amended and enlarged by Two other Acts passed respectively in the Thirty-eighth and Forty-ninth Years of the same Reign: And whereas an Act was passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act for making the River* Dun *in the* 12 G. 1. c. 38. *West Riding of the County of* York *navigable from* Holmstile *in* Doncaster *up to the utmost Extent of* Tinsley Westward, *a Township within Two Miles of* Sheffield, and another Act was passed in the Thirteenth Year of the same Reign, intituled *An Act for improving* 13 G. 1. c. 20. *the Navigation of the River* Dunn *from a Place called* Holmes-

stile *in the Township of* Doncaster *in the County of* York *to* Wilsick House *in the Parish of* Barmby Dunn *in the said County:* And whereas the Provisions of such Acts have been amended and enlarged by certain Acts of Parliament passed respectively in the Sixth and Thirteenth Years of the Reign of King *George* the Second, and in the Sessions of Parliament held in the First and Second Years and in the Seventh Year of the Reign of King *George* the Fourth: And whereas by the said Act passed in the Sixth Year of the Reign of King *George* the Second a Company was incorporated under the Style of "The Company of Proprietors of the Navigation of the River *Dun*:" And whereas the *Stainforth and Keadby* Canal and the Navigation of the River *Dun* form, with the Aid of the *Sheffield* Canal, whereof the last-named Company of Proprietors are Lessees, a continuous Water Communication between the *Trent* and *Humber* on the one hand, and *Sheffield* and the manufacturing District of the West Riding of *Yorkshire* on the other, and it is expedient that the first-named Canal should be vested in the Company of Proprietors of the Navigation of the River *Dun*, so that the said Canal and Navigation may be placed under one uniform System of Management: And whereas it is expedient that the Tolls now levied upon the said Canal should be diminished, and that certain of the Provisions in the said recited Acts should be amended: And whereas it hath been agreed between the said Canal and Navigation Companies that the said Navigation Company should enter into possession of the said Canal on the First Day of *January* last, and also that the said Canal and its Appurtenances shall be absolutely vested in the said Navigation Company, provided that the Authority of Parliament can be obtained for that Purpose: 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 from and after the passing of this Act the said Company of Proprietors of the *Stainforth and Keadby* Canal Navigation shall be and the same is hereby dissolved, and the aforesaid *Stainforth and Keadby* Canal, and all Cuts, Reservoirs, Aqueducts, Feeders, Water Tanks, Basins, Pens, Dams, Embankments, Weirs, Locks, Sluices, Culverts, Drains, Soughs, Tunnels, Arches, Sewers, Bridges, Fences, Gates, Ways, Roads, Railroads, Towing Paths, Landing Places, Docks, Quays, Wharfs, Houses, Toll Houses, and other Buildings, Cranes, Weighing Machines, Engines, and other Works, to the same Canal, Cuts, Branches, and Communications respectively belonging, and all and every other the Lands, Tenements, and Hereditaments, Easements and Appurtenances whatsoever, of or to which the said Canal Company by virtue of their said recited Acts or by any other Means whatsoever was seised, possessed, or entitled, at Law or in Equity, on the First Day of *January* last, shall belong to and the same are hereby vested in the said Company of Proprietors of the Navigation of the River *Dun*; subject nevertheless to the existing Debts, Rents, Annuities, Covenants, Liabilities, Engagements, Contracts, Obligations, and Incumbrances respectively affecting the same, or to which the said Canal Company was subject or liable, on the said First Day of *January*.

Stainforth and Keadby Canal vested in Dun Navigation Company.

II. And

Navigation Company to perform all Liabilities of Canal Company previous to the passing of this Act.

II. And be it enacted, That the said Navigation Company shall, from and immediately after the passing of this Act, be subject to, and shall perform and conform and be liable to, all Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions to which the said Canal Company was at the Time of the passing of this Act or but for this Act would have been or become subject or liable, and shall indemnify the several Proprietors of Shares in the said Canal, and the several Annuitants under this Act, their respective Heirs, Executors, Administrators, Successors, and Assigns, Estates and Effects, from and against all such Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions, and all Costs, Charges, and Expenses to be occasioned or incurred by reason thereof, or of the Nonperformance or undue Performance of the same or any of them.

Chattels and Choses in Actions and Personal Estate of the Canal Company vested in Navigation Company.

III. And be it enacted, That from and immediately after the passing of this Act all the Goods, Chattels, Boats, Barges, Trucks, Machines, Ropes, live and dead Stock, Bonds, Deeds, Securities, Choses in Action, Books, Writings, Maps, Plans, and other Personal Estate, Chattels, and Effects of which the said Canal Company was possessed, or to which it was entitled, at Law or in Equity, on the same First Day of *January*, so far as the same are capable of being transferred at the passing of this Act, shall be vested in and belong to the said Navigation Company, for their absolute Benefit, subject as herein-after mentioned; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said Canal Company, or to any Person on their Behalf, shall pay the same, together with all Interest (if any) due or to accrue due thereon, to the said Navigation Company; and all Debts and Monies which immediately before the passing of this Act were due and owing by or recoverable from the said Canal Company, for the Payment of which they were or but for the passing of this Act would have been liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the said Navigation Company; and all Conveyances, Leases, Contracts, Agreements, Mortgages, Bonds, Covenants, Securities, Debts, and Liabilities made, entered into, or incurred before the passing of this Act, to, with, in favour of, or by or for the said Canal Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the said Navigation Company, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the said last-named Company had been the Party to and had executed the same, or had been named or referred to therein, instead of the said Canal Company or Person.

Powers given by the Canal Acts may be executed by the Navigation Company.

IV. And be it enacted, That on the passing of this Act all the Rights, Privileges, Powers, and Authorities by the said Canal Acts conferred on or given to the said Canal Company, its Committee, Officers, Agents, and Servants respectively, shall apply to and be vested in the said Navigation Company, and may lawfully be used, exercised, and enjoyed by the last-mentioned Company or the Committee thereof, or their Law Clerk, Officers, Agents, or Servants respectively, and the Corporate Seal of the said Navigation Company shall

shall be used, when necessary, in reference thereto, in like Manner as though the said Navigation Company had been originally named in the said Canal Acts instead of the said Canal Company.

Certain Provisions of Canal Acts extended.

V. And be it enacted, That all the Provisions, Enactments, Matters, and Things which by the Three first-recited Acts are to be obeyed, done, and performed by the said Canal Company, the Committee of Management, or the Clerk or other Officers or Servants thereof, and which are not repealed or rendered unnecessary by this Act or otherwise, shall from and after the passing of this Act be applicable to, and shall be obeyed, done, and performed by the said Navigation Company, and the Committee, Law Clerk or other Officers, and the Servants thereof, as though the same Provisions, Enactments, Matters, and Things had been originally prescribed and enacted concerning the last-named Company, instead of the Canal Company; and the Seal of the said Navigation Company may be used in all Matters requiring the same, in like Manner as the Seal of the said Canal Company was by the said Canal Acts authorized to be used.

Actions, &c. not to abate, and Penalties to be recoverable.

VI. And be it enacted, That no Action, Suit, Prosecution, or other Proceedings whatsoever, commenced either by or against the said Canal Company previously to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect, both in favour of and against the said Navigation Company, in the same Manner in all respects as the same would have continued and taken effect in relation to the said Canal Company if this Act had not been passed; and all Penalties incurred for any Offence against the Provisions of the said Canal Acts or of any or either of such Acts previously to the passing of this Act shall and may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the said Acts, or any or either of them, shall and may be prosecuted, by and against the said Navigation Company, in such and the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted by and against the said Canal Company if this Act had not been passed, the said Navigation Company being in reference to the Matters aforesaid in all respects substituted in the Place of the said Canal Company.

Officers to account.

VII. And be it enacted, That all Officers and Persons who after the passing of this Act shall have in their Possession or under their Control any Books, Documents, Papers, Writings, or Effects belonging to the said Canal Company, or to which the said Canal Company may be entitled, shall be liable to account for and deliver up the same to the said Navigation Company, or to such Person or Persons as they may appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as though such Officers and Persons had been appointed by and become possessed of such Books, Documents, Papers, Writings, or other Effects for the said Navigation Company.

As to Monies paid into the

VIII. And be it enacted, That in all Cases in which, under the Provisions of the said Canal Acts, any Sum of Money has already been

been paid by the said Canal Company into the Bank of *England*, or to any Trustee or Trustees, on account of the Purchase of any Land or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same shall have been invested, by the Order of the Court of Exchequer or the Court of Chancery, or otherwise howsoever, and the Interest and Dividends thereon and the annual Produce thereof, shall be applied and disposed of pursuant to the said Canal Acts, and all the Clauses, Provisions, and Authorities contained in such Acts in relation to such Monies, Stocks, Funds, and Securities, and the Interest and Dividends thereon and the annual Produce thereof, shall for the Purposes of this Act be construed and taken as if the said Navigation Company were named in such Canal Acts instead of the said Canal Company.

Bank of England.

IX. And be it enacted, That all the Powers and Provisions contained in any Act of Parliament for the Benefit or Protection of the said Canal Company shall be of the like Force, Operation, and Effect, and shall appertain and attach to and be exercised and enforced by the said Navigation Company in as full and effectual a Manner, to all Intents and Purposes whatsoever, as the same Powers and Provisions would have appertained and attached to or might or could have been exercised and enforced by the said Canal Company in case this Act had not been passed.

Provisions in other Company's Acts in favour of Canal Company to remain in force.

X. And whereas the Undertaking of the *Stainforth and Keadby* Canal Navigation is divided into Two hundred and twenty-nine Shares: Be it enacted, That in consideration of the said Canal and Works, Property and Effects thereof, or of the Company of Proprietors thereof, and the Powers and Privileges appertaining thereto, being vested in the said Navigation Company, upon the Terms and in Manner in this Act mentioned, the said Navigation Company, their Successors and Assigns, shall yearly and every Year for the Term of Seven Years, unless in the meanwhile the Principal Sum herein-after mentioned has been paid, according to the Powers herein-after contained, well and truly pay or cause to be paid unto every Person who at the Time of the passing of this Act was the Proprietor of or entitled to any One or more of the said Two hundred and twenty-nine Shares, their respective Executors, Administrators, Successors, and Assigns, a fixed Payment or yearly Sum of Seven Pounds for and in respect of each such Share held by them respectively, and that such Payment shall be computed and reckoned as from the First Day of *January* One thousand eight hundred and forty-nine (from which Time the said Navigation Company shall have and be entitled to the Gains, Profits, and Proceeds of the said Canal, and the Works, Property, Effects, Powers, Privileges, and other the Matters and Things appertaining thereto), and shall from Time to Time be paid to the Persons for the Time being entitled thereto in net Monies, free and clear of all Deductions and Abatements whatsoever (except any Income or Property Tax, or other Tax in the Nature thereof, legally chargeable thereon,) in manner following; (that is to say,) by equal half-yearly Payments on the First Day of *January* and the First Day of *July* in each Year, the first of such half-yearly Payments to be due, or considered,

Annual Payments to the Canal Proprietors until Principal Sum paid.

sidered, deemed, or taken to be due, on the First Day of *July* One thousand eight hundred and forty-nine; and any Receipt or Receipts for the said first half-yearly Payment shall be a good Discharge for the same, or for so much thereof as shall be therein expressed to be received, notwithstanding that this Act may not at that Time have passed into a Law.

Receiver may be appointed for the Annuities in arrear.

XI. And be it enacted, That in case Default shall be made in Payment of the said annual Payment or any Part thereof at the respective Times and in the Manner herein-before directed in that Behalf, and in case the same shall not be paid within Twenty-one Days next after Demand thereof in Writing shall have been delivered to the said Navigation Company, or to their Solicitor or Agent for the Time being, it shall be lawful for any Two or more Justices of the Peace for the West Riding of the County of *York* (not being interested in the Matter in question), on Application to them from Time to Time made by or on behalf of any One or more Person or Persons who shall then be entitled, together or alone, to an aggregate Amount of Arrears not being less than One hundred Pounds, whose annual Payment shall be so in arrear, by an Order under the Hands of such Justices to appoint some fit and proper Person to receive the Tolls, Rates, and Duties leviable and recoverable at any Office of the Navigation Company, until such annual Payment, together with the Costs of obtaining such Order, and of recovering and receiving such Tolls, Rates, and Duties, shall be fully paid (subject and without Prejudice nevertheless to the Claims and Demands of Mortgagees whose Securities bear Date prior to the passing of this Act for Recovery of the Principal Monies and Interest due to them respectively), and the Money so to be received by such Person so appointed as aforesaid is hereby declared to be so much Money received by or to the Use of the Party or Parties to whom such annual Payment shall then be due and in arrear as aforesaid, and after such annual Payment and Costs shall have been so satisfied the Power of such Receiver shall cease.

As to Payment of Principal of Purchase Money.

XII. And be it enacted, That on the Second Day of *January* which will be in the Year One thousand eight hundred and fifty-six the said Navigation Company, their Successors or Assigns, shall well and truly pay or cause to be paid unto every Person holding or entitled to hold on that Day the Certificate herein-after mentioned, the Principal Sum of One hundred and fifty Pounds, for which Sum of Money every Person receiving the same shall sign a Receipt, which may be in the Form set forth in the Appendix to this Act marked (A.), or to the like Effect, which Receipt shall be duly stamped, and shall be prepared and the Stamp thereof provided by the said Navigation Company.

Receiver may be appointed in case the Principal Money not paid.

XIII. And be it enacted, That in case Default shall be made in Payment by the said Navigation Company of the said Sum of One hundred and fifty Pounds for and in respect of all and every or any of the Two hundred and twenty-nine Shares in the said Canal on or before the Second Day of *January* One thousand eight hundred and fifty-six, and in case the same shall not be paid within Three Months after Demand thereof in Writing shall have been delivered to the said Navigation Company, or their Solicitor or Agent for the Time being,

being, (such Demand to be made at any Time on or subsequent to the First Day of *October* One thousand eight hundred and fifty-five,) it shall be lawful for the Person or Persons having made such Demand who shall be entitled, together or alone, to an aggregate Amount of One thousand Pounds in respect of Certificates given or granted under the Provisions of this Act, to recover the same by levying upon or receiving the Tolls, Rates, and Duties leviable and recoverable upon the said Canal and Navigation, under the like Powers or Authorities, and in like Manner in all respects, as herein-before is provided with respect to the recovery and enforcing the Payment of the annual Interest herein-before provided to be paid: Nevertheless it is hereby enacted, That this Power, and the said Power herein-before given for the Recovery of the said annual Interest when in arrear, shall not be held or taken in any way to supersede or lessen any Remedies to which the Persons entitled to such Principal Money or annual Interest would have been entitled, either at Law or in Equity, in case this present Power, and the said Power for the Recovery of the said annual Interest, had not been hereby given.

Power to pay off Certificates earlier than 1856.

XIV. Provided always, and be it enacted, That it shall be lawful for the said Navigation Company (having given Three Months previous Notice of such their Intention) to pay to any Person holding or entitled to hold a Certificate given or granted under the Provisions herein-after contained the Sum of One hundred and fifty Pounds, in discharge thereof, at any Time before the said Second Day of *January* One thousand eight hundred and fifty-six; and that upon Payment or Tender of the Sum of One hundred and fifty Pounds to such Person, together with a proportionate Part of the said annual Payment or Sum calculated from the last half-yearly Day of Payment up to the Day of Payment or Tender of the said Sum of One hundred and fifty Pounds, such Person shall sign a Receipt for the same according to Schedule (A.) to this Act annexed, or to the like Effect; and that after such Payment or Tender as aforesaid the said annual Payment of Seven Pounds shall absolutely cease.

Certificate of Canal Securities.

XV. And be it enacted, That, on Demand by any Person holding or entitled to hold on the Day of the passing of this Act a Share in the said *Stainforth and Keadby* Canal Navigation, the said Company of Proprietors of the Navigation of the River *Dun* shall cause a Certificate in respect of each Share according to the Form set forth in Schedule (B.) to this Act annexed, or to the like Effect, to be delivered, free of Expense, to such Person; and such Certificate shall have the Common Seal of the said Navigation Company affixed thereto, and shall specify the Number by which every such Certificate shall be known in the Books kept by the said Navigation Company.

Canal Certificates to be held on the same Trusts as the Shares in respect of which they are granted.

XVI. And be it enacted, That every Person who under the Provisions of this Act shall become the Proprietor of such Certificate shall stand and be possessed thereof upon the same Trusts and for the same Purposes, and with and under the same Powers and Provisions respectively (subject nevertheless to the Provisions of this Act), as the Share in the said Canal represented by such Certificate was at the passing of this Act held upon and subject or liable to, and so as to give Effect to and not revoke any Will or other testamentary

tamentary Disposition, Contract, Settlement, Trust, Charge, or Agreement affecting the same Share made previously to the passing of this Act.

Canal Certificates Personal Estate, and chargeable on Dun Navigation Company and their Property.

XVII. And be it enacted, That the said Certificates shall be deemed to be Personal Estate, and not of the Nature of Real Estate; and that, notwithstanding the Dissolution of the said Canal Company, or any Clause, Matter, or Thing in this Act contained, the several Persons for the Time being holding or entitled to hold the said Certificates shall have and be deemed to have a Lien and Charge upon the said Company of Proprietors of the Navigation of the River *Dun*, their Successors and Assigns, and the Works, Undertakings, Property, and Effects for the Time being of the said Navigation Company, and upon the Tolls, Gains, and Profits thereof, reserving always to the existing Mortgagees a Priority over the Persons entitled to such Lien or Charge.

Certificate to be Evidence.

XVIII. And be it enacted, That the said Certificates shall be admitted in all Courts as *primâ facie* Evidence of the Title of the Party to whom the same shall be granted, his or their Executors, Administrators, Successors, or Assigns, to the Monies therein specified, nevertheless the Want of such Certificate shall not prevent the Party for the Time being entitled to such Monies from disposing thereof.

Transfer of Canal Certificate to be by Deed duly stamped.

XIX. And be it enacted, That, subject to the Regulations herein contained, every Person entitled to such Certificate may sell and transfer the same, and the Monies thereby secured; and every such Transfer shall be by Deed duly stamped, in which the Consideration shall be duly stated; and such Deed may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Transfer of Canal Certificates to be registered.

XX. And be it enacted, That the said Deed of Transfer (when duly executed) shall be delivered to the Law Clerk of the said Navigation Company, and be kept by him, and the Clerk shall enter a Memorial thereof in a Book to be called "The Register of Transfers under the *Stainforth and Keadby* Canal Purchase Act, 1849," and shall endorse such Entry on the Deed of Transfer, and for every such Entry and for each such Endorsement the Navigation Company may demand any Sum not exceeding Two Shillings and Sixpence.

Old Transfer Books and Papers relating to Shares in Canal to be kept, and Access given thereto.

XXI. And be it enacted, That the said Navigation Company shall preserve and keep at the Office or Place of Business of the said Navigation Company all Register and Transfer Books, Dividend Lists, and other Books, Papers, and Documents showing the Transmission of Shares in the said Canal, and the Proprietors thereof or the Titles thereto; and that every Annuitant under this Act, and, if such Annuitant be a Corporation, the Clerk or Agent of such Corporation, may at all convenient Times peruse and examine all such Books, Lists, and other Papers and Documents *gratis*, and may require a Copy of the same or any of them, or of any Part thereof respectively, and for every One hundred Words so required to be copied the said Navigation Company may demand a Sum not exceeding Sixpence,

XXII. And

Navigation Company not bound to see to the Execution of Trusts.

XXII. And be it enacted, That the said Navigation Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Canal Certificates may be subject; and the Receipt of the Party in whose Name any such Certificate shall stand in the Books of the said Navigation Company, or, if it stands in the Name of more Parties than One, the Receipt of One of the Parties named in such Books, shall from Time to Time be a sufficient Discharge to the said Navigation Company for any Sum of Money payable in respect thereof, notwithstanding any Trusts to which the same may then be subject, and whether or not the said Navigation Company have had Notice of such Trusts; and the said Navigation Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Power to raise Money on Mortgage for paying off the Canal Certificates.

XXIII. And in order to enable the said Navigation Company to pay off and discharge the Monies mentioned in and secured by the said Certificates, be it enacted, That it shall be lawful for the said Navigation Company to borrow on Mortgage or Bond any Sum or Sums not exceeding in the whole Thirty-four thousand three hundred and fifty Pounds, and to secure the Payment thereof, with Interest, in the same Manner as any Sum or Sums which the said Navigation Company may have been authorized to raise on Mortgage or Bond: Provided always, that the Mortgages or Bonds executed by the Navigation Company, or in existence at the Time when the same Company shall borrow the said Sum of Thirty-four thousand three hundred and fifty Pounds or any Part thereof, shall have Precedence of and be deemed prior Charges to the Bonds or Mortgages executed for securing the said Sum.

Stamp Duty to be paid on Purchase.

XXIV. And be it enacted, That the said Navigation Company shall within Six Months after the passing of this Act pay to the Receiver General of Inland Revenue, for the Use of Her Majesty, for and in respect of the Purchase and Transfer by this Act effected, the Sum of Three hundred and fifty Pounds, being the Amount of the *ad valorem* Stamp Duty which would have been payable if the same Sale and Transfer had been made by Deed duly stamped for denoting the proper Stamp Duty payable thereon by Law.

Books to be Evidence.

XXV. Provided always, and be it enacted, That all Books and other Documents by the Three first-recited Acts or either of them authorized or directed to be kept, and which would have been Evidence if this Act had not been passed, shall still be admitted as Evidence in all Courts of Law and Equity and elsewhere.

As to Rates on the Canal.

XXVI. And whereas by a certain Section or Clause of the said first-recited Act the said Canal Company were empowered to ask, demand, take, receive, and recover the several Rates therein mentioned for the Tonnage of the several Kinds of Goods, Wares, Merchandize, Commodities, and other Things which should be navigated, carried, or conveyed in, upon, or along the said Canal: And whereas it is expedient to make such Provisions in respect of the said Rates as are herein-after contained: Be it therefore enacted, That the said Navigation Company, their Successors and Assigns, shall and they are hereby

hereby required, from and immediately after the passing of this Act, so to reduce the said Rates for Tonnage of the several Kinds of Goods, Wares, Merchandize, Commodities, and other Things which shall be navigated, carried, or conveyed in, upon, or along the said Canal as that the said Rates shall never exceed the Amounts specified in Schedule (D.) to this Act annexed, anything in the said first-recited Act or in this Act contained to the contrary thereof notwithstanding.

Extending certain Provisions of first-recited Act to such Rates.

XXVII. Provided always, and be it enacted, That the Provisions contained in the said first-recited Act touching Fractions of Miles, Tons, and Quarters of Tons shall extend and apply to the Rates and other Charges to be demanded and received by the said Navigation Company, their Successors and Assigns.

Contracts for Purchase of Land to be good.

XXVIII. Provided always, and be it enacted, That in all Cases in which the said Canal Company previously to the passing of this Act have, under the Powers and Provisions of the said first-recited Act, entered into any Contract for the Purchase of or have taken or used any Land which at the Time of the passing of this Act shall not be effectually conveyed to the said Canal Company, and the Purchase Money in respect of which shall not have been duly paid by the said Canal Company, such Contract, if subsisting, shall be completed, and such Land shall be conveyed to the said Navigation Company, or as they shall direct.

Certain Provisions of 8 & 9 Vict. c. 16. extended to Navigation Company.

XXIX. And whereas it is expedient that certain of the Provisions of "The Lands Clauses Consolidation Act, 1845," should be extended to all Cases in which by virtue of the said recited Acts or any of them the said Navigation Company may agree for the Purchase of any Lands for the Purposes of the said Navigation or the said Canal: Be it therefore enacted, That the several Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, and the Purchase Money or Compensation coming to Parties having limited Interests, or legally prevented from treating, or not making Title, and the Conveyances of Lands, shall be extended to and shall apply to all Cases in which the said Navigation Company may purchase or acquire by Agreement Lands under the Powers of the said recited Acts or of any of those Acts: Provided always, that nothing herein contained shall enable the said Navigation Company to purchase, take, or use any of such Lands, except with the Consent of the Person or Persons entitled for the Time being to receive the Rents thereof.

Certain Provision in first-recited Act as to Limitation of Actions repealed.

XXX. And whereas it is by the said firstly-recited Act enacted, that no Action, Suit, or Information shall be brought or commenced against any Person or Persons for anything done in pursuance of that Act until Twenty Days Notice of the Cause of such Action in Writing be given to the Clerk or Clerks to the said Company of Proprietors of the said Canal, or to One or more of their Committee, or after sufficient Satisfaction or Tender of the same hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage then within Six Calendar Months next after the doing or committing

such Damage shall cease, and not afterwards; and every such Action, Suit, or Information shall be brought and laid in the County of *York* or *Lincoln*, as the Case may be or require, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give that Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of that Act; and if it shall appear to have been so done, or that such Action, Suit, or Information was brought or laid before Twenty Days Notice in Writing as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in either of the said Cases the Jury shall find for the Defendant or Defendants; and thereupon, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case of Law: And whereas it is expedient that the said Enactment should be repealed, and that other Provision should be made instead thereof: Be it therefore enacted, That the same Enactment shall be and it is hereby repealed, and all the Provisions and Enactments touching the Matters aforesaid made in a certain Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Double Costs, Notices of Action, Limitations of Actions, and Pleas of the General Issue, under certain Acts of Parliament*, shall apply to all such Actions, Suits, or Informations, and Causes of Action, Suit, or Information.

Certain Provisions of 12 G. 1. c. 38. and 13 G. 1. c. 20. as to pleading General Issue repealed.

XXXI. And whereas it is enacted by the said recited Acts passed in the Twelfth and in the Thirteenth Years of the Reign of King *George* the First, that if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for anything that he, she, or they shall do or cause to be done in pursuance of those Acts, or for executing any of the Powers or Authorities, or any of the Orders or Directions, made, given, or directed by or under those Acts, every Person so sued or prosecuted in any Court whatsoever shall and may plead the General Issue, and give those Acts and the special Matter in Evidence; and if in any such Suit the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall become Nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit, or if Judgment shall pass against him, her, or them upon any Verdict, or upon Demurrer, or by Default, then and in every or any of the said Cases the Defendant or Defendants shall recover his, her, or their Costs, for which he, she, or they shall have the like Remedy as where Costs are by Law awarded; and it is also enacted by the said recited Act passed in the Sixth Year of the Reign of King *George* the Second, that no Deed creating any Proxy shall be filed or entered in the Book of the said Navigation Company until Affidavit of the due Execution thereof by all the Parties who shall make such Proxy shall be

Provision of 6 G. 2. c 9. as to making Affidavit of due Execution of Proxy Deeds repealed.

be made by One of the subscribing Witnesses thereto, before some Master in Chancery, Ordinary or Extraordinary, or Justice of the Peace, and shall be delivered to the Committee of the said Company, or their Treasurer or Agent, to be filed and kept together with the Instrument in Writing creating such Proxy; and that if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for anything done or to be done in pursuance of the Acts therein recited or of that Act, or in the Execution of the Powers or Authorities or any of the Orders and Directions in such Acts mentioned, every such Action, Suit, or Information shall be commenced and brought within Three Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County wherein the Cause of Action shall arise, and not elsewhere; and the Person or Persons so sued or prosecuted shall or may plead the General Issue, and give that Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance of the said Acts; and if it shall appear so to be done, or that such Action, Suit, or Information shall be brought after the Time before limited for bringing the same, or shall be brought in any other County than wherein such Cause of Action shall arise, that then the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against him or them, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law: And whereas similar Provisions to that which is lastly recited, having Reference to the Limitations of Actions, are inserted in certain other of the said recited Acts; *viz.*, that passed in the Thirteenth Year of the Reign of King *George* the Second, and those passed in the Sessions of Parliament held in the First and Second Years and in the Seventh Year of the Reign of King *George* the Fourth: And whereas it is expedient that such several Provisions should be repealed, and that other Provisions should be made in the Stead thereof: Be it therefore enacted, That the same Enactments be and they are hereby repealed, and that all the Provisions and Enactments touching the Matters aforesaid contained in a certain Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Double Costs, Notices of Action, Limitations of Actions, and Pleas of General Issue, under certain Acts of Parliament,* shall apply to all such Actions, Suits, and Informations, and Causes of Action, Suit, and Information.

Expenses of Act.

XXXII. And be it enacted, That all the Costs, Charges, and Expenses of obtaining this Act shall be paid by the said Navigation Company.

Short Title.

XXXIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in all legal Instruments and other Documents and Proceedings, it shall be sufficient to describe it as "The *Stainforth and Keadby* Canal Purchase Act, 1849."

XXXIV. And

Definition of Terms.

XXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Constructions; (that is to say,)

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

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include Corporation:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Canal," or "the said Canal," shall mean the *Stainforth and Keadby* Canal Navigation, and Works connected therewith:

The Expression "the Canal Company" shall mean the Company of Proprietors of the *Stainforth and Keadby* Canal Navigation:

The Words "Canal Acts" shall mean the recited Acts relating to the said *Stainforth and Keadby* Canal:

The Words "the Navigation Company," or "the said Navigation Company," shall mean the Company of Proprietors of the Navigation of the River *Dun*.

Public Act.

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

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Stainforth and Keadby Canal Certificate, No. *or* Nos.

RECEIVED this Day of 18 of the Company of Proprietors of the Navigation of the River Dun, the Sum of £ in full Payment and Discharge of the Sum [*or* several Sums] of One hundred and fifty Pounds secured by the above-mentioned Certificate [*or* Certificates].

SCHEDULE (B.)

Stainforth and Keadby Canal Certificate, No. [*or* Nos.]

THIS is to certify, That [*state the Name and Addition of the Person or of each of several joint Persons, as the Case may be,*] is [*or* are], under the Provisions of "The Stainforth and Keadby Canal Purchase Act, 1849," entitled to receive from the Company of Proprietors of the Navigation of the River Dun the Sum of One hundred and fifty Pounds, payable on the Second Day of January in the Year of our Lord One thousand eight hundred and fifty-six, and in the mean-time the annual Payment or Sum of Seven Pounds, payable by half-yearly Payments of Three Pounds Ten Shillings on the First Day of January and the First Day of July in each Year, subject to the Provisions of the said "Stainforth and Keadby Canal Purchase Act, 1849."

Given under the Common Seal of the Company of Proprietors of the Navigation of the River Dun, the Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (C.)

I [*or* We] of in consideration of paid to me [*or* us] by of do hereby transfer to the said One [*or if more than One state the Number*] Certificate [*or* Certificates] for One hundred and fifty Pounds, payable on the Second Day of January in the Year of

of our Lord One thousand eight hundred and fifty-six, and the annual Sum of Seven Pounds in the meantime [*if more than One add each*], numbered created by "The Stainforth and Keadby Canal Purchase Act, 1849," to hold the same to the said his [*or* their] Executors, Administrators, or Assigns [*or* Successors and Assigns, *as the Case may be*], subject to the Provisions of the said Act; and I [*or* we] the said hereby agree to accept the same accordingly.

Witness our Hands and Seals, this Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (D.)

For Coal, Culm, Charcoal, Road Materials, Manure, Lime, and Limestone, One Halfpenny per Ton per Mile:

For Iron, Slate, Stone, Bricks, Tiles, and Clay, One Penny per Ton per Mile:

For Grain, Timber, General Merchandize, and all other Articles not before enumerated, One Penny Halfpenny per Ton per Mile.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1849.