



ANNO QUINQUAGESIMO OCTAVO

# GEORGII III. REGIS.

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## Cap. xix.

An Act for altering, explaining, and amending the several Acts of Parliament passed relating to the *Birmingham Canal Navigations*; and for improving the said Canal Navigations. [17th March 1818.]

**W**HEREAS an Act was passed in the Eighth Year of the Reign of His present Majesty King George the Third, intituled *An Act for making and maintaining a navigable Cut or Canal from Birmingham to Bilstone, and from thence to Autherley, there to communicate with the Canal now making between the Rivers Severn and Trent, and for making collateral Cuts up to several Coal Mines*: And whereas an Act was passed in the Ninth Year of the Reign of His said present Majesty, intituled *An Act to rectify a Mistake in an Act passed in the Eighth Year of His present Majesty, intituled 'An Act for making and maintaining a navigable Cut or Canal from Birmingham to Bilstone, and from thence to Autherley, there to communicate with the Canal now making between the Rivers Severn and Trent, and for making collateral Cuts up to several Coal Mines,' and to explain and amend the said Act*: And whereas another Act was passed in the Twenty-third Year of the Reign of His said present Majesty, intituled *An Act for making and maintaining a navigable Canal from a Place near Rider's Green, in the County of Stafford, to Broadwater Fire Engine, and six collateral Cuts from the same to several Coal Mines, and also a navigable Canal from or near the Town of Birmingham, to join the Coventry Canal at or near Fazeley, in the Parish of Tamworth, in the said County of Stafford, with a collateral Cut to the lower Part of the said Town of Birmingham*: And whereas an Act was passed in the Twenty-fourth Year of the Reign of His said present Majesty, intituled *An Act for incorporating the Company*

[Local.] 4 Y pany



- pany of Proprietors of a Canal Navigation authorized by an Act passed in the Eighth Year of the Reign of His present Majesty King George the Third, to be made from Birmingham to Bilstone and Autherley, with the Company of Proprietors of a Canal Navigation authorized by an Act passed in the Twenty-third Year of the Reign of His present Majesty, to be made from Birmingham to Fazeley, and for consolidating their Shares, and amending the said last-mentioned Act : And whereas an Act was passed in the Twenty-fifth Year of the Reign of His said present Majesty, intituled *An Act to enable the*
- 25 G. 3. c. 99. *Company of Proprietors of the Navigation from the Trent to the Mersey, and the Company of Proprietors of the Navigation from Birmingham to Fazeley, to make a Navigable Canal from the said Trent and Mersey Navigation on Fradley Heath, in the County of Stafford, to Fazeley, in the said County, and for confirming certain Articles of Agreement entered into between the said Trent and Mersey, the Oxford, and the Coventry Canal Navigation Companies :* And whereas another Act was passed in the Thirty-fourth Year of the Reign of His said present Majesty, intituled *An Act for extending and*
- 34 G. 3. c. 87. *improving the Birmingham Canal Navigations :* And whereas another Act was passed in the Forty-sixth Year of the Reign of His said present Majesty, intituled *An Act for improving the Birmingham Canal Navigations :* And
- 46 G. 3. c. 92. *whereas another Act was passed in the Fifty-first Year of the Reign of*
- 51 G. 3. c. 105. *His said present Majesty, intituled An Act for enlarging the Powers of several Acts of His present Majesty, for making and maintaining the Birmingham Canal Navigations, and for further extending and improving the same :* And
- 55 G. 3. c. 40. *whereas another Act was passed in the Fifty-fifth Year of the Reign of His said present Majesty, intituled An Act for establishing a Navigable Communication between the Birmingham Canal Navigations and the Worcester and Birmingham Canal, and amending certain Acts passed relative thereto :* And whereas in pursuance of the said several recited Acts, or some of them, the Company of Proprietors of the Birmingham Canal Navigations have made navigable Canals from Birmingham in the County of Warwick, to communicate with the Canal Navigation between the Rivers Severn and Trent, and from Birmingham aforesaid to Fazeley and Whittington Brook, which have opened navigable Communications with the Coventry Canal, and the Canal from the Trent to the Mersey, and have also completed Canals and Cuts to the lower Part of the Town of Birmingham, and to the extensive and valuable Mines of Coal, Ironstone, Limestone, and Pot Clay, in the Parishes of Wednesbury, Tipton, Sedgley, Wolverhampton, and West Bromwich, and to the Borough of Walsall, in the County of Stafford ; and have also opened and completed a navigable Communication between the said Birmingham Canal Navigations and the Worcester and Birmingham Canal Navigation ; all which Canals, Cuts, and Communications have been ascertained to be of very great public Utility : And whereas Doubts have arisen, and now exist, whether the whole and every Part of the Canals and Cuts intended to be comprised under the Name of The Birmingham Canal Navigations, have been duly incorporated therewith ; and it has been found very inconvenient to have different Acts of Parliament applicable for the same Purposes to different yet intersecting and adjoining Parts of the said Birmingham Canal Navigations ; and it is highly expedient to extend One System of Management to the whole thereof, in such Way as to render the same more simple, and to alter such Parts of the former System as are by Experience found improper, or have been by Circumstances rendered unavailing ; and particularly to empower the said Company of Proprietors of the Birmingham Canal Navigations to



contract, by the Year or otherwise, with the Owners of Iron and other Works situate near the same, for the Tonnage of Raw Materials carried to or for the Use of their Works along the Line of the said Canal without passing a Lock, which would be very desirable for the Owners of such Iron and other Works, and of great public Benefit; but such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all and every the Canals, collateral Cuts, and navigable Communications, so made as aforesaid by the said Company of Proprietors of the *Birmingham* Canal Navigations, under and by virtue of all or any of the said herein-before recited Acts, or any of them, shall, from the Time of the making thereof, respectively be, and be deemed, taken, and considered to be, as Part, Parcel, and Member of the *Birmingham* Canal Navigations; and all and every such Part and Parts of the said Canals, collateral Cuts, and navigable Communications, and the Lands, Buildings, Tenements, and Hereditaments already purchased or taken for the Purposes thereof, by virtue and in pursuance of the Powers of the said recited Acts or any of them, and as have not been already declared by any of the said recited Acts to be considered as Part of the Works made and done under and by virtue of the said recited Act of the Twenty-third Year of His said present Majesty's Reign, shall be and be considered to be included and comprehended in and governed by all and every the Clauses, Matters, and Things contained in the said recited Acts of the Twenty-third and Twenty-fourth Years of His said present Majesty's Reign, so far as the Nature and Circumstances of the Case will admit (save and except so much thereof as relates to Exemptions from Stamp Duties, or to the Quantum of Rates or Tolls to be collected, or as may be by this Act or have been by any other Act relating to the said *Birmingham* Canal Navigations altered or repealed), as if the same had been described in the said recited Act of the Twenty-third Year of the Reign of His present Majesty, as Part of the Works to be made and done under and by virtue of that Act: Provided always, that nothing in this Act contained shall be construed to extend or authorize the said Company of Proprietors to extend any Part of the Canal to a greater or longer Distance from the original Line of the said Canal Navigations, than they are authorized or empowered to do by any of the said herein-before recited Acts.

All Cuts and navigable Communications made under or by virtue of the Powers of the said Acts, to be deemed Part of the *Birmingham* Canal Navigations.

Extending the Powers of the said Acts of 23d and 24th Geo. 3. to this Act.

II. Provided also, and be it further enacted, That nothing in this Act contained shall authorize the said Company of Proprietors, or any Mine Owner, or other Person or Persons, to make any Navigable Cut or Communication with the said Canal Navigations, or any of them, more than One thousand Yards in Length; save and except with such Part or Parts of the same Canal Navigations as was or were authorized to be made by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty; nor more than Two thousand Yards in Length, to communicate with such Part or Parts of the said Canal Navigations as was or were by the said last-mentioned Act authorized to be made.

This Act not to authorize the said Canal Company to make any navigable Communications with their Canal more than 1000 Yards in Length.

III. And whereas it is enacted in and by the said recited Act of the Thirty-fourth Year of His present Majesty, that it shall and may be law-

For repealing Part of Clause  
ful



of the 34th  
Geo. 3. as to  
private Cuts.

ful for the Owner or Owners of any Mines of Coal, Ironstone, Limestone, or other Mines or Minerals, or of any Furnaces, Forges, Mills, or other Works, or of any Lands fit and convenient to make Wharfs or erect Warehouses thereon for the Accommodation of the said Canal or collateral Cuts to be made in virtue of this Act, or for the said Company of Proprietors of the said *Birmingham Canal Navigations*, at the Request of any such Owner or Owners as aforesaid, to make any Navigable Cut or Cuts, in such Manner as he, she, or they shall think proper, through his, her, or their own Lands, or through the Lands or Grounds of such Owner or Owners, and also through the Lands or Grounds of any other Person or Persons, to communicate with the said *Birmingham Canal Navigations*, so that no such Cut or Cuts be more than Two thousand Yards in Length, and so that the same be done without diverting any Streams of Water which are necessary for supplying the said *Birmingham Canal Navigations*, or which are or shall be necessary for the working of any Furnaces, Forges, Mills, or Works, and so as no Impediment, Injury, Loss, of Water, or Damage be occasioned thereby to the said Canal Navigations, and so as the Person or Persons, other than the said Company of Proprietors, making every such Cut or Cuts shall, if thereunto required by the said Company of Proprietors, make, erect, and maintain a Stopgate or Stopgates on every such Cut or Cuts, in order to prevent the Water being drained or wasted out of the said Canal Navigations, or collateral Cuts, or any of them, by means of making any such Cut or Cuts to communicate therewith as aforesaid; and every such Cut or Cuts shall be public and open to all Persons for the Conveyance of any Goods, Wares, or other Things in Boats and other Vessels; provided always, that no such Cut or Cuts shall be made by any Person or Persons, Owner or Owners as aforesaid, or by the said Company of Proprietors, through the Lands or Grounds of any other Person or Persons, unless the Owner or Owners or any Person or Persons interested in such Lands or Grounds, or the Husbands, Guardians, Trustees, Committees, or Attornies of any such Owners or Persons interested as aforesaid, being under Coverture, Minors, Lunatics, Persons beyond the Seas, or under any other Disability or Incapacity of acting for themselves, shall consent thereto: And whereas it is not right that such Cut or Cuts so already made or hereafter to be made as aforesaid, under and by virtue of the said recited Act, should be open to the public Use without the Consent of the Owner or Owners thereof for the Time being respectively; be it therefore enacted, That from and after the passing of this Act, such and so much of the said above-recited Clause as directs that every such Cut or Cuts shall be public and open to all Persons for the Conveyance of any Goods, Wares, or other Things in Boats and other Vessels, shall be and the same is hereby repealed and made void.

Rectifying a  
Mistake as  
to the Num-  
ber of Com-  
missioners  
requisite to  
act in certain  
Cases.

IV. And whereas in the Clauses contained in the said recited Acts relative to the Number of Commissioners authorized to execute the Powers and Authorities vested in such Commissioners, there is a Variation as to the Number of Commissioners necessary to do and perform the same Acts; be it therefore enacted, That from henceforth all Acts directed by the said several recited Acts, or any of them, to be done by Seven or more of the said Commissioners, shall be valid and effectual if done by Five or more of the said Commissioners; and be of the same Force and Effect in every Instance as if the word Five had been originally introduced into the said Acts



Acts instead of the word Seven ; and that Unanimity shall not be necessary among the Commissioners assembled for any of the Purposes specified in all or any of the said recited Acts, but the Opinion and Decision of a clear Majority of any Five or more, or Nine or more Commissioners, from among the Number of Commissioners assembled pursuant to the Powers of the said Acts or any of them respectively, such Majority not to be less than Five or Nine respectively, shall be binding and conclusive upon the said Company of Proprietors, and all and every the several Parties respectively between whom the said Commissioners shall be called upon to decide and determine any Differences pursuant to the Powers aforesaid ; and the said Commissioners, or the major Part of them, are hereby authorized and empowered, in any Question or Difference arising between Individuals, to award, adjudge, and determine by what Person or Persons, Party or Parties, the Expences attending the Meeting or Meetings of such Commissioners shall be borne and paid.

V. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors of the *Birmingham Canal Navigations*, at the Request of the Owner or Owners, Occupier or Occupiers of any Furnaces, Forges, Mills, or other Works, to contract, by the Year or otherwise, as to the Committee of the said Company of Proprietors shall seem meet, with such Owner or Owners, Occupier or Occupiers respectively, in One or more gross Sum or Sums, for or in lieu of the usual and accustomed Rates, Tolls, or Duties which would during the Period of such Contract become due and payable to the said Company of Proprietors under and by virtue of the said several recited Acts or any of them, or this Act, for the Tonnage and Wharfage of all Coal, Coke, Ironstone, Limestone, and other raw Materials, to be navigated and carried by or to or for the Use of such Owner or Owners, Occupier or Occupiers respectively, during the Period of Time for which such Contract shall exist as aforesaid, along any Part of the said *Birmingham Canal Navigations*, without passing any Lock or Locks thereon, for Use and Consumption only at the Furnaces, Forges, Mills, or other Works of such Owner or Owners, Occupier or Occupiers respectively ; and further, that it shall and may be lawful to and for the said Company of Proprietors to contract, by the Year or otherwise, as to the said Committee shall seem meet, with the Owner or Owners, Master or Masters of any Boat or Boats commonly called Packet Boats for the Conveyance of Passengers to and from one Part of the Country to another, navigated along the said Canal Navigations, in one or more gross Sum or Sums for and in lieu of the accustomed Rates, Tolls, and Duties, which during the Period of such Contract would become payable by such Owner or Owners, Master or Masters respectively.

Power for the Company to contract with the Owners of Furnaces, Forges, &c. for Payment of Rates of Tonnage for passing on the said Canal Navigations.

VI. And be it further enacted, That the Amount and Amounts, Sum or Sums which shall or may at any Time become due or payable to the said Company of Proprietors under any such Contract or Contracts as aforesaid, and also all other the Rates and Dues becoming due to the said Company of Proprietors under and by virtue of all or any of the said herein-before recited Acts or this Act, shall be paid to such Person or Persons, at such Place or Places near to the said *Birmingham Canal Navigations*, as the said Company of Proprietors shall direct or appoint ; and in case of Denial or Neglect of Payment of any such Amount or Amounts,

Amount of Money due under the said Contracts to be paid to such Person as the Company shall appoint ; and Remedy in case of Neglect, &c.

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Sum or Sums, Rates or Dues respectively, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any Court of Record; or the Person or Persons to whom the said Amount or Amounts, Sum or Sums, Rates or Dues respectively ought to be paid, may, and he and they is and are hereby empowered to seize and distrain any Boat or Boats, Vessel or Vessels, navigated along the said *Birmingham* Canal Navigations or any Part thereof, and belonging for the Time being to the Person or Persons by whom such Amount or Amounts, Sum or Sums, Rates or Dues respectively ought to be paid, or any Part of the Coals, Iron, Goods, or other Things, the Property of such Person or Persons, being in the said Boat or Boats, Vessel or Vessels, and detain the same until Payment of the said Amount or Amounts, Sum or Sums, and the Rates or Dues respectively which at the Time of such Seizure and Distress made shall be due and owing to the said Company of Proprietors from the Party or Parties making Default as aforesaid, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; any thing in the said recited Acts, or any of them, or in this Act, to the contrary thereof notwithstanding.

For repealing  
Clauses re-  
lative to cer-  
tain Colla-  
teral Cuts,  
in Acts of  
23d and 34th  
Geo. 3.

VII. And whereas the said Company of Proprietors of the *Birmingham* Canal Navigations were authorized and empowered, under and by virtue of the said recited Act of the Twenty-third Year of His present Majesty, to make Six Collateral Cuts, One thereof beginning near the Head of *Willingsworth Pool*, and crossing the Land of Lord Viscount *Dudley and Ward* and *George Birch* Esquire, in the several Parishes of *Tipton* and *Sedgely*, in the County of *Stafford*, across the Turnpike Road leading from *Ockerhill* to *Wolverhampton*, near *Gospel Oak*, and terminating in the Lands of the said *Thomas Hoo*, then in the Occupation of the Widow *Hill*; and were also empowered, under and by virtue of the said recited Act of the Thirty-fourth Year of His present Majesty, to make Three Collateral Cuts, One of such Collateral Cuts or Branches to be made from the said intended Canal, beginning near *Broadwater*, in the Parish of *Wednesbury*, in, through, and over the Lands of the said *Eliza Maria Foley Foley* and *Mary Whitby*, there, in their own Possession, other Lands of the said *Eliza Maria Foley Foley* and *Mary Whitby*, called the *Far Moore Croft* and the *Roundabout*, in the Possession of *James Lee*, across the Turnpike Road leading from *Ockerhill* to *Bilston* and *Wolverhampton*, into other Lands of the said *Eliza Maria Foley Foley* and *Mary Whitby*, in the Possession of the said *James Lee*, on the Western Side of the said Turnpike Road, in the Township or Liberty of *Bradley*, in the Parish of *Wolverhampton*, in the said County of *Stafford*: And whereas a Variety of Circumstances have rendered the Completion of the said Two Collateral Cuts unnecessary and inexpedient; be it therefore enacted, That such and so much of the said recited Act of the Twenty-third Year of His said present Majesty as relates to the Completion of the said first-mentioned Collateral Cut, as far as the same was meant or intended to be taken and continued from *Gospel Oak* to terminate in the Land of the said then late *Thomas Hoo*, then in the Occupation of the Widow *Hill*; and such and so much of the said recited Act of the Thirty-fourth Year of His said present Majesty as relates to the

Execution of the said last-mentioned Collateral Cut, shall from and after the passing of this Act be and the same are hereby repealed and made void.

VIII. And be it further enacted, That in all Places where the Line of the Works hereby or by all or any of the said recited Acts authorized, shall be made across any Public Carriage Road, the Ascent to any Bridge hereafter to be made over the said Canal Navigations, or any Part thereof, for the Purpose of such Road, shall not be more than One Foot in Thirteen; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Limiting the  
Ascent to  
Bridges.

IX. And whereas it is expedient that a Fund should be raised from Time to Time as a Resource and Provision for defraying any extraordinary Expences for Repairs or Improvements of the said Canal Navigations, without rendering necessary any Reduction of the Half-yearly Dividends, or the Public Trade of the Country being impeded by Delay in effecting such Repairs and Improvements, from want of pecuniary Means; be it therefore further enacted, That if the said Company of Proprietors, or their General Committee for the Time being, shall deem it expedient, out of any Surplus Monies arising by virtue of the said recited Acts or any of them, or otherwise, after the Debt charged upon the said Canal Navigations shall be discharged, to invest any Part of such Surplus Monies in the Public Funds, or in Navy or Exchequer Bills, for the Purposes aforesaid, then and in every such Case it shall be lawful for any General or Special Assembly of the said Company of Proprietors, to be held in Manner directed by the said recited Acts, some or one of them, to authorize and empower their General Committee for the Time being to invest any Part of such Surplus Monies in the Public Funds, or in Navy or Exchequer Bills, in the Names of Trustees to be nominated from Time to Time by the said General Committee, so as that the Money so to be laid out and invested do not in any one Year exceed a Sum equal to the Amount of One Twentieth Part of the Dividends made and payable to the Proprietors of the said Canal Navigations in the Year precedent thereto, and that such Trustee or Trustees do and shall, under the Direction of the said General Committee, from Time to Time receive the Interest and Dividends of the said Public Securities as and when the same shall be payable and received, and from Time to Time, under such Direction as aforesaid, reinvest the same, and the Dividends of all Accumulations thereof, in the Purchase of other the like Public Security or Securities, either in their own Name or Names, or in the Name or Names of such other Trustee or Trustees as the said General Committee shall from Time to Time appoint, in order that the same may, together with the said Principal Monies so to be invested as aforesaid, be and become an accumulating Fund for the Purposes aforesaid; and the same shall from Time to Time be applied and disposed of for the Purposes aforesaid, as the said General Committee for the Time being, or any General or Special Assembly of the said Company of Proprietors, shall think proper and direct the same to be applied and disposed of; but such Fund shall not at any one Time exceed the Amount of Sixty thousand Pounds.

For creating  
a Fund for  
Repairs.

X. And



Provision  
respecting  
meeting on  
Good Friday.

X. And whereas by the said recited Acts, or some of them, it was enacted, that one of the General Assemblies or Meetings of the said Company of Proprietors should be held yearly and every Year on the last *Friday* in the Month of *March*: And whereas it has happened and may hereafter happen, that the Fast Day of *Good Friday* may fall and be on the last *Friday* in the Month of *March*; be it therefore further enacted, That whenever such Event takes place, the said General Assembly or Meeting of Proprietors shall be held on the *Friday* in the Week preceding the Week in which *Good Friday* shall be kept, instead of the Day in the Month of *March* specified and appointed by the said Acts, some or one of them.

Power for  
General As-  
semblies to  
alter or  
change the  
Qualification  
for Members  
of the Com-  
mittee of  
Manage-  
ment, and to  
subdivide the  
Shares in the  
said Canal  
Navigations.

XI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Assembly or Special Assembly to be held for the Purposes of the said Canal Navigations, of which General Assembly or Special Assembly, and the Proposals to be made thereat, Notice shall be given by public Advertisement, to be inserted Three Times successively in the *London Gazette* and in one of the *Birmingham* Newspapers, from Time to Time to vary, alter, and change, as to such General or Special Assembly shall seem meet, the Qualification fixed by the said recited Acts as necessary to render any Person or Persons eligible to act as Member or Members of the Committee for managing the said Canal Navigations, such Person or Persons being either Proprietor or Proprietors of Shares in the said Canal Navigations in his or their own Name or Names, or being at the Time beneficially interested in Shares in the said Canal Navigations, as Tenant or Tenants in Possession; and also from Time to Time to subdivide, into as many equal Parts or Shares as to such General or Special Assembly shall seem meet, the Shares in the said Undertakings now consolidated and comprehended in or distributed into One thousand equal Parts or Shares; and that all and every Person and Persons, Bodies Politic or Corporate, who at the Time of any such Subdivision or Subdivisions made as aforesaid shall stand possessed of or entitled unto any Part or Share in the said Canal Navigations, Undertakings, and Premises, by virtue of any Act or Acts of Parliament now in being or by this Act, or any Subdivision made pursuant to this Act, shall, from and after the Time of every such Subdivision as aforesaid, be deemed and taken to be and stand possessed of as many Shares or Parts as would be equal to his, her, or their Parts or Shares previous to such Subdivision as aforesaid, then lastly made and carried into effect, and shall have and be entitled to the like Advantages, Emoluments, and Privileges (except as hereinafter is excepted) in respect to the Number of Shares such Person or Persons, or Bodies Politic or Corporate, shall or may be possessed of or entitled unto, in the Parts or Shares created by every such Subdivision as aforesaid, according to the Distribution hereby from Time to Time authorized to be made as aforesaid, as he, she, or they now is or are or would have been entitled to, had the said Shares continued or remained at the said One thousand Parts or Shares; and the said Parts or Shares created by any such Subdivision or Subdivisions as aforesaid, shall be and remain subject and liable to the same Charges and Incumbrances as the said One thousand Parts or Shares now are or would have been subject and liable to, had the same not been subdivided as aforesaid, or this Act had not been made;



made; any thing in this Act or the said recited Acts or any of them contained to the contrary notwithstanding.

XII. Provided always, and be it further enacted, That no Person or Persons, or Body Politic or Corporate, now being or hereafter becoming a Proprietor or Proprietors in the said Canal Navigations, Undertaking, and Premises, do or shall become a Proprietor or Proprietors of less than One Share; and in the Event of any such Subdivision or Subdivisions being made as aforesaid, no Person or Persons shall be entitled to a Vote in any General or Special Assembly of the said Company, or in any way to interfere in the Concerns of the said Company, unless he, she, or they shall stand possessed, in his, her, or their own Name or Names, of so many of the Parts or Shares to be created by any such Subdivision or Subdivisions as aforesaid, according to the Distribution hereby authorized as aforesaid, as shall, when taken together collectively, form a One thousandth Part or Share of and in the said Canal Navigations, Undertaking, and Premises, according to the Division or Distribution thereof contained in the said recited Act of the Fifty-first Year of His said present Majesty; and that such Vote when given shall and may be given by such Person or Persons, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors in the said Undertaking and qualified to vote as aforesaid) duly constituted under his, her, or their Hand or Hands; and that no Subdivision or Subdivisions of the Parts or Shares of the said Undertaking as aforesaid shall be valid, unless there shall be present at the General or Special Assembly at which such Subdivision or Subdivisions shall be made as aforesaid, Persons representing, either in their own Persons or by Proxy, Two-thirds at least of the Shares in the said Undertaking in right of which Persons are or may be qualified to vote at such General or Special Assembly, and unanimously agreeing to such Subdivision; and that no Acts of the Proprietors at any General or Special Assembly of the said Company, to be held after any such Subdivision as aforesaid, shall be valid, unless there shall at such last-mentioned General or Special Assembly be Persons representing, either in their own Persons or by Proxy, One equal Moiety or Half-part of the Shares in the said Undertaking in right of which Persons are or may be qualified to vote at such last-mentioned General or Special Assembly.

No Person to hold less than One Share; and declaring what shall be a Qualification to vote at General Assemblies.

XIII. Provided always, and it is further enacted, That in the Event of any such Division or Subdivisions being made as aforesaid, no Person or Persons, or Body Politic or Corporate, now being or hereafter becoming a Proprietor in the said Canal Navigations, Undertaking, and Premises, do or shall become a Proprietor of more than so many of the Parts or Shares to be created by any such Division or Subdivisions as aforesaid, according to the Distribution hereby authorized as aforesaid, as shall, when taken together collectively, form a Fiftieth Part or Share of and in the said Canal Navigations, Undertaking, and Premises, according to the Division or Distribution thereof contained in the said recited Act of the Fifty-first Year of His said present Majesty, either in his own Name or in the Names of any other Person or Persons in Trust for him, her, or them (except the same shall have come or shall hereafter come to him, her, or them by Will or Act in Law), upon pain of forfeiting to the said Company, their Suc-

Limiting the Number of Shares to be held by One Person.

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cessors and Assigns, all such Shares exceeding such Fiftieth Part or Share of the said Canal Navigations as aforesaid.

Public Act.

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

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