



ANNO QUADRAGESIMO PRIMO

# GEORGI II. REGIS.

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## *Cap. 115.*

An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Communication from the Junction of the River Foss with the River Ouse, at or near the City of York to Stillington Mill, in the Parish of Stillington, in the North Riding of the County of York, and for draining and improving certain Low Lands lying on each Side of the said River Foss, so far as the said Act relates to the said Navigation; and for enabling the Company of Proprietors of the said Navigation to complete the same.*

[23d June 1801.]

[*Loc. & Per.*]

22 S

WHEREAS

Preamble.

33 Geo. III,  
recited.That Compa-  
ny were em-  
powered to  
raise amongst  
themselves  
Money to  
complete Na-  
vigation, not  
exceeding  
25,400 l.  
except, &c.If 25,400 l.  
insufficient, to  
raise amongst  
themselves a  
further Sum  
not exceeding  
10,000 l.Money to be  
divided into  
Shares of  
100 l. each.

WHEREAS by an Act passed in the Thirty-third Year of the Reign of his present Majesty King George the Third, intituled, *An Act for making and maintaining a Navigable Communication from the Junction of the River Foss with the River Ouse, at or near the City of York, to Stillington Mill, in the Parish of Stillington, in the North Riding of the County of York, and for draining and improving certain Low Lands lying on each Side of the said River Foss, certain Persons therein named, and their respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons as should at any Time thereafter be possessed of One or more Share or Shares of and in the said Navigation, under the Restrictions thereafter specified, were and should be incorporated into a Company, and should for the Purposes therein mentioned be One Body Politick and Corporate, by the Name of *The Foss Navigation Company*, and should by that Name have perpetual Succession and a Common Seal, with Powers, as in the said Act mentioned, to make and maintain a Navigable Communication for Boats, Barges, and other Vessels, from the Junction of the said River Foss with the said River Ouse, at or near the City of York to Stillington Mill aforesaid, near the Turnpike Road leading from York to Helmsley, Blackmoor, in such Course and Direction as is described in certain Maps or Plans, describing the Lines of the said intended Navigation, and the Lands through which the same were intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Land, deposited at the Office of the Clerk of the Peace for the North Riding of the County of York, and a like Map or Plan and Book of Reference, deposited with the Common Clerk of the City of York, and with Powers also to make and maintain the said Navigation: And whereas the said *Foss Navigation Company* were empowered to raise and contribute amongst themselves, in such Proportions as they should think proper, such Sum and Sums of Money for making and completing the said Navigation, and other Works and Conveniences to the same belonging or requisite, as should be judged sufficient; and also the several Works of Drainage therein-after mentioned, not exceeding in the Whole the Sum of Twenty-five thousand four hundred Pounds (except as therein mentioned) and the Money so to be raised was thereby directed to be laid out and applied (after Payment of certain Expences therein specified) for and towards the making, completing, and maintaining the said Navigation and Drainage, and other the Purposes of the said Act; and that in case the said Sum of Twenty-five thousand four hundred Pounds should be found insufficient for the Purposes aforesaid; then and in such Case it shall be lawful for the said *Foss Navigation Company* to raise and contribute amongst themselves in Manner and Form aforesaid, or by the Admission of new Subscribers, any further Sum or Sums of Money for the Purposes aforesaid, not exceeding the Sum of Ten thousand Pounds: And it was further enacted, that the said Sum of Twenty-five thousand four hundred Pounds, or such Part thereof as should be raised by the several Persons therein-before mentioned, and also the said Sum of Ten thousand Pounds, or such Part thereof as should be raised in Manner aforesaid, should be divided into equal Parts or Shares of One hundred Pounds *per* Share of the Money which was or should be subscribed to be advanced; and that no Person or Body Corporate subscribing to the said Navigation,*

Navigation, should be permitted to purchase or become a Proprietor of less than One such Share or more than Twenty such Shares, either in his, her, or their own Name, or in the Name or Names of any other Person or Persons in Trust for him, her, or them, except such additional Shares and Interest in the said Navigation as should happen to devolve on him, her, or them, by Will, Administration, or other Act of Law; and that if any Person or Body Corporate should thereafter purchase, or by any Act (save as aforesaid) become the Proprietor of or beneficially interested in more than Twenty Shares of the said Navigation Stock, all and every such supernumerary Shares exceeding Twenty should be, and the same were thereby declared to become forfeited to the said Navigation Company, and should, from and after such Forfeiture be considered and disposed of as Part of the said Joint Navigation Stock in Manner thereafter directed; and it was thereby provided, that it should be lawful for the said *Foss* Navigation Company, or their Committee for the Time being to be by them appointed by virtue of the said Act, to borrow and take up at Interest all or any Part of the said Sum of Ten thousand Pounds on the Credit of the said Navigation and Drainage as to them should seem meet and convenient, and they were thereby empowered to assign over the Property of the said Navigation, and the Rates arising by virtue of the said Act, or any Part thereof, as a Security for any such Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, his, her, or their Trustee, who should advance the same: And it was further enacted, That the Interest of the Money which should be borrowed on Mortgage as aforesaid, should be paid Half-yearly to the several Parties entitled thereto in preference to any Interest or Dividends due and payable by virtue of the said Act to the said *Foss* Navigation Company, or any of them: And whereas the said *Foss* Navigation Company have proceeded in making and completing certain Parts of the said Navigation and Drainage and Works by the said Act authorized to be made, and have therein expended not only the Whole of the said Sum of Twenty-five thousand four hundred Pounds so as aforesaid originally subscribed, but a further Sum of Money which they have been enabled to borrow as Part of the said Sum of Ten thousand Pounds, so as aforesaid authorized to be taken up at Interest upon Security of their Property, and have also incurred sundry Debts as well for Lands set out or taken and used for the said Navigation and the Works appertaining thereto, as for divers Materials, Utensils, and Implements used in the Prosecution of the said Undertaking, and are now greatly in Arrear to the several Mortgagees for Interest on their respective Securities: And whereas the said Company of Proprietors have used their utmost Endeavours to borrow and take up at Interest on Security of the Tolls, Rates, and Duties by the said Act authorized to be taken, the Residue of the said Sum of Ten thousand Pounds which they were empowered to borrow, but have not been able to procure the Loan thereof; and the Creditors of the said *Foss* Navigation Company are not only very pressing for the Principal and Interest due to them, but several of such Creditors who have such Mortgages as aforesaid, have given Notice of their Intention of enforcing Payment of their Demands by Law: And whereas the said Company of Proprietors, unless they are amongst themselves enabled to raise and to enforce the Payment of a larger Sum of Money than they are at present empowered to do, will be incapable of liquidating and discharging the said Debts so by them contracted,

Not less than One or more than Twenty Shares, excepting on Pain of Forfeiture.

Company empowered to borrow 10,000 l. on Mortgage.

That Company had proceeded in making certain Parts of Navigation, etc. and had expended the Whole 25,400 l. and a further Sum which they had been enabled to borrow.

That Company had endeavoured to borrow the Whole of said 10,000 l.;

That Creditors were pressing for Principal and Interest.

That Company unless enabled to enforce Payment of a larger Sum;

will be incapable of discharging Debts, or completing the Undertaking. Former Act defective.

Power to raise Money amongst Proprietors, by a new Subscription, or by Calls.

Application of Money.

Power to discontinue Works.

tracted, and now remaining undischarged, or to complete the said Navigation, or maintain and uphold so much thereof as is now finished: And whereas the said Act, so far as respects the said Navigation, has in other Respects been found defective, and the Execution of some of the Powers and Provisions thereof in the Mode prescribed inconvenient, and it is requisite that the same should be altered and amended: In order therefore to enable the said *Foss* Navigation Company to discharge their present Debts, and to prevent any further Delay in carrying on and completing the said Works, and for other the Purposes aforesaid; 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 a Sum of Money, not exceeding Ten thousand Pounds, shall be raised by and for the Purposes of the said *Foss* Navigation Company, to be applied as herein-after is mentioned; and that it shall be lawful for the said *Foss* Navigation Company, and they are hereby authorized and empowered to raise the same (over and besides the said Principal Sum of Twenty-five thousand four hundred Pounds, by the said recited Act empowered to be raised, and which has been already expended as aforesaid) for liquidating and discharging the several Debts so as aforesaid due and owing from the said *Foss* Navigation Company, and for making and completing the said Navigation, Undertaking, and Drainage, by a new Subscription amongst the present Proprietors, or by the Admission of new Subscribers, or by Calls upon the Whole of the several and respective Proprietors of Shares in the said Navigation Company, their several and respective Successors, Executors, Administrators, or Assigns, in a due Proportion, according to the Number of Shares each Proprietor is or shall be entitled to in the said Company, at the Election of the said Company, in Manner herein-after directed, which Sum of Ten thousand Pounds, or so much thereof as shall be so raised and paid, shall be applied and disposed of by the said *Foss* Navigation Company, in Manner, and to and for the Intents and Purposes herein-after expressed; (that is to say) in the first Place, in the Payment and Discharge of all the Expences of obtaining this Act, and in the next Place, in the Payment and Discharge of the several Debts now due and owing by the said *Foss* Navigation Company, on Mortgage of the Tolls of the said Navigation, or otherwise and afterwards used and applied for and towards the making, completing, and maintaining the said Navigation and Drainage, and the Reservoirs, Feeders, Quays, Ways, Wharfs, and other necessary Works and Conveniences of the said Undertaking, as the said *Foss* Navigation Company are authorized and empowered to make and do in and by the said recited Act and this Act, or such or so many of them as they shall think requisite and expedient to be made and done.

II. Provided always, and be it further enacted, That in case the said Company of Proprietors at their first General Assembly, or at their first Special Meeting, to be convened in the Manner prescribed in the said recited Act and this Act, next after they shall have carried on and completed the said Navigation and Undertaking to *Sheriff Hutton Bridge*, shall find or be of Opinion that the Money remaining in Hand, out of the said Sum of Ten thousand Pounds, hereby first authorized to be raised, is inadequate to

to extend and perfect the Navigation to *Stillington Mill*, and shall therefore deem it at that Time inexpedient to proceed further in their Works, it shall be lawful for the said Company of Proprietors from thenceforth to discontinue their Works, until such Time as they shall have raised Money sufficient for carrying on and perfecting the same to *Stillington Mill*, unless at any future Special Meeting, to be convened in Manner aforesaid, and for the Purpose of taking the Measure into Consideration, it shall be agreed and determined to carry on, and perfect the said Navigation and Drainage to any other given Point between *Sheriff Hutton Bridge* and *Stillington Mill*, and that the said Company shall and may, before such Agreement or Determination shall be made, place out at Interest, or otherwise dispose of the Surplus of the said last-mentioned Sum of Ten thousand Pounds then unappropriated.

III. And be it further enacted, That in case the said Sum of Ten thousand Pounds, or any Part thereof, shall be raised by a new Subscription amongst the present Proprietors of the said Company, or by Calls upon their respective Shares therein, the Sum or Sums so to be raised and advanced shall be added to the Share or Shares of the Proprietor or Proprietors so making such Advance in the present Capital Stock of the said *Foss Navigation Company*; and in case the said Sum of Ten thousand Pounds, or any Part thereof, shall be raised by the Admission of new Subscribers, all and every the Bodies Politick or Corporate, and other Persons who shall so subscribe for or towards raising the said Sum of Ten thousand Pounds, or shall hereafter otherwise become entitled to the Monies so to be subscribed, and the several and respective Successors, Executors, Administrators, and Assigns of such Bodies Politick or Corporate, and Person and Persons respectively as aforesaid, shall be and they are hereby declared to be the Owners or Proprietors of the Sum and Sums so be advanced and raised, and shall be and they are hereby united to and incorporated with the said Company of Proprietors, and shall be entitled to and receive a Net Distribution of a Proportionate Part of the Profits and Advantages that shall and may arise and accrue to the said *Foss Navigation Company* by virtue of the said recited Act and this Act, and shall be subject to the like Regulations, Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Act and this Act, touching or concerning the calling for, raising, suing for, and recovering the several Sums so to be subscribed, or agreed to be subscribed as aforesaid, and the transferring, certifying, and entering the same, in all other respects relating thereto, in like Manner as if the same were Part of the said Twenty-five thousand four hundred Pounds authorized to be raised by virtue of the said recited Act, or as if the said several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Act were repeated and re-enacted in this Act; and that in the Qualification of Proprietors to vote in the General and other Assemblies of the said *Foss Navigation Company*, the Person or Persons so admitted to or incorporated with the said *Foss Navigation Company*, shall be considered as equal to the Proprietor or Proprietors now possessing Shares in the said *Foss Navigation Company*, and shall be entitled to give One Vote for every One hundred Pounds such Subscribers shall so advance and pay; and that not only the Sum and Sums of Money to be raised by or amongst the said Proprietors, either by Subscription or Calls, but also the Sum and Sums of Money to be advanced by such new Subscriptions (if any such there be) shall in like Manner with

In case  
10,000<sup>l</sup>.  
shall be raised  
by a new Sub-  
scription, or  
by Calls, the  
Sum or Sums  
so to be raised,  
to be added to  
the Shares in  
the Capital  
Stock.

the original Share or Shares in the said Company be deemed Personal Estate, and transmissible as such.

Proprietors not to be enforced to pay their proportionate Part of 10,000*l.* until three Months after the passing of this Act are elapsed.

IV. Provided always, and be it further enacted, That neither the present Proprietors of the said *Foss* Navigation Company or their Successors, Executors, Administrators, or Assigns, shall be enforced or compelled to contribute or pay their proportionate or any other Part of the said Sum of Ten thousand Pounds hereby first authorized to be raised, until a Period of Three Months after the passing of this Act shall have elapsed for the Purpose of obtaining voluntary Subscriptions, and until it shall be determined by a Majority of Shares in the said Undertaking, at a Special Meeting of the said Company to be convened at the *York* Tavern in the City of *York*, or at the Navigation Office there, for the Purpose of taking that Measure into Consideration by Advertisement, that the Mode of raising the said Sum by Voluntary Subscription will not be effectual, such Advertisement to be inserted Once at least in each of the Newspapers published in the City of *York*, the last of which Advertisements shall be inserted at least One Week previous to the Time of Meeting.

If 10,000*l.* insufficient, Company empowered to borrow on Mortgage other Sums.

V. And be it further enacted, That in case the said Sum of Ten thousand Pounds herein-before authorized to be raised, shall be found insufficient for liquidating the Debts of the said *Foss* Navigation Company, and making, completing, and maintaining the said *Foss* Navigation and Drainage, Cuts, Reservoirs, Feeders, Ways, Quays, Wharfs, and other Works by the said recited Act authorized to be made, and for defraying all necessary Expences and Charges relating thereto, then and in such Case the said *Foss* Navigation Company are hereby authorized and empowered to borrow and take up at Interest on Mortgage, any further or other Sum of Money not exceeding in the Whole the Sum of Ten thousand Pounds, on the Credit of the said Navigation and Undertaking, and to assign the Property of the said Navigation and the Rates and Drainage Tax arising or to arise to the said Company by virtue of the said recited Act and this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustees who will advance the same; all which Assignments shall be under the Common Seal of the said Company, in the Form or to the Effect prescribed and set forth in the said recited Act; and all and every Person and Persons to whom such Assignment or Assignments shall be made, shall be equally entitled to his, her, or their Proportion of the said Rates and Drainage Tax and Premises, according to such respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of the Priority of the Date of such Assignment, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied in the Discharge of the Debts of the said *Foss* Navigation Company, and for or towards making, completing, and maintaining the said Navigation and Drainage, and other Works by this Act and the said recited Act authorized to be made, and for other the Purposes of the said Acts, and to no other Use, Intent, or Purpose whatsoever.

Application of Money.

Calls.

VI. And be it further enacted, That in case the said *Foss* Navigation Company, at any Meeting to be convened in the Manner and for the Purpose aforesaid, shall determine that the said first-mentioned Sum of Ten

Ten thousand Pounds hereby authorized to be raised, cannot be obtained by a voluntary Subscription, then the same or any future General Assembly or Special Meeting of the said *Foss* Navigation Company, called in the Manner prescribed by the said Act, being a Majority of Shares in the said Company, present at such General or Special Meeting, or the Committee appointed or to be appointed according to the Directions of the said recited Act and this Act, being a Majority of those who are met together, shall have Power from Time to Time to make such Call or Calls for Money, from the Proprietors of Shares in the said Navigation Company, to defray the Expences of this Act, the Debts due and owing by the Company, and the Expences of carrying on the said Navigation and Drainage, and all other Works, as such General Assembly or Committee from Time to Time shall find wanting and necessary for that Purpose, so that no One Call doth exceed the Sum of Ten Pounds for each Share in the said Navigation, and so as no One Call be made but at the Distance of One Calendar Month at least from each other; which Money so called for shall be paid to such Person or Persons, and in such Manner as the said General Assembly or Committee assembled as aforesaid, shall from Time to Time appoint and direct for the Use of the said Undertaking; and every Owner or Owners of One or more Share or Shares of the said Undertaking shall pay his, her, or their Shares or Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed as aforesaid, of which One Calendar Month's Notice at least shall be given, by publishing the same in One or more of the *York* Newspapers, or in such other Manner as the said *Foss* Navigation Company shall at any General Assembly direct or appoint; and such Sum or Sums of Money as shall be paid in respect of every original Share in the said Undertaking, shall be, and the same is hereby consolidated with every such Share, and shall entitle the respective Owners to a proportionable increased Share of the Profits and Advantages of the said Undertaking; and all Executors, Administrators, Guardians, Trustees, and Mortgagees, shall be and are hereby indemnified in paying, and are hereby empowered to pay their respective Proportions of the said Money so to be called for as aforesaid.

One Month's  
Notice to be  
given.

VII. And be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter, under or by virtue of this Act, for or in respect of any Share in the said Undertaking, or in respect of any Sum or Sums of Money agreed to be subscribed, shall or may neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for by any Call or Calls under this Act, at the Time and Place appointed for Payment thereof, according to the Directions contained in this present Act, it shall be lawful for the said *Foss* Navigation Company to sue for and recover the same, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt, wherein it shall be sufficient for the said *Foss* Navigation Company to declare and alledge that the Defendant or Defendants being a Proprietor or Proprietors of a Share or so many Shares under the said recited Act (as the Case may happen to be) of and in the said Navigation, is or are indebted to the said *Foss* Navigation Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to such Defendant

Method of re-  
covering Calls.

No Action to be brought until One Month's Notice being first given.

In such Notice, a Statement or Account to be made of what Money is due.

In case of Refusal or Neglect in paying Calls, the same to be retained out of the Dividends.

In case the Money and Interest shall be unpaid for the Space of Two Months, Shares to be sold.

Defendant or Defendants (as the Case may happen to be) duly made upon him, her, or them, according to the Authority of the said recited Act or of this present Act, whereby an Action hath accrued to the said *Foss* Navigation Company, by virtue of the said Acts or either of them, without setting forth the special Matter; any Thing hereir before or in the said recited Act contained to the contrary thereof notwithstanding; Provided always, That no such Action shall be brought by the said *Foss* Navigation Company, against any Owner or Owners of any Share or Shares of and in the said Navigation, until Notice in Writing be given by the Treasurer or Clerk of the said *Foss* Navigation Company, to the Owner or Owners thereof, or left at his, her, or their Dwelling House or usual or last Place of Abode, One Calendar Month next before such Action shall be brought; and in which Notice shall be contained a Statement and exact Account how much Money is due from such Person or Persons, for his, her, or their Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking; and that after such Notice given or left as aforesaid, it shall not be necessary to prove, on the Trial of such Action, any other Notice given of such Call or Calls by virtue of the said recited Act or of this present Act; any Thing contained in the said recited Act or this present Act to the contrary thereof in anywise notwithstanding.

VIII. And be it further enacted, That if any Owner or Owners, Proprietor or Proprietors of any Share or Shares of the said Undertaking, shall, for the Space of Two Calendar Months after such Call or Calls ought to have been paid as aforesaid, refuse or neglect to make good the same, and to pay his, her, or their Share or Shares of the Money to be so called for from Time to Time by virtue of this Act, it shall and may be lawful to and for the said *Foss* Navigation Company to stop and retain the Shares, Dividends, and Profits of the said Undertaking which shall from Time to Time become payable to such Owner or Owners, Proprietor or Proprietors so neglecting or refusing, and to apply the same from Time to Time for and towards the Payment of the Monies so called for, and which ought to have been paid by such Owner or Owners, Proprietor or Proprietors so neglecting or refusing, until such Money shall be satisfied with Interest, after the Rate of Five Pounds *per Centum per Annum*, from the Time the same was appointed or ought to have been paid; and that the Share and Shares of such Defaulter and Defaulters shall be liable to answer and make good the same Money so called for, and which ought to have been paid, and the Interest thereof as aforesaid; and in case such Money and Interest shall be unpaid for the Space of Two Calendar Months after such Call or Calls as aforesaid ought to have been paid, then and in every such Case it shall and may be lawful to and for the said *Foss* Navigation Company, or their Committee for the Time being, or any Five or more of such Committee, and they are hereby empowered to authorize and direct the Clerk for the Time being to the said *Foss* Navigation Company to sell, by publick Auction, to the best Bidder, at such Time and Place as the said Company or their Committee shall direct (of which Sale Fourteen Days Notice at the least shall be given, by publishing the same in the *London Gazette*, and in all the Newspapers at that Time printed and published within the City of *York*); and it shall and may be lawful to and for the said Committee, or any Five or more of them, to assign and transfer the Share and Shares of



of such Defaulter or Defaulters unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns, and to receive and give Receipts for the Money which shall be agreed to be paid or given for such Share and Shares, and thereout to pay all such Monies and Interest as may be due from such Defaulter or Defaulters, in respect of such Call or Calls as aforesaid, and all reasonable Costs and Charges attending every such Sale and Assignment; and such Assignment and Transfers shall be good, valid, and effectual against all Defaulter and Defaulters, and all Persons claiming under them: Provided always, That in case the whole Number of Calls authorized by this Act shall not, at the Time of such Sale and Assignment, be compleated, it shall be lawful for the said *Foss* Navigation Company, or their Committee for the Time being, to reserve and retain the Surplus Monies remaining in their Hands, after making good such former Call or Calls, and the Expences of such Sale and Assignments, or such Part of the said Surplus as shall be necessary for the Purposes of paying all future Calls by virtue of this Act, upon the Proprietors so making Default; and that in case any Surplus shall finally remain of the Monies raised by virtue of such Sale and Assignment as aforesaid, the same shall be rendered and paid to such last-mentioned Proprietor or Proprietors upon Demand: Provided also, That in case the Monies produced by such Sale and Assignment shall be inadequate to satisfy the whole Amount of the several Calls upon such last mentioned Proprietor or Proprietors, their Successors, Executors, Administrators, or Assigns, by virtue of this Act, and such Charges and Expences as aforesaid, attending the same, the said Proprietor or Proprietors shall continue liable to make good the Deficiency therein, which Deficiency shall be recoverable at such Time or Times, and by such Ways and Means as are herein-before in that Behalf directed: Provided also, that no such Share or Shares shall be sold or advertised for Sale until the Expiration of One Calendar Month next after Notice in Writing shall have been given by the Treasurer or Clerk of the said *Foss* Navigation Company, to the Owner or Owners thereof, his, her, or their Executors or Administrators, or left at his, her, or their Dwelling House or usual or last Place of Abode, in which Notice shall be contained a Statement and exact Account how much Money is due from such Person or Persons for his, her, or their Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking.

No Share to be sold until the Expiration of One Calendar Month after Notice given.

IX. And be it further enacted, That it shall and may be lawful for the several Proprietors of any Share or Shares in the said Undertaking, being possessed thereof or entitled thereto for Life or for any other limited Estate or Interest, and who shall be compelled or compellable, in pursuance of this Act, to advance any Sum or Sums of Money over and above the original Subscriptions (other than by taking any additional Share as herein-before mentioned) and for the Husbands, Guardians, Trustees, Committees, and Attornies of any such Proprietors being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability, or Incapacity of acting for themselves, to borrow and take up at Interest, upon the Credit of such Share or Shares, such Sum or Sums of Money, as they shall so respectively advance or be compelled to pay, and by Writing under their Hands and Seals to grant and assign over such

Tenants for Life, Trustees, etc. paying Calls, may for that Purpose borrow on Mortgage of Shares.

Share or Shares unto the Person or Persons who shall advance and lend the Money thereon, his, her, or their Executors, Administrators, and Assigns; and the Money so to be borrowed shall be paid to the Treasurer or Treasurers of the said *Foss* Navigation Company, for the Purpose of answering and paying the Sum or Sums of Money which such Proprietors respectively may be compelled or compellable to pay as aforesaid: Provided always, That, in every such Grant or Assignment there be contained a Proviso or Condition to make the same void, or an express Trust to re-assign the Interest, Benefit, and Advantage thereby granted, when the Money thereby secured, with the Interest thereof, shall be fully paid and satisfied; and that where the same shall be made by or on Behalf of any Proprietor interested in or entitled to such Share or Shares for Life, or for any other limited Estate or Interest, there be contained a Covenant or Proviso that the Person or Persons entitled to such Share or Shares in Remainder or Reversion, shall not be liable, upon becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Possession of such Estate or Interest in Reversion or Remainder shall commence; provided, that any Interest, Dividends, or Profits of the said Undertaking shall have been paid in respect of such Share or Shares, equal to the Discharge of such further Arrear of Interest, but not otherwise; and every such Grant and Assignment shall be valid and effectual, any Settlement, Will, Trust, or other Impediment to the contrary notwithstanding, and shall have Priority in every Respect to any Charge or Incumbrance affecting such Share or Shares: Provided also, That no such Grant or Assignment, or any Transfer or Assignment thereof, shall be valid, unless the same be produced and notified to the Clerk of the said *Foss* Navigation Company within Fourteen Days next after the Date thereof, who shall enter the same or an Abstract thereof in a Book to be kept for that Purpose, for which he shall be paid the Sum of Two Shillings and Sixpence and no more; but no such Grant or Assignment, or any Assignment or Transfer thereof, shall entitle any Person to a Right of Voting at any Assembly or Meeting of the said Company of Proprietors.

Mortgages to be entered.

Power in former Act not to deviate more than 100 Yards from the Line or Course.

Power to deviate to any

X. And whereas by the said recited Act, the said *Foss* Navigation Company, in making the said intended Navigation, were not to deviate more than One hundred Yards from the Line or Course thereof described in the said Maps or Plans, nor should any such Deviation be made into or carried through the Lands of any Person or Persons not named in the said Book of Reference, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation should be made: And whereas Doubts have arisen whether under the said recited Act the said *Foss* Navigation Company were empowered to deviate above One hundred Yards from the Line or Course of the said intended Navigation described in the said Maps or Plans, or carry the said Navigation through the Lands or Grounds of any Person or Persons not named in the said Book of Reference, although such Person or Persons should consent thereto: And whereas it appears that the Restriction of One hundred Yards will be Matter of great Inconvenience to the said *Foss* Navigation Company; in order therefore to obviate such Doubts and to take away such Restrictions, be it further enacted, That immediately after the passing of this Act, it shall be

be lawful for the said *Foss* Navigation Company, their Agents, Officers, Servants, and Workmen, to deviate from the Line or Course of the said intended Navigation, or Course thereof as described in such Maps or Plans, to any Distance or Distances, so that the said *Foss* Navigation Company shall previously obtain the Consent in Writing of the Person or all the Persons through whose Lands or Grounds such Deviation or Deviations shall be made, and the said *Foss* Navigation Company making Satisfaction in Manner mentioned in the said Act for all such Damages as shall be sustained by the Owners or Proprietors of or other Persons interested in such Lands or Grounds respectively.

Distance, &c.  
first obtaining  
Consent of  
Owners, &c.

XI. And whereas it is in and by the said Act provided, that if at any General Meeting of the said Company there shall not be Persons present, either as Principals or Proxies, having One hundred and twenty-seven Shares, no Choice of a Committee should then be made, but that another Meeting should be held at the same Place by Adjournment, and the Choice of a Committee made at such Adjournment; and that all the Principals not present at such adjourned Meeting, either by themselves or their Proxy or Proxies, should forfeit to the said *Foss* Navigation Company, for every Share which he, she, or they shall then have in the said Navigation, the Sum of Ten Shillings, to be deducted out of his, her, or their next Payment or Dividend of the Profits of the said Navigation; and by the same Act it is provided, that before any Business can be transacted at any Meetings of the Committee, Seven Members thereof shall be present: And whereas it has been found difficult to induce Persons either as Proprietors or Proxies, having One hundred and twenty-seven Shares in the said Undertaking, to attend together at General or Special Meetings; and the Company have also experienced a like Difficulty of procuring Seven Members of the Committee to attend a Meeting thereof, many of such Committee living at great Distances from the Line of the said Navigation: For Remedy whereof, and for the more easy compelling the Proprietors to attend the General and Special Meetings of the Company, be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for Persons, either as Proprietors or Proxies, who shall have Eighty Shares in the said Undertaking, and who shall be assembled either at any General or Special Meeting in pursuance of the said Act or this Act, to execute, do, and transact all Powers, Acts, Deeds, Matters, and Things as fully and effectually, to all Intents and Purposes, as Persons either as Proprietors or Proxies, having together One hundred and Twenty-seven Shares, or any Number of Persons or Shares required by the said Act to constitute General or Special Meetings, are by the said Act empowered to execute, do, and transact the same, and subject to such or the like Penalties for Non-attendance; and that it shall and may be lawful to and for any Five or more of the Persons who shall be chosen to act of the Committee, in the Manner prescribed by the said Act, at any Meeting of the Committee, to execute, do, and transact all Powers, Acts, Deeds, Matters, and Things, as fully and effectually, to all Intents and Purposes, and in such and the same Manner as the Committee are empowered to do by the said Act, when Seven of the Members thereof

General Meetings in the  
Choice of a  
Committee, to  
consist of Persons having  
One hundred  
and Twenty-  
seven Shares.

Five or more  
of the Propri-  
etors to act  
at Committee  
Meetings.

Recovery of  
Forfeitures.

thereof were required to be present at the doing the same: Provided always, That it shall and may be lawful to and for the said *Foss* Navigation Company, in and by any Bye Laws to be made in the Manner prescribed in the said recited Act, to alter or vary the Mode of retaining or recovering the said Penalty of Ten Shillings a Share upon Principals not attending either by themselves or by Proxy, at such adjourned Meetings as aforesaid, by commencing or prosecuting, in any of His Majesty's Courts of Record, an Action of Debt against such Defaulter or Defaulters, in which Action the said Company of Proprietors shall recover full Costs of Suit; and it shall be sufficient for the said Company to declare and allege that the Defendant and Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Navigation, as the Case may be, is or are indebted to the said *Foss* Navigation Company in such Sum or Sums of Money as the Forfeiture or Forfeitures shall amount unto, whereby an Action hath accrued to the said *Foss* Navigation Company, without setting forth the special Matter; any Thing in this or the said recited Act to the contrary notwithstanding.

Proprietors to  
hold Thirty  
Shares.

XII. And whereas by the said recited Act, no Person becoming a Proprietor in the said *Foss* Navigation shall be a Proprietor of more than Twenty Shares, either in his or her own Name or Names, or in the Name of any other Person or Persons in Trust for him or her (unless the same shall come to him or her by Will, Devise, or Act of Law) under certain Penalties or Forfeitures therein specified, and such Limitation, as to Number of Shares, being judged inexpedient; be it therefore enacted, That it shall and may be lawful to and for any Proprietor of the said *Foss* Navigation Company to hold and possess Thirty Shares in the Capital Stock thereof by Subscription, Purchase, or otherwise, exclusive of the Shares coming to him, her, or them by devise or Act of Law; any Thing in the said recited Act to the contrary notwithstanding.

Power to refer  
Differences to  
Arbitration.

XIII. And whereas in and by the said Act, certain Persons are appointed Trustees for settling, determining, and adjusting all Questions, Disputes, and Differences, which shall or may arise between the said Company of Proprietors and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, Mills, Engines, Waters, or Watercourses, that should or might be affected or prejudiced by the Execution of any of the Powers thereby granted; and for settling and determining such other Causes of Dispute between the said Company of Proprietors and any other Person or Persons, as are in and by the said recited Act directed to be settled and determined by Trustees: And whereas the referring and submitting of such Questions, Matters, Differences, and Disputes, to the Award and Determination of any indifferent Person or Persons, as a Referee or Referees, to be named and agreed upon by and between the said Company and other Parties in Difference, may frequently be a more speedy, cheap, and eligible Mode of settling and determining the same; but Doubts have arisen whether the said Company of Proprietors are authorized so to refer and submit such Questions, Matters, Differences, and Disputes; be it therefore enacted, That it shall and may be law-  
ful

ful for the said Company of Proprietors or their Committee for the Time being, and they are hereby authorized and empowered to refer and submit all such Questions, Matters, Differences, or Disputes, between the said Company and any Person or Persons whomsoever, as the said Company or their Committee for the Time being, and the other Parties in Difference, may see fit and proper, to the Award and Determination of One or more indifferent Person or Persons, as a Referee or Referrees, to be named and agreed upon by and between the said Company or their Committee for the Time being, and the other Parties in Difference, and who may think proper to agree to such Reference, and to enter into any Bonds or Agreements under the Common Seal of the said Company, with such Conditions, Limitations, Restrictions, Clauses, and Provisoes therein, relative to such Questions, Matters, Differences, or Disputes, and to such Submission as aforesaid, as the said Company or their Committee for the Time being, and the other Parties so agreeing to such Reference shall see fit, in like Manner, and as fully and effectually, to all Intents and Purposes, as any Individual or Individuals in their natural Capacity or Capacities, are by Law enabled to enter into such Bonds or Agreements; and all Executors, Administrators, Guardians, and Trustees, are hereby authorized and empowered to enter into Bonds or Agreements for the Purposes aforesaid, and shall be and are hereby indemnified on that Account; any Thing in the said Act or this present Act, or any other Law, Usage, or Custom, to the contrary notwithstanding.

XIV. And whereas Doubts have arisen, and Disputes may happen between the said Company of Proprietors and the Surveyors, and other Persons interested in the Repairs of the Roads over the Approaches to the Bridges over the said Navigation, respecting such Repairs; be it therefore enacted, That from and after the passing this Act, the said *Foss* Navigation Company shall not be liable to repair or amend any Part of the Roads over the Approaches to any of the Bridges made or to be made over the said Navigation, after the Roads over such Approaches shall have been first made and put into good Repair by the said *Foss* Navigation Company; any Thing in the said recited Act or in this Act contained, or any Law, Usage, or Custom to the contrary thereof notwithstanding: Provided, That nothing herein contained shall be construed to exonerate the said *Foss* Navigation Company from the future Repairs of the Bridges, and the Wing, Walls, Ramparts, and Side Banks thereof, and the Banks supporting the Approaches thereto.

Approaches to Bridges how and by whom to be repaired.

XV. And whereas the said *Foss* Navigation Company are authorized and empowered, in and by the said recited Act, to alter, divert, widen, enlarge, and extend, any Bridges, Ways, Roads, and Passages, as well for the carrying and conveying of Stones, Coals, Lime, Goods, Wares, Merchandizes, and other Articles to and from the said Navigation, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Navigation, and the Works of or belonging to the said Navigation, or which may be useful for any Pur-

Old Roads, where new ones made, to be the Property of the Company.

poses thereof; and the said *Foss* Navigation Company have diverted and altered certain Ways, Roads, and Passages, and may hereafter divert and alter other Ways, Roads, and Passages, in pursuance and Execution of the said recited Powers, and have purchased and may hereafter purchase Lands and Grounds for that Purpose, and by Means thereof the Ways, Roads, or Passages so diverted and altered, are or hereafter may become unnecessary; be it therefore enacted, That when such new Ways, Roads and Passages shall be completed and finished, any Two or more Justices of the Peace for the North Riding of the County of *York*, shall or may upon a View declare the same by a Certificate under their Hands, which Certificate shall be inrolled with the Clerk of the Peace for the said Riding wherein the said Ways, Roads, and Passages, so diverted and altered, shall respectively lie, and after the inrolling of such Certificate, the Part of such old Way, Road, and Passage, becoming useless, by means of such Diversion or Alteration, shall be and become vested in Fee Simple in the said Company of Proprietors, with full Power for them to sell or dispose of the same, and the Land constituting the new Way, Road, or Passage, shall from thenceforth for ever be and be deemed a Publick Highway, Road, or Passage, or (as the Case may be) shall be vested in or belong to such Person or Persons, and be subject and liable to such and the same Laws, Rules, and Regulations, in every Respect, as the old Way, Road, or Passage, so diverted and altered, now is or shall have been, immediately prior to such Diversion or Alteration, subject and liable.

Price of Commons or Waste Lands to whom paid.

XVI. And be it further enacted, That in all Cases where, in making the said Navigation and Drainage, there has been or shall be Occasion to cut through, take, or use any Part of any Common or Waste Grounds for the Purpose of the said Navigation and Drainage, and the Works thereof, or of any Road or Roads thereto, the Conveyance of such Parts of such Common or Waste Grounds by the Lord or Lady, Lords or Ladies of the Manor to which such Commons or Waste Grounds shall be appurtenant, shall be a good and sufficient Conveyance to the said Company of Proprietors, for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Grounds had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Company of Proprietors to the said Lord or Lady, Lords or Ladies of such Manor, for the Use of such Lord or Lady, Lords or Ladies, and the Persons having Right of Common upon such Commons or Wastes, in Proportion to their respective Rights and Interests in the Lands so taken, and if any Difference shall arise respecting the Division of the said Purchase Money, the same shall be determined by Two Justices of the Peace for the North Riding of the said County of *York*, not interested therein.

Company may demise Rates.

XVII. And be it further enacted, That it shall and may be lawful for the said *Foss* Navigation Company, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times, to let to Farm the Rates by the

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

XVIII. And be it further enacted, That if any Persons beneficially entitled to any Estate or Term not less than his, her, or their Life or Lives, to any Manor in or through which any Part of the said *Foss* Navigation Cuts or other Works is or shall be made, may enfranchise any Copyhold or Customary Lands, Tenements, or Hereditaments, belonging to the same, which have been or shall be taken by the said *Foss* Navigation Company, for the making any Part of the said Navigation Cuts or other Works, notwithstanding that such Person or Persons be seised of or entitled to such Manor for a less Interest than an Estate of Inheritance, or be not seised of the legal Estate therein.

Tenant for Life &c. may enfranchise Copyhold Land.

XIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Foss* Navigation Company, together with the Name or Names of such Person or Persons as any Five of the Commissioners for executing the said Act and this Act, shall by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing

Application where the Compensation exceeds 200<sup>l</sup>.

standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200*l.* nor less than 100*l.*

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of One hundred Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20*l.*

XXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall



shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said Act and this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in Case of Infancy or Lunacy, then to his; her, or their Guardian or Guardians, Committee, or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXII. And, for the better enabling the said Company of Proprietors to carry on and complete the said Works and Undertaking, be it further enacted, That from and after the First Day of *August* One thousand eight hundred and one, it shall and may be lawful for the said *Foss* Navigation Company, and they are hereby authorized and empowered from Time to Time, and as often as the Net Profits of the said Navigation will not allow Interest to the several Proprietors, after the Rate of Four Pounds *per Centum per Annum*, to charge, take, and receive for Tonnage, for all Goods, Wares, Merchandizes, Commodities, and other Things whatsoever, which shall be navigated, carried up or down or along the said Navigation, of and from the Person or Persons who shall navigate or carry the same, the following additional Rates or Duties, over and above what is granted and made payable by the said recited Act; (that is to say) for every Chaldron containing Thirty-two *Winchester* Bushels of Lime, Coal, Sleek, Cinders, or Culm, One Penny *per* Mile for all Dung, Soot, Rape Seed, Mustard Seed, Linseed, and other Grain and Seeds of all Sorts, Oatmeal, Flour, Oat Shilling, Stock and Common Bricks, Square Paving Bricks or Tiles, Oak, Ash, Elm, Beech, Fir, or other Timber, or Logs of Mahogany, Oak Bark, Deals of all Kind, Wainscoat Boards, Pipe Staves, or other Articles of Wood, Stone Flags and Slate, Bar Iron or manufactured Iron, Butter, Bacon, Cheese, Salt, Hay, Straw, and Wool, One Penny *per* Ton *per* Mile, and so in Proportion for any less Quantity than a Ton, and for all other Sorts of Merchandize One Penny Halfpenny *per* Ton *per* Mile; and that such additional Rates and Tonnage hereby granted, shall be recovered by such and the like Ways and Means, and applicable and applied for such and the like Purposes as the said Rates granted by the said Act are recoverable and applicable, and in the same Manner as if such additional Rates were Part of the said original Rates, and the Whole thereof had been granted by the said Act; but nothing herein contained shall be deemed to extend to take away the Powers of the General Meetings of the Company of Proprietors, of reducing or lessening the said additional Tolls, and to raise the same again from Time to Time as they shall think proper and necessary.

Power to advance the Rate of Tonnage, &c.

XXIII. And be it further enacted, That all and every the Provisions and Clauses of this Act, shall in the Execution of the said recited Act be used, applied, and construed, so far as the same are applicable, in like Manner as if the same were especially enacted in the said Act; and all and every the Provisions and Clauses in the said recited Act, shall, in the Execution of this Act, except where the same are hereby expressly varied, be used and applied, extended and construed in like Manner as

Extending the Provisions of the former Act to this Act.

[*Loc. & Per.*]

if the same Provisions and Clauses (except as aforesaid) were especially enacted in this Act.

Expences of  
obtaining this  
Act how to be  
paid.

XXIV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act shall be borne, paid, and defrayed by the said Company of Proprietors, out of any Money already raised or received by virtue of the said Act, or out of the first Money to be hereafter raised or received by virtue of the said Act and this Act.

Publick Act.

XXV. And be it further enacted, That this Act shall be deemed, and taken to be a Publick Act, and all Judges, Justices, and other Persons are hereby required to taken Notice of it as such, without specially pleading the same.

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