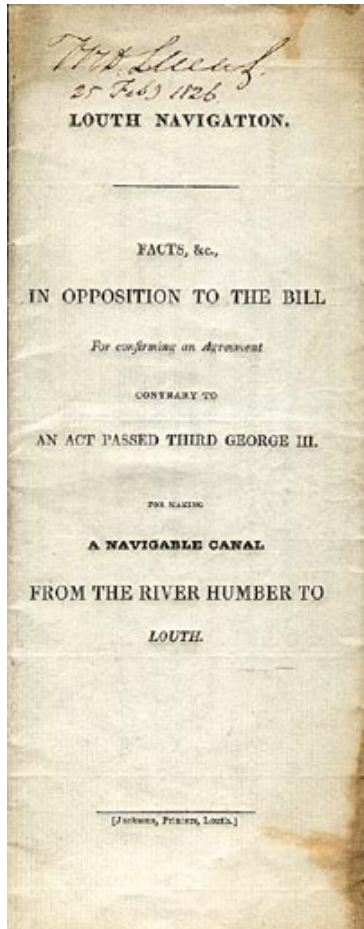




Opposition to the Chaplin family's monopoly on the tolls

LOUTH NAVIGATION

Facts and Observations, in opposition to the principle of the proposed Bill in Parliament for confirming an illegal Agreement, pending a Suit in Chancery for setting it aside.



1763 - An Act passed for making a Navigable Canal, for public benefit, from the River Humber, to the Town of Louth, in Lincolnshire whereby the Commissioners had the power of borrowing Money for completing the undertaking, and of levying Tolls upon the Public for repaying the same, with a restraining clause that the Commissioners should not lease the Tolls for any term exceeding Seven Years.

1770 - The Canal was completed at the expense of £28,000. secured to the Mortgages in £100. Shares upon the Tolls, with interest.

20 Jan A Lease of the Tolls for Seven Years was granted to Charles Chaplin, Esq., at the Rent of £4. per centum upon the £28,000; and a further Lease was to be granted to him for Seven Years more at £6 per centum; and he bound himself to expend in Repairs £500, annually, if necessary, during the Lease; if more was necessary, the Commissioners to pay the excess: and he further bound himself in the penalty of £500. to accept such second Lease.

1777 - Instead of the Second Lease for Seven Years (according to the Act) at £6. per centum, ten acting Commissioners (all now dead) out of two hundred and fifty appointed by the Act, with the consent of some of the Mortgagees, granted Mr Chaplin (then an acting Commissioner) a Lease of all the Tolls, to the extent, for Ninety-nine Years, on his paying

£5. per centum to the Mortgagees, putting and keeping the Works in repair &c., but reserving no Rent to the Commissioners, who also remitted him the above penalty.

It is alleged that the Canal was then out of repair; if so, it was in breach of Mr. Chaplin's engagement: and it is further alleged that no one else would, at that time, take a Lease for Seven Years, and put it in repair. If the latter is true, the Commissioners had the alternative, and it then became their

duty, to collect the Tolls by their proper Officers, and put the works into repair thereout, or compel Mr Chaplin to do so to the extent of his liability. But neither of the above reasons, it is submitted, was sufficient to justify such a gross dereliction of duty in, and violation of the Act by, the Commissioners.

Mr Chaplin received the full Tolls until his death in 1795. He was a Mortgagee for 58 Shares, which his Executors sold.

Thomas Chaplin, Esq., succeeded his Father, and received all the Tolls until his death in 1804.

George and Francis Chaplin Esqrs., the present Petitioners, as Legatees of Thomas Chaplin, have received the full Tolls from 1804 to May 1825, which from 1804 to May 1825, which for several years past have greatly increased, and now amount to upwards of £5000. per annum, with a further prospect of increase; while the Expenditure, it is computed, will not amount, on an average, to half that sum. They have now in their hands a very considerable balance, and, if their present application to Parliament succeed, will, on a moderate calculation, during the remainder of the term of Ninety-nine Years, realize to themselves at least £150,000. more, and still leave the whole Mortgage Debt unpaid.

The hardship and illegality of the above Agreement, as well as the excessive Tolls levied and proposed to be levied upon the Public for the private and enormous advantage of Two Individuals, who are already Debtors to a large amount, have occasioned a Suit in Chancery to be instituted by Mr. Stephen Gray and Mr. John Naull two of the

acting Commissioners, and Shareholders to the extent of \$1900., on behalf of themselves and the Public, against Messrs. G. and F. Chaplin, and the other acting Commissioners, for setting aside the above Agreement of 1777 - for an Account of the Tolls received and Monies expended - and, in short, to compel the Due execution of the Navigation Act; and hence has arisen the present application to Parliament to confirm the Agreement, and thereby shelter the Messrs. Chaplin, and the Lessees, from the just consequences of the Suit.

The Bill was filed in 1824, and in 1825, on three different occasions collateral to the Suit, and after hearing Counsel at great length on both sides, His Honour the Vice-Chancellor expressed most decided opinions against the validity, both at Law and in Equity, of the Agreement of 1777, and has been pleased to appoint a Receiver of the Tolls, with an Order to pay the same into Court, to abide the event of the cause which is now about to be set down for Hearing.

Messrs. G. and F. Chaplin, and the Commissioners who have joined them in the Petition, have, by their Answers in the cause, submitted the Agreement of 1777, and the circumstances attending it, to the decision of the Court of Chancery; yet, before that decision is made, they have in this Session presented a Petition to Parliament to confirm the Agreement - illegal and oppressive to the Public, and highly unjust and prejudicial as it is to private interests. It is therefore for the above, and such other grounds as may satisfactorily appear, that the attention of the LEGISLATURE is earnestly solicited in OPPOSITION to the proposed measure.

If the Act is duly executed, and the Tolls properly applied, the Mortgage Debt may be discharged in Ten Years, and the Tolls be taken off, except as to a small sum for repairs; neither of which desirable objects can be attained for Fifty Years to come, if Parliament should confirm the Agreement.

If all the Mortgagees had joined the Commissioners in the Agreement, it was the opinion of His Honour the Vice-Chancellor that they could not bind the Public, who had, and now have, an interest in the reduction of the Tolls, which is incompatible with the Agreement in question.

The Tolls paid to Messrs. Chaplin are 8s. per Ton for Groceries, 4s. per Caldron for Coals, 3s. per Ton for Stone, 4s. per Ton for other Goods and Merchandise, 7d. per Quarter for Oats, 8d. per Quarter for Barley, and 9½d. per Quarter for other Grain. In opposition to the Bill

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