



ANNO DECIMO

GEORGII IV. REGIS.

Cap. cix.

An Act to explain the Acts for making the *Ulster*
Canal in the Counties of *Fermanagh* and *Armagh*.
[1st June 1829.]

WHEREAS an Act was passed in the Sixth Year of the
Reign of His present Majesty, intituled *An Act for making* 6 G. 4. c. 193:
and maintaining a Navigable Canal from Lough Erne, in
the County of Fermanagh, to the River Blackwater near the Village of
Charlemont in the County of Armagh: And whereas an Act was
passed in the Ninth Year of the Reign of His present Majesty,
intituled *An Act to amend an Act for making and maintaining a* 9 G. 4. c. 96.
Navigable Canal from Lough Erne, in the County of Fermanagh, to
the River Blackwater near the Village of Charlemont in the County
of Armagh: And whereas by the said first-recited Act certain Per-
sons therein named, and their respective Executors, Successors,
Administrators, or Assigns, or such of them as should from Time
to Time be possessed of any Share or Shares in the Canal or Under-
taking thereby authorized to be made and carried on, and also such
other Person or Persons, Bodies Politic and Corporate, as should
from Time to Time be possessed of any Share or Shares therein,
were united into a Company for the making, completing, maintaining,
and carrying on the said Canal and other Works thereby authorized
to be made; and for that Purpose were constituted a Body Politic
and Corporate by the Name and Style of “The *Ulster* Canal Com-
pany” and by that Name to have perpetual Succession and a Com-
[Local.] 29 U mon

mon Seal: And whereas by the said first-recited Act it was enacted, that the said Canal Company should at their First General Meeting, or at some Adjournment thereof, nominate and appoint Fifteen Persons of and out of the said Canal Company, each of whom should at the Time of such Appointment be possessed in his own Name and Right of Five Shares therein, to constitute a Committee of Management for managing and conducting the Affairs and Concerns and Business of the said Undertaking, until the Annual General Meeting which should be held in the Year of our Lord One thousand eight hundred and twenty-eight, at which last-mentioned Annual General Meeting Five of the said Committee were to go out of Office, and Five other Persons were to be nominated and appointed by the said Company to be Members of the said Committee: And whereas by the said first-recited Act it was enacted, that the said Canal Company, or their Committee of Management, should, as soon as the same could be done, cause the Names and Additions of the several Persons who should be entitled to any Share or Shares in the said Navigation and Undertaking, and the Number of Shares to which they should respectively be entitled, and also the proper Number by which every such Share should be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the Clerk to the said Canal Company, and after such Entry to cause the Common Seal of the said Company to be affixed thereto: And whereas at the First General Meeting of the said *Ulster* Canal Company held after the passing and in pursuance of the said first-recited Act, Fifteen Persons, being in fact Holders of not less than Five Shares each in the said Undertaking, were, by a competent Number of Shareholders present at the said Meeting, nominated and appointed a Committee of Management, who continued in Office until the First Annual General Meeting of the said Company, which was held on the First *Wednesday* in the Month of *May* One thousand eight hundred and twenty-eight, when Five of the said Persons went out of Office, as directed by the said first-recited Act, and Five other Persons, duly qualified as aforesaid, were nominated and appointed in the Place of the Five Persons so going out of Office; but Doubts have been entertained whether the Persons so elected at such Meetings to form the Committee of Management were possessed of the Number of Shares in the said Undertaking to qualify them to become Members of such Committee of Management, according to the true Intent and Meaning of the said first-recited Act, inasmuch as the Register Book directed by the said first-recited Act to be kept of the Names and Additions of the Persons entitled to Shares in the said Undertaking has not yet been prepared; and it is expedient that such Doubts be removed: And whereas, in order the more effectually to bind and oblige the several Persons who had previously engaged to become Subscribers to the said Undertaking, a Deed of Subscription and Covenant has been entered into and executed by such Persons (together with others), bearing Date the Second Day of *July* One thousand eight hundred and twenty-eight, whereby the several Persons who have executed the same have subscribed for and covenanted and engaged to pay the several Sums set opposite to their respective Names at the Foot of the said Indenture, as and when they shall be called upon for the same, according to the Provisions of the said first-recited Act;

Act; and all the Persons herein-after referred to as the Persons constituting the present Committee of Management of the said Company have executed the said Indenture: And whereas by the said first-recited Act it was enacted, that it should and might be lawful for the said *Ulster Canal Company* to apply to the Commissioners for the Execution of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund, for the Completion of Works of a Public Nature, and for the Encouragement of the Fisheries in Ireland*, and the several Acts therein recited, for the Advance of any Sum or Sums of Money upon the Security of the Tolls, Rates, and Duties expected to arise and be payable, or which should arise and be payable under the said first-recited Act, upon the Terms and in the Manner in the said first-recited Act mentioned; and also that it should be lawful for the said *Ulster Canal Company* from Time to Time to borrow and take up at Interest such other Sum or Sums of Money, not exceeding in the whole, together with the Sums which might be advanced under the said recited Act of the Third Year of the Reign of His present Majesty, the Sum of One hundred thousand Pounds, for the Purposes of the said first-recited Act, upon the Credit of the before-mentioned Tolls, Rates, and Duties, in the Manner in the said first-recited Act particularly mentioned: And whereas by the said last-recited Act it was enacted, that it should and might be lawful for the said *Ulster Canal Company* from Time to Time to borrow and take up at Interest, for the Purposes of the said first-recited Act and of the said last-recited Act, of and from any Person or Persons, or from the Commissioners for carrying into execution an Act passed in the Fifty-seventh Year of His late Majesty, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor of Great Britain, in manner therein mentioned*, or any subsequent Act or Acts for altering, amending, or extending the Powers of the said Act, any Sum or Sums of Money not exceeding the Sum of Thirty thousand Pounds, in addition to the Sum of One hundred thousand Pounds in the said first-recited Act mentioned, upon the Credit of the before-mentioned Tolls, Rates, and Duties, in the Manner in the said last-recited Act mentioned: And whereas the said *Ulster Canal Company* have not raised either the said Sum of One hundred thousand Pounds mentioned in the said first-recited Act, or the said Sum of Thirty thousand Pounds mentioned in the said last-recited Act, and Doubts have been entertained whether the said Company is properly authorized, by the said recited Acts, to borrow both the said Sums from the Commissioners for carrying into execution the said Act passed in the Fifty-seventh Year of His late Majesty, and the several subsequent Acts for amending and extending the same, and upon what Security and under what Terms and Conditions the said Commissioners can lawfully advance the same; and it is expedient that the said last-mentioned Doubts also should be removed: May it therefore please Your Majesty that it may be enacted; and be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

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Company
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and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Fifteen Persons now appearing by the Books of the said Company to be the Committee of Management of the said *Ulster* Canal Company were duly elected within the Intent and Meaning of the said first-recited Act.

II. And be it further enacted, That it shall be lawful for the said *Ulster* Canal Company to apply for the Loan of the Sum of One hundred and twenty thousand Pounds, being the said Sum of One hundred thousand Pounds and Part of the said Sum of Thirty thousand Pounds, mentioned in the said Two herein-before recited Acts respectively, to the Commissioners for issuing Exchequer Bills for Public Works, acting in execution of the said Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, and of several subsequent Acts for amending and extending the same, or so much of the said Sum of One hundred and twenty thousand Pounds as the said Company shall think fit to borrow; and that it shall be lawful for the said Commissioners and they are hereby authorized and required to advance to the said *Ulster* Canal Company the said Sum of One hundred and twenty thousand Pounds, or so much thereof as the said Company shall think fit to borrow, for the Purposes of the said first-recited Act, upon the Credit or Security of the Tolls, Rates, and Duties to be levied, collected, and raised, and to be payable to the said *Ulster* Canal Company, by virtue of the said first-recited Act, and of the said Work or Undertaking itself, and all other Property belonging to the said Work or Undertaking, without requiring any personal Security for the same, and to advance the same at such Rate of Interest as the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, shall approve of, and also to advance such Sum although the said Undertaking shall not have been commenced, or be only in part completed, at the Time of such Advance, and shall not be in the Receipt of any Tolls, Rates, and Duties, or of any Tolls, Rates, and Duties of sufficient Amount for the Repayment of the Sum to be so advanced, by Instalments, and in the Manner mentioned in the said Acts under which the said Commissioners act, and although the actual or expected Receipt or Produce of the said Works shall not be proved to the Satisfaction of the said Commissioners to be adequate to the Discharge of the Sum to be so advanced, by Instalments, within the Period of Twenty Years from the Date of the said Advance, together with the Interest reserved and made payable on such Advance, and although the said *Ulster* Canal Company shall not expend, subscribe for, or deposit a Sum equal to One Half Part, or to One Third Part of the estimated Costs for the Completion of the said Undertaking, any thing in the said Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, or of any subsequent Act for amending and extending the same, to the contrary notwithstanding; and the Repayment of such Sum which shall be so advanced by the said Commissioners for the Issue of Exchequer Bills, and of the Interest for the same, shall be secured pursuant to the Provisions of the said Act passed in the Fifty-seventh Year of the Reign of His said late Majesty King *George* the Third, and of the

several subsequent Acts for amending and extending the same, except so far as such Provisions are altered or dispensed with by this Act.

III. Provided always, and be it further enacted, That the said Sum of One hundred and twenty thousand Pounds shall be advanced by the said Commissioners in different Sums at different Periods, but so nevertheless as that no such Advance to be made at any One Time shall be less than Four Times the Amount of the Money (if required by the said *Ulster* Canal Company) which previous to the first of such Advances shall have been actually raised, paid, expended, or deposited, to the Satisfaction of the said Commissioners, or of the Lord High Treasurer or Commissioners of His Majesty's Treasury, or any Three of them, for the Time being, by the said *Ulster* Canal Company, or which in the Period between any Two of such Advances, as the Case may be, shall have been so raised, paid, expended, or deposited, over and above any Sum or Sums which shall have been advanced by the said Commissioners under the Authority of this Act.

How Money shall be advanced by Commissioners.

IV. Provided always, and be it further enacted, That after the first of such Advances shall have been made the said Commissioners shall and they are hereby authorized and empowered, in case the Committee of Management shall neglect or omit to do so for the Space of Three Calendar Months after they shall be thereunto required by the said Commissioners, by Notice in Writing left at the Office or last known Office of the said Company, to make Calls on the Subscribers to the said Undertaking, in proportion to the Amount of their respective Subscriptions as Proprietors or Shareholders therein, for such Sum or Sums of Money, over and above the said Sum of One hundred and twenty thousand Pounds, as may be necessary to complete the said Work or Undertaking, in such Manner as the Committee of Management of the said Company are authorized to do by any Act, but not in any other Manner nor for any other Purpose.

Commissioners empowered to make Calls, if Committee of Management neglect so to do.

V. Provided always, and be it further enacted, That it shall and may be lawful for the said Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three of them, from Time to Time, at his or their Discretion, to require and direct the Appointment of a Civil Engineer, or other fit Person, to be approved by the Lord Lieutenant of *Ireland* for the Time being, to survey and report upon the State and Condition of the said intended Canal, and the Manner of executing the Works relating thereto and to the making thereof; and the Person so to be appointed shall be entitled to receive from the said Canal Company such Reward and Remuneration as shall be allowed and approved by the said Lord High Treasurer or Commissioners of His Majesty's Treasury, or any Three of them, for the Service to be performed by him as aforesaid.

Treasury may direct Engineer to be appointed.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to hinder or prevent the said *Ulster* Canal Company from borrowing the Sum of

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Ten thousand Pounds, Part of the said Sum of Thirty thousand Pounds mentioned in the said recited Act of the Ninth Year of His present Majesty, from any Person or Persons, Body or Bodies Politic or Corporate whomsoever or whatsoever, according to the true Intent and Meaning of the said recited Act; but so nevertheless that the Security for the said Sum of Ten thousand Pounds shall be subject and without Prejudice to the Priority of the Securities to be given for the before-mentioned Sum of One hundred and twenty thousand Pounds.

Regulating
Changes in
Committee of
Manage-
ment.

VII. And whereas it was directed by the said first-recited Act that Changes in the Committee of Management after the Year One thousand eight hundred and twenty-eight should be at Intervals of Three Years each, instead of One Year, by reason whereof the Committee of Management of the said Company would, in the Year One thousand eight hundred and thirty-four, be reduced to Five Persons, instead of being kept up to the Number of Fifteen Persons, as required by the said Act; be it therefore further enacted, That Five of the Persons constituting the said first-elected Committee of Management to be selected by Ballot, as in the said first-recited Act mentioned, shall go out of Office at a General Meeting of the said Company to be held within Three Calendar Months after the passing of this Act, (of which Meeting such Notice shall be given as by the said first-recited Act is required with respect to the First General Meeting of the said Company held after the passing of the said first-recited Act,) and the said Company shall then nominate and appoint Five other Persons to be Members of the said Committee of Management; and that the remaining Five Persons of the said first-elected Committee of Management shall go out of Office at the Annual General Meeting of the said Company to be held on the First *Wednesday* in the Month of *May* One thousand eight hundred and thirty, and that the said Company shall then nominate and appoint Five other Persons to be Members of the said Committee of Management; and the Persons so to be elected at the General Meetings of the said Company to be held within Three Calendar Months after the passing of this Act, and on the First *Wednesday* in *May* One thousand eight hundred and thirty respectively, shall be elected in the same Manner, and for the like Period of Three Years from the said Elections respectively, as by the said first-recited Act is provided respecting the Persons to be elected in the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-four respectively; and that such Election of Five Members of the Committee of Management, to serve for Three Years respectively, shall take place in every succeeding Year after the said Year One thousand eight hundred and thirty, as is by the said first-recited Act provided with respect to every Year succeeding the Year One thousand eight hundred and thirty-four.

Recited Deed
to be en-
rolled.

VIII. And be it further enacted and declared, That the hereinbefore mentioned Deed of Subscription and Covenant, bearing Date the Second Day of *July* One thousand eight hundred and twenty-eight, shall, within Six Calendar Months after the passing of this Act, be enrolled in His Majesty's High Court of Chancery.

IX. And

IX. And be it further enacted, That the Costs, Charges, and Expences of applying for and obtaining this Act shall be paid and defrayed out of the first Monies to be raised by virtue of the said recited Acts or this Act.

X. And be it further enacted, That this Act shall be deemed Public Act. 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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