



ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 68.

An Act for enabling the Company of Proprietors of the *Wilts* and *Berks* Canal Navigation, to raise Money for completing the said Canal; and to alter, explain, and amend the Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, for making the said Canal. [20th June 1801.]

WHEREAS by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from the River Thames or Isis, at or near the Town of Abingdon, in the County of Berks, to join or communicate with the Kennet and Avon Canal at or near the Town of Trowbridge, in the County of Wilts, and also certain Navigable Cuts therein described*, certain Persons therein named and described, were united into a Company for carrying on, making, completing, and maintaining the said Canal and Cuts, by the Name and Style of *The Company of Proprietors of the Wilts and Berks Canal Navigation*, in perpetual Succession, with a Common Seal, and the said Company were authorized to raise and contribute among themselves a competent Sum of Money for making, carrying on, and completing the said Canal and Cuts, and the other Works and Conveniencies to the same belonging, not exceeding in the Whole

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the Sum of One hundred and eleven thousand nine hundred Pounds (except as therein-after mentioned), which was to be divided into One thousand one hundred and nineteen Shares of One hundred Pounds each; and if the said Sum should be found insufficient for the Purposes of the said Act, the said Company of Proprietors were enabled to raise and contribute among themselves, in the Manner in the said Act mentioned, any further Sum or Sums of Money, not exceeding in the Whole the Sum of One hundred and fifty thousand Pounds; and in case the said Company should be desirous of raising the said last-mentioned Sum, or any Part thereof, by Mortgage of the said Undertaking, they were empowered to borrow and take up at Interest all or any Part of the said Sum on the Credit of the said Undertaking, as to them should seem meet, and to assign the several Tolls, Rates, and Duties arising therefrom, as a Security for any Sum or Sums so to be lent: And whereas only Seventy-four thousand and one hundred Pounds, Part of the said Sum of One hundred and eleven thousand nine hundred Pounds, amounting to Seven hundred and forty-one Shares, of One hundred Pounds each, was originally subscribed; and only the Sum of Sixty-one thousand five hundred and twelve Pounds and Ten-pence, or thereabouts, has yet been actually paid; and the Treasurer to the said Company of Proprietors has advanced to them the Sum of Three thousand seven hundred and ninety-six Pounds Fifteen Shillings and Seven-pence, for which they have engaged to pay him Interest; and that all the Money so raised has been expended in the Prosecution of the Works of the said Undertaking, and in carrying into Effect the Purposes of the said Act; and the said Company of Proprietors have also incurred sundry other Debts in the Prosecution of the said Undertaking, which are yet unsatisfied and owing by them: And whereas the said Company of Proprietors have, in pursuance of the said Act, proceeded in making and completing certain Parts of the said Canal and Cuts; but it is found that much more Expence hath been and will be necessarily incurred in completing and maintaining the said Undertaking, than the same was originally estimated at, and more Money than the said Company of Proprietors have yet been able to raise, will be required to liquidate and discharge the Debts of the said Company, and to finish and complete the said Canal, Cuts, and other Works, by the said Act authorized to be made and done: And whereas the Powers and Provisions of the said Act have in other Respects been found insufficient, and it is requisite that the same should be altered and extended; 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, the Sum of Two hundred thousand Pounds, or so much thereof as shall be necessary for the making, completing, and maintaining the said Canal Navigation and Works, over and above the said Sum of One hundred and eleven thousand nine hundred Pounds, in the said recited Act mentioned (although the said last-mentioned Sum, by reason of the Whole not being subscribed for, and the Arrearages of Calls or Subscriptions, and Interest due on Sums advanced, hath not been wholly raised); and that the Money to be raised by virtue of this Act, shall be applied in paying and discharging the Debts owing by the said Company of Proprietors, including the

Power to raise
200,000l.

the said Sum of Three thousand seven hundred and ninety-six Pounds Fifteen Shillings and Seven-pence, advanced to them as aforesaid, and for which they have engaged to pay Interest, and such further Debts as they shall contract in completing the said Canal Navigation, Cuts, and other Works, and in executing the several Purposes of the said Act and this Act.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise the said Sum of Two hundred thousand Pounds, by creating new or additional Shares of One hundred Pounds each, to be subscribed for in Manner herein-after mentioned, after the Rate of Sixty Pounds *per* Share, or at such other Rate or Value *per* Share as the said Company of Proprietors shall from Time to Time, at any General or Special Meeting, think proper to declare; which said new or additional Shares so to be created as aforesaid, shall be deemed Personal Estate, and be transmissible as such; and all Persons, Bodies Politick and Corporate, who shall, by themselves or Agents, subscribe for and be admitted as after-mentioned to such new Shares, or otherwise become entitled to such Shares, their several and respective Executors, Administrators, Successors, and Assigns, shall be, and they are hereby declared to be the Owners and Proprietors thereof, and shall be, and they are hereby united to and incorporated with the said Company, and shall be entitled to such and the same Powers, Privileges, Profits, and Advantages, and liable to such and the same Restrictions, Penalties, and Forfeitures, as if the same had been originally subscribed for amongst the original Proprietors of the said Undertaking, and made Part of the Shares already created, and now vested in the several and respective Proprietors of the said Undertaking; and the Admission of every Person to any such new Shares, by any Order or Resolution of the said Company of Proprietors, or the Committee of Management of the said Company, elected or to be elected for the Time being under or by virtue of the said recited Act, shall, after the passing of this present Act, be a good and effectual Title to such Person or Persons, and his, her, or their respective Executors and Administrators, on his, her, or their Payment to the said Company of Proprietors of the Purchase Money or Price agreed for the same.

Empowering
the Company
to raise Money
by creating
new Shares.

III. Provided always, That all General or Special Meetings of the said Company, at which the raising any Sum or Sums of Money as before-mentioned shall be determined upon, shall be convened and held in such Manner as General or Special Meetings of the said Company of Proprietors are, by the said recited Act, directed to be convened and held.

Meetings for
raising Money
to be held as
directed by
former Act.

IV. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons possessed of any Share or Shares in the Capital Stock of the said Company, to accept and take any Number of such new Shares hereby created, in proportion and equal in Number to the original Shares held by such Person or Persons, as he, she, or they shall think proper, within Six Weeks after Notice shall have been given in any Newspaper or Newspapers published or usually circulated in the Counties of *Wilts* and *Berks*, and also in some *London* Newspaper or Newspapers, as the said Company of Proprietors, or the said Committee of Management, at any General or Special Meeting assembled, shall think proper; and in Default thereof, after the said Period, any other Person

Disposition of
new Shares.

Person or Persons possessed of any Share or Shares in the said Undertaking, who shall make Application for any such new Shares at the next ensuing General or Special Meeting of the said Company, or the said Committee of Management, shall be entitled to any Number of such new Shares, at the best Price that can be obtained for the same, nor less than at the Rate of Sixty Pounds as aforesaid, or at such other Rate as shall be fixed, pursuant to the Power herein-before given for that Purpose; and in case any such Shares shall remain undisposed of after such last-mentioned General or Special Meeting, it shall be lawful for the said Company, or the said Committee of Management, to sell and dispose of the same to any Person or Persons whomsoever, in such Manner and Proportions, and at such Price or Prices, as they shall think proper and expedient.

Money lent to the Company may be deducted.

V. And be it further enacted, That all or any of the said Proprietors who shall have lent and advanced to the said Company any Sum or Sums of Money, in proportion to any Share or Shares possessed by them in the Capital Stock of the said Company, and who have already subscribed, or shall hereafter subscribe for or towards any such new Share or Shares, shall be at Liberty only to set off and charge such Sum or Sums so lent and advanced, against any Call or Calls which shall be made upon them by the said Committee of Management of the said Company, for or in respect of any such new Share or Shares, until the Whole of the Sum or Sums so lent or advanced shall be discharged; and such Proprietor or Proprietors shall only be chargeable with and obliged to pay to the said Company of Proprietors the Difference between such Sum or Sums so lent and advanced, and the Value of the Share or Shares which shall be taken and accepted, or purchased by such Proprietor or Proprietors.

Money owing for Lands may be deducted.

VI. And be it further enacted, That in case any Person or Persons to whom the said Company of Proprietors are indebted for any Lands or Premises taken for the Purposes of the said Undertaking, shall purchase any of the said new Shares, such Person or Persons shall and may set off and charge the Value of such Lands or Premises against the Value of such new Shares, and upon Payment of the Difference between the Value of such new Shares and of such Lands or Premises, shall be deemed a Subscriber within the true Intent and Meaning of this Act, and be entitled to the like Powers, Privileges, and Advantages, and be liable to the same Restrictions, Penalties, and Forfeitures as aforesaid, as if the Whole of the Money for such new Shares had been actually advanced and paid to the said Company of Proprietors by such Person or Persons.

Committee of Management may make the Calls for the additional Shares.

VII. Provided always, and be it further enacted, That the said Committee of Management shall, and they are hereby authorized and empowered at any Meeting of the said Committee held according to the Directions and Powers given in and by the said recited Act, or at any Adjournment thereof, to make such Call and Calls for Money from the Person or Persons subscribing for and taking such new Shares in Manner aforesaid, as they shall from Time to Time find necessary, so that the first Call do not exceed the Sum of Fifteen Pounds for every Share, and every succeeding Call do not exceed the Sum of Ten Pounds for every Share, and so as no such Calls be made but at the Distance of One Calendar Month at the least from each other; which Monies so called for

for shall be paid to such Person or Persons, and in such Manner, as the said Committee of Management shall from Time to Time appoint and direct for the Use of the said Undertaking.

VIII. And be it further enacted, That no Proprietor of any Share or Shares in the said Undertaking, either in Person or by Proxy, shall give a Vote or Votes in respect of the same at any Meeting of the said Proprietors, unless the same shall be standing in the Name of such Proprietor in One of the Register Books or Lists of Proprietors of the said Company at and immediately before such Meeting, and unless the Sums of Money from Time to Time called for by the said Committee of Management for or in respect of such Share or Shares, and which shall be actually due and payable at the Time of such voting, and all Arrears thereof, shall be duly paid to the Treasurer or Treasurers of the said Company of Proprietors before such Vote or Votes is or are respectively given.

No Proprietor to vote till Call paid.

IX. Provided always, and be it further enacted, That whenever any Person who shall have subscribed or engaged for any of the further or additional Shares hereby authorized to be granted, shall for the Purpose of facilitating the Prosecution of the Works of the said Undertaking, advance all or any Part of his or her Share or Shares previous to the Times then fixed or to be fixed by the said Committee under or by virtue of the foregoing Directions for the Payment thereof respectively, they the said Company shall and may, and they are hereby authorized and required to allow thereout, to every Person so making such Advance, Interest or Discount for the same at and after the Rate of Five Pounds *per Centum per Annum*, for or in respect of the Sum or Sums so advanced, in proportion and according to the Length of Time from such respective Payments to the Time or Times by the said Committee appointed for Payment of the same respectively.

Company to allow 5l. per Centum Discount on Shares advanced previous to being called.

X. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered to raise so much of the said Sum of Two hundred thousand Pounds as shall not be raised in the Manner aforesaid, as shall be necessary for the Purposes aforesaid, on Promissory Notes of not less than Fifty Pounds each, and where for more than that Sum, then not being for a Fraction of Fifty Pounds under the Common Seal of the said Company, transferrable by Indorsement, and that such Notes shall be made payable at the End of Ten Years from the passing of this Act, with Interest for the same in the mean Time from the Time of advancing such Money respectively, to be paid Half-yearly, at the Rate of Five Pounds *per Centum per Annum*; and that the respective Holders of such Notes shall have and be entitled to the Option, instead of receiving back such Principal Monies, of being admitted to become Proprietors of such Shares in the said Canal for the Principal Money advanced on such Notes, at the Expiration of the said Term of Ten Years, such Holders respectively giving Notice in Writing of such their Option to become Proprietors as aforesaid, in respect of their said Principal Monies, to the Principal Clerk to the said Company, on or before the Twenty-fifth Day of March One thousand eight hundred and seven.

Power to raise so much of 200,000l. as shall not be advanced in Manner aforesaid, on Notes to be repaid in Ten Years, or made Stock in the Canal.

XI. And be it further enacted, That the Rates, Tolls, and Duties authorized to be taken, and which shall arise by virtue of the said rectified Act

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Tolls, &c. to be a Security for the Money advanced, and

and of this Act, shall be a Security for all and every Sum and Sums of Money for which such Promissory Notes as aforesaid respectively shall be given, and the Interest thereon, to the Person or Persons who shall from Time to Time be entitled to the same (but subject nevertheless and without Prejudice to the Payment of such yearly Rents, or other Sum or Sums of Money as have been or shall be agreed upon, determined, or assessed and awarded for Damages or Satisfaction under and by virtue of the said recited Act and this Act); the Form of which Notes, and the proper Entry and Registry thereof in the Company's Books, shall be from Time to Time regulated and adjusted by the Committee of Management of the said Company of Proprietors as they shall think fit; and all Persons to whom such Notes as aforesaid shall be given, or who shall from Time to Time be entitled thereto, and to the Principal Money and Interest thereby secured, as Indorsees or otherwise, after the Expiration of the said Term of Ten Years, and Election made as aforesaid to become Proprietors in respect thereof, shall be equally entitled to a rateable Proportion of the said Rates, Tolls, and Duties, according to the respective Sums mentioned thereby to be secured, as if such Persons respectively had been original Subscribers to the said Canal Navigation.

For compelling
Payment
of Interest
Money in
Preference to
Dividends.

A Receiver
may be ap-
pointed.

XII. And be it further enacted, That the Interest of the Money to be borrowed on Notes as aforesaid, shall be paid Half-yearly as aforesaid to the several Persons entitled thereto (but subject and without Prejudice as aforesaid) in Preference to any Dividends due and payable by virtue of the said recited Act to the Individuals of the said Company; and in case the same Interest, or any Part thereof, shall be in Arrear by the Space of Three Calendar Months next after the same, shall become due and payable, and after Demand made thereof, then it shall be lawful for the Commissioners appointed under or by virtue of the said recited Act, and they are hereby required on Request to them made by any such Creditor or Creditors whose Interest shall be so in Arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole, or any Part or Parts of the Rates or Duties authorized to be raised or levied by the said Act and this Act, with a Salary or Allowance for the Trouble of collecting the same, such Receiver giving Security faithfully to account; and the Money so to be received shall be applied in the first Place in Payment of what shall from Time to Time be due for or in respect of such yearly Rents, or other Sum or Sums of Money as have been or shall be agreed upon, determined, or assessed and awarded for Damages or Satisfaction under and by virtue of the said recited Act and this Act, and after such Payments, then in Payment of the Salary or Allowance of such Receiver or Receivers respectively, and afterwards in Payment, *pari passu*, of what shall from Time to Time become due for Interest on the said Promissory Notes, and the Money to be received by such Receiver or Receivers shall (subject to the Payment so as aforesaid hereby directed to be made in the first Place thereof) be and be considered as so much Money received for the Use of the Creditor or Creditors on Promissory Notes, to whom such Interest or Arrears shall be then due, to the Extent of such Interest; and after such Interest, and the Costs of collecting the said Rates and Duties shall be satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid, shall and may be

be sued for and recovered by the Person or Persons respectively entitled thereto by Action of Debt, or on the Case against such Receiver or Receivers who shall have Money in his or their Hands applicable to the Payment thereof, or against the said Company, in any of His Majesty's Courts of Record at *Westminster*.

XIII. And be it further enacted, That in case any Creditor or Creditors on any such Promissory Note or Notes, shall elect to receive back the Principal Money due and owing thereupon at the End of the said Term of Ten Years, and the said Company shall make Default in Payment thereof, that then and in such Case it shall be lawful for the said Commissioners, and they are hereby also required, on Request made to them by any such Creditor or Creditors, by a like Order under their Hands, to appoint One or more Person or Persons to receive the Whole, or any Part or Parts of the said Rates or Duties, sufficient to answer the Debt or Demand, Debts or Demands, of such Creditor or Creditors, with a Salary or Allowance as aforesaid, such Receiver or Receivers in like Manner giving Security to account; and the Money so to be received shall in like Manner in the first Place be applied in Payment of what shall be due for Rents, Damages, and Satisfaction as aforesaid, and in Payment of the Salary or Salaries of such Receiver or Receivers, and afterwards in Payment, *pari passu*, of all the Principal Monies and Interest due to such Creditor or Creditors on such Promissory Notes so requiring Payment thereof; and the Monies so to be received by such last-mentioned Receiver or Receivers, shall (subject to the Payment or Payments so as aforesaid hereby directed to be made in the first Place thereout) be and be considered as so much Money received for the Use of the Creditor or Creditors on such Promissory Notes requiring Payment of the Principal, Interest and Arrears due thereon, to the Extent of such Principal, Interest and Arrears, and after such Principal, Interest, and Arrears, and the Costs of collecting the said Rates and Duties shall be satisfied, the Power and Authority of such Receiver or Receivers shall in like Manner cease and determine; or otherwise the said Principal Money and Interest, and Arrears of Interest, shall and may be sued for and recovered, by the Person or Persons respectively entitled thereto, by Action of Debt, or on the Case, against such last-mentioned Receiver or Receivers who shall have Money in his or their Hands applicable to the Payment thereof, or against the said Company, in any of His Majesty's Courts of Record at *Westminster*.

For compelling Payment of Principal Monies.

XIV. And be it further enacted, That every such Share and Shares to be created or held under or by virtue of 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 *Wilts and Berks Canal Company* shall be affixed to the said new Shares; 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 Act, with respect to the original Shares in the said Undertaking; and every such Proprietor or Owner of such Share and Shares to be created or held as aforesaid, shall stand and be interested in all the Profits of the said Undertaking, in Proportion to the Quantity of such Shares respectively which such Proprietor or Owner may have or be entitled unto,

New Shares to be numbered.

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as beneficially and extensively, to all Intents and Purposes, as if such Share and Shares had been an original Share and Shares in the said Navigation and Undertaking; any Thing in the said recited Act contained to the contrary notwithstanding.

So much of the Act repealed, as directs Interest to be paid during the making the Canal.

XV. Provided always, and be it further enacted, That so much of the said recited Act as directs, that during the Time of making the said Canal and other Works, and until the same shall be completed, Interest, after the Rate of Five Pounds *per Centum per Annum*, shall be paid to the said Proprietors on the Money by them subscribed and paid, be, and the same is hereby repealed; and that no Interest shall be payable to any Proprietor or Proprietors for any Money by them respectively subscribed and paid subsequent to the Twenty-ninth Day of *September* One thousand eight hundred, to which Time the same shall be paid or allowed as after mentioned.

Proprietors to divide the Profits of the Navigation Yearly, until the Canal and Works are finished.

XVI. And be it further enacted, That no Interest shall be payable for or in respect of the Money to be called for on the said new Shares in the said Undertaking, and that until the said Canal and Works shall be completed and finished, the Rates, Tolls, and Duties which are already or shall be received by the said Company, after Payment of such Rents and other Payments as are charged thereon, shall be divided unto and amongst the Persons who now are or shall hereafter become Proprietors, yearly and every Year, in Proportion to the several Sums of Money by them respectively advanced and paid; any Thing in the said recited Act or this Act contained to the contrary notwithstanding.

Power for the Company to recover Arrears of Calls.

XVII. Provided also, and it is hereby further enacted, That such of the said Proprietors of Shares in the said Undertaking, as have not paid their respective Proportions of the Money called for by the Committee of Management in Manner directed by the said recited Act, shall be, and they are hereby respectively directed and required to pay the full Amount thereof to the said Treasurer to the said Company, immediately after the passing of this Act; and in case of Non-payment thereof for the Space of Fourteen Days after Application shall be made to them for that Purpose, by Writing under the Hand of the principal Clerk to the said Company, delivered to the respective Proprietor, or left at his or her usual or last known Place of Abode, the said Committee of Management may, in the Name of the said Company of Proprietors, sue for and recover the same in Manner directed by this Act; and that no Set-off shall be made by them, or any or either of them, out of the Money due on such Calls, for or in respect of Interest due on the Sums by them respectively subscribed and paid on or before the said Twenty-ninth Day of *September* One thousand eight hundred; any Thing in the said recited Act or in this Act contained to the contrary notwithstanding.

Interest to be paid to such Proprietors who do not agree to take new Shares on Sept. 29, 1800, and the Interest due to such as take

XVIII. Provided also, and it is hereby enacted, That all Interest due to such of the Proprietors, on the Money by them respectively already subscribed and paid, in respect of their respective Shares in the said Canal, up to the Twenty-ninth Day of *September* One thousand eight hundred, and who shall not subscribe for and agree to take new Shares created in and by this Act, in Manner and upon the Terms herein-before mentioned, shall be paid by the Treasurer appointed or to be appointed in pursuance

of the said Act to them respectively, on the Twenty-ninth Day of *September*, which will be in the Year of our Lord One thousand eight hundred and one, and not before; and that the Interest due to such of the Proprietors on the Money by them respectively subscribed and paid, in respect of their respective original Shares in the said Canal, up to the said Twenty-ninth Day of *September* One thousand eight hundred, who have already or shall subscribe for and agree to take new Shares in the said Undertaking, in Manner and upon the Terms herein-before mentioned, shall, from and after the Twenty-ninth Day of *September* next, be taken and accepted by the said Company of Proprietors in part of Payment of the Residue of such new Shares, all Calls which may be made by the Committee of Management on or before the said Twenty-ninth Day of *September* next, having been first paid by them respectively, to the Treasurer of the said Company of Proprietors in Money, and without Prejudice to such Calls, or the same Interest shall be paid to them respectively in Money on the said Twenty-ninth Day of *September* next, at their Option; any Thing in the said recited Act or this Act contained to the contrary thereof notwithstanding.

new Shares to
be taken in
Part thereof

XIX. And be it further enacted, That in any Action brought or to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company, for or by reason of any Call or Calls made by virtue of the said Act, or for or in respect of any Call or Calls to be made in pursuance and by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be) duly made upon such Defendant or Defendants, according to the Authority of the said recited Act and of this Act, or either of them, whereby an Action hath accrued to the said Company by virtue of the said Act and of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Canal, and that such Call or Calls was or were in Fact made, and that such Notice thereof was given as is directed by the said Act and this Act; and that the Production by the principal Clerk or other Officer of the said Company, of the said Register Book or Books, and of the Minutes of the Proceedings of the Committee of Management, and of the Newspapers in which Notice of the said Calls have been, or shall be advertised, shall be sufficient Evidence of the Appointment of the Committee who made such Call or Calls, and of the Notices given thereof, and of the Proceedings of the Committee duly entered in such Book or Books, Minutes or Proceedings; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call under the said recited Act exceeded the Sum of Ten Pounds for every One hundred Pounds, or was made within the Distance of Two Calendar Months from the last preceding Call, or unless it shall appear that any such Calls for Shares created by

Directing the
Proceedings
in Actions for
Calls.

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this Act, exceeded the Sums herein-before limited for that Purpose, or was made within the Distance of One Calendar Month from the last preceding Call; and after Judgement shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgement shall be given, in double the Sum adjudged to the said Company by such Judgement, to prosecute such Writ of Error with Effect, and also if the said Judgement be affirmed, or the said Writ of Error be non-prossed, to satisfy and pay the Debts, Damages, and Costs adjudged by the said Judgement, and all Costs and Damages to be awarded for Delay of Execution; any Thing in the said recited Act or this Act contained to the contrary in anywise notwithstanding.

Proxies to be entered in a Book.

XX. And be it further enacted, That all Proxies shall be produced to the principal Clerk to the said Company of Proprietors, and entered in a Book or List to be kept by him for that Purpose, before any Vote shall be given in respect of such Proxies, which Book shall be a sufficient Authority for any Person deputed by such Proxy, to give his Vote without Production of the Proxy at the Time of his voting until such Proxy is revoked.

Majority of Votes at Meetings to bind the Whole.

XXI. And be it further enacted, That at all General or Special, and other Meetings of the said Proprietors at large, to be held in pursuance of the said recited Act or this Act, the Determination of the Majority of Votes according to the Number of Votes in Person and by Proxy, which the Persons attending any such Meeting shall have a Right to give and shall give, shall be considered as the Determination of the Whole.

Money arising from the Sale of Shares forfeited under the former Act, to be applied to finish the Canal, and paying the Company's Debts.

XXII. And whereas in and by the said recited Act it is enacted, That the Produce arising from the Sale of any forfeited Share or Shares in the said Undertaking, shall be equally divided amongst the rest of the said Company of Proprietors, in Proportion to their respective Shares and Interests in the said Canal and Undertaking; and it would be more beneficial to the Interest of the said Company of Proprietors, if the Money to be raised by the Sale of such forfeited Share or Shares as aforesaid, were to be applied to the finishing and completing the said Canal, Cuts, and other Works, and in liquidating the Debts of the said Company of Proprietors; be it therefore enacted, That so much of the said recited Act as required the Produce arising from the Sale of such forfeited Share or Shares as aforesaid, to be equally divided amongst the rest of the said Company of Proprietors, in proportion to their respective Shares and Interests in the said Undertaking, shall be, and the same is hereby repealed.

Money raised by Sale of forfeited Shares, to be applied for the Purposes of the Act.

XXIII. And be it further enacted, That all the Money to be raised by the Sale of all and every Share and Shares in the said Undertaking already forfeited, or hereafter to become forfeited, shall be, and the same is hereby directed to be applied to the finishing and completing the said Canal, Cuts, and other Works, and in liquidating the Debts of the said Company of Proprietors.

XXIV. And be it further enacted, That so much of the said recited Act as enacts that no Person becoming a Proprietor in the said Navigation, shall be a Proprietor of more than Fifty Shares, either in his or her own Name, or in the Name or Names of any other Person or Persons in Trust for him or her (unless the same shall come to him or her by Will, Devise, or Act in Law) upon Pain of forfeiting to the said Company of Proprietors all such Shares exceeding Fifty Shares as aforesaid; and that so much of the said recited Act as directs that no Proprietor shall give more than Fifty Votes in Person or by Proxy for the Purpose of electing a Treasurer or Treasurers, or Members of the Committee of Management, and that no Proprietor shall give more than Ten Votes in Person and Five by Proxy, for any other Purposes whatsoever, shall be, and such respective Parts thereof are hereby repealed.

XXV. Provided always nevertheless, and be it further enacted, That every Proprietor who shall have or be possessed of One hundred Shares or more in the said Navigation and Undertaking, may give One hundred Votes in Person or by Proxy at any Meeting of the Proprietors to be held in pursuance of the said recited Act, for the Purpose of electing a Treasurer or Treasurers to the said Company of Proprietors, or for the Purpose of electing Members of the Committee of Management in the said recited Act mentioned, and not more; and that no Proprietor, although possessed of more than Twenty Shares in the said Navigation and Undertaking, shall have or give more than Twenty Votes in Person, nor more than Ten Votes by Proxy, at any Meeting of Proprietors to be holden in pursuance of this Act or the said recited Act, for any other Purpose whatsoever than for electing a Treasurer or Treasurers, or Members of the Committee of Management.

XXVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to sue for and recover, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, all and every Sum and Sums of Money now due, owing, and in Arrear, upon any original Share or Shares of the Proprietors of the said Canal Navigation, not already forfeited to the said Company of Proprietors under the Provisions of the said recited Act, or that shall hereafter be due, owing, and in Arrear, either upon such original Share or Shares, or any other Share or Shares, to be acquired by any Proprietor or Proprietors under this present Act; and that the Person or Persons refusing or neglecting to pay any Sum or Sums of Money so in Arrear as aforesaid, within Two Calendar Months from and after the passing of this Act, shall forfeit all his, her, or their Right, Share, and Interest in the said Undertaking, and all Profit, Benefit, and Advantage thereof and therefrom, and all Money theretofore advanced by him, her, or them, on Account thereof, to and for the Use and Benefit of, and towards completing the said Undertaking, and notwithstanding such Arrears shall not have been sued for by the said Company of Proprietors as aforesaid, or if sued for shall not have been recovered by them; and that all Shares that shall or may be so forfeited, shall be sold by the said other Proprietors by publick Auction, and the Produce thereof applied by them for and towards the Purposes of this Act, in Manner herein-before directed.

XXVII. And

Company
empowered
to resell
Lands, etc.

XXVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee, either for a Sum or Sums of Money in Gross, or for an annual Rent, or to mortgage or demise for a Term of Years, all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments, already purchased by and conveyed to the said Company of Proprietors, or which shall be purchased by and conveyed to the said Company, as shall not be wanted for the Purposes of the said Navigation and Works, or any Part or Parts thereof, for such Sum or Sums of Money, or under such yearly Rents, and to be reserved or limited in such Manner as in such Conveyances, Mortgages, or Demises shall be expressed; and that it shall and may be lawful to and for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal, to grant and convey all or any Part of the annual Rents or yearly Sums which shall or may be reserved or limited to the said Company of Proprietors, on any such Grant, or Demise; and that all such Grants, Conveyances, Mortgages, and Demises, shall be valid and effectual, any Thing in the said recited Acts, or any other Law, Statute, or Custom to the contrary notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales, Mortgage or Mortgages, of such Messuages, Lands, Reserved Rents, Tenements, or Hereditaments, or any Part or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to the Purchaser or Purchasers, Mortgagee or Mortgagees, for the Money for which such Premises shall be so sold or mortgaged, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money or any Part thereof; which said Money shall be applied by the said Company of Proprietors for the same or for the like Purposes as the Money hereby authorized to be raised by the Creation of new Shares is to be applied: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Lands or Buildings; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie, by some Person or Persons no way interested in the said Lands or Buildings, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

As to Convey-
ance of Land
taken from
Commons,
and Payment
of the Purchase
Money.

XXVIII. And be it further enacted, That in all Cases where, in making the said Canal, Cuts, Reservoirs, and other Works, there has been or shall be Occasion to cut through, take, or use any Part of any Common or Waste Ground for the Purpose of the said Canal, Cuts, Reservoirs, and other

other Works, or of any Road or Roads thereto, the Conveyance of such Parts of such Common or Waste Ground, by the Lord or Lady, Lords or Ladies, of the Manor to which such Common or Waste Ground is appurtenant, to the said Company, shall be a good and sufficient Conveyance for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Common or Waste Ground had joined in and executed such Conveyance; and the Purchase Money for such Parts of such Common or Waste Ground as aforesaid, shall be paid by the said Company to the said Lord or Lady, Lords or Ladies, of such Manor, for the Use of the said Lord or Lady, Lords or Ladies, and the Persons having Right of Common upon such Common or Waste, in proportion to their respective Rights and Interests in the Land so taken; and if any Difference shall arise respecting the Division of the said Purchase Money, the same shall be determined by the Commissioners authorized by the said recited Act.

XXIX. And be it further enacted, That any Person beneficially entitled to any Manor, in or through which any Part of the said Canal and Cuts, or other Works, is or shall be made, may enfranchise any Copyhold or Customary Lands, Tenements, or Hereditaments belonging to the same, which have been or shall be taken by the said Company of Proprietors for the making any Part of the said Canal and Cuts, or other Works, notwithstanding that such Person or Persons be seised of or entitled to such Manor for a less Interest than an Estate of Inheritance, or be not seised of the legal Estate therein.

Copyholds may be enfranchised by Persons beneficially entitled, although not seised of the Inheritance or legal Estate.

XXX. And whereas in and by the said recited Act it is enacted, that if any Swivel Bridge or Draw Bridge should be laid over or across the said Canal or Cuts, or any Trenches or Passages to be made by virtue of the said recited Act, all and every Person or Persons opening any such Swivel Bridge or Draw Bridge should shut and fasten the same so soon as any Vessel should have passed any such Bridge: And whereas the said Provision has been found inconvenient, be it therefore enacted, That so much of the said recited Act as requires such Swivel Bridges or Draw Bridges as aforesaid to be shut and fastened so soon as any Vessel has passed the same, except Bridges on publick Roads, shall be and the same is hereby repealed: Provided nevertheless, that the said Company of Proprietors shall, and they are hereby required to affix a Chain to each such Swivel Bridge and Draw Bridge, so as to extend across the Bottom of the Canal or Cuts to the opposite Bank, and be affixed to such opposite Bank, to enable Persons to shut such Swivel Bridges and Draw Bridges when necessary.

Repealing Clause directing Swivel and Draw Bridges to be shut after Vessels have passed them.

XXXI. And whereas Doubts have arisen how far the said Company of Proprietors are liable to the Repair of the Roads leading to the Bridges already made, or which may happen to be made over the said Canal and Cuts, be it therefore further enacted, That from and after the passing of this Act, the said Company of Proprietors shall not be liable to repair or amend any Part of the Roads approaching to any Bridges made or to be made over the said Canal or Cuts, after such Roads shall have been first made and used for Six Calendar Months, and then put into good Repair by the said Company of Proprietors, any Thing in the said Act or in this Act contained to the contrary notwithstanding; but nothing herein contained shall

Explaining how Approaches to Bridges are to be repaired.

[*Loc. & Per.*]

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be

be construed to exonerate the said Company of Proprietors from the future Repairs of the Bridges, and the Wing Walls, Ramparts, and Side Banks thereof, and the Banks supporting the Approaches thereto.

Power to regulate the Construction of Vessels.

XXXII. And be it further enacted, That no Person shall use or navigate on the said Canal any Boat or Vessel that shall have a square Head, Stern, or Sides, or that shall have any Angle or Projection on the Sides, or at the Bottom thereof, or be constructed in any Respect so as to injure or tend to injure the Lining, Puddling, or other Works of the said Canal.

Certain Inconveniences in the former Act recited.

XXXIII. And whereas, in and by the said recited Act, the Committee of Management, thereby directed to be annually chosen, are authorized to make Calls from Time to Time for Money from the several Proprietors of the said Navigation or Undertaking, in Manner and for the Purposes therein mentioned; and it is by the same Act further enacted, that every Proprietor of any Share or Shares in the said Navigation and Undertaking shall from Time to Time pay his or her Proportion of the Money so to be called for in Manner therein mentioned, and that if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as therein mentioned, at the Time and Place which shall be appointed for that Purpose, it shall be lawful for the said Company of Proprietors, in case they shall so think fit, to sue for and recover the same in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or that the Person or Persons so refusing or neglecting to pay such his, her, or their proportionable Part of such Money as aforesaid, shall forfeit the Sum therein mentioned; and that in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as therein mentioned for the Space of Three Calendar Months after the Time to be appointed for Payment thereof as therein mentioned, and the same shall not have been sued for by the said Company of Proprietors as aforesaid, or if sued for shall not have been recovered by them, that then and in such Case the Person or Persons so neglecting or refusing, shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on Account thereof, to and for the Use and Benefit of the other Proprietors of the said Undertaking, and that all Shares that shall or may be so forfeited, shall be sold by the said other Proprietors by publick Auction; and that the Produce arising from such Sale shall be divided amongst them in Proportion to their respective Shares and Interests in the said Navigation and Undertaking; but it is thereby provided, that no Advantage shall be taken of such Forfeiture, until after personal Notice shall be given by the Treasurer or principal Clerk of the said Company of Proprietors to the Owner or Owners thereof, or until Notice in Writing, signed by the Treasurer or Clerk shall be left at his, her, or their usual or last Place or Places of Abode, nor unless the same shall be declared to be forfeited at some General Meeting of the Committee of Management, within Six Calendar Months next after such Forfeiture shall have been incurred: And whereas the said Company of Proprietors have caused a List of the known Proprietors of Shares in the said Undertaking, to be entered and registered in a Book kept in the Office of the principal Clerk to the said Company of Proprietors, under the Common Seal of the said Company, intituled, *An Alphabetical List of the Proprietors of Shares*

in the Wilts and Berks Canal Navigation, with the Numbers of their Shares, and to be altered from Time to Time as the Proprietorship of such Shares is altered; but in Cases where the original Subscriber for One or more Share or Shares in the said Undertaking is dead, insolvent, or become Bankrupt, or gone out of the Kingdom, or has transferred his or her Right and Interest to some other Person, and no Register hath been made of the Transfer thereof with the said principal Clerk, as directed by the same Act, it may not be in the Power of the said Company of Proprietors, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share or Shares, in order to give him, her, or them, Notice or Notices of Calls made on such Share or Shares as required by the said Act, before the same can be claimed by the said Company to be forfeited, and to maintain any Action or Actions against him, her, or them for the Recovery of the same, or of the Penalty imposed by the said Act for Non-payment of Calls, or for the Purpose of paying safely to him, her, or them the Interest and Dividends to which he, she, or they will be entitled to by virtue of the said Act; for remedy of which Defects and Inconveniences, be it further enacted, That in Cases where the Right and Property in One or more Share or Shares in the said Undertaking has passed or shall pass from the original or other Proprietor thereof to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof, which is already by the said recited Act required to be produced to the principal Clerk for the Purpose therein mentioned, an Affidavit shall be made and sworn to by some credible Person, before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath passed, or shall have passed, to such other Person or Persons, and which Affidavit shall be transmitted to the principal Clerk, to the Intent that he may, and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the said Register Book or Alphabetical List of Proprietors of the said Undertaking.

Where the Right in Shares passes from one to another otherwise than by Transfer, an Affidavit to be made and registered.

XXXIV. And be it enacted, That so much of the said recited Act as provides that no Advantage shall be taken of the Forfeiture of any Share or Shares in the said Navigation and Undertaking, unless the same shall be declared to be forfeited at some General Meeting of the Committee of Management within Six Calendar Months next after such Forfeiture shall have been incurred, shall be and the same is hereby repealed: Provided always nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Navigation and Undertaking, unless the same shall be declared by the said Committee of Management at some General Meeting of the said Committee to be forfeited.

No Advantage to be taken of the Forfeiture of a Share, unless declared by the Committee of Management at a General Meeting.

XXXV. And be it enacted, That the Bodies Politick and Corporate, and all and every Person and Persons whose Names are and stand, or shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which Proprietors of Shares in the said Undertaking are made subject and liable

Other Regulations for ascertaining the Proprietorship of Shares.

by the said recited Act and this Act; and that all Notices by the said recited Act and this Act required to be given previous to the Forfeitures of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the said Register Book or Books of the said Company to be such Proprietor or Proprietors, or their Representatives, be in all Respects good, sufficient, and conclusive, and all Payments of Interest and Dividends due and to grow due on any such Shares, shall be made to such Persons as by the said Book or Books of the said Company shall so appear to be Proprietors thereof; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been brought to the said principal Clerk to be enrolled or registered as directed by the said Act or this Act, shall be given or admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Interest or Dividends to any other Person or Persons than such as appear upon the said Book or Books to be Proprietors of the said Shares, but that in all such Cases the said Book or Books shall be considered as sufficient and conclusive Evidence of Proprietorship of the said Shares.

Regulations
as to Shares
of Bankrupts
and certain
other Persons.

XXXVI. And be it further enacted, That in all Cases where any Proprietor of One or more Share or Shares in the said Undertaking, hath been or shall be declared Bankrupt, or hath died or shall die Insolvent, and the Assignees, Representatives, or Agents of such Proprietor or Proprietors so become Bankrupt, or dying Insolvent, or some Person or Persons on his, her, or their Behalf, shall not, within One Year after any Call shall have been made, pay to the Treasurer of the said Company of Proprietors the several Calls that have been from Time to Time made, or are become due for, upon, or in respect of any such his, her, or their Share or Shares, all such the same Share or Shares shall be deemed and taken to be forfeited to the said Company of Proprietors, without any Notice being given to such Bankrupt Proprietor, or his Assignees, or to the Representatives of the Proprietor who hath died or shall so die Insolvent; and that the Committee of Management for the Time being of the said Company of Proprietors, shall and may thereupon in every such Case sell and absolutely dispose of all and every the same Share or Shares by publick Auction to the best Bidder: Provided, that the Money arising by such Sale (if any) after Payment of the Money due on all Calls made previous thereto, and the Expences of the Sale, and Transfer thereof, shall be paid by the said Company of Proprietors, to the Assignee or Assignees of such Bankrupt Proprietor, or the Representatives of such Insolvent deceased Proprietor, as the Case may be, or to some Person or Persons duly authorized on his, her, or their Behalf: Provided, That if there shall be no Bidder for such Share or Shares at such Auction for the Sale thereof, then and in such Case the same shall be disposed of under the same Regulations as are herein mentioned and contained respecting other forfeited Shares in the same Undertaking which have been put up to Auction in pursuance of the Directions of this Act, and not sold for Want of Bidders.

XXXVII. Provided

XXXVII. Provided always, and be it further enacted, That in all Cases where a Proprietor of any Share or Shares in the said Undertaking, shall have incurred a Forfeiture thereof by Non-payment of the Sum or Sums called for as aforesaid, and the same Share or Shares cannot be sold by Auction for Want of Bidders, as herein-before mentioned, as well such Share or Shares, as also the Shares of Bankrupts or Persons dead insolvent, which cannot likewise be sold by Auction for want of Bidders as aforesaid, shall respectively sink and be annihilated; and the Name or Names of such Proprietor or Proprietors, and the Number of such Share or Shares, shall be expunged and struck out from the Books of the said Company of Proprietors, in case the Committee of Management shall so think fit.

If Shares cannot be sold, to sink, and Proprietors Names struck out of the List.

XXXVIII. And be it further enacted, That it shall be lawful for the said principal Clerk to the said Company of Proprietors (with the Consent of the said Committee of Management, to be given at any General Meeting of such Committee) by any Writing under his Hand, to appoint One or more Deputy or Deputies; and all Acts required to be done by the said principal Clerk, and all Notices and Proceffes which by the said Act may be served upon the said principal Clerk, shall be equally good, valid, binding, and effectual, if done by or served upon such Deputy or Deputies.

Principal Clerk may appoint a Deputy.

XXXIX. And whereas by the said recited Act, the Time of the General Quarterly Meetings of the Committee of Management are to be appointed by the said Committee at the preceding General Quarterly Meetings, and it may sometimes happen that no such Appointment may be made, be it further enacted, That in case no Time shall be appointed by the said Committee at any General Quarterly Meeting, for holding the then next General Quarterly Meeting, in such Case the principal Clerk to the said Company shall and may appoint the Time and Place for holding the next General Quarterly Meeting of the said Committee some Time in the Months of *September, December, March, or June*, respectively, as the Case shall require; and also that the said principal Clerk, at the Requisition in Writing of any Three or more of the said Committee, of whom the Chairman (if there shall be One) shall be One, or of any Five of the said Committee with or without the Chairman, shall and may at any Time or Times convene a Meeting of the said Committee of Management, for any special Purpose, to be held at such Time and Place, or Times and Places, as shall be mentioned in such Requisition: Provided that the like Notice shall be given of such Meeting in any such Case, as is by the said recited Act required to be given of the holding of the General Quarterly Meetings.

Appointing the Time of holding General Meetings of Committee of Management, when the Time is not fixed at the preceding one.

XL. And whereas, in and by the said recited Act, it is declared, That if any Person being a Member of the Committee of Management thereby directed to be annually chosen, should neglect to attend at Three successive Meetings of the said Committee, without sending what should be thought a sufficient Excuse, in the Opinion of the Members present at the last of such Three Meetings, or the major Part of them, or attending any Meeting should refuse to act in the Business there brought forward, every such Person should from thenceforth cease to be a Member of such Committee, and all his Power and Authority as such should be at an End: And whereas it may have happened that some of the Com-

Repealing a Clause in former Act respecting the Attendance of the Members of the Committee of Management.

[Loc. & Per.]

14. K.

mittee

mittee of Management chosen annually as aforesaid, have not attended at Three successive Meetings and have not sent an Excuse, and have afterwards acted as Committee Men in the Execution of the said recited Act: And whereas it is conceived it will be to the Benefit and Advantage of the said Undertaking, if so much of the said recited Act as relates to the Non-attendance of any of the Members of the Committee of Management for Three successive Meetings should be repealed, and that the subsequent Acts of any of the Members who may have omitted to attend for Three successive Meetings should be confirmed; be it therefore enacted, That so much of the said recited Act as disqualifies any Member of the Committee of Management from acting as such for Non-attendance at Three successive Meetings of such Committee, shall be and the same is hereby repealed: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed by any Member of the Committee of Management chosen under the said recited Act, who may have omitted to attend for Three successive Meetings of such Committee of Management, and afterwards have attended and acted as such at subsequent Meetings in the Execution of the said recited Act, shall be as valid and effectual to all Intents and Purposes, as if such Member had not omitted to attend for Three successive Meetings as aforesaid; any Thing in the said recited Act contained to the contrary in anywise notwithstanding.

For calling
Special Meetings of the
Proprietors.

XLI. And be it further enacted, That in case Proprietors, whose Shares shall amount to One hundred at least, shall send a Requisition in Writing under their Hands to the principal Clerk for the Time being, requiring him to call a Special Meeting of the Proprietors at large, in order to take their Opinion respecting any Matter or Thing concerning the said Navigation, to be specified in such Requisition, that then and in such Case the said Clerk shall, and is hereby authorized and required to give Notice by Advertisement for the Proprietors to meet at a certain Time and Place therein to be mentioned and fixed in like Manner as in the said recited Act is directed for holding Special Meetings of the Proprietors, in pursuance of any Order or Resolution of the Committee of Management, to take into Consideration such Matters and Things as shall be specified and set forth in such Requisition; and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, shall be binding and conclusive upon the Rest of the Proprietors, in like Manner and Form as in Cases of such Special Meetings of the Proprietors which shall or may be held under or in pursuance of any Order or Resolution of the Committee of Management of the said Canal.

For compelling Payment
of Subscriptions.

XLII. And be it further enacted, That all and every Person and Persons who hath or have already subscribed to take any new Share or Shares to be created by this Act, or who shall hereafter subscribe to take any such Share or Shares, shall pay the Sum or Sums of Money by them respectively subscribed, or to be subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the Committee of Management of the said Company of Proprietors, by virtue of the Powers and pursuant to the Directions of the said recited Act and this Act, at such Times and Places as shall be appointed for that Purpose by the said Committee in the Manner in the said recited Act and herein-before mentioned; and

and in case any Person or Persons shall neglect or refuse to pay the Sum or Sums so to be called for from him, her, or them, at the Time and in Manner to be appointed for that Purpose as aforesaid, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law at *Westminster*, either by Action of Debt, or on the Case.

XLIII. And whereas the said Company were in and by the said Act authorized and empowered, in case the Company of Proprietors of the *Kennet* and *Avon* Canal should, within the Space of Three Years from the passing of the said Act, obtain an Act of Parliament enabling them to deviate from the Line originally laid down for their said Canal, from a Place between *Upper* and *Lower Foxhanger*, in the Parish of *Rowd*, in the said County of *Wilts*, to that Part of *Ladydown Farm*, near *Trowbridge*, in the same County, where the said *Wilts* and *Berks* Canal, thereby authorized to be made, was intended to join the said *Kennet* and *Avon* Canal, and instead thereof, to carry their said Canal from the said Place, between *Upper* and *Lower Foxhanger*, into the said *Wilts* and *Berks* Canal, so as to form a Junction therewith, in a Close of Meadow Ground near *Semington*, in the said County of *Wilts*, belonging to his Grace the Duke of *Somerset* (and to which Junction the said Company of Proprietors of the said *Wilts* and *Berks* Canal should be deemed and taken to be consenting without any farther Application to them for that Purpose) and if the said Company of Proprietors of the *Kennet* and *Avon* Canal should make and execute their said Canal accordingly, and complete and open the said new Line for the Navigation of Boats, Barges, and other Vessels from the said Place between *Upper* and *Lower Foxhanger* to the Junction with the said *Wilts* and *Berks* Canal, in the said Close of Meadow Ground near *Semington*, within Seven Years after obtaining such Act of Parliament, then the said Company of Proprietors of the said *Wilts* and *Berks* Canal were in and by their said Act directed, immediately upon and after the opening of such new Line, at the Costs and Charges of the said Company of Proprietors of the *Kennet* and *Avon* Canal, effectually to convey over so much of the said *Wilts* and *Berks* Canal as should extend from the said Junction of the Two Canals near *Semington*, to the Junction thereof at *Ladydown Farm* aforesaid, and all the Land and other Appurtenances in the said Act specified and set forth, unto and to the Use of the said Company of Proprietors of the *Kennet* and *Avon* Canal, and their Successors, in such Manner and by such sufficient Conveyances as they should think necessary, to the End that the whole Line of Canal or Communication by Water from *Newbury* to *Bath*, might from thenceforth be One and the same Concern only, and not belong to different Proprietors, and be subject to different Regulations; and that in Consideration thereof, the said Company of Proprietors of the *Kennet* and *Avon* Canal should, upon the Execution of such Conveyances, repay unto the said Company of Proprietors of the said *Wilts* and *Berks* Canal, the several Sum and Sums of Money and at the several Times and in Manner mentioned and set forth in the said recited Act: And whereas the said Company of Proprietors of the *Wilts* and *Berks* Canal, soon after the passing the said recited Act, in pursuance of the Power and Authority to them thereby given, agreed with the said Company of Proprietors of the *Kennet* and *Avon* Canal, that instead of the said Line of Canal between the said Meadow Ground near *Semington*, and the said first intended Junction in *Lady-*
down.

Describing
One of the
Terminations
of the Canal.

down Farm being made and executed by the said Company of Proprietors of the *Wilts* and *Berks* Canal, to give up the same to the said Company of Proprietors of the *Kennet* and *Avon* Canal, and the said Company of Proprietors of the *Kennet* and *Avon* Canal agreed, at their own Costs and Charges, to make and execute the same in Manner therein mentioned, and to obtain an Act of Parliament to enable them so to do: And whereas the said Company of Proprietors of the *Kennet* and *Avon* Canal did, in pursuance of the said recited Act, and the said Agreement so made with the said Proprietors of the said *Wilts* and *Berks* Canal as aforesaid, within the Time therein specified, apply for and obtain an Act to vary and alter the Line of their said Canal as aforesaid, and at their own Costs and Charges have begun to make and execute, complete and open their said Canal accordingly, and the said new Line for the Navigation of Boats, Barges, and other Vessels, as in the said Act is mentioned and described, within the Time, in the Manner, and upon the Terms therein expressed, so that the Termination of the said *Wilts* and *Berks* Canal, and Junction with the said *Kennet* and *Avon* Canal, is now in a Close of Meadow Ground at or near *Semington*, called *Tan House Ground*, and not at or near the Town of *Trowbridge*, in the County of *Wilts*, as mentioned in the said Act; be it therefore enacted, That the Termination of the said *Wilts* and *Berks* Canal on the West End thereof, and the Junction with the said *Kennet* and *Avon* Canal, shall, and the same is hereby declared to be in the said Close of Meadow Ground, called *Tan House Ground*, at or near *Semington* aforesaid, as the same is now made.

Describing
the Termination of the
Calne and
Chippenham
Branches.

XLIV. And whereas Doubts have arisen under the said recited Act, as to the Termination of the respective Cuts or Branches to the Towns of *Calne* and *Chippenham*, thereby respectively authorized to be made; and in order to remove such Doubts, and to ascertain the same, be it further enacted, That the Termination of the said Cut or Branch of the said Canal to the Town of *Chippenham*, shall be, and the same is hereby declared to be in or near the Scite of a Dwelling House and Gardens in the said Town of *Chippenham*, belonging to *Ralph Hale Gaby* Gentleman, and now in the several Occupations of *John Sidford*, *Samuel Dowland*, and *William Bousher*, some or One of them; and that the Termination of the said Cut or Branch of the said Canal to the said Town of *Calne*, shall be, and the same is hereby declared to be, at or near the Pound or Dam of a certain Mill, situate in the said Town of *Calne*, called or known by the Name of *The Town Mill*, belonging to the Most Honourable the Marquis of *Lansdown*.

Application
of Compensation, where
exceeding
200l.

XLV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Wilts* and *Berks* Canal, together with the Name or Names

Names of such Person or Persons as Three of the Commissioners for executing the said Act and this Act shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money,

[*Loc. & Per.*]

14 L.

and

Application where the Compensation does not exceed 200l. not less than 20l.

and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application
where the
Money is less
than 20l.

XLVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said Act and this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Provisions of
the former
Act confirm-
ed.

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

Expences of
the Act
to be paid.

XLIX. 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 first Money that shall come to their Hands after the Day of passing this Act, by virtue hereof or by virtue of the said recited Act.

Publick Act.

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

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