



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 12.

An Act for enabling the Company of Proprietors of the *Peak Forest Canal* more effectually to provide for the Discharge of their Debts, and to complete the said Canal, and the Cut, Railways, or Stone Roads and other Works thereof. [18th March 1805.]

WHEREAS by an Act, passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from and out of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, in the County Palatine of Lancaster, at the intended Aqueduct Bridge in Dukinfield, in the County of Chester, to or near to Chapel Milton, in the County of Derby, and a Communication by Railways or Stone Roads from thence to Loads Knowl, within Peak Forest, in the said County of Derby, and a Branch from and out of the said intended Canal to Whaley Bridge in the said County of Chester;* certain Persons and their Successors, Executors, Administrators, and Assigns, were incorporated by the Name and Style of *The Company of Proprietors of the Peak Forest Canal*, for making, completing, and maintaining the said Canal and Branch or Cut, and the said Railways or Stone Roads, and the several other Works necessary for carrying the said Act

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into Execution; 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, Cut, Railways, or Stone Roads, and other Works, not exceeding in the Whole Ninety thousand Pounds (except as therein is mentioned); and if the said Sum should be found insufficient for making, completing, and maintaining the said Canal, Cut, and Railways or Stone Roads, and other Works, the said Company of Proprietors were also enabled to raise and contribute amongst themselves, in the Manner in the said Act mentioned, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Sixty thousand Pounds: And whereas by an Act, passed in the Fortieth Year of the Reign of His present Majesty, intituled, *An Act for altering and amending an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, for making and maintaining the Peak Forest Canal, and for granting to the Company of Proprietors of the said Canal further and other Powers*, the said Company of Proprietors were authorized and empowered to raise, in the Manner therein mentioned, any Sum or Sums of Money as should from Time to Time be found necessary for liquidating and discharging the Debts of the said Company of Proprietors, and for finishing and completing the said Canal, Cut, Railways, and other Works by the said recited Act authorized to be made and done, and for paying off and discharging so much of the Principal Money then owing or thereafter to be owing on Mortgage of the said Undertaking, and the Rates arising or to arise therefrom, as the Persons who then were or thereafter might be entitled to receive the same should require to be repaid, or as the said Company of Proprietors should be desirous of paying off and discharging, provided the same, together with so much of the Sum of Eighty thousand and Six hundred Pounds (which was the Amount of the Money subscribed towards the said Sum of Ninety thousand Pounds) as the said Company of Proprietors had been or thereafter should be able to recover, and also so much of the Money which thereafter might remain on Mortgage of the said Undertaking, should not exceed in the Whole the Sum of One hundred and fifty thousand Pounds: 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 Sixty-nine thousand nine hundred and fifty-five Pounds (except the Sum of Eighteen Pounds and Five Shillings) which is all the Money they were enabled to raise under and by virtue of the same Act: And whereas the said Company of Proprietors have made great Progress in or towards the completing of the said Canal, Cut, Railways, and Works, and have expended therein the Whole of the Money authorized to be raised by virtue of the said recited Acts, except the Sum of Five hundred and seventy-three Pounds and Five Shillings: And whereas, from the very great Advance in the Price of Labour and all Sorts of Materials, the Expences of the said Company of Proprietors have increased very considerably beyond the Estimates made by their Surveyors or Engineers, whereby they have contracted Debts to a large Amount, which are now due and owing, and which they are at present unable to discharge; and it is expedient that the said Company of Proprietors should be authorized not only to provide for the Discharge of their said Debts, but also that they should be enabled to finish and complete the Whole of their said Works; and it is also found that the Powers and Provisions of the aforesaid Acts are insufficient for that Purpose; may it therefore please Your Majesty

That the Company have expended all the Money they are authorized to raise.

Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise any such Sum or Sums of Money as shall from Time to Time be found necessary for paying and discharging the Debts now due and owing by the said Company of Proprietors, and such further Debts as they shall contract in the completing of the said Canal, Cut, Railways, or Stone Roads, and other Works, and for other the Purposes of the said Acts and this Act, not exceeding in the Whole the Sum of Sixty thousand Pounds (over and above the before mentioned Sum of One hundred and fifty thousand Pounds, or so much thereof as the said Company of Proprietors have been able to get in and receive, and notwithstanding that the same last mentioned Sum hath not been wholly raised and received as aforesaid); any Thing in the said recited Acts, or either of them, contained to the contrary thereof notwithstanding.

Company to raise 60,000 £. in Addition to the several Sums they are authorized to raise by the said Acts.

II. And be it further enacted, That the said Sum of Sixty 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 Act, 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 convened in the Manner and agreeably to the Directions contained in the said recited Acts, 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 Sixty thousand Pounds, or so much thereof as shall be deemed requisite, in the Manner and subject to the Regulations herein-after 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 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 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 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 Assembly direct or appoint; and such Sum or Sums of Money as shall be paid in respect of every Share

Prescribing the Mode of raising the 60,000 £.

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 Estate and Effects.

Manner of enforcing Payment of Calls.

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 and 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 Accruer 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 either of them, or this Act, to the contrary notwithstanding.

Company empowered to sell Shares that shall become vested in them by Default of the Owners not paying the Calls thereon.

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 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*

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 of Calls of such Defaulter or Defaulters, 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.

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 Share, then and in such Case such Shares shall not be

Shares may be
relinquished
and sold after
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forfeited or vested in the said Company by the Nonpayment of any Call, but such Shares shall, within One Calendar Month after such Notice, be sold by Publick Auction to the highest Bidder in Manner aforesaid, and the Monies arising from such Sale, after deducting the necessary Charges and Expences 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 so sold shall have belonged.

The Company not to sue for Calls on forfeited Shares.

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 such and 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 Tenor, true Intent, and Meaning of this present Act; any Thing in the said recited Acts, or either of them, contained to the contrary notwithstanding.

New Shares entitled to the same Advantages as the former.

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 Navigation and 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 in and by virtue of the herein-before mentioned Acts, and now vested in the several and respective Proprietors of the said Navigation and 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.

Directing the new Shares to be numbered.

VIII. And be it further enacted, That every Share to be created or held under or by the Authority of this Act shall be numbered, and the Names and proper Additions of the respective Persons entitled thereto, and the respective Numbers of such Shares shall be entered in a Book, and the Common Seal of the said Company shall be affixed thereto; and Tickets or Instruments, with the Common Seal of the said Company affixed thereto, shall be delivered to each Proprietor or Owner of such Shares respectively, in the like Manner and Form as is directed or appointed in and by the said recited Acts with respect to the present Shares in the said Navigation and Undertaking; and every such Proprietor or Owner of such Share and Shares to be created or held under or by the Authority of this Act, shall stand and be interested in all the Profits of the said Navigation, in proportion to the Number of such Shares respectively which each Proprietor or Owner may have or be entitled unto, as generally and extensively, to all Intents and Purposes, as if such Share and Shares had been a Share and
Shares

Shares created by virtue of the Powers of the said recited Acts, or either of them; any Thing in the said recited Acts, or either of them, contained to the contrary notwithstanding.

IX. And whereas by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty, the said Company of Proprietors are authorized and empowered, in Manner therein mentioned, to let to farm the Rates thereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, Cut, and Railways or Stone Roads, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease: And whereas it is found expedient that the said Company of Proprietors should be enabled to let to farm the said Rates for a longer Period than Three Years; be it therefore enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any of their General Assemblies, by any Deed or Deeds, Writing or Writings, under their Common Seal, at any Time or Times to demise, lease, and to farm 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, Cut, and Railways, or Stone Roads, and also the Wharfs, Quays, Warehouses, Lands, and Buildings now belonging or which hereafter may belong 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 Rent or Rents, and with, under, and subject to such Terms, Stipulations, Clauses, Provisoos, Declarations, Covenants, and Agreements, on the respective Parts of the Lessors, and Lessee or Lessees as shall be agreed upon between the Parties; and every such Lease shall be 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; any Thing in the said last mentioned Act contained to the contrary thereof in anywise notwithstanding.

Authorizing the Company to lease the Rates for any Term not exceeding Twenty-one Years.

X. And whereas by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty, the said Company of Proprietors are authorized and empowered to purchase and hold Lands, Tenements, and Hereditaments in Manner therein mentioned, and to make, erect, and build upon the Lands adjoining or near to the said Canal and Cut, amongst various other Matters and Things therein mentioned, such and to many Wharfs, Warehouses, and other necessary Buildings, as and where the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Navigation: And whereas the said Canal unites with the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, at the Distance of Five Miles, or thereabouts, from *Manchester*, and the principal Source of Trade upon the said *Peak Forest* Canal is derived from Lime and Limestone, which are conveyed along the said Canal into the *Manchester*, *Ashton-under-Lyne*, and *Oldham* Canal to *Manchester*; and to increase the Trade in those Articles as well as in Articles of general Merchandize, and also to facilitate the carrying on such Trade, the said Company of Proprietors find it expedient and necessary to establish a Wharf, Warehouses, and other Buildings in *Manchester*

Company empowered to purchase Wharf Lands.

chester aforesaid, and may also hereafter find it expedient and necessary to establish other Wharfs, Warehouses, and other Buildings for the Purposes aforesaid in other Situations, and it is found that the Powers and Provisions of the said recited Acts are insufficient for those Purposes; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors of the said *Peak Forest* Canal Navigation, and they are hereby authorized to purchase and hold any Lands, Tenements, and Hereditaments, which shall or may be found necessary for the Purposes aforesaid; and to make, erect, and build such Wharfs, Warehouses, and other Buildings accordingly as aforesaid, in such and the same Manner as in and by the said recited Acts, or either of them, is directed or authorized with respect to such Lands, Tenements, and Hereditaments, as have been, or shall or may be purchased for the Use of the said *Peak Forest* Canal Navigation, under and by virtue of the same Acts, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, together also with all and every such other Powers and Authorities as are given by this Act or by the said recited Acts, or either of them, in respect of all or any such Lands, Tenements, and Hereditaments as aforesaid; and also that it shall be lawful for the said Company of Proprietors of the *Peak Forest* Canal Navigation to relet in Fee, or to demise for Terms of Years on Chief or other Rents, and also to sell and dispose of by way of absolute Sale, for a Consideration in Money, or in Exchange for other Lands, Tenements, or Hereditaments, such Part or Parts of the said Lands, Tenements, or Hereditaments, to be purchased under and by virtue of this Act, and the Edifices, Erections, and Buildings thereon, or to be thereon erected and built, as shall not be wanted for the Purpose of the said *Peak Forest* Canal Navigation and Works, and likewise to sell all or any Part or Parts of the same Chief or other Rents: Provided always, nevertheless, that no such Purchase of any such Lands, Tenements, or Hereditaments, shall be made by virtue or under the Authority of this Act, without the Consent of the Owner or Owners or Proprietor or Proprietors of such Lands, Tenements, or Hereditaments, and such Lands to be purchased for such Wharfs and Buildings shall not exceed Ten Statute Acres in the Whole; any Thing in the said recited Acts, or either of them, or this Act, contained to the contrary thereof in anywise notwithstanding.

Powers of former Acts to extend to this Act.

XI. 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 in King out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, &c.

XII. And be it further enacted, That in case the Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners for executing the said Acts and this Act; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money to
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awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered and required, 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.

XIII. 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 a Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XIV. 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, and the said Court is hereby required to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts

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

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or of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

Expences of
obtaining
this Act, how
to be paid.

XV. 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 the Money already received, and the first Money that shall come to their Hands, by virtue of the said recited Acts or of this Act.

Publick Act.

XVI. 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, without specially pleading the same.

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