



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 49.

An Act to amend and enlarge the Powers of the several Acts relating to the *Worcester and Birmingham* Canal Navigation. [27th May 1808.]

**W**HEREAS an Act was passed in the Thirty-first Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a navigable Canal from or from near to the Town of Birmingham in the County of Warwick, to communicate with the River Severn near to the City of Worcester*, whereby certain Persons therein named, and their Successors, Executors, Administrators, and Assigns, together with such Person or Persons as they should nominate and appoint under their Hands and Seals, were incorporated and united into a Company for carrying on, making, completing, and maintaining the said navigable Canal passable for Boats, Barges, and other Vessels, and were incorporated by the Name of "The Company of Proprietors of the *Worcester and Birmingham* Canal Navigation," and by that Name were to have perpetual Succession and a Common Seal, with such Powers as in the said Act are mentioned; and the said Company were authorized and empowered to raise and contribute amongst themselves, in such Proportions as to them should seem meet and convenient, such Sum or Sums of Money, for making, completing,

[*Loc. & Per.*]



pleting, and maintaining the said Canal, the Reservoirs, Feeders, Ways, Quays, Wharfs, Landing Places, and other Works and Conveniences to the same belonging or requisite, as should be judged sufficient, not exceeding the Sum of One hundred and eighty thousand Pounds (except as therein is mentioned); and the Money so to be raised is thereby directed to be laid out and applied in the first place for and towards the Discharge of all Fees and Disbursements for obtaining the said Act, and for making the Surveys, Plans, and Estimates incident thereto, and all other Expences relating to the same, and all the Residue of such Money for and towards making, completing, and maintaining the said Canal and other Purposes of the said Act; which said Sum of One hundred and eighty thousand Pounds, or so much thereof as should be raised by the several Persons therein-before named, was to be divided into One thousand eight hundred Shares, at a Price not exceeding One hundred Pounds a Share, as therein is mentioned; and in case the said Sum of One hundred and eighty thousand Pounds should be found insufficient for making, completing, and maintaining the said Canal and other Works by the said Act authorized and directed to be made, and all necessary Charges and Expences relating thereunto, then the said Company of Proprietors are thereby authorized to raise and contribute among themselves, in manner in the said Act mentioned, any further Sum of Money for the Purposes of the said Act, not exceeding the Sum of Seventy thousand Pounds; and in case the said Company of Proprietors should be desirous of raising the said Sum of Seventy thousand Pounds by Mortgage of the said Undertaking, they are thereby empowered to borrow and take up at Interest all or any Part of the said Sum of Seventy thousand Pounds upon the Credit of the said Undertaking, as to them should seem fit and convenient, and to assign the Property of the said Navigation, and the Rates granted to the said Company of Proprietors by the said Act, or any Part thereof, as a Security, to any Person or Persons for any Sum or Sums of Money so to be borrowed; and for the Security of the Owners and Occupiers of the Mills on the Rivers *Arrow* and *Rea*, in the said Act mentioned, the said Company of Proprietors are thereby required, at their own Expence, immediately after the making of the said intended Canal over the River *Arrow*, to make and complete Two Reservoirs at the Places and in the Manner in the said Act mentioned, and also at their own Expence, immediately after the making of the said intended Canal over the River *Rea*, to make and complete Three Reservoirs at the Places in the said Act mentioned, for the Use and Supply of the said Mills on the said Rivers *Arrow* and *Rea*; and the said Canal being by the said Act proposed to be made within the Distance of about One Mile of a Canal made by virtue of an Act of Parliament of the Eighth Year of the Reign of His present Majesty, called "The *Droitwich* Canal," which might occasion a Diminution in the Profits of the Company of Proprietors of that Canal; and the Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation having agreed to make Compensation to the Company of Proprietors of the *Droitwich* Canal Navigation for any Diminution in their Profits that might be occasioned by making the said *Worcester* and *Birmingham* Canal, it is by the said Act of the Thirty-first of His present Majesty enacted, that in case it should happen in any Year, from the Twenty-fourth Day of *June* One thousand seven hundred and ninety-one, that the clear Profits of the Company of Proprietors of the *Droitwich* Canal Navigation should not amount to Five Pounds *per Centum* upon every Share in the said Navigation, considering every such Share



to be of the Value of One hundred and sixty Pounds at the least, the said Company of Proprietors of the *Worcester and Birmingham Canal Navigation* should and they are thereby directed and required to make up such Deficiency to the said Company of Proprietors of the *Droitwich Canal Navigation*, and so from Time to Time as often as any such Deficiency should happen; and the said Company of Proprietors of the *Worcester and Birmingham Canal Navigation* are thereby also required, within Thirty Days next after the End of every Year from the Twenty-fourth Day of June One thousand seven hundred and ninety-one, to settle with the Company of Proprietors of the said *Droitwich Canal Navigation* the said annual Compensation, and make up such Deficiency as aforesaid to the said Company of Proprietors of the *Droitwich Canal Navigation*, in case it should happen that in the preceding Year the clear Profits of the Company of Proprietors of the *Droitwich Canal Navigation* should not amount to Five Pounds *per Centum* upon every Share in the said Navigation, considering every such Share to be of the Value of One hundred and sixty Pounds:

And whereas by another Act, passed in the Thirty-eighth Year of the Reign of His said present Majesty, for amending and enlarging the Powers of the first above-mentioned Act, whereby the said Company of Proprietors were authorized and empowered to raise and contribute among themselves in manner in the said Act mentioned, or by the Admission of new Subscribers, or by granting Annuities, or by Mortgage of the Rates authorized to be collected by the first therein and herein recited Act, and by the Act now in recital, any Sum or Sums of Money for the Purposes of the said Acts, not exceeding in the whole the Sum of One hundred and forty-nine thousand nine hundred and twenty-nine Pounds One Shilling and One Penny Halfpenny; and in case the said Sum or any Part thereof should be raised by Subscription, the said Sum should be divided into Two thousand one hundred and fifty-nine Half Shares, each Half Share to be of the Value of Sixty-nine Pounds Eight Shillings and Ten-pence Halfpenny: And whereas the Sum or Price mentioned in the last-recited Act for the Admission of new Subscribers was so high that no Person was found to subscribe or did subscribe, or take any Share or Half Shares therein, or applied to take or did take any Annuities authorized to be granted by the said Act, or lend any Monies by Mortgage thereof, save as herein-after is mentioned: And whereas another Act was passed in the Forty-fourth Year of the Reign of His said present Majesty, intituled *An Act for enabling the Company of Proprietors of the Worcester and Birmingham Canal Navigation to raise Money to discharge their Debts, and to complete the said Canal Navigation, and for amending the several Acts passed for making the said Canal Navigation*, reciting the said Two former Acts, and alleging that the whole of the Money raised under the said former Acts had been expended (save and except a small Part thereof, which, through the Insolvency or Inability of some of the Proprietors, had not then been paid), and that the said Company of Proprietors, had incurred sundry Debts in the Prosecution of the said Undertaking, and for a Compensation to the Company of Proprietors of the said *Droitwich Canal Navigation*, amounting to the Sum of Ten thousand Pounds and upwards, and that there was then an Arrear of One thousand nine hundred Pounds and upwards due to the Company of Proprietors of the said *Droitwich Canal Navigation*, in order to make up such Deficiency of Compensation as aforesaid, and that almost the whole of the said Reservoirs then also remained unfinished, and which would cost the Sum of Seventeen thousand Pounds and upwards to complete

38 G. 3. c. 31.

44 G. 3. c. 35.



complete and finish, and that a great Part of the said Undertaking then remained unfinished; and further reciting, that the Occupiers of the Mills on the said River *Rea*, in the said first-recited Act mentioned, had applied to His Majesty's Court of King's Bench at *Westminster*, for a Writ of Mandamus to compel the said Company of Proprietors at their own Expence to make and complete the Three Reservoirs for the Benefit of the said Mills, at the Places and in manner in the said Act directed to be made immediately after the making of the said Canal over the said River *Rea*, and which Canal had been then some Time made over the said River; and also reciting, that the said Company of Proprietors of the *Droitwich* Canal Navigation had commenced Actions against the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation, to compel Payment of Arrears due to the said *Droitwich* Canal Company, and had obtained Judgment against the said Company of Proprietors of the *Worcester* and *Birmingham* Canal Navigation, and that the said Court of King's Bench had granted a peremptory Mandamus against the last-mentioned Company of Proprietors, to compel them to make the said Three Reservoirs last mentioned, and which alone would cost the Sum of Nine thousand three hundred Pounds and upwards; and that the said Company of Proprietors had found it impracticable to raise, by Mortgage of the said Undertaking, or by the other Ways and Means in the said recited Act of the Thirty-eighth Year of His present Majesty mentioned, Money for discharging their said Debts, making the said Reservoirs, or for carrying on the Works of the said Canal, the said Company of Proprietors were by the now-recited Act of the Forty-fourth Year of the Reign of His present Majesty authorized and empowered to raise in manner therein mentioned any Sum or Sums of Money not exceeding in the whole the Sum of Forty-nine thousand six hundred and eighty Pounds, over and above the said Sums of One hundred and eighty thousand Pounds and Seventy thousand Pounds authorized to be raised by the said first-recited Act: And whereas the said Company of Proprietors have not been able to raise, by virtue of the Powers of the said recited Act of the Thirty-eighth Year of His said present Majesty, any Sum or Sums of Money whatsoever, save and except the Sum of Four thousand Pounds which they have borrowed on Mortgage by virtue of the Powers of the said recited Act: And whereas the said Company of Proprietors have proceeded in the making and completing a very considerable Part of the said Navigation and Works by the said recited Acts authorized to be made, and have expended in the said Navigation and Works not only the whole of the said Sums of One hundred and eighty thousand Pounds, Seventy thousand Pounds, and Forty-nine thousand six hundred and eighty Pounds (save and except a small Part thereof, which through the Insolvency or Inability of some of the Proprietors has not yet been paid), and also the said Sums raised by Mortgage as aforesaid, but have incurred sundry Debts in the Prosecution of the said Undertaking, and for Land taken for the Use of the said Navigation and the Works appertaining thereto, and for Compensation to the said Company of Proprietors of the said *Droitwich* Canal Navigation, amounting in the whole to the Sum of Eight thousand Pounds and upwards, and there being an Arrear of Three thousand three hundred Pounds and upwards (Part of the said Sum of Eight thousand Pounds and upwards) due to the said Company of Proprietors of the said *Droitwich* Canal Navigation, in order to make up the Deficiency of such Compensation as aforesaid, and the Arrears which have accrued since the passing of the



the said Act of the Forty-fourth Year of the Reign of His said present Majesty; and as One of the said Reservoirs for the Use and Supply of the Mills on the said River *Rea*, and the said Two Reservoirs for the Use and Supply of the Mills on the River *Arrow*, yet remain unfinished, which will cost the Sum of Eight thousand nine hundred Pounds and upwards to complete and finish, and a great Part of the said Undertaking also yet remains unfinished, whereby the Public are deprived of the Benefit and Advantage formerly held forth to them, and the Proprietors of Shares in the said Undertaking are losing those Benefits which were expected to arise to them from the said Navigation: And whereas the said Company of Proprietors are obliged immediately to raise several Sums of Money for the Purposes aforesaid, and have hitherto found it impracticable to raise, by Mortgage of the said Undertaking (save as aforesaid), or by the other Ways and Means in the said recited Act of the Thirty-eighth Year of His present Majesty mentioned, Money for discharging their said Debts, making the said Reservoirs, or for carrying on, completing, and finishing the Works of the said Canal, and have no other practicable Means of raising the same without the Aid and Assistance of Parliament: And whereas the Powers and Provisions of the said recited Acts have in other respects been found insufficient and inconvenient, and it is requisite that the same should be altered and amended: 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 and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise such Sum or Sums of Money, not exceeding in the whole the Sum of One hundred and sixty-eight thousand Pounds, and such additional Sum as herein-after mentioned, in case the same shall be found necessary for the Purposes aforesaid, over and above the before-mentioned Sums of Money, or so much thereof as the said Company of Proprietors have been or shall be able to get in and receive, and notwithstanding that the same Sums have not been wholly raised and received as aforesaid; any thing in the said Acts or any or either of them contained to the contrary thereof notwithstanding.

Power to  
raise a further  
Sum of  
Money.

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, either by voluntary Subscription amongst themselves, or by the Admission of new Subscribers, any further Sum or Sums of Money, not exceeding in the whole the aforesaid Sum of One hundred and sixty-eight thousand Pounds, except as herein-after is mentioned; and in case the said Sum of One hundred and sixty-eight thousand Pounds shall be raised by voluntary Subscription as aforesaid, the said Sum shall be divided into Four thousand two hundred additional Shares, each Share to be of the Value of Forty Pounds, which Share shall be deemed Personal Estate, and be transmissible as such; and all Persons who shall as aforesaid subscribe for or otherwise become entitled thereto, and their several and respective Executors, Administrators, and Assigns, shall be, and they are hereby declared to be, the Owners or Proprietors of the said additional Shares in the said Undertaking, and shall be and they are hereby united and incorporated with the said Company of Proprietors of the said *Worcester and Birmingham Canal Navigation*; and the several Powers, Directions, Penalties,

Mode of  
raising the  
Money.

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nalties,



nalties, Forfeitures, and Provisions contained in the said first-recited Act; subject nevertheless to the Provisions, Directions, and Regulations herein contained, shall extend to the calling for, raising Sums for, and recovering the several Sums to be subscribed for the said additional Shares, and for compelling and obliging the several Subscribers for or Proprietors of the said additional Shares to pay the respective Sums to be voluntarily subscribed as aforesaid, and for transferring and entering the same, and in all other respects relating thereto, in like Manner as if the same were Part of the Money authorized to be raised by virtue of the said first-recited Act, or as if the same several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said first-recited Act were repeated and re-enacted in this Act, subject nevertheless as herein-after is mentioned; and that all and every Persons, and their several and respective Executors, Administrators, and Assigns, who shall severally subscribe and pay the Sum of Forty Pounds for each and every of the said additional Shares, shall, together with the original Subscribers to the Undertaking, be entitled to and receive an equal proportionate Part of the net Profits and Advantages that shall or may arise and accrue to the said Company of Proprietors by virtue of the said recited Acts and this Act; and all and every the said additional Shares, and also the Persons respectively entitled thereto, shall be subject to the like Regulations and Provisions as the original Shares in the said Navigation are liable to, save as herein-after mentioned or otherwise provided; and that in the Qualification of Proprietors to vote in the General and other Assemblies, each and every Proprietor of One or more such additional Shares shall be entitled to give his or her Vote or Votes, either in Person or by Proxy, as the Proprietors of the original Shares are entitled to do.

The Money  
may be raised  
by Mortgage.

III. Provided always, and be it further enacted, That in case the said Company of Proprietors shall think it more advisable or proper to raise the said Sum of One hundred and sixty-eight thousand Pounds, or any Part thereof, by Mortgage of the Rates authorized to be collected on the said Canal, or by granting Annuities with Benefit of Survivorship, or otherwise, payable out of the said Rates or any of them, instead of raising the said Sum by voluntary Subscriptions among themselves, or by the Admission of new Subscribers, then it shall be lawful for the said Company either to borrow and take up at Interest by any such Mortgage as aforesaid, from any Person or Persons, upon the Credit of the said Rates or any of them, the said Sum of One hundred and sixty-eight thousand Pounds or any Part thereof, or to raise any such Money by the granting of such Annuity or Annuities as aforesaid, to or for the Use of any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer of the said Company of Proprietors any such Sum or Sums of Money as the said Company shall agree upon for the absolute Purchase of any such Annuity or Annuities, to be paid and payable for any Term or Number of Years, or during the natural Lives of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship; and the said Company of Proprietors are hereby authorized and empowered to assign and make over their Interest and Property in the said Canal, and the Rates to arise by virtue of the said two first-recited Acts, or any Part thereof, as a Security or Securities for any Sum or Sums of Money



Money so to be borrowed with Interest, or taken up by the granting of such Annuity or Annuities as aforesaid, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage or Grant of Annuity or Annuities, in like Manner and Form, and with and subject to the like Powers and Directions for transferring every such Mortgage and Annuity and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same; and the Interest and Annuity thereby to be secured, as are mentioned or contained in and by the said Two first-recited Acts, or either of them, respecting the borrowing of Money and granting Annuities, and the Securities to be made for the same; and all Persons to whom any Mortgage or Mortgages have hitherto been made for securing the said Sum of Four thousand Pounds and Interest, and also all Persons to whom any Mortgage or Mortgages, or Annuity or Annuities, shall be made or granted under any of the Powers of this Act, shall be equally entitled one with another to the Rates and Property thereby assigned, in proportion to the Interest of the Sum or Sums for which such Mortgage or Mortgages shall be executed, and the Annuity or Annuities thereby granted, without any Preference by reason of the Priority of Date of any such Mortgage or Grant of Annuity, or otherwise.

IV. And be it further enacted, That in case the said Sum of One hundred and sixty-eight thousand Pounds herein-before authorized to be raised should be found insufficient for completing the said Canal and other the Purposes aforesaid, and the said Company of Proprietors shall not be able to raise Monies for the said Purposes by Mortgage, or other the Means in the said recited Acts or either of them authorized and granted, then it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise any such Sum or Sums of Money as shall from Time to Time be found necessary for paying and discharging the Debts owing by the said Company of Proprietors, and such further Debts as they shall contract in the completing of the said Canal, Reservoirs, Cuts, and Works, not exceeding in the whole the Sum of Forty thousand Pounds, over and above the before-mentioned Sum of One hundred and sixty-eight thousand Pounds, or so much of the said several Sums of One hundred and eighty thousand Pounds, Seventy thousand Pounds, and Forty-nine thousand six hundred and eighty Pounds, as the said Company have been or shall be able to get in and receive; and notwithstanding that the same Sums have not been wholly raised and received as aforesaid, any thing in the said Acts or either of them contained to the contrary notwithstanding; which said Sum of Forty thousand Pounds shall be raised by the said Company of Proprietors by means of creating new or additional Shares in the said Undertaking, not exceeding One thousand Shares, and disposing of the same to such Person or Persons, and at such Price or Prices, not less than Forty Pounds a Share, as the said Company of Proprietors, or their Committee for the Time being, shall from Time to Time think expedient or necessary for that Purpose; and that the respective Proprietors of any such last-mentioned additional Shares, to be created by virtue of this Act as aforesaid, shall be and become entitled to an equal Share or Division of the Profits of the said Navigation, and to such and the same Powers, Privileges, and Advantages, and be subject to such and the same Restrictions, Penalties, and Forfeitures, as the Proprietors of the said additional Four thousand two hundred Shares, to be created as aforesaid, are by this Act entitled

Power to raise a further Sum in case the said Sum of 168,000*l.* shall be insufficient.



entitled and liable to; and the Admission of every Person to any such additional Shares by any Order or Resolution of the said Company of Proprietors, or their Committee for the Time being as aforesaid, shall be good and effectual Titles to such Person or Persons, and his, her, or their respective Executors or Administrators, on his, her, or their Payment to the said Company of Proprietors of the Purchase Money or Price agreed for the same; which Money so to be raised by the Ways and Means last mentioned shall be paid, applied, and disposed of in the Liquidation and Discharge of the Debts of the said Company of Proprietors, and in finishing and completing the said Canal, Reservoirs, and Works, Compensation to the *Droitwich* Canal Company, and other Purposes herein-before mentioned.

Power for  
raising Money  
by Half  
Shares  
repealed.

V. And, it having been found impracticable, for the Reasons aforesaid, to raise any Sum or Sums of Money by creating additional Half Shares by virtue of the Power given to the said Company of Proprietors by the said recited Act of the Thirty-eighth Year of the Reign of His said present Majesty, be it enacted, That the Power for creating such Half Shares, contained in the said Act, shall be and the same is hereby declared to be repealed.

Power to  
make Calls.

VI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, at any General Assembly to be holden or convened agreeably to the Directions contained in the said first-recited Act or this Act, or of their Committee for the Time being, or any Five or more of such Committee, from Time to Time to make any Call or Calls for Money from the Subscriber or Subscribers of an additional Share or Shares in the said Canal Navigation, in order to raise the said Sum of One hundred and sixty-eight thousand Pounds, and the said further Sum of Forty thousand Pounds, for the Purposes aforesaid, subject to the Regulations herein-after mentioned, as such General Assembly or Committee from Time to Time shall judge necessary, so that no one Call on each Share subscribed for shall exceed the Sum of Four Pounds each additional Share in the said Navigation, and no Call to be made at a less Distance of Time than Three Calendar Months from each other; which Money so called for shall be paid to such Person or Persons and in such Manner as the said General Assembly or Committee shall from Time to Time appoint and direct, for the Purposes of the said recited Acts and of this Act; and all and every Subscriber and Subscribers of One or more additional Share or Shares in the said Undertaking shall pay his, her, or their Share or 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 Twenty Days Notice shall be given, by publishing the same in some one *Worcester* and in some one *Birmingham* Newspaper, or in any other Manner as the said *Worcester* and *Birmingham* Canal Company shall at any General Assembly direct or appoint; and all Executors and Administrators shall be and are hereby empowered to pay their respective Proportions of the said Money to be called for as aforesaid, in respect of the Share or Shares of their Testators and Intestates respectively, and charge the same to the Accounts of such Person's Estate and Effects.

For making a  
Deposit of 1*l.*  
per Share.

VII. Provided always, and it is hereby enacted and declared, That all and every Person and Persons who shall be desirous of becoming and shall voluntarily become a Subscriber or Subscribers for such additional Shares as aforesaid,



aforesaid, shall, at the Time of his, her, or their subscribing, pay to the Treasurer of the said Company for the Time being One Pound by way of Deposit on each Share he or she shall subscribe for, and that the Remainder of the Subscription be paid by Calls of Four Pounds each on each Share subscribed for, and that the One Pound Deposit be considered as Part of the First Call, and the remaining Three Pounds *per* Share of the said First Call be paid as soon as called for and ordered to be paid after the passing of this Act, but that the future Calls of Four Pounds each on each Share shall not be less than Three Calendar Months Distance from each other, as herein-before directed; and that all Subscribers for such additional Shares, who shall refuse or neglect to pay their respective Calls at the Times and in Manner herein-before appointed to be paid, shall pay Interest at the Rate of Five Pounds *per Centum per Annum* on all and every their said Call, and such Interest to commence from Time to Time, and from the Days on which such Calls shall respectively become due and be ordered to be paid.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to make any Call or Calls on the Subscribers, or to raise any Money by virtue of this Act, save and except the said One Pound Deposit on each Share, until the Sum of One hundred and twelve thousand Pounds of the Money to be raised by virtue of this Act shall have been actually subscribed; any thing in this Act contained to the contrary notwithstanding.

Calls not to be made until the Sum of 112,000*l.* shall be subscribed.

IX. Provided also, and be it further enacted, That in case the whole of the said Sum of One hundred and sixty-eight thousand Pounds shall not be subscribed before the First Call on the Subscribers shall have been made and become payable, then and in such Case every and all Person and Persons who shall subscribe for One or more of such additional Shares, after such Call or Calls shall have been made and shall have become due and payable, shall, at the Time of his, her, or their subscribing, pay to the Treasurer for the Time being of the said Company of Proprietors the Call or Calls which shall then have been made on the Subscribers of the said additional Shares, together with Interest thereon at the Rate of Five Pounds *per Centum per Annum*, from the Day or Days on which such Call or Calls shall have respectively become due and have been ordered to be paid, in order that all the Subscribers to the said new or additional Shares may be upon an equal Footing.

Money on additional Shares to be paid to the Treasurer, with Interest.

X. Provided also, and be it further enacted, That if the said Company of Proprietors, or their Committee for the Time being, shall deem it expedient, out of any Surplus Monies or otherwise, to buy up any Share or Shares in the said Canal Navigation which shall be offered for Sale, then and in such Case it shall be lawful for any General Assembly of the said Company of Proprietors either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company in Trust for the said Company; and that such Share or Shares may, in such last-mentioned Case, at any Time thereafter be sold for the Benefit of the said Company of Proprietors, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing of any Buildings or Works

Shares bought up to merge in the Undertaking.

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belonging



belonging to the said Canal, or any other Purpose necessary for carrying on the same.

For increasing the Number of Committee of Management.

XI. And whereas by the said recited Act of the Thirty-eighth Year of His said present Majesty, Power is given to the Proprietors assembled at their General Assemblies, together with such Proxies as should be then present, to choose Thirteen Persons, who for the Time being should be Proprietors of Five or more Shares in the said Navigation, to be a Committee to manage the Affairs of the said Company in such Manner as the said first-recited Act directs; and as the Number of Proprietors and Shares will be increased by virtue of the Power in this Act given to create new or additional Shares, it is deemed expedient, on account of the Number of Shares being to be increased as aforesaid, that the Number of the Committee should be increased, and that the Number of Shares to qualify Persons to be chosen on the Committee should also be increased; be it therefore enacted, That the Proprietors at such General Assemblies, together with such Proxies as shall be then present (but subject nevertheless to the Directions and Regulations in the said first-recited Act contained), shall and may at any Time hereafter elect and choose Fifteen Proprietors, being Proprietors of Ten or more Shares of the said Navigation, which said Fifteen Proprietors possessed of Ten Shares or more shall be a Committee to manage the Affairs of the said Company, for such Time, in such Manner, with such Powers, and under such Limitations, Restrictions, and Controul in every respect, as in the said first-recited Act is directed respecting Persons being a Committee to manage the Affairs of the said Company who should have Five or more Shares in the said Navigation; any thing in the said Two first-recited Acts or either of them contained to the contrary thereof notwithstanding.

Certain Regulations as to Deeds of Bargain and Sale.

XII. And whereas in and by the said recited Act of the Thirty-first of His said present Majesty it is enacted, that Duplicates of the Deed of Bargain and Sale or Transfer of any Share or Shares in the said Navigation should be executed by every Vendor and Vendee, and One Part thereof so executed should be delivered to the Committee of the said Company or their Clerk, to be filed and kept for the Use of the said Company of Proprietors, and an Entry thereof should be made in a Book or Books to be kept for that Purpose; and until the Duplicate of such Deed or Transfer should be so delivered to the said Committee or the Clerk as aforesaid, such Purchaser or Purchasers should have no Part or Share of the Profits of the said Navigation and Undertaking, nor any Interest paid him, her, or them for and in respect of such Share or Shares so purchased, nor be entitled to vote as a Proprietor or Proprietors of the said Undertaking: And whereas the Expences of Duplicates of such Deeds or Transfers tend greatly to hinder the Sale of Shares in the said Undertaking; be it therefore enacted, That it shall not be necessary that a Duplicate of the Deed of Bargain and Sale or Transfer of any Share or Shares in the said Undertaking shall be executed as in the said recited Act is directed, but that one Part only of such Deed of Bargain and Sale or Transfer, in case the Purchaser or Purchasers shall be satisfied therewith, shall be made and executed; and which said Bargain and Sale or Transfer shall be filed and kept for the Use of the said Company; and such Purchase and Purchases shall be as valid and effectual to all Intents and Purposes as if a Duplicate of such Deed of Bargain and Sale or Transfer were executed by the Vendor  
and



and Vendee or Vendors and Vendees; any thing in the same Act contained to the contrary notwithstanding.

XIII. And be it further enacted, That the said Acts passed in the Thirty-first, Thirty-eighth, and Forty-fourth Years of the Reign of His said present Majesty, and all and every Clause, Article, Provision, Matter, and Thing therein contained, except such and so many of them, or such Parts thereof, as are altered, varied, explained, or amended by this Act, shall extend and be applicable to this present Act, and the Powers, Provisions, and Directions hereof, so far as the same are compatible herewith.

Extending  
the Powers  
of the said  
Acts to this  
Act.

XIV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of the Surveys and Estimates incident thereto, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, out of any Money already raised or received, or out of the first Monies to be hereafter raised or received by virtue of the said recited Acts or this Act.

For paying  
the Expences  
of this Act.

XV. 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.

Public Act.

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