



ANNO QUADRAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 141.

An Act for enabling the Company of Proprietors of the *Leominster* Canal to raise Money to discharge their Debts, and to complete the Canal, and for explaining and amending the Acts for making and maintaining the said Canal, and for granting to the said Company further and other Powers.

[11th August 1803.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from Kington, in the County of Hereford, by or through Leominster, to join the River Severn near Stourport Bridge, in the County of Worcester*, whereby certain Persons therein named, and their Successors, Executors, Administrators, and Assigns, together with such Persons, Bodies Politick or Corporate, as they should nominate and appoint under their Hands and Seals, were incorporated and united into a Company for carrying on, making, completing, and maintaining the said Navigable Canal passable for Boats or other Vessels, and were incorporated by the Name of *The Company of Proprietors of the Leominster Canal Navigation*, and by that Name were to have perpetual Succession and a Common Seal, with such Powers as in the said Act are

[*Loc. & Per.*]

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mentioned;

31 Geo. 3.

mentioned; and the said Company were authorized and empowered to raise and contribute amongst themselves, in such Proportions as to them should seem meet and convenient, such Sum or Sums of Money for making, completing, and maintaining the said Canal, the Reservoirs, Feeders, Ways, Quays, Wharfs, Landing Places, and other Works and Conveniencies to the same belonging or requisite, as should be judged sufficient, not exceeding the Sum of One hundred and fifty thousand Pounds, (except as therein mentioned), and the Money so to be raised is thereby directed to be laid out and applied, in the First Place, for and towards the Discharge of all Fees and Disbursements for obtaining the said Act, and for making the Survey, Plans, and Estimates incident thereto, and all other Expences relating to the same, and all the Residue of such Money for and towards the making, completing, and maintaining of the said Canal, and other Purposes of the said Act, which said Sum of One hundred and fifty thousand Pounds, or so much thereof as should be raised by the several Persons therein-before named, was to be divided into One thousand and five hundred Shares, at a Price not exceeding One hundred Pounds a Share as therein is mentioned; and in case the said Sum of One hundred and fifty thousand Pounds should be found insufficient for making, completing, and maintaining the said Canal, and other Works by the said Act authorized to be made, and all necessary Charges and Expences relating thereunto, then the said Company of Proprietors are thereby authorized to raise and contribute amongst themselves, in Manner in the said Act mentioned, any further Sum of Money for the Purposes of the said Act, not exceeding the Sum of Forty thousand Pounds; and in case the said Company of Proprietors should be desirous of raising the said Sum of Forty thousand Pounds by Mortgage of the said Undertaking, they are thereby empowered to borrow and take up at Interest all or any Part of the said Sum of Forty thousand Pounds upon the Credit of the said Undertaking, as to them should seem fit and convenient, and to assign the Property of the said Navigation, and the Rates granted to the said Company of Proprietors by the said Act, or any Part thereof, as a Security to any Person or Persons for any Sum or Sums of Money so to be borrowed: And whereas an Act was passed in the Thirty-sixth Year of the Reign of His said present Majesty, intituled, *An Act to enable the Company of Proprietors of the Leominster Canal Navigation to finish and complete the same*, whereby the said Company of Proprietors were authorized and empowered to raise and contribute amongst themselves, in Manner in the said Act mentioned, or by the Admission of new Subscribers, or by Mortgage of the Rates authorized to be collected by the said first herein recited Act, any Sum or Sums of Money for the Purposes of the said Act, not exceeding in the Whole the Sum of One hundred and eighty thousand Pounds: And whereas only Six hundred and eighty-six Shares of One hundred Pounds each have yet been subscribed for, and the Sum of Sixty-eight thousand five hundred and eighty-two Pounds has been received and paid by the Subscribers of such Six hundred and eighty-six Shares: And whereas the said Company of Proprietors have proceeded in the making and completing of certain Parts of the said Navigation and Works by the said first recited Act authorized to be made, and have expended therein not only the Whole of the said Sixty-eight thousand five hundred and eighty-two Pounds, but have incurred sundry Debts, as well for Land set out or taken for the Use of the said Navigation, or the Works appertaining thereto, as also for Materials, Utensils, and Instruments used, and Labour

Labour performed, in the Prosecution of the said Undertaking, amounting in the Whole to Twenty-five thousand Pounds and upwards, and a great Part of the said Undertaking yet remains unfinished, whereby the Publick are deprived of the Benefit and Advantage formerly held forth to them, and the Subscribers of Shares in the said Undertaking are losing those Benefits which were expected to arise to them from the said Navigation: And whereas the said Company of Proprietors have hitherto found it impracticable to raise, by Mortgage of the said Undertaking, Money for discharging their said Debts, or for carrying on the Works of the said Canal; and the said Company of Proprietors have no other practicable Means of raising the same than by Calls on the Proprietors of the Six hundred and eighty-six Shares; but Doubts have arisen whether such further Calls can, under the Powers of the said recited Acts, be effectually made on the present Proprietors of Shares on the said Canal Navigation, until the Whole of the Numbers of One thousand and five hundred Shares shall have been subscribed for and paid: And whereas, in order to make Compensation to the Proprietors of the Six hundred and eighty-six Shares for the Risque they may be subject to in consequence of further Calls being imposed upon them, it is reasonable and expedient that the Number of Shares in the said Undertaking should be confined and reduced to Six hundred and eighty-six Shares only, instead of One thousand five hundred Shares directed by the said first recited Act, and that the Holders of the said Six hundred and eighty-six Shares, their Successors, Executors, Administrators, and Assigns, should be considered and deemed to be the Company of Proprietors of the said *Leominster* Canal Navigation: And whereas the Powers and Provisions of the said recited Acts have in other Respects been found insufficient and inconvenient, and it is requisite that the same should be altered and amended: 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 the Number of Shares in the said *Leominster* Canal Navigation shall stand limited to Six hundred and eighty-six Shares only, being the Number of Shares already subscribed and paid for, and the remaining eight hundred and fourteen Shares which have not been already subscribed and paid for shall be deemed and the same are hereby declared to be void and of no Effect, and the Power to subscribe for the same given by the said first recited Act shall, from and after the passing of this Act, cease, determine, and be absolutely void.

For reducing the Number of Shares in the Undertaking to the same Number as the Holders of the present Shares.

II. And be it further enacted, That the Proprietors of the said Six hundred and eighty-six Shares, and their respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons, Bodies Politick or Corporate, as they shall from Time to Time nominate and appoint under their Hands and Seals, shall from thenceforth be the Company for carrying on, making, completing, and maintaining the said Canal Navigation and other Works, by the said recited Acts and this Act authorized to be made, and shall be considered and taken to be, and are hereby declared the United Company incorporated by the said first recited Act by the Name of *The Company of Proprietors of the Leominster Canal Navigation*.

The Proprietors of the 686 Shares declared to be the Company.

50,000 l. to be raised by Calls on the present Proprietors.

III. And be it further enacted, That in lieu and stead of the Subscriptions for the said Eight hundred and fourteen Shares herein-before declared to be void, the Sum of Fifty thousand Pounds only, and no further or larger Sum, shall be raised by Calls in Manner herein-after directed, on the several and respective Proprietors of the remaining Six hundred and eighty-six Shares in the said Canal Navigation, their several and respective Successors, Executors, Administrators, and Assigns, in a due Proportion, according to the Number of Shares each Proprietor is or shall be entitled to in the said Canal Navigation.

For making Calls for Money on the Proprietors of Shares.

IV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, at any General Assembly to be held or convened agreeably to the Direction contained in the said First recited Act or this Act, or for their Committee for the Time being, or any Three or more of such Committee, from Time to Time, to make any Call or Calls for Money from the Proprietors of Shares in the said Navigation Company to defray the Expences of this Act, or any Expences relating thereto, the Debts due and owing by the said Company, and the Expence of carrying on the said Navigation, and all other Works by the said First recited Act and this Act authorized to be made or done, as such General Assembly or Committee from Time to Time shall judge necessary for that Purpose, so that no One Call shall exceed the Sum of Ten Pounds for each Share in the said Navigation, and so as no Call be made at a less Distance than Four Calendar Months 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 shall from Time to Time appoint and direct for the Use of the said Undertaking; and all and every Owners or Owner of One or more Share or Shares in the said Undertaking shall pay his, her, and their Share and Shares or Proportion of the Monies to be called for as aforesaid, at such Time and Place, and in such Manner as shall be appointed as aforesaid, and of which Time and Place Thirty Days Notice shall be given by publishing the same in some One or more Newspapers usually circulating in the County of *Hereford*, or in any other Manner as the *Leominster* Canal Company shall at any General Assembly direct or appoint; and such Sum or Sums of Money as shall be paid in respect of every Share in the said Undertaking, shall be and the same is and are hereby declared to be consolidated with every such Share, and shall entitle the respective Owners thereof to a proportionable increased Share of the Profits and Advantages of the said Undertaking; and all Executors and Administrators shall be and are hereby empowered to pay their respective Proportions of the said Money to be called for as aforesaid, in respect of the Share or Shares of their Testators and Intestates respectively, and charge the same to the Accounts of such Persons Estates and Effects.

Method of recovering Calls.

V. And, for the better enforcing the speedy Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, and who shall not have given Notice in Manner in this Act directed, of his, her, or their Intention of relinquishing any such Share or Shares, shall neglect or refuse to pay his, her, or their rateable or proportionable

tionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Six Calendar Months after such Call or Calls shall have been made and published as aforesaid, then and in such Case all and every the Share and Shares of such Person or Persons so neglecting or refusing as aforesaid shall be forfeited to and vested in the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, to and for their own Use and Benefit: Provided always, that no such Forfeiture of any Share or Shares of and in the said Navigation shall accrue or take place until Notice in Writing of such Forfeiture be given by the Treasurer or Clerk of the said Company to the Owner or Owners of such Share or Shares, or left at his, her, or their Dwelling House or usual Place of Abode Thirty Days at the least before such Forfeiture shall take place; and in which Notice shall be contained a Statement and Account of how much Money is due from such Person and 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 such Share or Shares shall not be forfeited if the Owner or Owners thereof shall pay up what shall appear by such Statements to be due, together with Interest for the same, and all Expences attending the applying for the same, within the Time specified in such Notice; any Thing contained in the said recited Acts or this Act to the contrary notwithstanding.

VI. And be it further enacted, That when any Share or Shares of the said Undertaking shall, by virtue of this Act, have become forfeited and vested in the said Company of Proprietors, then and in every such Case it shall and may be lawful to and for the said *Leominster* Canal Navigation Company, or their Committee for the Time being, or any Two or more of such Committee, and they are hereby empowered to authorize and direct the Clerk for the Time being to the said *Leominster* Canal 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 Twenty Days Notice at the least shall be given by publishing the same in the *London Gazette*, and the Newspapers at that Time printed and published in the City of *Hereford*); and it shall and may be lawful to and for the said Company of Proprietors, or their Committee, or any Two or more of them, to assign and transfer the Share and Shares 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 agreed to be paid or given for such Share and Shares; and such Assignment and Transfer shall be good, valid, and effectual against the Owner and Owners of every such Share or Shares so forfeited as aforesaid, and all Persons claiming under him, her, or them: Provided also, that in case the Money produced by any such Sale shall be more than sufficient to pay any such Arrears as aforesaid, the Surplus arising from such Sale, after Payment of all Arrears of Money due thereon, shall be paid, on Demand, to the Person or Body to whom such Share or Shares shall have belonged: Provided also, that in case the Monies 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 all Charges and Expences attending the same, the said Proprietor or Proprietors shall continue liable to make good the Deficiency therein, which

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

In case the Money and Interest shall be unpaid, Shares to be sold.

Deficiency shall be recoverable by an Action on the Case at the Suit of the said Company of Proprietors, for Money paid to the Use of such Owner of the Share or Shares so forfeited: Provided likewise, 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 Clerk of the said Company to the Owner or Owners thereof, or left at his, her, or their Dwelling House or usual Place of Abode, in which Notice shall be contained a Statement and 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.

Shares may be relinquished and sold.

VII. Provided always, and be it further enacted, That if any Proprietor or Proprietors of any such Share or Shares, or Executors, Administrators, Guardians, or Trustees of any such Proprietors, or any Mortgagee of such Shares, shall, within Six Months after the passing of this Act, give Notice in Writing to the Treasurer or Clerk of the said Company of his, her, or their Intention of relinquishing any such Share, then and in such Case such Share shall not be forfeited by the Non-payment of any Call, but such Shares shall, within One Calendar Month after such Notice, be sold by publick Auction to the highest Bidder, and the Monies arising from such Sale, after deducting the necessary Charges and Expences attending the same, shall be paid to the Person or Persons to whom the Share or Shares so sold shall have belonged.

Repealing the Powers of borrowing by the old Acts, and granting other Powers of borrowing Money.

VIII. And be it further enacted, That so much of the said recited Acts as authorize the raising the said several Sums therein respectively mentioned in Manner therein mentioned, shall be and the same is hereby repealed, and that in lieu thereof the several Sums by this Act authorized to be raised in Addition to the Sums already subscribed, shall be raised in the Manner herein mentioned, for the Purposes of the said recited Acts and this Act; and it shall be lawful for the said Company of Proprietors in Addition to the said Sum of Fifty thousand Pounds by this Act authorized to be raised by Calls as in this Act mentioned, and also in Addition to the Sum of Ten thousand Pounds by this Act authorized to be raised by the Select Committee, as in this Act mentioned, to raise the further Sum of Thirty thousand Pounds by Mortgage of the Tonnage Duties in Manner in the said first recited Act mentioned; and for that Purpose to use, exercise, and put in force all the Powers, Authorities, and Provisions in the said Acts or any of them contained, in relation to raising any Money by Mortgage for the Purposes of the said Acts.

In Actions for Money due by reason of Calls, it shall be sufficient for the Company to declare that the Proprietor is indebted to the Company in such Sum as the Call amounts to, without setting forth the Special Matter.

IX. And be it further enacted, That in any Action brought or to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due or payable to the said Company, for or by reason of any Call or Calls to be made for all or any Part of the said Sum of Fifty thousand Pounds, in pursuance and by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants, being a Proprietor or Proprietors of such and so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such and so many Call or Calls of such and so many Sum or Sums of Money upon

upon such and so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be) duly made upon such Defendant or Defendants, according to the Authority of the said first recited Act or of this Act, or of either of them, whereby an Action hath accrued to the said Company by virtue of the said Act and of this Act, without setting forth the special Matter; and on the Trial of such Action, it shall only be necessary to prove that the Defendant or Defendants at the Time of such Call or Calls was or were Proprietor or Proprietors of some Share or Shares in the said Canal, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by the said Act and this Act, without proving the Appointment of the Committee who made such Call or Calls, or of the Treasurers to whom the same was or were directed to be paid, or any other Matter whatsoever, and the said Company shall be thereupon entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sums herein-before limited for that Purpose, or was made within the Distance of Four Calendar Months from the last preceding Call; and after Judgement shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgement shall be given, in Double the Sum adjudged to the said Company by such Judgement, to prosecute such Writ of Error with Effect; and also, if the said Judgement be affirmed, or the said Writ of Error be Non-proved, to satisfy and pay the Debt, Damages, and Costs, adjudged by the said Judgement, and all Costs and Damages to be awarded for Delay of Execution; any Thing in the said recited Acts or either of them, or this Act, contained to the contrary in anywise notwithstanding.

X. And whereas it was found necessary in cutting the said Canal to enter certain Lands in the Parish of *Neen Sollars* in the County of *Salop*, belonging to Sir *Walter Blount* Baronet, which was a Part of the Line of Canal by the said first recited Act authorized to be made, but the Parish of *Neen Sollars* was not inserted in such Act of Parliament, and the Canal hath been completed in such Parish; be it therefore enacted, That such Part of the said Canal so situated in the Parish of *Neen Sollars* shall be considered and taken, and is hereby declared to be Part and Parcel of the said Canal by the first recited Act authorized to be made, as fully and effectually, to all Intents and Purposes, as if the said Parish of *Neen Sollars* had been included in such first recited Act of Parliament; and the Company of Proprietors of the said Navigation are hereby indemnified from and against any Action, Suit, or other Proceeding concerning the making of the said Canal in the said Parish of *Neen Sollars*, in every Respect as fully and effectually as if the said Parish of *Neen Sollars* had been inserted in the said first recited Act, but no further.

Indemnity as to having entered *Neen Sollars* Parish.

XI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use (over and above the Rate of Tonnage by the said first recited Act, granted), for every Boat, Barge, or other Vessel which shall pass through the Locks to be erected between the River *Severn* and the Canal Basin, a Toll or Lock

Power to demand a Lock Due between the River *Severn* and the Basin near the said River.

Due

Due at and after the Rate of One Penny a Ton for all Coals, Goods, Wares, Merchandize, and other Things on board such Boat, Barge, or Vessel, and that such Rates hereby granted shall be ascertained, collected, levied, and recovered by such and the like Ways and Means, and shall be subject to such and the like Powers of reducing, and afterwards of advancing the same, as the Rate of Tonnage granted and made payable to the said Company of Proprietors in and by the said recited Act are thereby directed to be collected, levied, and recovered, and are subject to; and that the said Toll or Lock Due hereby granted shall be applicable and applied to such and the like Purposes, and shall be liable to or charged with all such Charges, Payments, Rents, Debts, Dues, Sum and Sums of Money, as the said Rates granted by the said first recited Act are applicable or liable to or charged with, in the same Manner as if the same was Part of the original Rates, and had been granted or made payable by the said first recited Act.

To make
Railways.

XII. And whereas by the said first recited Act it is enacted, that in case the said Company of Proprietors should judge it expedient that Boats, or Waggon or other Carriages, should be conveyed over or along any Part of the Line therein-before mentioned for making the said Canal, by Rollers, inclined Planes, Railways, or in any other Manner than by Water, it should be lawful for the said Company of Proprietors to cause any Rollers, inclined Planes, Railways, or other Works to be made for that Purpose, at such Parts or Places within or near the said Line therein-before mentioned for making the said Canal, as they should think proper, and the same should be considered as Part of the said Canal in like Manner as if such Parts or Places were made navigable: And whereas it is found expedient that a Railway should be made from the said Canal, at or near *Stockton* in the County of *Worcester*, to or near the Basin to be made at or near the River *Severn*, near *Stourport Bridge*, in the said County of *Worcester*, for the Purpose of carrying and conveying in Waggon and other Carriages, Coal, Lime, Goods, Wares, Merchandize, and other Things from the said Canal, at or near *Stockton* in the County of *Worcester*, to the said Basin intended to be made at or near the River *Severn* aforesaid: And whereas by the first recited Act it is enacted, that the Company of Proprietors of the said Navigation should first make and complete that Part of the said Canal which lies between the said River *Severn* and *Milton Cross*, and when the said Canal shall have been completed to *Milton Cross* aforesaid, that then on a further Subscription to be made in Manner as in the said first recited Act is set forth, the said Company of Proprietors shall cause the said Canal to be continued and extended as far as the Money so to be subscribed shall be sufficient to complete the same, towards the said Town of *Kington*: And whereas many Difficulties will arise in carrying the said Canal further towards *Kington* than *Milton Cross*, and the Communication with the said Town of *Kington* may be made by Means of a Railway, at a much less Expence than will attend the cutting that Part of the said Canal; but Doubts have arisen whether the Powers granted by the said first recited Act are sufficient to enable the said Company of Proprietors effectually to make and complete such Railways, or either of them; therefore, in order to obviate such Doubts, be it further enacted, That the said Company of Proprietors shall and may, and they are hereby authorized and empowered to make, complete, and maintain a Railway or Railways in, along, and over all or near any Part or Parts of the Line of
Country

Country in the said first recited Act mentioned or described for making the said Canal, which lies between *Stockton* aforesaid and the said River *Severn*, and subject to the Directions and Conditions of the said first recited Act, shall and may, and they are hereby empowered to make and complete a Railway or Railways in, along, and over all or any Part or Parts of the Line of Country in the said first recited Act mentioned and described for making the said Canal which lies between *Milton Cross* and the Town of *Kington*, and in such Manner as they shall think proper and necessary for the passing and repassing of Waggon and other Carriages, and for carrying and conveying of Coal, Lime, Wares, Merchandize, and other Things, to and from the said Canal at or near *Stockton* aforesaid, to or near the said *Bafon* to be made at or near the *Severn* aforesaid, or to or from any of the intermediate Places, and to and from the said Canal at *Milton Cross* aforesaid to and from the said Town of *Kington*, or to or from any of the intermediate Places; and the said Railway or Railways shall be considered to be Part of the said Canal, in like Manner as if the same were made navigable; and the said Company of Proprietors shall and may, and they are hereby authorized and empowered to make, alter, widen, erect, and set up such and so many Bridges, Drains, Aqueducts, Culverts, Embankments, and other Works, Ways, Roads, and Conveniencies, as and where they the said Company, their Successors and Assigns, shall think requisite and convenient for the Purposes of the said Railways, or either of them, and to have and take Materials necessary for executing and performing the same in like Manner, and upon the same Terms as they are empowered to have, do, take, and perform, for any of the Works by the said first recited Act authorized to be made or done; and all and every the Powers, Privileges, and Provisions and Authorities given or granted by the said first recited Act, shall be in full Force and Effect for making, maintaining, varying, altering, supporting, and keeping in Repair the said Railways, and other Works, by this Act authorized to be made or done, as fully and effectually as if the same were re-enacted in the Body of this Act; but the said Railway or Railways to be made by virtue of the first hereinbefore recited Act or of this Act, between *Stockton* and the River *Severn*, shall pass over or as near as may be the Line of Tunnel by the said first recited Act directed to be made; and the said Company of Proprietors shall have and be entitled to demand, receive, and recover the same Rates of Tonnage for passing on or along the said Railways respectively, or any Part thereof, as they would have been entitled to have had, demanded, received, or recovered, under the said first recited Act, for passing on or along the said Line of Canal with Boats, Barges, or other Vessels, in case the same had been made navigable, and shall have the same Powers and Remedies for collecting and recovering the same Rates, as by the said first mentioned Act are given for the Recovery of the Rates or Tolls made payable under or by virtue of such Act.

XIII. And whereas the Works of the said Canal have been begun and carried on between certain Coal Mines on the Line of the said Canal and the Town of *Leominster*, but the Two Ends of the said Canal have not been proceeded in with Effect, and the Works now to be made and finished are remote from each other, so that it would be inconvenient for the Committee appointed by the General Assembly under the Powers of the said recited Acts to attend to the Works to be performed at each End of the said Canal, and the same may be more conveniently and expeditiously

Commissioners appointed for superintending the Works from *Soufnet* Tunnel to the *Severn*.

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ously performed by having distinct and separate Committees appointed for the Purpose of superintending and directing distinct and different Parts of the said Undertaking and Works; be it therefore enacted, That Sir *Walter Blount* Baronet, Sir *Edward Littleton* Baronet, *James Ingram* Clerk, *James Perry*, *Thomas Perry*, *William Smith*, *Hugh Powell*, *James Crummer*, *Thomas Coleman*, and *William Wheeler*, Esquires, and their Successors, to be elected and nominated in Manner herein-after mentioned, shall be, and they are hereby appointed and declared to be the Select and Standing Committee for the Period of Seven Years from the passing of this Act, for the Purpose of superintending and directing the making and completing of the said Canal, Railways, and other Works, from the North West End of *Sousnet* Tunnel in the Parish of *Lindridge*, to the River *Severn*, unless such Works shall be sooner completed, in which case such Committee shall be dissolved, and the Powers hereby vested in the Members thereof shall wholly cease and determine; and the said Select Committee, or any Three or more of them, shall and may, and they are hereby authorized and empowered to make and complete the said Canal, Railways, and other Works, from *Sousnet* Tunnel to the River *Severn* aforesaid, which Select Committee shall annually render an Account of the Money by them or their Agents expended in the Works between *Sousnet* Tunnel and the River *Severn*, to the Proprietors of Shares in the said Canal assembled at the General Assembly appointed or directed to be annually held by the said first recited Act; but such Select Committee shall not be subject to the Controul or Interference of the General Committee of the said Proprietors; and that the Committee appointed or to be appointed at any General Assembly of the said Proprietors, shall have the Direction and Management of all other Parts of the said Canal and Works; and in case any or either of the said Persons herein-before appointed on the said Select Committee, shall die or resign before the said Canal, Railways, and other Works, between *Sousnet* Tunnel and the said River *Severn*, shall be completed, it shall be lawful for a Majority of the Survivors of the said Select Committee, when and as often as such Death or Resignation shall happen, by any Writing under their Hands, to nominate, elect, and choose another Person or Persons, being a Proprietor of Shares in the said Canal, to be of the Select Committee, in the Room and Place of such deceased Member or Members of the said Committee, so as to keep up the full Number of Ten Members on the said Select Committee.

Power to raise
20,000 l. on
Mortgage of
the Tolls, etc.

XIV. Provided always, and be it further enacted, That if the Sums by this Act directed to be made by the said Select Committee, shall not be found sufficient to finish and complete the said Canal, Railways, and Works, between the North West End of *Sousnet* Tunnel and the River *Severn*, in Manner herein-before mentioned, then and in such Case it shall and may be lawful for the said Select Committee, or any Three or more of them, to levy and raise by way of Mortgage of the Tolls and of the said Canal Navigation and Works, any Sum not exceeding Ten thousand Pounds, as the said Select Committee shall find necessary for making and completing the said Canal from the North West End of *Sousnet* Tunnel to the River *Severn*, for which Purpose they are hereby declared to have, and are hereby invested with all and every the Powers and Authorities given to the said Company of Proprietors by either of the said Two recited Acts or by this Act, for the raising of Money by Mortgage, in as
full

full and ample a Manner as the said Company of Proprietors, and as if the same were inserted in this Act.

XV. And be it further enacted, That the Sum of Five thousand Pounds, Application of the 50,000^l. First Part of the said Sum of Fifty thousand Pounds herein-before directed to be raised by Calls on the said Proprietors of Shares in the said Navigation, shall be applied for and towards liquidating and discharging such of the Debts due from the said Company as their Committee shall judge most pressing and proper to be first paid; and the Sum of Thirty thousand Pounds, other Part of the said Sum of Fifty thousand Pounds, shall, as the same shall be raised and paid, be applied in and towards the completing of the said Canal, and other Works, in Manner following; (that is to say), One Moiety, or equal Half Part thereof, shall be applied in and towards making and completing that Part of the Canal, Railways, and Works, lying between the North West End of *Soufnet* Tunnel and the said River *Severn*, under the Direction of the said Select Committee; and the Treasurer of the said Company is hereby directed to pay the same Moiety, as the same shall be received from Time to Time, to the said Select Committee, or to such Person or Persons as the said Select Committee, or any Three or more of them, shall from Time to Time order and direct, for the Purposes aforesaid, and the other Moiety of the said Thirty thousand Pounds shall be applied in and towards the making and completing of the other Parts of the said Canal, under the Direction of the Committee appointed or to be appointed by the General Assembly of the said Company of Proprietors; and the remaining Fifteen thousand Pounds of the said Fifty thousand Pounds, with the growing Profits of the said Canal, shall be applied in the First Place in discharging the existing Debts now due from the said Company, in Manner herein directed, and afterwards to the general Purposes of the said Concern.

XVI. And be it further enacted, That all Debts now due from the said Company, other than and except such as the said Committee shall adjudge proper to be paid out of such Five thousand Pounds as aforesaid, shall be secured to the several Persons and Bodies claiming the same by Bonds, which Bonds shall be given within Three Calendar Months next after the passing of this Act, if demanded, or so soon after as the same shall be demanded; and in such Sums, not less than Fifty Pounds each, as shall be required by the Persons or Bodies to whom such Debts shall respectively be due, except when the Debt does not amount to Fifty Pounds, in which Case the Bond shall be made out for the actual Amount of the Debt, and such Bonds shall be signed by the Chairman, and any Three Members of the Committee appointed by the General Assembly as aforesaid, and shall be given to the Creditors free from all Charges, Fees, and Expences; and Copies thereof, or the Substance of such Bonds, shall be entered in a Book or Books of the said Company, to be kept by the Clerk of the said Company; and all such Bonds shall be made payable, with lawful Interest, within Five Years from the Time of the signing thereof; and the same shall be paid by and out of the Money arising from the Calls to be made under this Act, as the same shall be collected after the raising and advancing the said Sums of Five thousand Pounds and Thirty thousand Pounds as aforesaid, as far as the said Calls will extend to discharge the same; and the Residue thereof, and Interest on the said Bonds at and after the Rate of Five Pounds *per Centum per Annum* shall be paid out of the Tonnage Rates secured on and received under the said Acts and this Act,

Debts now due to be secured by Bonds carrying Interest payable within Five Years.

Act, if such Tonnage Rates shall be sufficient for that Purpose; but if such Tonnage Rates shall happen not to be sufficient to fully pay the same, then such Deficiency shall be made up and paid out of the Monies to be raised by Mortgage as aforesaid; and the Principal Sum of each of such Bonds shall be payable in equal Proportions, progressively, out of the Money arising from such Calls as aforesaid, as they shall be paid after satisfying such Five thousand Pounds and Thirty thousand Pounds respectively as aforesaid; and if such remaining Calls shall not be sufficient for that Purpose, then by Money to be raised for that Purpose by Mortgage, in Manner by this Act authorized; and all Persons or Bodies to whom any such Bonds shall be so given, are hereby authorized and empowered, by Writing or Writings, or by Indorsement on such Bonds, to sell, or assign or transfer such Bonds, and all Money due thereon, to any Person or Persons whatever, who shall thereupon be entitled to the Benefit thereof and Payment thereon; and he, she, or they, may in like Manner sell again, or transfer the same again, and so *toties quoties*; and Notice of all which Assignments shall be given to such Clerk as aforesaid, and entered in such Book or Books as aforesaid; and all such Creditors shall be paid equally and in Proportion to the Claims, without any Priority by Date or otherwise; and such respective Payments of Principal and Interest on such Bonds, shall precede all other Payments under the said Acts or this Act, other than and except such as are herein-before specified: Provided always, that all Debts due for the Purchase of Lands already taken or used for the Purpose of the said Canal, shall be paid in Preference to any other Debt; and that Payment or Tender of the Purchase Money for any Land to be hereafter taken for the Use of the said Canal or Railway, shall be made before such Lands shall be made use of under the Powers of this Act.

Provisions of the former Acts to extend to this.

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

Expences of the Act to be paid.

XVIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences, in anywise incidental thereto or concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, by and out of the Money now in the Hands of their Treasurer, and the first Money which shall be received by virtue of the said recited Acts or this Act.

Money allowed for Lands, &c. purchased how to be charged and tendered.

XIX. And be it further enacted, That upon Payment of any Sum or Sums of Money agreed or assessed to the Party or Parties to whom the same shall be so awarded to be paid, by virtue or in pursuance of the said recited Acts or this Act, or on Tender thereof made at his, her, or their Dwelling House, or if he, she, or they shall have no Dwelling House, then at the House of some Tenant or Occupier of some Lands or Tenements of such Party or Parties near the said intended Works, he, she, or they shall execute

execute a Conveyance or Conveyances of the Premises which shall be so purchased to the said Company, for the Purposes of the said Acts and this Act; and in case such Person or Persons, to whom such Sum or Sums of Money shall be awarded as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money assessed and awarded for any Purchase Money, or in Recompence for any Damage as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the Court of Chancery, which said Court, upon the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, or Interest, of the Person or Persons making Claim thereto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank aforesaid.

In case of not making out Titles, or Refusal to execute Conveyances, or if Persons cannot be found, Purchase Money to be paid into the Bank, etc.

Cashier to give a Receipt for the Money.

XX. And be it further enacted, That immediately after paying such Purchase Money into the Bank as aforesaid, the said Houses, Buildings, Lands, Tenements, and Hereditaments, in respect whereof the same shall have been so paid, shall vest in the said Company, in Manner and for the Purposes aforesaid, who shall be deemed in Law to be in the actual Possession thereof to all Intents and Purposes whatsoever, freed and discharged from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever.

Estates purchased to vest absolutely in the Company.

XXI. 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 said recited Acts 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 Acts 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 *Leominster Canal Company*, together with the Name or Names of such Person or Persons

Application of Compensation Money when exceeding 100 l.

[*Loc. & Per.*]

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as

as Three of the Commissioners for executing the said Acts 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 to be 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 Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be 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, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, 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 Money does not exceed 200 *l.* nor less than 20 *l.*

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, and 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 Twenty Pounds, then and in all such Cases the same shall be 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 of *England*, 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 Three 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 Dividends arising thereon may be applied in any Manner herein-after directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXIII. 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 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 Acts and this Act, in such Manner as the said Commissioners 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.

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

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof respectively, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends and Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person in Possession deemed entitled thereto.

XXV. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said Acts and this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXVI. And

Publick Act.

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

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