ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. lxxix.

An Act to amend the Provisions of the Acts relating to the Company of Proprietors of the *Stourbridge* Navigation, and to confer further Powers on that Company; and for other Purposes.

[19th *June* 1865.]

WHEREAS an Act was passed in the Sixteenth Year of the Reign of His Majesty King *George* III. Chapter 28, intituled *An Act for making and maintaining a navigable* 16 G. 3. c. 28. *Canal from or near the Town of* Stourbridge *in the County of* Worcester *to join the* Staffordshire *and* Worcestershire Canal *at or near* Stourton *in the County of* Stafford, *and also Two collateral Cuts, one from a Place called* The Fens, *upon* Pensnet Chase, *to communicate with the intended Canal near the Junction of* Wordesley Brook *with the River* Stour, *and the other from a Place called* Black Delph, *upon the said Chase, to join the first-mentioned collateral Cut at or near certain Lands called* The Lays *in the Parish of* Kingswinford *in the said County of* Stafford; and thereby certain Persons were united into a Company, and incorporated by the Name of "The Company of Proprietors of the *Stourbridge* Navigation," and were empowered to make and maintain the Canal and collateral

Cuts thereby authorized, and for that and other Purposes were empowered to raise the Capital of Thirty thousand Pounds, which was to be divided into Three hundred Shares; but no Shareholder was to hold more than Ten Shares: And whereas another Act was passed in the Twenty-second Year of the Reign of His said Majesty,

22 G. 3. c. 14. Chapter 14, intituled *An Act to explain, amend, and render more effectual an Act made in the Sixteenth Year of the Reign of His present Majesty, for making and maintaining a navigable Canal from or near the Town of* Stourbridge *in the County of* Worcester *to join the* Staffordshire *and* Worcestershire Canal *at or near* Stourton *in the County of* Stafford, *and also Two collateral Cuts therein mentioned;* and the said Company were thereby empowered to raise the additional Sum of Ten thousand Pounds for the Purposes of the first-recited Act, and that Sum, together with the Sum of Three thousand Pounds which had been raised as therein mentioned, was to be added to the Capital which the said Company were by the first-recited Act authorized to raise: And whereas under the Authority of the first-recited Act the said Company have constructed the Canal and collateral Cuts authorized by the same Act, and the Works connected therewith, and have maintained the same, and the same are of great public Utility: And whereas under the Powers in the recited Acts the said Company have raised the whole of the original Capital of Thirty thousand Pounds and the said additional Capital of Thirteen thousand Pounds, making together the aggregate Capital of Forty-three thousand Pounds, and the same is divided into Three hundred Shares: And whereas the said Company were not by the recited Acts authorized to raise any further Capital by the Creation of Shares or by Mortgage: And whereas it is desirable that the recited Acts be amended, and that the said Company be empowered to raise additional Capital, and that further Powers be given to the Company; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; that is to say,

Short Title. **1.** This Act may be cited for any Purpose as "The *Stourbridge* Canal Act, 1865."

8 & 9 Vict. cc. 16. & 18., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. **2.** "The Companies Clauses Consolidation Act, 1845," Part 1. and Part 2. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," save so far as any of the Clauses or Provisions thereof respectively are by this Act varied or excepted, are incorporated with this Act: Provided always, that the Incorpo-

Incorporation of "The Lands Clauses Consolidation Act, 1845," shall not authorize the compulsory Purchase or taking of Lands by the Company.

Interpretation of Terms.

3. In construing this Act and the Acts incorporated herewith for the Purposes of this Act the Expressions in this Section mentioned or referred to shall have the Meanings by this Act and the Acts incorporated herewith assigned to them, unless such Meanings be repugnant to or inconsistent with the Subject Matter or Context; (that is to say,)

"The recited Acts" shall mean the said Act of the 16th Year of the Reign of His Majesty King *George* the Third, Chapter 28, and the said Act of the 22d Year of the Reign of His said Majesty, Chapter 14:

"The Special Act" shall mean this Act:

"The Company" and "the Promoters of the Undertaking" shall mean "the Company of Proprietors of the *Stourbridge* Navigation" incorporated by the first-recited Act:

"The Canal" shall mean the Canal and collateral Cuts belonging to the Company, or constructed, diverted, or maintained under the Authority of the recited Acts or of this Act:

"The Undertaking" and "the Works" shall mean the Canal, Reservoirs, Feeders, Works, Lands, Tenements, and Hereditaments of every Description belonging to the Company, or constructed, diverted, or maintained under the Authority of the recited Acts or of this Act:

"Goods" shall include all Goods, Minerals, Clay, Lime, Limestone, Wares, Commodities, Merchandise, and Things of every Description:

The several Words and Expressions to which by the Acts incorporated herewith Meanings are assigned shall have the same respective Meanings.

Recited Acts to have Effect, subject to this Act.

4. The recited Acts shall henceforth take effect, subject to and with the Addition of the Provisions of this Act.

As to the Exercise of Commissioners Powers and Duties.

5. Where by the recited Acts any Powers, Consents, Discretions, or Duties (other than for the Purposes of settling Questions which are herein-after directed to be settled under the Provisions of "The Lands Clauses Consolidation Act, 1845,") are directed to be exercised, given, and performed by the Commissioners therein mentioned, or any Five or more of them, the same Powers, Consents, Discretions, and Duties (other than as aforesaid) shall not be henceforth exercised, given, or performed by the said Commissioners, but may be exercised, given, or performed by Two or more Justices acting together, and if any Person shall feel aggrieved by any Determination or Adjudication of such Justices made under the Authority of this Section, such

Person

Person shall have the same Right of Appeal to the General Quarter Sessions as is by "The Lands Clauses Consolidation Act, 1845," given to any Person who shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture; and where by the recited Acts any Questions are directed to be settled by the said Commissioners or any Five or more of them, but are also made subject to the Verdict of a Jury, such Questions shall not be henceforth settled by the said Commissioners and a Jury, but shall be settled under the Provisions of "The Lands Clauses Consolidation Act, 1845," in the same Manner as if such Questions were Questions of disputed Compensation for Land arising under this Act or the Acts incorporated therewith, and so that where under the recited Acts the Owners or Proprietors of any Mines or Minerals are authorized to make Railways or Roads to convey their Coals, Ironstone, Limestone, and other Minerals to the Canal over the Land or Ground of other Persons, making full Satisfaction for all Damage to be sustained by the Owners or Proprietors of any such Land by reason of the making of such Railways or Roads, the Owners or Proprietors of Mines or Minerals making such Railways or Roads shall for the Purposes of this Section be deemed to be "the Promoters of the Undertaking;" and where by the recited Acts any Damages, Costs, or Expenses are directed to be levied or Penalties recovered, such Damages, Costs, Expenses, and Penalties may be levied and recovered as any Damages, Costs, Expenses, or Penalties incurred under "The Lands Clauses Consolidation Act, 1845," may be levied and recovered.

Commissioners Books and Documents vested in the Company.

6. All Books, Documents, and Writings which under or by virtue of the recited Acts were vested in the said Commissioners or their Clerk are hereby vested in the Company, and the same shall immediately after the passing of this Act be delivered to them or their Secretary; and all Persons who under or by virtue of the recited Acts are entitled to inspect or take Copies of or Extracts from the same shall have as full Power of inspecting and taking Copies of and Extracts from the said Books, Documents, and Writings, and upon the same Terms, as they would have had if this Act had not been passed.

The present Clerk of the dissolved Company to be Secretary of this Company, and to exercise Clerk's Duties.

7. The present Clerk of the Company shall be the Secretary of the Company, with the Salary and Emoluments which before the passing of this Act were annexed to the Office of Clerk, until he shall be removed from the Office, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Powers, and Penalties, in all respects, as if he were appointed Secretary by the Company under this Act; and all the Duties, Powers, and Liabilities by the recited Acts made exerciseable by or imposed upon the Clerk of the Company

Company shall immediately after the passing of this Act be exerciseable by and imposed upon the Secretary of the Company.

As to Conveyances of Copyholds purchased or taken by Company.

8. All Copyhold or Customary Lands already purchased or hereafter to be purchased by the Company may, with the Consent of the Lord of the Manor whereof such Lands are holden, be conveyed to the Company under the Provisions of "The Lands Clauses Consolidation Act, 1845."

Power to Company to purchase Rentcharges.

9. And whereas the Company have contracted with the Owners of divers Lands over or through which the Feeders of the Canal pass for the Purchase of the Lands for such Feeders, or other Easements over or through such Lands for such Feeders, in consideration of perpetual yearly Rentcharges: And whereas such Rentcharges have become subdivided, and many of them are of very small Amount, and payable to numerous different Persons; and the Expenses of paying the same are thereby greatly increased, and it is expedient that the Company should be empowered to purchase the same: Therefore the Company may purchase the said Rentcharges, or any of them, by Agreement.

Power to sell superfluous Land.

10. The Company may, at such Time or Times and in such Manner as they shall think proper, sell to any Person or Persons any Lands for the Time being vested in the Company which shall not be required for the Purposes of the Undertaking.

Capital.

11. The Company may, with the Consent of Three Fifths of the Shareholders of the Company present in person or by proxy at an Extraordinary Meeting, raise further Capital by the Creation of new Shares, whether preferential or not, of such an Amount, upon such Terms, and in such Manner as shall be determined at such Meeting, not exceeding in the whole the additional Sum of Twelve thousand Pounds.

Receipts for Persons under Disability.

12. The Receipt of the Guardian of any Shareholder or Stockholder being a Minor, or the Committee of any Shareholder or Stockholder being an Idiot, Lunatic, or Person of unsound Mind, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder or Stockholder.

Power to subdivide Shares.

13. The Company may from Time to Time, with the Consent of Three Fifths of the Shareholders of the Company present personally or by proxy at an Extraordinary Meeting, subdivide the Shares for the Time being in the Capital of the Company into as many equal Shares of a not less nominal Amount than Ten Pounds as they shall think fit; and every Person and Corporation who immediately before any such Subdivision shall stand possessed of or entitled to any Share in the Capital of the Company (whether such previous

Share shall be One of the original Shares of the Company or a new or subdivided Share) 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 as would be equal to such his or their previous Share as aforesaid, and shall have and be entitled to the like Advantages, Emoluments, and Privileges in respect to the Shares which he or they shall or may become possessed of or entitled to under or by virtue of such Subdivision (and so as to give Effect to and not to revoke or prejudicially affect any Deed, Will, or other Instrument disposing of or affecting such previous Share) as he or they would have been entitled to in respect to his or their previous Share if no such Subdivision had taken place, and he and they shall stand and be possessed of the said Shares created by any such Subdivision as aforesaid upon the same Trusts, and subject to the same Powers, Provisions, Declarations and Agreements, Charges and Incumbrances, as the Trusts, Powers, Provisions, Declarations and Agreements, Charges and Incumbrances, upon or to which the previous Share would have been held and subject had the same not been subdivided as aforesaid.

Removal of Restrictions as to holding Shares.

14. After the passing of this Act, there shall not be any Restriction upon the Number of Shares to be held by any Person or Corporation.

Provisions as to voting, &c. repealed.

15. The Provisions of the recited Acts prescribing the Mode of voting at General Assemblies, the Time and Place of holding and the Constitution of General and Special Assemblies, the Election and Constitution of a Committee, the Removal of Committee-men, the Mode of selling and transferring Shares, and the Appointment of a Clerk to the Company, are hereby repealed.

Committee to remain in Office and to be First Directors.

16. The several Persons who on the passing of this Act are the Members of the Committee of the Company shall be the First Directors of the Company, and shall remain in Office until the First Ordinary Meeting of the Company, or until other Directors are elected in their Stead.

Number of Directors.

17. The Number of Directors to be elected under this Act shall be Seven, and the Quorum shall be Four.

Power to reduce the Number of Directors.

18. The Company may reduce the Number of Directors, provided that the reduced Number be not less than Five, and that in the event of such Reduction the Quorum shall be Three.

Qualification of Directors.

19. No Person shall be capable of being a Director unless he be possessed of Shares in the Capital of the Company of the nominal Value of Two hundred and eighty-six Pounds Thirteen Shillings and Fourpence at least.

20. A General

General Meeting of the Company.

20. A General Meeting of the Company shall be held on the First *Monday* in the Month of *January* next after the passing of this Act.

Future General Meetings of the Company.

21. The future General Meetings of the Company shall be held in the Months of *January* and *July* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting.

Quorum for General Meetings of Shareholders.

22. In order to constitute a General Meeting of the Company there shall be present either personally or by proxy not less than Five Shareholders or Stockholders, holding in the aggregate Shares or Stock in the Capital of the Company of not less nominal Value than Four thousand three hundred Pounds, and at every such General Meeting each Shareholder and Stockholder shall have One Vote in respect of every Seventeen Pounds Eighteen Shillings and Fourpence of Capital which he may have in Shares or Stock of the Company.

Directors to exercise Powers of dissolved Company.

23. All Powers by the recited Acts conferred upon General Assemblies of the Company are hereby conferred upon the Company.

Directors to exercise Powers of Committee of Company.

24. All the Powers and Duties by the recited Acts conferred or imposed upon the Committee of the Company are hereby conferred and imposed upon the Directors of the Company.

Calls.

25. If the Company create any Capital under the Provisions of this Act, Twenty Pounds *per Centum* on the Amount of such Capital shall be the greatest Amount of the first or any subsequent Call which may be made in respect thereof, and so in like Manner with respect to every subsequent Creation of Capital which may be made by the Company; and in all Cases there shall be an Interval of not less than Three Months between the successive Calls; and the aggregate Amount of all Calls on any One Share in One Year shall not exceed Four Fifths of the Amount of such Share.

Restriction as to Issue of Shares.

26. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid up in respect thereof.

Power to borrow on Mortgage.

27. The Company from Time to Time, with the Authority of a General Meeting, may raise by borrowing on Mortgage any Sum of Money not exceeding in the whole the Sum of Eight thousand Pounds.

Application of Monies.

28. All Monies raised by the Company under the Powers of this Act by Shares or Stock or by borrowing shall be applied only in the Construction and Erection of new Works and Buildings of a permanent Character, in the Purchase of or Compensation for Lands, Mines,

Mines, and Rentcharges, and in increasing and preserving the Supplies of Water, and in Payment of the Costs, Charges, and Expenses of obtaining and passing this Act, or for some of such Purposes.

Nothing to alter, &c. Liability of Proprietors of Birmingham Canal.

29. Nothing in this Act contained shall alter, enlarge, or increase any Liability of the Company of Proprietors of the *Birmingham* Canal Navigations under any Guarantee or Obligation, or extend any such Guarantee or Obligation to any Capital or Monies raised or borrowed pursuant to the Powers of this Act, or in anywise prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of that Company, or impose upon them any new or additional Burden or Obligation.

Powers to construct Warehouses and other Works.

30. Subject to the Provisions contained in the recited Acts for the Protection of *John Hodgetts*, his Heirs or Assigns, the Company may, upon any Lands for the Time being vested in them, construct such Dwelling Houses, Offices, Warehouses, Storehouses, Sheds, and other Buildings and Works as they may deem necessary for the Accommodation of the Canal, and may erect or provide such Cranes, weighing and other Machines, Conveniences, Weights, and Measures, as they may think necessary for loading, unloading, measuring, and weighing the Goods warehoused or stored in such Warehouses, Storehouses, Sheds, or Buildings, or carried or conveyed upon the Canal.

Power for Company to grant Leases.

31. The Company may from Time to Time, with the Consent of the Shareholders present in person or by proxy at an Extraordinary Meeting, grant Leases of any Wharf, Quay, Landing Place, Crane, Warehouse, Shed, or other Building, and of any Land for the Time being vested in the Company, for building, repairing, improving, or any other Purposes, for any Term of Years in possession, for such Consideration by way of Premium or Rent, and upon such Conditions, as the Company may think fit.

Canal, &c. not exempt from Provisions of present and future General Acts.

32. Nothing in this Act contained shall exempt the Canal or the Company from the Provisions of any General Act relating to Navigation, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Tolls by the recited Acts authorized.

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