ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 35.

An Act for enabling the Company of Proprietors of the *Worceſter* and *Birmingham* Canal Navigation to raiſe Money to diſcharge their Debts, and to complete the ſaid Canal Navigation; and for amending the ſeveral Acts paſſed for making the ſaid Canal Navigation. [16th *May*, 1804.]

WHEREAS an Act was paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for making and maintaining a Navigable Canal from, or from near to, the Town of* Birmingham, *in the County of* Warwick, *to communicate with the River* Severn, *near to the City of* Worceſter, whereby certain Perſons therein named, and their Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as they ſhould nominate and appoint under their Hands and Seals, were incorporated and united into a Company for carrying on, making, completing, and maintaining the ſaid Navigable Canal, paſſable for Boats, Barges, and other Veſſels, and were incorporated by the Name of "*The Company of Proprietors of the Worceſter and Birmingham Canal Navigation*," and by that Name were to have perpetual Succeſſion, and a Common Seal, with ſuch Powers as in the ſaid Act are mentioned, and the ſaid Company were authorized and empowered to raiſe and contribute amongſt themſelves, in ſuch Proportions as to them ſhould ſeem meet and convenient, ſuch Sum or Sums of Money, 31 G. 3.

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

tum upon every Share in the ſaid Navigation, conſidering every ſuch Share to be of the Value of One Hundred and Sixty Pounds at the leaſt, the ſaid Company of Proprietors of the *Worceſter* and *Birmingham* Canal Navigation ſhould, and they are thereby directed and required to make up ſuch Deficiency to the ſaid Company of Proprietors of the *Droitwich* Canal Navigation, and ſo from Time to Time, as often as any ſuch Deficiency ſhould happen, and the ſaid Company of Proprietors of the *Worceſter* and *Birmingham* Canal Navigation are thereby alſo required, within Thirty Days next after the End of every Year, from the Twenty-fourth Day of *June* One thouſand ſeven hundred and ninety-one, to ſettle with the Company of Proprietors of the ſaid *Droitwich* Canal Navigation the ſaid Annual Compenſation, and make up ſuch Deficiency as aforeſaid to the ſaid Company of Proprietors of the *Droitwich* Canal Navigation, in caſe it ſhould happen that in the preceding Year the clear Profits of the Company of Proprietors of the *Droitwich* Canal Navigation ſhould not amount to Five Pounds *per Centum* upon every Share in the ſaid Navigation, conſidering every ſuch Share to be of the Value of One hundred and Sixty Pounds: And whereas an Act was paſſed in the Thirty-eighth Year of the Reign of His ſaid preſent Majeſty, intituled, *An Act for amending and enlarging the Powers of an Act, paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled,* "*An Act for making and maintaining* "*a Navigable Canal from, or from near to, the Town of* Birmingham, *in* "*the County of* Warwick, *to communicate with the River* Severn, *near to* "*the City of* Worceſter," whereby the ſaid Company of Proprietors were authorized and empowered to raiſe and contribute amongſt themſelves, in Manner in the ſaid Act mentioned, or by the Admiſſion of new Subſcribers, or by granting Annuities, or by Mortgage of the Rates authorized to be collected by the firſt herein recited Act, and by the Act now in recital, any Sum or Sums of Money for the Purpoſes of the ſaid Acts, not exceeding in the Whole the Sum of One hundred and forty-nine thouſand nine hundred and twenty-nine Pounds one Shilling and one Penny Halfpenny: And whereas the ſaid Company of Proprietors have proceeded in the making and completing of certain Parts of the ſaid Navigation and Works by the ſaid recited Acts authorized to be made, and have expended therein not only the Whole of the ſaid Sums of One hundred and eighty thouſand Pounds, and Seventy thouſand Pounds (ſave and except a ſmall Part thereof, which through the Inſolvency or Inability of ſome of the ſaid Proprietors has not yet been paid), but have incurred ſundry Debts, as well for Land ſet out or taken for the Uſe of the ſaid Navigation, or the Works appertaining thereto, and for the Uſe of the ſaid Reſervoirs, as alſo for Materials, Utenſils, and Implements uſed, and Labour performed, in the Proſecution of the ſaid Undertaking, and for Compenſation to the Company of Proprietors of the ſaid *Droitwich* Canal Navigation, amounting in the Whole to the Sum of Ten thouſand Pounds and upwards, and there being an Arrear of One thouſand nine hundred Pounds and upwards due to the Company of Proprietors of the ſaid *Droitwich* Canal Navigation in order to make up ſuch Deficiency of Compenſation as aforeſaid, and almoſt the Whole of the ſaid Reſervoirs yet remains unfiniſhed, and which will coſt the Sum of Seventeen thouſand Pounds and upwards to complete and finiſh, and a great Part of the ſaid Undertaking alſo yet remains unfiniſhed, whereby the Public are deprived of the Benefit and Advantage formerly held forth to them, and the Subſcribers of Shares in the ſaid Undertaking are loſing thoſe Benefits which

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Company have proceeded in making the Canal.

Mandamus for making Reſervoirs has been granted.

which were expected to ariſe to them from the ſaid Navigation: And whereas the Occupiers of the Mills on the River *Rea*, in the ſaid firſt-recited Act mentioned, have applied to His Majeſty's Court of King's Bench at *Weſtminſter* for a Writ of Mandamus to compel the ſaid Company of Proprietors, at their own Expence, to make and complete the Three Reſervoirs for the Benefit of the ſaid Mills, at the Places and in Manner in the ſaid Act directed to be made, immediately after the making of the ſaid Canal over the ſaid River *Rea*, and which Canal has been ſome Time made over the ſaid River; and the ſaid Company of Proprietors of the *Droitwich* Canal Navigation have commenced Actions againſt the ſaid Company of Proprietors of the *Worceſter* and *Birmingham* Canal Navigation, to compel Payment of the Arrears due to the ſaid *Droitwich* Canal Company, and have obtained Judgment againſt the ſaid Company of Proprietors of the *Worceſter* and *Birmingham* Canal Navigation; and the ſaid Court of King's Bench have granted a peremptory Mandamus againſt the laſt-mentioned Company of Proprietors, to compel them to make the ſaid Three Reſervoirs laſt mentioned, and which alone will coſt the Sum of Nine thouſand three hundred Pounds and upwards, all which ſaid Debts and Sums of Money which the ſaid Company of Proprietors are obliged immediately to raiſe for the Purpoſes aforeſaid, ought to be raiſed and paid by the Company of Proprietors of the ſaid Canal Navigation, rateably and in proportion to their reſpective Shares and Intereſts in the ſaid Concern: And whereas the ſaid Company of Proprietors have hitherto found it impracticable to raiſe by Mortgage of the ſaid Undertaking, or by the other Ways and Means in the ſaid recited Act of the Thirty-eighth of His preſent Majeſty mentioned, Money for diſcharging their ſaid Debts, making the ſaid Reſervoirs, or for carrying on the Works of the ſaid Canal, and the ſaid Company of Proprietors have no other practicable Means of raiſing the ſame without the Aid and Aſſiſtance of Parliament: And whereas the Powers and Proviſions of the ſaid recited Acts have in other Reſpects been found inſufficient and inconvenient, and it is requiſite that the ſame ſhould be altered and amended; May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized to raiſe, pay, and contribute amongſt themſelves proportionably and rateably, according to the Amount of the Sums of Money already advanced and paid by them, or which they are liable to pay in reſpect of their ſeveral Shares in the ſaid Navigation, by or under the ſaid firſt recited Act, any Sum or Sums of Money not exceeding in the Whole the Sum of Forty-nine thouſand ſix hundred and eighty Pounds, which will be Twenty-ſeven Pounds and Twelve Shillings on each Share, and not more; and that it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, at any General Aſſembly to be holden or convened agreeably to the Direction contained in the ſaid firſt-recited Act or this Act, or for 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 Proprietor or Proprietors of a Share or Shares in the ſaid Canal Navigation, in order to raiſe the ſaid Sum of Forty-nine thouſand ſix hundred and eighty Pounds, in the Manner, and ſubject to the Regulations hereinafter mentioned; and that the Money ſo to be raiſed ſhall

The Droitwich Canal Company have brought Actions to recover Arrears of an Annual Payment due to them.

Company unable to raiſe the Money wanted under the Powers of the former Acts.

Former Acts defective.

Authorizing the Company to raiſe amongſt themſelves the Sum of 49,680*l.*

ſhall be applied to defray the Expences of applying for and paſſing this Act, and all Expences relating thereto; in Diſcharge of the Debts due and owing from the ſaid Company, the Expence of making the ſaid Reſervoirs, and in paying the Compenſation from Time to Time to be made to the *Droitwich* Canal Company, and the Expence of carrying on the ſaid Navigation, and all other Works by the ſaid recited Acts or either of them, authorized to be made or done, as ſuch General Aſſembly or Committee from Time to Time ſhall judge neceſſary for that Purpoſe, ſo that no One Call ſhall exceed the Sum of Four Pounds Twelve Shillings for each Share in the ſaid Navigation, and no Call be made at a leſs Diſtance than Four Calendar Months from each other, which Money ſo called for ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner as the ſaid General Aſſembly or Committee ſhall from Time to Time appoint and direct for the Purpoſes of the ſaid recited Acts and of this Act; and all and every Owners and Owner of One or more Share or Shares in the ſaid Undertaking, ſhall pay his, her, and their Share and Shares, or Proportion of the Monies to be called for as aforeſaid, at ſuch Time and Place, and in ſuch Manner, as ſhall be appointed as aforeſaid, and of which Time and Place Thirty Days Notice ſhall be given, by publiſhing the ſame in ſome one *Worceſter* and one *Birmingham* Newſpaper, or in any other Manner as the ſaid *Worceſter* and *Birmingham* Canal Company ſhall at any General Aſſembly direct or appoint; and all Executors and Adminiſtrators ſhall be and are hereby empowered to pay their reſpective Proportions of the ſaid Money to be called for as aforeſaid, in reſpect of the Share or Shares of their Teſtators and Inteſtates reſpectively, and charge the ſame to the Accounts of ſuch Perſons' Eſtates and Effects.

Manner of enforcing Payment on Calls.

II. And, for the better enforcing the Payment of ſuch Calls, be it further enacted, That if any Perſon or Perſons, upon whom any Call or Calls for Money ſhall or may hereafter be made under or by virtue of this Act, for or in reſpect of any Share or Shares in the ſaid Undertaking, and who ſhall not have given Notice in Manner in this Act directed, of his, her, or their Intention of relinquiſhing any ſuch Share or Shares, ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Share or Shares of the ſaid Money to be called for and raiſed by virtue of this Act, for the Space of Six Calendar Months after ſuch Call or Calls ſhall have been made and publiſhed as aforeſaid, then and in ſuch Caſe all and every the Share and Shares of ſuch Perſon or Perſons ſo neglecting or refuſing as aforeſaid, ſhall be veſted in the ſaid Company of Proprietors, their Succeſſors, Executors, Adminiſtrators, and Aſſigns, to and for the Uſes and Purpoſes hereinafter mentioned: Provided always, that no Share or Shares of and in the ſaid Navigation ſhall veſt in or accrue to the ſaid Company, until Notice in Writing thereof be given by the Treaſurer or Clerk of the ſaid Company to the Owner or Owners of ſuch Share or Shares, or left at his, her, or their Dwelling Houſe, or uſual or laſt known Place of Abode, Thirty Days at the leaſt before ſuch Accruer ſhall take place, and in which Notice ſhall be contained a Statement and Account of how much Money is due from ſuch Perſon and Perſons for his, her, or their Call or Calls, in reſpect of his, her, or their Share or Shares in the ſaid Undertaking; and that ſuch Share or Shares ſhall not be veſted in the ſaid Company, if the Owner or Owners thereof

thereof ſhall pay up what ſhall appear by ſuch Statements to be due, together with Intereſt on the ſame, and all Expences attending the applying for the ſame, within the Time ſpecified in ſuch Notice; any Thing contained in the ſaid recited Acts or this Act to the contrary notwithſtanding.

Company empowered to ſell Shares that ſhall become veſted in them by Default of the Owners not paying the Calls thereon.

III. And be it further enacted, That when any Share or Shares of the ſaid Undertaking ſhall by virtue of this Act have become veſted in the ſaid Company of Proprietors as aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Company, or their Committee for the Time being, or any Two or more of ſuch Committee, and they are hereby empowered to authorize and direct the Clerk for the Time being to the ſaid Company to ſell by public Auction to the beſt Bidder, at ſuch Time and Place as the ſaid Company, or their Committee ſhall direct (of which Sale Twenty Days Notice at the leaſt ſhall be given by publiſhing the ſame in the *London Gazette*, and in one *Worceſter* and one *Birmingham* Newſpaper); and it ſhall be lawful for the ſaid Company of Proprietors or their Committee, or any Two or more of the ſaid Committee, to aſſign and transfer the Share or Shares of ſuch Defaulter or Defaulters, or ſuch and ſo many of the ſaid Share or Shares as the ſaid Company or their Committee ſhall from Time to Time find neceſſary and direct, in order to make good the Deficiency or Deficiencies of ſuch Defaulter or Defaulters who ſhall not pay his, her, or their Call or Calls purſuant to the Directions of this Act, unto ſuch Perſon or Perſons as ſhall become the Purchaſer or Purchaſers of ſuch Share or Shares, his, her, or their Executors, Adminiſtrators, or Aſſigns, and to receive and give Receipts for the Money agreed to be paid or given for ſuch Share and Shares, and ſuch Aſſignment and Transfer ſhall be good, valid and effectual, againſt the Owner and Owners of every ſuch Share or Shares, ſo veſted in the ſaid Company, and ſold as aforeſaid, and all Perſons claiming under him, her, or them: Provided alſo, that in caſe the Money produced by Sale of any ſuch Share or Shares ſhall be more than ſufficient to pay any ſuch Arrears as aforeſaid, the Surplus ariſing from ſuch Sale, after Payment of all Arrears of Money due thereon, ſhall be paid on Demand to the Perſon or Perſons to whom ſuch Share or Shares ſhall have belonged: Provided always that no ſuch Share or Shares ſhall be ſold, or advertiſed for Sale, until the Expiration of One Calendar Month next after Notice in Writing ſhall have been given by the Clerk of the ſaid Company to the Owner or Owners thereof, or left at his, her, or their Dwelling Houſe or uſual or laſt known Place of Abode, in which Notice ſhall be contained a Statement and Account how much Money is due from ſuch Perſon or Perſons for his, her, or their Call or Calls, in reſpect of his, her, or their Share or Shares in the ſaid Undertaking: Provided alſo, that the ſaid Company of Proprietors or their Committee, ſhall not, by virtue of this Act, at any Time or Times, ſell or transfer any more of ſuch Shares of ſuch Defaulter or Defaulters than ſhall be ſufficient at the Time of ſuch Sale to pay the Arrears of Calls of ſuch Defaulter or Defaulters, and the Intereſt and Expences attending the ſame; and from and after Payment of all and every the Call or Calls to be made by virtue of this Act, and the Intereſt and Expences as aforeſaid, any Share or Shares veſted in the ſaid Company of Proprietors as aforeſaid, which ſhall remain in their Hands unſold, ſhall revert to and again become the Property of the

the Perſon or Perſons to whom ſuch Share or Shares ſhall have belonged, his, her, or their Executors, Adminiſtrators, or Aſſigns.

Shares may be relinquiſhed and ſold.

IV. Provided always, and be it further enacted, That if any Proprietor or Proprietors of any ſuch Share or Shares, or Executors, Adminiſtrators, Guardians, or Truſtees of any ſuch Proprietors, or any Mortgagee of ſuch Shares, ſhall within Six Calendar Months next after the paſſing of this Act, give Notice in Writing to the Treaſurer or Clerk of the ſaid Company, of his, her, or their Intention of relinquiſhing any ſuch Share, then and in ſuch Caſe ſuch Share ſhall not be forfeited or veſted in the ſaid Company by the Nonpayment of any Call, but ſuch Shares ſhall, within One Calendar Month after ſuch Notice, be ſold by public Auction to the higheſt Bidder; and the Monies ariſing from ſuch Sale, after deducting the neceſſary Charges and Expences attending the ſame, ſhall be paid to the Perſon or Perſons to whom the Share or Shares ſo ſold ſhall have belonged.

The Company not to ſue for Calls or forfeit Shares.

V. Provided likewiſe, and it is hereby further enacted and declared, That nothing in the ſaid recited Acts or either of them contained, ſhall empower the ſaid Company of Proprietors to ſue for any Call or Calls for Money, directed to be made by virtue of this Act, or to forfeit or declare forfeited any Share or Shares on Nonpayment of any ſuch Call or Calls, or in any Manner to recover or enforce Payment of the ſame, other than by ſelling ſuch and ſo many of the Shares of the ſaid reſpective Proprietors as ſhall be neceſſary for the Purpoſes, and under the Regulations, and according to the Tenor, true Intent and Meaning of this preſent Act; any Thing in the ſaid recited Acts or either of them to the contrary notwithſtanding.

Company empowered to ſell Ground not wanted for the Purpoſes of this and the ſaid Acts.

VI. And whereas the ſaid Company of Proprietors may have already purchaſed, or may hereafter purchaſe Land or Buildings, not neceſſary to be made uſe of for the Purpoſes of the ſaid recited Acts or of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to ſell any ſuch Land or Buildings, and by Writing under their Common Seal to convey the ſame to the Purchaſer or Purchaſers thereof, according to the Form preſcribed in the ſaid recited Act of the Thirty-eighth Year of His preſent Majeſty's Reign for the Conveyance of Lands to the ſaid Company, or to the like Effect; and every ſuch Sale and Conveyance ſhall be valid and effectual, and the Money ariſing thereby ſhall be applied for the Purpoſes of the ſaid recited Acts and of this Act.

Perſons whoſe Lands adjoin to have the Preference.

VII. Provided always, and be it further enacted, That the ſaid Company of Proprietors, before they ſhall ſell any ſuch Land or Buildings, ſhall firſt offer to re-ſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Land or Buildings; and in caſe ſuch Perſon or Perſons ſhall not then and thereupon agree, or ſhall refuſe to re-purchaſe the ſame, any Affidavit to be made and ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Land or Buildings ſhall lie, by ſome Perſon or Perſons noways intereſted in the ſaid Land or Buildings, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Company of Proprietors, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the

the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom it was made, as the Caſe may be; and in caſe ſuch Perſon or Perſons ſhall be deſirous of repurchaſing the ſame, and he, ſhe, or they, and the ſaid Company of Proprietors ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in Manner directed by the ſaid Act of the Thirty-firſt Year of His preſent Majeſty's Reign, with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Company of Proprietors in purſuance of the ſaid Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in the like Manner as by the ſaid Act directed, with reſpect to ſuch Purchaſe made by the ſaid Company of Proprietors, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Company of Proprietors of ſuch Land or Buildings as aforeſaid, ſhall be applied to the Purpoſes of the ſaid Acts and this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

The Company empowered to purchaſe Land for building Warehouſes.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to erect or otherwiſe provide any Warehouſes or other Buildings for the depoſiting or keeping any Goods, Merchandize or other Things carried or conveyed, or intended to be carried or conveyed upon the ſaid Canal at any Diſtance from the ſame, which they ſhall judge neceſſary or convenient; and for that Purpoſe the ſaid Company of Proprietors may and are hereby authorized and empowered to purchaſe, leaſe, or hire any Ground or Buildings, where they ſhall think proper for the Purpoſe aforeſaid, and alſo for getting Clay and making Bricks for the Uſe of the ſaid Canal and Works, provided the Owners and Proprietors of, and other Perſons intereſted in ſuch Ground or Buildings, and the Guardians, Committees, or Truſtees of ſuch of them as ſhall be under any Diſability or Incapacity of acting for themſelves, ſhall be conſenting to ſell or leaſe the ſame (and which Conſent they are hereby reſpectively empowered to give) but not otherwiſe.

For deſcribing the Head of the Canal.

IX. And whereas Doubts may ariſe on the Conſtruction of the ſaid firſt recited Act, as to which End of the ſaid Canal is intended to be called the Head thereof, whether at the Town of *Birmingham*, or the Entrance thereof into the River *Severn*, near the City of *Worceſter*; be it therefore enacted and declared, That the Head of the ſaid Canal ſhall be deemed and taken to be at the Town of *Birmingham*, at, or from the Bank or Bar which ſeparates the ſame from the *Birmingham* Canal.

Puniſhing Perſons evading the Tonnage Rates.

X. Provided likewiſe, and it is hereby enacted and declared, That if any Act or Thing whatſoever ſhall be done in order to or with Intent to avoid the Payment of any of the Rates or Duties made payable to the ſaid Company of Proprietors of the ſaid *Worceſter* and *Birmingham* Canal; every Perſon doing or cauſing to be done any ſuch Act or Thing, ſhall forfeit and pay to the ſaid Company of Proprietors of the ſaid *Worceſter* and *Birmingham* Canal, for every ſuch Offence, any Sum not exceeding Five Pounds nor leſs than Three Pounds, and alſo the Amount of the Rates or Duties which would have been payable to them, if ſuch Act had not been done.

XI. And

XI. And whereas by the ſaid firſt-recited Act the ſaid Company of Proprietors are directed to hold Two General Aſſemblies in every Year, alternately within the City of *Worceſter* and Town of *Birmingham*, for carrying the Purpoſes of the ſaid Act into Execution; and by the ſaid recited Act of the Thirty-eighth Year of His preſent Majeſty it was enacted, That there ſhould be only One ſuch General Aſſembly: And whereas it is deemed expedient, on account of the great Number of Proprietors in the ſaid Concern, to hold Two General Aſſemblies in every Year; be it therefore enacted, That from and after the paſſing of this Act, the ſaid Company of Proprietors ſhall hold Two General Aſſemblies in every Year for carrying the Purpoſes of the ſaid recited Acts and this Act into Execution, the next of which General Aſſemblies ſhall be holden at the *Hop Pole* Inn, in the ſaid City of *Worceſter*, on the Firſt Tueſday in *July* One thouſand eight hundred and four, and the ſucceeding General Aſſembly ſhall be holden at *Styles's Hotel*, in the ſaid Town of *Birmingham*, on the Firſt *Tueſday* in January then next enſuing, and all the future General Aſſemblies ſhall be holden alternately within the City of *Worceſter* and Town of *Birmingham*, at ſuch convenient Houſes therein reſpectively, as the ſaid Company of Proprietors ſhall at their reſpective General Aſſemblies appoint; any Thing in the ſaid recited Acts, or either of them, contained to the contrary hereof in anywiſe notwithſtanding.

Two General Aſſemblies of the Company to be held in each Year.

XII. And be it further enacted, That the ſaid Acts paſſed in the Thirty-firſt and Thirty-eighth 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 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.

Former Acts to be extended to this Act.

XIII. 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 of the Thirty-firſt and Thirty-eighth Years of His preſent Majeſty's Reign, for the Purpoſes thereof, or of this Act, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or any other Perſon or Perſons under any other Diſability or Incapacity, 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 *Worceſter* and *Birmingham* Canal Navigation," together with the Name or Names of ſuch Perſon or Perſons, as Three of the Commiſſioners for executing the ſaid Acts of the Thirty-firſt and Thirty-eighth Years of His preſent Majeſty's Reign, and this Act, 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 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 or Hereditaments in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or

Application of Compenſation Money, when amounting to 200*l.*

or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands or 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 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 and 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 or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than 200l and exceeds 20l.

XIV. Provided alſo, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands 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 of *England*, 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 hereinbefore 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 Three 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 hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is leſs than 20l.

XV. Provided alſo, and be it further enacted, That where 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 or Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or

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 no making out Titles;

XVI. 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 or this Act, 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 Three 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 Three 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.

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

ſubject to the Order of the Court of Chancery, on Motion or Petition.

Where any Queſtion ſhall ariſe touching the Title to the Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. ſhall be deemed entitled thereto, according to ſuch Poſſeſſion, unleſs it be a wrongful Poſſeſſion.

XVII. Provided always, 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, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or other Hereditaments, in reſpect whereof ſuch Money ſhall have been ſo paid at the Time of paſſing this Act, 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 other 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 the 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 other Hereditaments, or to ſome Eſtate or Intereſt therein.

XVIII. Pro-

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

XVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any such Lands, Tenements, or other Hereditaments, the Purchase Money whereof shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or other Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Chancery 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, 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.

Expences of obtaining this Act, how to be paid.

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

Public Act.

XX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and all Judges, Justices, and other Persons, are required to take Notice of it as such, without specially pleading the same.

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