



ANNO PRIMO & SECUNDO

# GEORGII IV. REGIS.

\*\*\*\*\*

## Cap. lxi.

An Act to enable the Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation to subscribe a further Sum of Money for the Purposes of the said Navigation. [28th *May* 1821.]

**W**HEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable Canal from the Worcester and Birmingham Canal Navigation, in the Parish of King's Norton, into the Borough of Stratford-upon-Avon, and also certain Collateral Cuts from the said intended Canal*, whereby certain Persons were united into a Company for carrying on, making, completing, and maintaining the said navigable Canal and Collateral Cuts passable for Boats, Barges, and other Vessels, and were incorporated by the Name of "The Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation;" and the said Company of Proprietors were empowered to raise a Sum of Money not exceeding in the whole the Sum of One hundred and twenty thousand Pounds; and in case the said Sum of One hundred and twenty thousand Pounds should be found insufficient for the Purposes of the said Act, then the said Company of Proprietors were thereby authorized to raise any further Sum of Money not exceeding the Sum of Sixty thousand Pounds: And whereas by another Act, passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making a navigable Cut from the Stratford-upon-Avon Canal* [Local.] 22 E 33G.3.c.112. 35 G. 3. c.72.

Canal in the Parish of Lapworth into the Worcester and Birmingham Canal in the Manor of Kingswood in the County of Warwick, the said Company of Proprietors were empowered to raise a further Sum of Money, not exceeding Ten thousand Pounds, upon the Credit of the said Undertaking: And whereas by another Act, passed in the Thirty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for authorizing the Company of Proprietors of the Stratford-upon-Avon Canal Navigation to vary the Course of certain Parts of the said Canal directed to be made by an Act passed in the Thirty-third Year of the Reign of His present Majesty, and also to make a Branch out of the said Canal, and also to vary the Course of a navigable Cut directed to be made from the said Stratford-upon-Avon Canal in the Parish of Lapworth into the Warwick and Birmingham Canal in the Manor of Kingswood in the County of Warwick, by another Act passed in the Thirty-fifth Year of the Reign of His present Majesty, and for amending the said Acts*, the said Company of Proprietors were authorized to raise any further Sum of Money, which, with the Sum of Ten thousand Pounds authorized to be borrowed by virtue of the said Act passed in the Thirty-fifth Year of the Reign of His late Majesty King George the Third, should not exceed the Sum of Forty-five thousand Pounds: And whereas by another Act, passed in the Forty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend and enlarge the Powers of the several Acts relating to the Stratford-upon-Avon Canal Navigation*, the said Company of Proprietors were empowered to raise the further Sum of Ninety thousand Pounds, and, in case that Sum should be found insufficient, a further Sum of Thirty thousand Pounds, over and above so much of the whole of the Forty-five thousand Pounds authorized to be raised by the said recited Acts passed in the Thirty-fifth and Thirty-ninth Years of the Reign of His late Majesty King George the Third as might not at the Time of the passing of such Act have been raised and received: And whereas another Act was passed in the Fifty-fifth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to amend several Acts of His present Majesty, for making the Stratford-upon-Avon Canal Navigation*: And whereas another Act was passed in the Fifty-seventh Year of the Reign of His said late Majesty King George the Third, intituled *An Act to enable the Company of Proprietors of the Stratford-upon-Avon Canal Navigation to raise Money to discharge their Debts and to complete the said Canal*, whereby the said Company of Proprietors were empowered to raise a further Sum of Money not exceeding Twenty thousand Pounds: And whereas the said Company of Proprietors have in part executed the several Works authorized by the said recited Acts, and have for those Purposes from Time to Time raised the whole Sums of One hundred and twenty thousand Pounds, and Sixty thousand Pounds, and Forty-five thousand Pounds, authorized by the said Acts of the Thirty-third, Thirty-fifth, and Thirty-ninth Years of the Reign of His said late Majesty to be raised, and have also raised the further Sum of Eighty-two thousand five hundred Pounds by virtue of the Powers of the said Act passed in the Forty-ninth Year of His said late Majesty, and the further Sum of Eighteen thousand two hundred and thirty-five Pounds by virtue of the said Act passed in the Fifty-seventh Year of

the Reign of His said late Majesty, making in the whole the Sum of Three hundred and twenty-five thousand seven hundred and thirty-five Pounds, and have applied the whole of such Money for putting the said Acts in execution; and the said Company of Proprietors have moreover incurred, in the Prosecution of the said Undertaking, Debts to the Amount of Seventeen thousand Pounds and upwards, and it is yet necessary to expend a further Sum of Money in making a Reservoir and other Works for better supplying the said Canal with Water: And whereas the said Company of Proprietors have hitherto found it impracticable, by any of the Ways and Means authorized by the said recited Acts, to raise Money for discharging their said Debts, and for making, maintaining, and supporting the said Reservoir and other Works, which are necessary to be made for supplying the said Canal with Water, and they have no Means of raising Money for those Purposes, without the Authority of Parliament: 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 it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise in manner herein-after mentioned such Sum or Sums of Money as shall from Time to Time be found necessary for the Purposes of the said Undertaking, not exceeding in the whole the further Sum of Twenty-one thousand eight hundred and eighty-two Pounds.

Authorizing  
the Company  
to raise a  
further Sum  
of Money not  
exceeding  
21,882*l*.

II. And be it further enacted, 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 all and every the Proprietors or Proprietor of a Share or Shares in the said Canal Navigation, in order to raise the said Sum of Twenty-one thousand eight hundred and eighty-two Pounds, or any Part thereof, not exceeding in the whole Six Pounds *per* Share, or so much thereof as shall be deemed requisite, in the Manner and subject to the Regulations herein-after mentioned; provided that no such Call shall exceed the Sum of Twenty Shillings for each Share in the said Navigation, and that no Calls be made at a less Distance than Three Months from each other; which Money so to be called for shall be paid to the Treasurer of the said Company, or to such Persons or Person as the said General or Special Assembly or Committee shall from Time to Time direct and appoint; and all and every the Owner and Owners 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 Ten Days Notice at the least shall be given by publishing the same in some Two Newspapers usually or then circulating in the County of *Warwick*, or in such other Manner as the said Company of Proprietors at any General Assembly, or as the said Committee, shall direct or appoint; and such Sum or Sums of Money

Prescribing  
the Mode of  
raising the  
Money.

as

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 all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Committees, Executors, and Administrators, and all other Trustees or Persons whomsoever, not only for and on behalf of themselves, their Executors, Administrators, and Assigns, but also for and on behalf of their Cestuique Trusts, who is or are or shall be possessed of or interested in any Share or Shares in the said Undertaking, shall be and they are hereby empowered to pay the respective Proportions of the said Money to be called for as aforesaid in respect of the Share or Shares of themselves, their Cestuique Trusts, Testators, and Intestates respectively, and charge the same to the Accounts of such Persons Estates 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 herein-after directed, of his, her, or their Intention to relinquish 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, so to be called for and raised by virtue of this Act, for the Space of Three Calendar Months after such Call or Calls shall have been made and published as by this Act is directed, 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 *Stratford-upon-Avon* Canal Company: Provided always, that no Share or Shares of and in the said Canal Navigation shall vest in or accrue to the said Company of Proprietors by reason of any such Neglect until Twenty-eight Days Notice in Writing thereof shall have been given by the Clerk of the said Company of Proprietors to the Owner or Owners of such Share or Shares, 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 of Proprietors, or left at his, her, or their Dwelling House or usual or last known Place of Abode, or until the Expiration of Twenty Days after a similar Notice shall have been published Three Times in the *London Gazette*, and Twice in Two Newspapers usually or then circulating in the County of *Warwick*, 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 such Share or Shares shall not be vested in the said *Stratford-upon-Avon* Canal Company if the Owner or Owners thereof, or such Person or Persons, shall pay up what shall appear by such Statement to be due, together with Interest on the same, and all Expences attending the applying for the same, within the said Twenty Days from the Date of such last-mentioned Notice, any thing contained in the said recited Acts or any of them, or in this Act, to the contrary notwithstanding.

IV. And

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, it shall be lawful for the said Company of Proprietors, or their Committee for the Time being, and they are hereby empowered, to sell or cause to be sold such Share or Shares, by public Auction, to the highest Bidder, at such Time and Place as the said Company of Proprietors, or their Committee, shall direct, (of which Sale Twenty-eight Days Notice at the least shall be given by publishing the same in the *London Gazette*, and in Two Newspapers usually or then circulating in the County of *Warwick*;) and it shall be lawful for the said Company of Proprietors, or their Committee, to assign and transfer the Share or Shares so vested as aforesaid, or so much and so many of them as the said Company of Proprietors or their Committee shall from Time to Time think necessary and direct, in order to make good the Deficiency or Deficiencies of such Defaulter or Defaulters, 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 upon Payment of the Purchase Money by the said Purchaser or Purchasers to the Treasurer for the Time being of the said Company, it shall be lawful for such Treasurer to 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 of Proprietors and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by Sale of any such Share or Shares shall be more than sufficient to pay such Arrears as aforesaid, the Surplus arising from such Sale, after Payment of all Arrears of Money due thereon, and the Expences attending such Sale, shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that no Share or Shares shall be sold or advertised for Sale until the Expiration of Twenty-eight Days next after Notice in Writing shall have been given by the Clerk to the said Company of Proprietors 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 of Proprietors, or left at his, her, or their Dwelling House or usual or last known Place of Abode, or until the Expiration of Twenty Days after such Notice shall have been published Three Times in the *London Gazette* and in Two Newspapers usually or then circulating in the County of *Warwick*, 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: 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

The Com-  
pany em-  
powered to  
sell Shares  
that shall be-  
come vested  
in them by  
the Default of  
the Owners.

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 nevertheless, and be it further enacted, That if any Proprietor or Proprietors of any 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 said Company of Proprietors of his, her, or their Intention to relinquish any such Share or Shares, then and in such Case such Share or Shares shall not be vested in the said Company of Proprietors by the Nonpayment of any Call, but such Share or 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 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.

Company not to sue for Calls on forfeited Shares.

VI. Provided likewise, and be it 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 true Intent and Meaning of this Act; any thing in the said recited Acts or any of them contained to the contrary notwithstanding.

Application Money.

VII. And be it further enacted, That the Money so to be raised shall (after the Payment of the Expences of this Act) be applied and disposed of in making a Reservoir or Reservoirs and other Works which may be found necessary for carrying on and supporting the said Undertaking, and the Remainder in the Payment and Discharge of the Debts, Sum and Sums of Money, now owing or payable by the said Company of Proprietors.

Same Person not to act as Clerk and Treasurer.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or to appoint, after the Twenty-fourth Day of *June* next after the passing of this Act, the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts or this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act, or any of them, or to continue or to appoint, after the said Twenty-fourth Day of *June*, the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company of Proprietors;

and if any Person shall, after the said Twenty-fourth Day of *June*, act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts or this Act; or any of them, or if any Person being the Partner of any such Clerk shall, after the said Twenty-fourth Day of *June*, act as Treasurer, or being the Partner of any such Treasurer shall, after the said Twenty-fourth Day of *June*, act as Clerk in the Execution of the said recited Acts or this Act, or any of them, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

IX. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs or other legal Proceedings, the Service thereof upon any Member of the Committee of Management, or left at his usual Place of Abode, or upon the Clerk of the said Company, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Directing what shall be deemed a Service of Notice, &c. on the Company.

X. And whereas by the said recited Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, it is enacted, that in case the Proprietor or Proprietors of any Manor or Estate containing any Mines of Coal, Ironstone, Limestone, or other Minerals, or the Proprietor or Proprietors of any Furnaces or other Works, or the Renters, Lessees, or Occupiers of the same, lying within the Distance of Seven Miles from some Part of the said Canal or Collateral Cuts, shall find it expedient or necessary to make any Railways or Roads over the Lands or Grounds of any other Person or Persons, or to make any Bridges over any River, Brook, or Watercourse, for the Purpose of conveying his, her, or their Coals, Lime, Iron, Ironstone, Limestone, or other Minerals to the said Canal or Collateral Cuts, then and in every such Case it shall be lawful for him, her, or them to make any such Railways, Roads, and Bridges, and also a proper and sufficient Wharf or Landing Places at the End of every such Railway or Road, on the Side of the said Canal or Collateral Cuts, he, she, or they first paying or tendering Satisfaction for the Damage to be thereby occasioned to any Lands or Grounds, in manner therein-before directed with respect to the Land to be taken for the Purposes therein-before mentioned; and that it shall also be lawful for the Owner or Owners of or Person or Persons interested in such Lands or Grounds to treat and agree with such Proprietor or Proprietors, Renters, Lessees, or Occupiers, for the Damage the Owner or Owners of such Lands or Grounds shall or may sustain by making any such Railway, Road, Bridge, Wharf, or Landing Place; and in case they cannot agree concerning the Amount or Value of such

Repealing certain Parts of the Act 33 Geo. 3. enabling Proprietors of Lands to make Railways to the Canal.

such Damage, or in case the Owner or Owners of or Person or Persons interested in such Lands or Grounds shall refuse or neglect to treat, or by reason of Absence or otherwise shall be prevented from treating, then the same shall be settled and ascertained by the Commissioners appointed by the said Act, and be subject to the Verdict of a Jury, if required, in such and the like Manner as the Value of the Lands to be taken for making the said Canal and Collateral Cuts is by the said Act directed to be settled and ascertained; and it is expedient that such Powers should be repealed; be it therefore further enacted, That so much of the said recited Act shall be and is hereby repealed.

Former Acts  
to extend to  
this Act.

XI. And be it further enacted, That all and every the Provisions and Clauses of this Act shall 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 recited Acts or any of them; 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) be used, applied, and construed in like Manner as if the same Provisions and Clauses, Powers, Privileges, Regulations, and Provisoos, were specially enacted in this Act.

For paying  
the Expences  
of passing  
this Act.

XII. And be it further enacted, That the Costs, Charges, and Expences of applying for, obtaining, and passing of this Act, and all Costs, Charges, and Expences incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation, out of any Money received or to be received by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever.

Public Act.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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