



ANNO QUADRAGESIMO QUINTO

# GEORGI III. REGIS.

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## Cap. II.

An Act for enabling the Company of Proprietors of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham* more effectually to provide for the Discharge of their Debts, and to complete the said Canal, and the Cuts and Works thereto belonging. [18th March 1805.]

WHEREAS by an Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act for making a Navigable Canal from Manchester to or near Ashton-under-Lyne and Oldham, in the County Palatine of Lancaster*, certain Persons and their Successors were incorporated by the Name of *The Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham*, and were authorized to make, complete, and maintain a Canal Navigation from the Town of *Manchester*, at or near the Easterly End of a certain Highway or Street there called *Piccadilly*, through Part of the Parish of *Manchester* to or near a place called *Fairfield* in the said Parish, and from thence by One Branch through other Part of the said Parish and the Parish of *Ashton-under-Lyne* to a publick Highway in the Town of *Ashton-under-Lyne*, near and leading to a Bridge called *Dukinfield Bridge*, and by another Branch from or nearly from the said Place called *Fairfield*, to a certain Place called *New Mill*, near to the Town of *Oldham*; and also to make an Aqueduct Bridge over the River *Tame*, at or near to an

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Estate called *Walk Mill* near the Town of *Ashton-under-Lyne* aforesaid into *Dukinfield*, from and to communicate with the said Canal, and another Aqueduct Bridge over the River *Medlock*, from and to communicate with the said Canal at or near a certain Place in the Parish of *Ashton-under-Lyne* aforesaid called *Boodle Wood*; and the said Company of Proprietors were thereby authorized to raise and contribute amongst themselves a competent Sum of Money for making and completing the said Canal, Cuts, and other Works, not exceeding Sixty thousand Pounds; and if the said Sum should be found insufficient for making, completing, and maintaining the said Canal, and other the Works thereby authorized to be made, and all necessary Charges and Expences relating thereto, the said Company of Proprietors were also enabled to raise and contribute amongst themselves, in the Manner in the said Act mentioned, any further or other Sum of Money for completing and perfecting the said Navigation, not exceeding the Sum of Thirty thousand Pounds: And whereas by an Act passed in the

33 G. 3. Thirty-third Year of the Reign of His present Majesty, intituled, *An Act to enable the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham to extend the said Canal from a Place called Clayton Demelne, in the Township of Droyllden, in the Parish of Manchester aforesaid, to a Place in the Turnpike Road in Heaton Norris, leading between Manchester and Stockport, opposite to the House known by the Sign of The Three Bears Heads, and from or nearly from a Place called Taylor's Barn in the Township of Reddish, to Denton, at a Place called Beat Bank, adjoining the Turnpike Road leading between Stockport and Ashton-under-Lyne, and also from the intended Aqueduct Bridge, at or near a Place called Waterhouses in the Parish of Ashton-under-Lyne aforesaid to a Place called State Leach, at Hollinwood in the Township of Oldham aforesaid*, the said Company of Proprietors were authorized to make, complete, and maintain the said Extensions or Branches of the said Canal, and towards defraying the Expences thereof the said Company were authorized to raise, in Manner therein mentioned, any Sum of Money not exceeding Thirty thousand Pounds: And whereas by an Act passed in the

33. G. 3. Thirty-eighth Year of the Reign of His present Majesty, intituled, *An Act to enable the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham to finish and complete the same, and the several Cuts and other Works authorized to be made and done by them by the several Acts passed for that Purpose, and for amending the said Acts, and granting to the said Company further and other Powers*, the said Company of Proprietors were authorized and empowered to raise in Manner therein mentioned, any Sum or Sums of Money, not exceeding in the whole the Sum of Thirty thousand Pounds, over and above the said several Sums of Sixty thousand Pounds, Thirty thousand Pounds, and Thirty thousand Pounds, in the said Acts of the Thirty-second and Thirty-third Years of the Reign of His present Majesty authorized to be raised, making in the Whole the consolidated Sum of One hundred and fifty thousand Pounds: And whereas by an Act passed in the

40 G. 3. Fortieth Year of the Reign of His present Majesty, intituled, *An Act for amending the several Acts passed for making, extending, finishing, and completing the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, and the several Cuts and other works authorized to be made and done by the Company of Proprietors of the said Canal Navigation, and for granting to the said Company further and other Powers*, the said Company of Proprietors were authorized and empowered to raise any Sum or Sums of Money as should

should from Time to Time be found necessary for paying and discharging the Debts owing by the said Company of Proprietors as aforesaid, and such further Debts as they should contract in completing the said Undertaking, and for paying and discharging such of the Promissory Notes issued by the said Company of Proprietors under their common Seal, as the respective Holders thereof should not choose to convert into Shares, and for other the Purposes of the said several recited Acts, not exceeding in the Whole (together with so much of the Money which was then owing on Promissory Notes as should, under and by virtue of the Powers contained in the said recited Act of the Thirty-eighth Year of His present Majesty, be converted into Shares in the said Undertaking) the said last-mentioned Sum of Thirty thousand Pounds (being the same Sum of Thirty thousand Pounds authorized to be raised in and by the said last-mentioned Act in the Manner therein mentioned) by such Ways or Means as they were then authorized to raise any Money by virtue of the said recited Acts or any of them, or by creating new or additional Shares, and disposing of the same to such Person or Persons, and at such Price or Prices as to the said Company of Proprietors should from Time to Time seem meet and convenient; and in case the Money by the said Acts authorized to be raised, should be found insufficient for the Purposes of the said several Acts, the said Company of Proprietors were thereby authorized and empowered to raise, by borrowing and taking up at Interest in the Manner in the said last-recited Act mentioned, any Sum or Sums of Money, not exceeding in the Whole the Sum of Twenty thousand Pounds, over and above the respective Sums of Money by the said recited Acts authorized to be raised: And whereas the said Company of Proprietors, in pursuance of the Powers contained in the said last-recited Act, have raised by the Creation of new or additional Shares the Sum of Twenty-nine thousand nine hundred and seventy-seven Pounds and Seventeen Shillings, in part of the said last-mentioned Sum of Thirty thousand Pounds thereby and by the said recited Act of the Thirty-eighth Year of His present Majesty, authorized to be raised in the Manner therein mentioned; and the said Company of Proprietors have borrowed and taken up at Interest, upon Mortgages of the Rates authorized to be raised by virtue of the said Acts in the Manner directed by the said last-mentioned Act, the Sum of Eight thousand six hundred and seventy-seven Pounds, in part of the Sum of Twenty thousand Pounds thereby authorized to be borrowed and taken up at Interest, and which Sum of Eight thousand six hundred and seventy-seven Pounds is still owing on such Mortgages; but the said Company of Proprietors have not hitherto been able to raise the Residue of the said Sum of Twenty thousand Pounds: And whereas the said Company of Proprietors have made great Progress in or towards the Completion of the said Canal, Cuts, and other Works, and have not only expended therein the Whole of the Money which they have been able to raise under and by virtue of the said recited Acts, but have also contracted Debts to a large Amount which are now due and owing, and which they are at present unable to discharge; and it is expedient that the said Company of Proprietors should be authorized, not only to provide for the Discharge of their said Debts, but also that they should be enabled to finish and complete the Whole of the said Canal, Cuts, and other Works; and it is found that the Powers and Provisions of the aforesaid Acts are insufficient for that Purpose: May it therefore please Your Majesty that it may be enacted; and be it enacted by the  
King's

That the Company have raised the Money they are entitled to raise.

Enabling the Company to raise 40,000 *l.* in addition to the several Sums they are authorized to raise under the former Acts.

King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise any such Sum or Sums of Money as shall from Time to Time be found necessary for paying and discharging the Debts owing by the said Company of Proprietors, and such further Debts as they shall contract in the completing of the said Undertaking, and for other the Purposes of the said Acts and this Act, not exceeding in the whole the Sum of Forty thousand Pounds, over and above the said several Sums of Sixty thousand Pounds, Thirty thousand Pounds, Thirty thousand Pounds, Thirty thousand Pounds, and Twenty thousand Pounds, in the said several Acts authorized to be raised as therein mentioned, or so much thereof as the said Company of Proprietors have been able to get in and receive, and notwithstanding that the same several Sums have not been wholly raised and received as aforesaid; any Thing in the said Acts, or any or either of them contained to the contrary thereof notwithstanding.

Mode of raising the 40,000 *l.*

II. And be it further enacted, That the said Sum of Forty thousand Pounds shall and may be raised by the said Company of Proprietors by creating new or additional Shares in the said Undertaking, and disposing of the same to such Person or Persons, and at such Price or Prices as to the said Company of Proprietors shall from Time to Time seem meet and convenient, or by all or any other of the Ways and Means by which the said Company of Proprietors are or were authorized to raise any Money by virtue of the said recited Acts, or any or either of them, or by raising, paying, and contributing amongst themselves proportionably and rateably according to the Amount of the Sums of Money already advanced and paid by them, or which they are liable to pay in respect of their several Shares in the said Navigation, by or under the said recited Acts; and that it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered at any General or Special Assembly to be held or convened in the Manner and agreeably to the Directions contained in the said recited Acts, or any or either of them, or for their Committee for the Time being, from Time to Time to make any Call or Calls for Money from the Proprietor or Proprietors of a Share or Shares in the said Canal Navigation, in order to raise the said Sum of Forty thousand Pounds, or so much thereof as shall be deemed requisite, in the Manner and subject to the Regulations hereinafter mentioned, so that no one Call shall exceed the Sum of Ten Pounds for each Share in the said Navigation, and no Calls shall be made at a less Distance than Three Calendar Months from each other, which Money so to be called for shall be paid to such Person or Persons and in such Manner as the said General or Special Assembly or Committee shall from Time to Time appoint and direct; and all and every Owners and Owner of One or more Share or Share 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 Two or more Newspapers published or usually circulated in the Town of *Manchester*, or in any other Manner as the said Company of Proprietors shall at any General or

Special

Special 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 increase of 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 Estate and Effects.

III. And, for the better enforcing the 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 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 or Shares of such Person or Persons so refusing or neglecting as aforesaid, shall be vested in the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Navigation shall vest in or accrue to the said Company until Notice in Writing thereof be given by the Treasurer, or by one of the Clerks of the said Company, to the Owner or Owners of or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered or entered in the Books of the said Company, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, Thirty Days at the least before such accrue shall take place, or until Notice shall be published Three Times in *The London Gazette* and in Two Newspapers published or usually circulated in the said Town of *Manchester*; and in which Notice shall be contained a Statement and Account of how much Money is due from such Owner or Owners, 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 such Share or Shares shall not be vested in the said Company, if the Owner or Owners thereof, or such Person or Persons, shall pay up what shall appear by such Statements to be due, together with Interest on 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 any or either of them, or this Act, to the contrary notwithstanding.

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enforcing  
Payment of  
Calls.

IV. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become vested in the said Company of Proprietors as aforesaid, then and in every such Case it shall be lawful for the said Company, or their Committee for the Time being, and they are hereby empowered to authorize and direct the Law Clerk or Law Clerks for the Time being to the said Company, to sell by Public Auction to the best Bidder, at such Time and Place as the said

Company  
empowered to  
sell Shares  
that shall be-  
come vested  
in them by  
default of the  
Owners not  
paying the  
Calls thereon.

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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 in Two Newspapers published or usually circulated in the Town of *Manchester*); and it shall be lawful for the said Company of Proprietors, or their Committee, to assign and transfer the Share or Shares of such Defaulter or Defaulters, or such and so many of the said Share or Shares, as the said Company, or their Committee, shall from Time to Time find necessary and direct, in order to make good the Deficiency or Deficiencies of such Defaulter or Defaulters who shall not pay his, her, or their Call or Calls, pursuant to the Directions of this Act, unto such Person or Persons as shall become the Purchaser or Purchasers of such Share or Shares, his, her, or their Executors, Administrators, or Assigns, and to receive and give Receipts for the Money agreed to be paid or given for such Share or Shares; and such Assignment and Transfer shall be good, valid, and effectual against the Owner and Owners of every such Share or Shares so vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided also, that in case the Money produced by Sale of any such Share or Shares 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 Persons to whom such Share or Shares shall have belonged: Provided always, 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 one of the Clerks to the said Company, to the Owner or Owners thereof, or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered or entered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, or until such Notice shall have been published Three Times in *The London Gazette* and in Two Newspapers published or usually circulated in the Town of *Manchester* as aforesaid, in which Notice shall be contained a Statement and Account how much Money is due from such Owner or Owners, 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: Provided also, that the said Company of Proprietors, or their Committee, shall not by virtue of this Act at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears or Calls of such Defaulter or Defaulter, and the Interest and Expences attending the same; and from and after Payment of all and every the Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company of Proprietors as aforesaid which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares had before belonged, in such Manner as if the Calls had been duly and regularly paid.

Shares may be relinquished, and sold after Notice.

V. Provided always, and be it further enacted, That if any Proprietor or Proprietors of any such Share or Shares, or the Executors, Administrators, Guardians, or Trustees of any such Proprietors, or any Mortgagee of such Shares, shall, within Six Calendar Months next after the passing of this Act, give Notice in Writing to the Treasurer or Law Clerk or Law Clerks of the said Company, of, his, her or their Intention of relinquishing any such

such Share, then and in such Case such Shares shall not be forfeited or sold in the said Company by the Nonpayment of any Call, but such Shares shall, within One Calendar Month after such Notice, be sold by public Auction to the highest Bidder in Manner aforesaid; and the Monies arising from such Sale, after deducting the necessary Charges and Expenses attending the same, and the Arrears of Calls before that Time made, shall be paid to the Person or Persons to whom the Share or Shares to be sold shall have belonged.

VI. Provided likewise, and it is hereby further enacted and declared, That nothing in the said recited Acts contained shall empower the said Company of Proprietors to sue for any Call or Calls for Money directed to be made by virtue of this Act, or to forfeit, or declare forfeited, any Share or Shares on Nonpayment of any such Call or Calls, or in any Manner to recover or enforce Payment of the same, other than by selling so many of the Shares of the said respective Proprietors as shall be necessary for the Purposes and under the Regulations and according to the Letter, true Intent, and Meaning of this present Act; any Thing in the said recited Acts, or any or either of them, contained to the contrary notwithstanding.

The Com-  
pany shall  
not be liable  
for Calls  
on forfeited  
Shares.

VII. And be it further enacted, That the respective Proprietors of any Share or Shares which shall or may be created by virtue of this Act, shall be entitled to an equal Share of the Profits of the said Undertaking, and to such and the same Powers, Privileges, and Advantages, and be liable to such and the same Restrictions, Penalties, and Forfeitures, as if the same were Part of the Shares already created under or by virtue of the herein-mentioned Acts, and now vested in the several and respective Proprietors of the said Undertaking under or by virtue of the said Acts; and the Admission of every Person to any such new Share or Shares, by any Order or Resolution of the said Company of Proprietors, shall be good and effectual Titles to such Person or Persons, and his, her, or their respective Executors or Administrators, on his, her, or their Payment to the said Company of Proprietors of the Purchase Money or Price agreed for the same; and all the Monies to be raised by all or any of the Ways and Means aforesaid, shall be paid, applied, and disposed of in the Manner herein-before mentioned with respect to the Monies by this Act authorized and empowered to be raised.

Extending the  
Profits and  
Privileges of  
the Naviga-  
tion to the  
Holders of  
new Shares,  
&c.

VIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, singly or their General Assemblies, by any Deed or Deeds, Writing or Writings, under their common Seal, at any Time or Times to demise, let, and to firm let the Rates, payable by virtue of the said recited Acts, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal and Cuts, and also the Wharfs, Quays, Warehouses, Docks, and Buildings belonging to the said Company of Proprietors, or any Part or Parts thereof, unto any Person or Persons, his, her, or their Executors, Administrators, or Assigns, for any Time or Term not exceeding Twenty-one Years from the Commencement of any Lease, to take effect in Possession, and not in Reversion, and at and under such Rates or Rents, and with, under, and subj<sup>t</sup> to such Terms, Stipulations, Conditions, Proviso's, Declarations, Covenants, and Agreements, on the  
respective

Company  
is empowered  
to lease the  
Rates.

respective Parts of the Lessors and Lessee or Lessees, as shall be agreed upon between the Parties; and every such Lease shall be good, valid, and effectual, and the Clauses, Provisoos, Declarations, Covenants, and Agreements to be therein contained, shall be binding as well upon the Lessee or Lessees as upon the said Company of Proprietors; and the Lessee or Lessees, and all such Person or Persons as such Lessee or Lessors shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Powers and Authorities for collecting, receiving, and recovering the same, as if they had been appointed for that Purpose by the said Company of Proprietors: Provided always, that publick Notice of the Intention to let the said Rates and Premises, or any Part thereof, be given by Advertisement published and continued in some Two or more Newspapers circulating in the Town of *Manchester* aforesaid, at least Twenty-one Days before any such General Assembly at which the said Rates and Premises, or any Part thereof, are proposed to be let as aforesaid.

Power to alter the Rates at a General Assembly.

IX. And whereas the Provisions contained in the said recited Acts, for lessening or reducing the Rates thereby respectively granted or made payable, and afterwards for advancing and raising the same, are found inconvenient; be it therefore enacted, That all and every the Provisions contained in the said recited Acts, or any or either of them, for lessening or reducing all or any of the said Rates, and afterwards for advancing and raising the same, shall be and the same are hereby repealed, and that instead thereof the said Company of Proprietors shall have full Power from Time to Time, at any General Assembly, as often as it shall be deemed expedient or necessary for the Interest of the said Navigation, to lessen or reduce all or any of the said Rates, and again to raise and advance the same as they shall think proper, not exceeding the Rates by the said recited Acts respectively granted or made payable; any Thing in the said recited Acts, or any or either of them, contained to the contrary thereof in anywise notwithstanding.

Powers of former Acts to extend to this Act.

X. And be it further enacted, That the said recited Acts, and all and every the Clauses, Articles, Provisions, Matters, and Things therein contained, shall extend and be applicable to this present Act, and the Powers, Provisions, and Directions hereof, so far as the same are compatible herewith.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, &c.

XI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, already contracted for, or hereafter to be purchased by virtue of the said Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners for executing the said Acts, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General



General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered, in a summary way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XII. 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 of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts or of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or 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.

When any Question shall arise touching the Title of any Money to be paid, the Person in Possession of the Lands at the Time of the Purchase shall be deemed entitled thereto.

XIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased under the Authority of the said Acts or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said Acts or 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 the said Acts or of this Act, or to much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company,

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

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who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of  
obtaining  
this Act how  
to be paid.

XIV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, by and out of any Money already received, and out of the first Money that shall come to their Hands by virtue of the said recited Acts or of this Act.

Publick Act.

XV. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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