ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 42.

An Act to amend and enlarge the Powers of the ſeveral Acts relating to the *Stratford-upon-Avon* Canal Navigation. [12th *May* 1809.]

WHEREAS an Act was paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for making and maintaining a Navigable Canal from the* Worceſter *and* Birmingham *Canal Navigation in the Pariſh of* King's Norton, *into the Borough of* Stratford-upon-Avon, *and alſo certain Collateral Cuts from the ſaid intended Canal*, 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 united into a Company for carrying on, making, completing, and maintaining the ſaid Navigable Canal and Collateral Cuts paſſable for Boats, Barges, and other Veſſels, and were incorporated by the Name of "The Company of Proprietors of the *Stratford-upon-Avon* 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 of Proprietors were authorized and empowered to raiſe and contribute among themſelves, in ſuch Proportions as to them ſhould ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid Canal and Collateral 33 G. 3. c. 112.

lateral Cuts, and the Reſervoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniencies to the ſame belonging or requiſite, not exceeding in the Whole the Sum of One hundred and twenty thouſand Pounds (except as therein-after 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 thereunto, and all other Expences relating to the ſame, and all the Reſidue of ſuch Money for and towards the making, completing, and maintaining the ſaid Canal and Collateral Cuts, and other Purpoſes of the ſaid Act, which ſaid Sum of One hundred and twenty thouſand Pounds, or ſo much thereof as ſhould be raiſed by the ſeveral Perſons therein named, was to be divided into One thouſand two 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 twenty thouſand Pounds ſhould be found inſufficient for making, completing, and maintaining the ſaid Canal, Collateral Cuts, 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 Sixty thouſand Pounds; and in caſe the ſaid Company of Proprietors ſhould be deſirous of raiſing the ſaid Sum of Sixty thouſand Pounds by Mortgage of the ſaid Undertaking, they are thereby empowered to borrow and take up at Intereſt the ſaid Sum of Sixty thouſand Pounds or any Part thereof, 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 by the ſaid Act to the ſaid Company of Proprietors, or any Part thereof, as a Security for the Money ſo to be borrowed, with Intereſt for the ſame, to ſuch Perſon or Perſons as
35 G. 3. c. 72. ſhall advance the ſame: And whereas by another Act, paſſed in the Thirty-fifth Year of the Reign of His ſaid preſent Majeſty, intituled, *An Act for making a Navigable Cut from the* Stratford-upon-Avon *Canal in the Pariſh of* Lapworth, *into the* Warwick *and* Birmingham *Canal, in the Manor of* Kingſwood, *in the County of* Warwick, the ſaid Company of Proprietors were empowered, in caſe the Money authorized to be raiſed and borrowed by virtue of the ſaid recited Act, ſhould be found inſufficient for making, completing, and maintaining the ſaid Canal and other the Works thereby authorized to be made, and alſo the ſaid intended Cut and other the Works by the Act now in recital authorized to be made, to borrow and take up at Intereſt any further Sum of Money not exceeding Ten thouſand Pounds, upon the Credit of their ſaid Undertaking, as to them ſhould ſeem fit and conven ent, and to aſſign the Property of the Navigation of the ſaid *Stratford-upon-Avon* Canal, and the ſaid intended Cut and the Rates granted by the ſaid recited Act and the Act now in recital, to the ſaid Company of Proprietors or any Part thereof, as a Security for the Money ſo to be borrowed, with the Intereſt for the
39 G. 3. c. 60. ſame, to ſuch Perſon or Perſons as ſhould advance the ſame: And whereas by another Act, paſſed in the Thirty-ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for authorizing the Company of Proprietors of the* Stratford-upon-Avon *Canal Navigation, to vary the Courſe of certain Parts of the ſaid Canal, directed to be made by an Act paſſed in the Thirty-*

Thirty-third Year of the Reign of His present Majesty, and also to make a Branch out of the said Canal, and also to vary the Course of a Navigable Cut directed to be made from the said Stratford-upon-Avon *Canal, in the Parish of* Lapworth, *into the* Warwick *and* Birmingham *Canal, in the Manor of* Kingswood, *in the County of* Warwick, *by another Act passed in the Thirty-fifth Year of the Reign of His present Majesty, and for amending the said Acts*; the said Company of Proprietors of the said *Stratford-upon-Avon* Canal Navigation were authorized and empowered, in order to enable them to complete the said Canal, Cut, and Branch and other Works authorized to be made by the said recited Acts and the Act now in recital, to raise, either by Subscription among themselves or by the Admission of new Subscribers, or otherwise in the Act now in recital mentioned, any further Sum of Money which, with the Sum of Ten thousand Pounds authorized to be borrowed under the said last recited Act, should not exceed the Sum of Forty-five thousand Pounds; and in case the said Sum of Forty-five thousand Pounds or any Part thereof, should be raised by Subscription, the said Sum should be divided into One thousand two hundred Pounds Quarter Shares, each Quarter Share to be of the Value of Thirty-seven Pounds Ten Shillings: And whereas the said Company of Proprietors have in Part executed the several Works directed by the said recited Acts, and have for those Purposes raised by Subscription among themselves the whole Sums of One hundred and twenty thousand Pounds and Sixty thousand Pounds, and have expended thereon and in the Execution of the said recited Acts the Whole of such Sums, except the Sum of Twenty-six thousand two hundred and twenty-eight Pounds Ten Shillings and Eight-pence, the Amount which remained due out of Two hundred and nineteen Shares forfeited to the Company, and which has become a Part of their joint and corporate Stock, and have also taken up at Interest the Sum of Two thousand six hundred and ninety Pounds under the Authority of the said Two last recited Acts, and have applied the same Money for putting the said Acts in Execution; and the said Company of Proprietors have incurred in the Prosecution of the said Undertakings Debts to a large Amount, which they now owe, and a great Part of the said Undertakings remains unfinished, whereby the Public are deprived of the Benefit and Advantage formerly held forth to them, and whereby the Proprietors of Shares in the said Undertakings are losing those Benefits which were expected to arise to them from the said Navigation: And whereas the Price or Sum mentioned in the last above recited Act for the Admission of new Subscribers, was so high that no Person would subscribe or take any Share or Quarter Shares therein, or applied to take or did take any Annuity authorized to be granted by the said Two last recited Acts or either of them, nor could any Money be raised on the Security thereof except the said Sum of Two thousand six hundred and ninety Pounds as before-mentioned: And whereas the said Company of Proprietors have hitherto found it impracticable, by any of the Ways and Means authorized by the said Two last recited Acts, to raise Money for discharging their said Debts, and for carrying on, completing and finishing the Works of the said Navigable Canal and Collateral Cuts and Branch, and they 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 several 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 Ninety 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, notwithſtanding that the ſame Sums have not been wholly raiſed and received; any Thing in the ſaid Acts, or any or either of them, contained to the contrary thereof notwithſtanding.

Powe 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 Ninety thouſand Pounds, except as herein-after is mentioned; and in caſe the ſaid Sum of Ninety thouſand Pounds ſhall be raiſed by voluntary Subſcription as aforeſaid, the ſaid Sum ſhall be divided into Two thouſand two hundred and fifty additional Shares, each Share to be of the Value of Forty Pounds, or into ſuch other Number of Shares not exceeding Three thouſand Shares, and of ſuch Value as herein-after directed, all which Shares 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 *Stratford-upon-Avon* Canal Navigation, and the ſeveral Powers, Directions, Penalties, 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, or ſuch other Sum as ſhall be hereafter determined upon, 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

Mode of raiſing the Money.

Acts

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.

General or Special Assembly authorized to reduce Shares from 40l. to 30l. and to put the Subscribers upon an equal footing.

III. Provided always, and be it further enacted, That if it shall appear to any General Assembly or Special General Assembly to be at any Time or Times hereafter holden by virtue of this and the said recited Acts, or any or either of them, that the said Sum of Ninety thousand Pounds cannot be raised by Shares of Forty Pounds each, then it shall be lawful for the said Company of Proprietors to raise the said Sum of Ninety thousand Pounds by Shares of Thirty Pounds each, or by Shares of any greater Value than Thirty Pounds and less than Forty Pounds, as may be determined upon at any General Assembly or Special General Assembly to be hereafter holden as aforesaid: Provided always, that in no Case the said Shares do exceed Three thousand in Number: Provided also, that if any Part of the said Ninety thousand Pounds shall have been raised by Shares of Forty Pounds each, and it shall afterwards be found impracticable to raise the Whole Sum of Ninety thousand Pounds by Shares of Forty Pounds each, and that it will be expedient to raise the same Sum by Shares of Thirty Pounds each, or by Shares of any greater Value than Thirty Pounds and less than Forty Pounds, then and in any such Case the Person or Persons who may have subscribed to such Forty Pounds Shares, shall not be compelled or compellable to pay any greater Subscription than the settled Price of the Shares upon which the said Sum of Ninety thousand Pounds shall be ultimately raised; and if it shall appear to any General Assembly or Special General Assembly as aforesaid, that any Person or Persons shall have paid his, her, or their full Share of Forty Pounds, then the Difference in Amount between the said Sum of Forty Pounds and the finally settled Price of Shares by which the said Sum of Ninety thousand Pounds shall be raised, shall be ordered to be reimbursed and paid by the Treasurer of the said Company of Proprietors to the Subscriber and Subscribers of every such Share of Forty Pounds.

Subscribers to be liable only for the Amount of their Subscription.

IV. Provided also, and be it further enacted, That nothing in this Act or the said recited Acts contained shall be construed to oblige or compel any of the Subscribers for the additional Shares to be created by virtue of this Act, to pay or advance any farther or greater Sum of Money than he, she, or they shall hereafter agree to subscribe towards the said Undertaking.

The Money may be raised by Mortgage.

V. 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 Ninety thousand Pounds or any Part thereof by mortgage of the Rates authorized to be collected on the said Canal, instead of raising the said Sum by voluntary Subscriptions amongst themselves,

or by the Admiſſion of new Subſcribers, then it ſhall be lawful for the ſaid Company of Proprietors 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 Ninety thouſand Pounds or any Part thereof; 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 Collateral Cuts and Branch, and the Rates to ariſe by virtue of the ſaid recited Acts or any or either of them, or any Part thereof, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, with Intereſt, to the Perſon or Perſons who ſhall advance the ſame, or to his, her, or their Truſtee or Truſtees, by Deed of Mortgage, in like Manner and Form, and with and ſubject to the like Powers and Directions for transferring every ſuch Mortgage, and to the like Remedies, Regulations, and Proviſions touching and concerning the ſame, and the Intereſt thereby to be ſecured, as are mentioned or contained in and by the ſaid recited Acts or either of them, reſpecting the borrowing of Money 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 Two thouſand ſix hundred and ninety 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, without any Preference by reaſon of the Priority of Date of any ſuch Mortgage or otherwiſe.

Power to raiſe a further Sum in caſe the ſaid Sum of 90,000l. ſhall not be ſufficient.

VI. And be it further enacted, That in caſe the ſaid Sum of Ninety thouſand Pounds herein-before authorized to be raiſed, ſhould be found inſufficient for completing the ſaid Canal, Collateral Cuts and Branch and other Works, 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, Collateral Cuts and Branch and other Works, not exceeding in the Whole the Sum of Thirty thouſand Pounds, over and above the before-mentioned Sum of Ninety thouſand Pounds, and over and above ſo much of the whole Sum of Forty-five thouſand Pounds, authorized to be raiſed by the ſaid recited Acts of the Thirty-fifth and Thirty-ninth Years of His preſent Majeſty, which has not been raiſed and received as aforeſaid, any Thing in the ſaid Acts or either of them contained to the contrary notwithſtanding, which ſaid Sum of Thirty 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 Seven hundred and fifty Shares, and of 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, at a General Aſſembly or Special General Aſſembly, ſhall from Time to Time think expedient or

neceſſary

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 Two thouſand two hundred and fifty Shares to be created as aforeſaid, or of any greater Number of Shares which may be created under the Powers herein-before given for raiſing the ſaid Sum of Ninety thouſand Pounds, are by this Act 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 at a General Aſſembly or Special General Aſſembly 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, Collateral Cuts, and Branch and other Works, and other Purpoſes herein-before mentioned.

Power for raiſing Money by Quarter Shares repealed.

VII. And whereas it has been found impracticable to raiſe any Sum or Sums of Money by creating additional Quarter Shares by virtue of the Power given to the ſaid Company of Proprietors, by the ſaid recited Act of the Thirty-ninth Year of the Reign of His preſent Majeſty; be it therefore enacted, That the Power for creating ſuch Quarter Shares contained in the ſaid Act, ſhall be and the ſame is hereby declared to be repealed.

Power to make Calls.

VIII. 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 or Special 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 Ninety thouſand Pounds, and the ſaid further Sum of Thirty thouſand Pounds for the Purpoſes aforeſaid, ſubject to the Regulations herein-after mentioned, as ſuch General Aſſembly or Special 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 for 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 Special 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

ſhall be appointed as aforeſaid, and of which Time and Place Twenty Days Notice ſhall be given by publiſhing the ſame in ſome Newſpaper or Newſpapers circulated in the County of *Warwick*, or in any other Manner which the ſaid *Stratford-upon-Avon* Canal Company ſhall at any General Aſſembly or Special General Aſſembly or their Committee 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;

IX. 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, ſhall at the Time of his, her, or their ſubſcribing pay to the Treaſurer of the ſaid Company of Proprietors for the Time being, One Pound by way of Depoſit on each Share for which he or ſhe ſhall ſubſcribe, and that the Remainder of the Subſcription ſhall be paid by Calls of Four Pounds each, or ſuch leſs Sum than Four Pounds, as the ſaid Committee ſhall fix on each Share ſubſcribed for, and that the One Pound Depoſit ſhall be conſidered as Part of the firſt Call, and the remaining Three Pounds or ſuch leſs Sum as the ſaid Committee ſhall fix *per* Share of the ſaid firſt Call, ſhall be paid as ſoon as the ſame ſhall be called for, and be ordered to be paid after the paſſing of this Act; but that the future Calls of Four Pounds each, or ſuch leſs Sum as the ſaid Committee ſhall fix 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.

or ſuch Sum leſs than 4 *l.* as the Committee direct.

Calls not to be made until the Sum of 60,000 *l.* ſhall be ſubſcribed.

X. 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 Sixty 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.

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

XI. Provided alſo, and be it further enacted, That in caſe the Whole of the ſaid Sum of Ninety 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 any 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.

Shares bought up to merge in the Undertaking.

XII. 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 or Special 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 of Proprietors in Trust for the said Company of Proprietors, 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 belonging to the said Canal, Collateral Cuts and Branch or other Works, or any other Purpose necessary for carrying on the same.

For repealing certain Parts of the Acts of 33 & 39 G. 3.

XIII. And whereas by the said recited Act of the Thirty-third Year of the Reign of His present Majesty it is enacted, that the said Company of Proprietors shall hold one General Assembly in every Year, for the Purpose of electing Fifteen Persons (being Proprietors of Five or more Shares in the said Navigation) to be a Committee to manage the Affairs of the said Company, and that such Annual General Assembly shall consist of Persons who are entitled to Three hundred Shares in the said Undertaking; and that no Person shall give or deliver more Proxies than for Five absent Proprietors to vote in any public Assembly to be held by virtue of the now reciting Act: And whereas by the said recited Act of the Thirty-ninth Year of the Reign of His present Majesty it is enacted, that it shall not be lawful for any Proprietor of the said Canal, at any General or Special General Assembly of the said Company of Proprietors, to vote either in Person or by Proxy for any greater Number of Shares than Forty Shares: And whereas it will be expedient, when the Number of Shares in the said Undertaking shall have been increased as aforesaid, that the Persons to be chosen on the said Committee should be possessed of a greater Number of Shares than is required by the said Act of the Thirty-third Year of His present Majesty, to render a Person eligible to such Office, and that such General Assemblies should consist of Persons entitled to a larger Number of Shares in the said Undertaking than directed by such Act; and that any Proprietor of the said Canal shall be allowed to vote either in Person or by Proxy at any General Assembly or Special General Assembly of the Company of Proprietors for any Number of Shares not exceeding One hundred, and to hold any Number of Proxies which may be necessary for that Purpose; be it therefore further enacted, That as soon as the Sum of Ninety thousand Pounds shall have been subscribed for by Shares in the said Undertaking, or raised by other Modes directed by the said recited Acts and this Act, so much of the said first recited Act as directs that the Members of the said Committee shall be possessed of Five Shares in the said Navigation, and also so much and such Parts of the same Act as direct that the Annual General Assembly of

of the ſaid Company of Proprietors ſhall conſiſt of Perſons who are entitled to Three hundred Shares in the ſaid Undertaking, and alſo ſo much and ſuch Parts of the ſaid Act of the Thirty-ninth Year of His preſent Majeſty, as reſtrain any Proprietor of the ſaid Canal from voting at any General or Special General Aſſembly of the ſaid Company of Proprietors for any greater Number of Shares than Forty Shares, ſhall be and is and are hereby reſpectively repealed; and that no Perſon ſhall thereafter be eligible to be choſen a Member of the ſaid Committee to manage the Affairs of the ſaid Company of Proprietors, who ſhall not be poſſeſſed of Ten Shares or more in the ſaid Undertaking; and that every ſuch Annual General Aſſembly and every Special General Aſſembly of the ſaid Company of Proprietors ſhall conſiſt of Perſons who are entitled to One thouſand Shares or more in the ſaid Undertaking; and that ſuch General Annual Aſſembly ſo conſtituted, and the ſaid Committee Men to be by them elected and qualified according to the Directions of this Act, ſhall be inveſted with the like Powers and Authorities, and be under ſuch Limitations, Reſtrictions, and Controul in every reſpect, as in the ſaid firſt recited Act is mentioned, except as herein is excepted; and that from and after the ſaid Sum of Ninety thouſand Pounds ſhall have been raiſed by Subſcription under this Act, or by the other Modes as before directed, it ſhall be lawful for any Proprietor of the ſaid Canal, at any General Aſſembly or Special General Aſſembly of the ſaid Company of Proprietors, to vote either in Perſon or by Proxy for any Number of Shares not exceeding One hundred, and to hold any Number of Proxies which may be neceſſary for that Purpoſe; any Thing in the ſaid recited Acts or either of them to the contrary notwithſtanding.

Certain Regulations as to Deeds of Bargain and Sale or Transfers, repealed.

XIV. And whereas in and by the ſaid recited Act of the Thirty-third Year of His 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 the ſaid Clauſe or Enactment ſhall be and is hereby repealed; and that from and after the paſſing of this Act, it ſhall not be neceſſary to execute a Duplicate of the Deed of Bargain and Sale or Transfer of any Share or Shares in the ſaid Undertaking as by 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 of Proprietors, 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 Transfers were executed by the Vendor and

Vendee

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

Proprietors not compellable to ſell forfeited Shares.

XV. And whereas many of the original Shares in the ſaid Undertaking have been declared to be forfeited under the Proviſions of the ſaid firſt recited Act, for the Benefit of the other Proprietors of the ſaid Undertaking: And whereas it is enacted by the ſaid firſt recited Act, that all ſuch Forfeitures ſhall be ſold at a public Sale by the ſaid Company of Proprietors for the moſt Money they can get for the ſame, and that the Produce thereof ſhall be equally divided amongſt the Reſt of the Company of Proprietors, in Proportion to their reſpective Shares and Intereſt in the ſaid Navigation and Undertaking: And whereas the ſaid Company of Proprietors or their Committee for the Time being may deem it expedient, and for the Benefit of the ſaid Undertaking, that ſuch Forfeitures ſhould not be ſold according to the Directions of the ſaid firſt recited Act, but that ſuch Forfeitures ſhould merge in the Proprietors of the ſaid Company, or that ſuch Shares ſo declared to be forfeited ſhould be transferred to the Clerk of the ſaid Company of Proprietors, in Truſt for the Benefit of the ſaid Company of Proprietors; be it therefore enacted, That nothing in the ſaid firſt recited Act contained ſhall compel or require the ſaid Company of Proprietors to expoſe to Sale any Share or Shares in the ſaid Undertaking which may have been forfeited, or ſhall hereafter be forfeited for the Benefit of the ſaid Company, or to prevent, hinder or reſtrain the ſaid Company of Proprietors from directing and declaring that all forfeited Shares ſhall and may merge in the ſaid Company of Proprietors for the Benefit of the ſaid Undertaking, or that all and every ſuch Shares and Share which have been or ſhall hereafter be forfeited, ſhall and may be transferred to the Clerk of the ſaid Company of Proprietors in Truſt for their Benefit, in like Manner as they could or might have done if no ſuch Direction or Enactment for Sale of forfeited Share or Shares had been given or contained in the ſaid firſt recited Act; any Thing in the ſaid firſt recited Act to the contrary notwithſtanding.

Application of Compenſation when exceeding 200l.

XVI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts and this Act, or any of them, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee or Truſtee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Ceſtuique Truſt, or to any other Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any other Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* "The Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation," together with the Name or Names of ſuch Perſon or Perſons as any Five of the ſaid Commiſſioners appointed by or in purſuance of the ſaid recited Acts, or either of them, ſhall by Writing under their Hands direct and appoint, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order

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

Under 200*l.* and not amounting to 20*l.*

XVII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes ſuch Money ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Commiſſioners (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Under 20 l.

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

In caſe of not making out Titles, &c.

XIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Acts and this Act, or any of them, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Commiſſioners or any Five or more of them, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners or any Five or more of them to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands at the Time of ſuch Purchaſe ſhall be

XX. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Acts and this Act, or any of them, or to any Bank Annuities to be purchaſed with ſuch Monies, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of the Lands, Tenements, or Hereditа-

deemed entitled thereunto according to such Possession.

Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of such Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XXI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased by the said Trustees under the Authority of the said recited Acts and this Act, or any of them, the Purchase Money for the same shall be required to be paid into the said Court and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Extending the Powers of the said Acts to this Act.

XXII. And be it further enacted, That the said Acts passed in the Thirty-third, Thirty-fifth and Thirty-ninth Years of the Reign of His 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 repealed, 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.

Paying the Expences of the Act.

XXIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors 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.

Public Act.

XXIV. 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.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1809.