



ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

Cap. 31.

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.* [26th May 1798.]

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 several Persons were united and made one Body Politick and Corporate, by the Name of *The Company of Proprietors of the Worcester and Birmingham Canal Navigation*, with Powers to make and maintain the said Canal Navigation; and the said Company of Proprietors were authorized to raise, by Contribution among themselves, or by Mortgage of the said Navigation, Two several Sums of One hundred and eighty thousand Pounds and Seventy thousand Pounds, as in the said Act particularly mentioned, for defraying the Expences of the said Undertaking: And whereas the said Company of Proprietors have, in pursuance of the said Act, made and

Preamble.
31 Geo. III.
Cap. 59,
recited.

[Loc. & Per.] 5 K completed

completed a considerable Part of the said Canal, and have expended a very large Sum of Money therein, which has been raised by Calls on the said Proprietors; and by Payment of Money by some of the said Proprietors in full of their Shares of the said Undertaking; but the said Company find that it will require a greater Sum than they are authorized to raise as aforesaid to enable them to finish and complete the said Canal, and the several Works directed to be made by, and to answer the other Purposes of the said Act: And whereas the said Act has in some Respects been found defective, and the Exercise of some of the Powers and Provisions thereof, as therein directed, inconvenient: 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 and empowered to raise, either by Subscription among themselves, or by the Admission of new Subscribers, or otherwise, in Manner herein-after mentioned, any further Sum or Sums of Money, 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, any Thing contained in the above recited Act to the contrary notwithstanding; and in case the said Sum of One hundred and forty-nine thousand nine hundred and twenty-nine Pounds One shilling and One-penny Halfpenny, or any Part thereof, shall be raised by Subscription, the said Sum shall be divided into Two thousand one hundred and fifty-nine Half Shares, each Half Share to be of the Value of Sixty-nine Pounds Eight Shillings and Ten-pence Halfpenny; which Half Shares shall be deemed Personal Estate, and be transmissible as such; and all Persons who shall 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 Half Shares in the said Undertaking, and shall be, and they are hereby united to and incorporated with the said Company of Proprietors; and the several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Act, (subject nevertheless to the Provisions, Directions, and Regulations herein contained), shall extend to the calling for, raising, suing for, and recovering the several Sums to be subscribed for the said Half Shares, and for compelling and obliging the several Subscribers for, or Proprietors of the said Half Shares, to pay the respective Sums to be 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 recited Act, or as if the said several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said Act, were repeated and re-enacted in this Act; and that all and every the Persons, and their several and respective Executors, Administrators, and Assigns, who shall severally subscribe and pay the Sum of Sixty-nine Pounds Eight shillings and Ten-pence Halfpenny for each and every of the said Half Shares, shall be entitled to and receive the entire and net Distribution of such proportionable Part of the Profits and Advantages that shall and may arise and accrue to the said Company of Proprietors, by virtue of the said recited Act and this Act, as the Half Shares belonging to such Person or Persons as aforesaid, shall bear to the whole Amount of the original Shares belonging to all and

Company empowered to raise a further Sum of Money.

If the Money is raised by Subscription, it shall be divided into a certain Number of Half Shares.

every the Proprietors in the said Navigation; and all and every the said Half 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; and that in the Qualifications of Proprietors to vote in the General and other Assemblies of Proprietors, Two of such Half Shares shall be considered equal to One of the said Shares, but no Proprietor shall be entitled to give any Vote for and in respect of any single Half Share.

II. And be it further enacted, That no One Call for Money from the Subscribers to and Proprietors of the said Half Shares shall exceed the Sum of Five Pounds on each Half Share, nor shall any such Calls be made within a less Distance of each other than Two Calendar Months, and no Person shall be obliged or compelled to pay any such Money, in consequence of any such Calls, within a less Time than Thirty Days after the Call shall have been made.

Directing how Calls shall be made on the Holders of the Half Shares.

III. 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 One hundred and forty-nine thousand nine hundred and twenty-nine Pounds One Shilling and One-penny Halfpenny, or any Part thereof, by Mortgage of the Rates authorized to be collected on the said Canal, or by granting Annuities, with Benefit of Survivorship, or otherwise, payable out of the said Rates, or any of them, instead of raising the said Sum by Subscription among themselves, or by the Admission of new Subscribers, then it shall be lawful for the said Company, 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 One hundred and forty-nine thousand nine hundred and twenty-nine Pounds One Shilling and One-penny Halfpenny, or any Part thereof, or to raise any such Money by the granting of such Annuity or Annuities as aforesaid, to or for the Use of any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Company of Proprietors, any such Sum or Sums of Money as the said Company shall agree upon for the absolute Purchase of any such Annuity or Annuities, to be paid and payable for any Term or Number of Years, or during the natural Lives of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship; 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 the Rates to arise by virtue of the said Act and of this Act, 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 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 registering the same, and to the like Remedies, Regulations, and Provisions, touching and concerning the same, and the Interest to be thereby secured, as are mentioned or contained in and by the said recited Act respecting the borrowing of Money, and the Securities to be made for the same.

The Money may be raised by Mortgage of, or Annuities charged on, the Rates.

If any Part of the additional Sum is raised by Mortgage, any Proprietor or Proprietors may become Surety for Payment of the Interest, and be indemnified by the Company.

IV. Provided also, and be it enacted, That in case the said Sum of One hundred and forty-nine thousand nine hundred and twenty-nine Pounds One Shilling and One-penny Halfpenny, or any Part thereof, shall be borrowed on Mortgage as aforesaid, then and in such Case it shall be lawful for any Proprietor or Proprietors, from Time to Time, to become Surety for the Payment of the Interest thereof, or any Part thereof; and that all and every Sum or Sums of Money which shall be advanced and paid by such Proprietor or Proprietors on Account of such Interest, shall be raised and repaid to him, her, or them, out of the Income and Rates arising from the said Navigation, in preference to any Dividends being made and paid to the said Company; and that the Proprietor or Proprietors who shall become Surety for Payment of such Interest as aforesaid shall be fully indemnified and saved harmless by the said Company against the Payment of such Interest, and all Damages, Costs, Charges, and Expences by reason thereof.

V. And be it further enacted, That the Grant of every such Annuity as aforesaid shall be by Deed, under the Common Seal of the said Company, according to the Form following; that is to say,

Form of Grant of Annuity.

‘ WE, the Company of Proprietors of the *Worcester and Birmingham*
 ‘ Canal Navigation, in Consideration of the Sum of
 ‘ to us paid by *A. B.* of do hereby, by virtue of an
 ‘ Act, passed in the Thirty-eighth Year of the Reign of King *George*
 ‘ the Third, intituled, [*Set forth the Title of this Act*], grant unto the said
 ‘ *A. B.* One Annuity or Yearly Sum of to be
 ‘ issuing out of all and singular the Rates arising by virtue of the several
 ‘ Acts of Parliament made for or relating to the making and maintain-
 ‘ ing of the said *Worcester and Birmingham* Canal Navigation, to hold
 ‘ unto the said *A. B.* his Executors, Administrators, and Assigns, for the
 ‘ Term of Years [*or, as the Case shall be, to hold unto the said*
 ‘ *A. B.* and his Assigns, during his natural Life; *or, to hold unto the*
 ‘ said *A. B.* his Executors, Administrators, and Assigns, for and during
 ‘], and such Annuity or Yearly Sum shall be payable and
 ‘ paid at upon the yearly, by equal
 ‘ Portions, and the First Payment thereof to be made
 ‘ upon Day of next. Given under our
 ‘ Seal this Day of

‘ L. S.’

Annuities may be transferred.

And every such Grant shall be valid and effectual in the Law to all Intents and Purposes; and that all the Grantees of such Annuities shall be equally entitled to their Proportion of the said respective Annuities, without any Preference by Reason of the Priority of Date of any such Grant, or on any other Account whatsoever; and an Entry or Memorial of every such Grant, containing the Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Consideration of such Grant, and of the Annuity granted, and the Duration thereof, shall, within Thirty Days next after the Date thereof, be written and inserted in a Book to be kept for that Purpose by the Clerk to the said Company of Proprietors; and all and every Person or Persons to whom any such Grant shall have been made, or who shall be entitled to the Annuity thereby secured, may from Time to Time assign or transfer his, her,

or

or their Right and Title therein, to any Person or Persons, according to the Form following; (that is to say),

‘ I *A. B.* of _____ in Consideration of the Sum of _____ Form of Transfer.
 ‘ to me paid by *C. D.* of _____ do hereby transfer unto
 ‘ the said *C. D.* a certain Grant, made by the Company of Proprietors
 ‘ of the *Worcester* and *Birmingham* Canal Navigation, bearing Date the
 ‘ _____ Day of _____ of an Annuity of _____ payable
 ‘ [*Here mention the Duration of the Annuity*], and all my Right, Title,
 ‘ and Interest, in and to the Annuity thereby secured, to hold the same
 ‘ unto the said *C. D.* his Executors, Administrators, and Assigns. In
 ‘ Witness whereof, I have hereunto set my Hand and Seal this
 ‘ Day of _____ ‘ *A. B.*’

And every such Transfer shall, within Thirty Days after the Date thereof, be produced and notified to the Clerk of the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Annuity thereby transferred, in the said Book, for which Entry such Clerk shall be paid the Sum of Two Shillings and Six-pence, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Grant; and it shall not be in the Power of such Person or Persons, who shall have made any such Transfer, at any Time afterwards to make void, release, or discharge the said Annuity, or any Part thereof.

VI. And be it further enacted, That the Annuities so to be granted, and the Interest of the Money for which such Mortgage or Mortgages shall be executed as aforesaid, shall be paid Half Yearly to the Person or Persons entitled thereto, in preference to any Dividends which shall be ordered, made, or paid to the Proprietors of the said Navigation, in respect of their Shares or Half Shares in the said Navigation, which they are or shall be entitled to by virtue of and under the said recited Act or this present Act. Annuities and Interest of Mortgages to be paid in preference to any Dividends among the Proprietors.

VII. And be it further enacted, That all and every Proprietors and Proprietor of Shares in the said Navigation, who have or has advanced and paid any Money in full, for any Share or Shares in the said Navigation, or by Way of Calls upon his, her, or their Share or Shares, under the Powers of the said recited Act, shall be entitled to receive Interest, after the Rate of Five Pounds *per Centum per Annum* in respect thereof, from the Time of Payment thereof respectively up to the Twenty fourth Day of *June* last, when and from which Time the Payment of Interest to all and every the Proprietors in the said Navigation shall cease and be no longer paid; any Thing in the said hereinbefore recited Act contained to the contrary thereof in anywise notwithstanding. Interest at the Rate of 5 *per Cent.* not to be paid to the Proprietors on the Sums paid in on Calls after a certain Time.

VIII. And be it further enacted, That it shall be lawful for the Executors and Administrators of any deceased Proprietor or Proprietors of Shares or Half Shares in the said Navigation, and also for the Executors and Administrators of any Proprietor or Proprietors, who may happen to die before Payment shall have been made of his, her, or their proportionable Executors and Administrators of deceased Proprietors, Trustees, Guardians, &c. may
 [*Loc. & Per.*] 5 *L.*

complete
Payment
of Calls.

portionable Share of the Monies to be raised by virtue of this Act, and who shall not have otherwise provided for the Payment thereof, and also to and for any Trustee or Trustees, Guardian or Guardians of any Infant or other Person under legal Disabilities, to advance and pay all and every such Sum and Sums of Money as shall be called for, under and by virtue of the Powers of this Act, in respect of the Share or Shares, or Half Share or Shares, belonging to such deceased Proprietor, or to such Infant or other Person under any legal Disability; and all such Executors, Administrators, Trustees, and Guardians, shall be reimbursed, out of the Estate and Effects belonging to such deceased Proprietor, or to such Minor or other Person aforesaid, for what he, she, or they shall advance and pay under and by virtue of the Powers of this Act, or such Executors, Administrators, Trustees, and Guardians may, and they are hereby authorized and empowered to raise the same by Way of Mortgage of the said Shares or Half Shares; and if such deceased Proprietor or Proprietors shall not have left Assets to answer such Calls, or such Executors, Administrators, Trustees, or Guardians shall refuse or neglect to answer such Calls as shall be made in pursuance of the Powers of this Act, the said Company of Proprietors shall be and are hereby empowered and required to admit any of the present Proprietors of Shares in the said Navigation, or any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares, or Half Share or Shares of such deceased Proprietor or Proprietors, or such Infant or other Person under Disabilities; and that such Admission under the Common Seal of the said Company shall be as good and effectual in the Law as though an actual Transfer was made of such Share or Shares, or Half Share or Half Shares, by the Party or Parties possessed thereof, and such Proprietor or Proprietors so admitted shall and may hold and enjoy the Share or Shares, or Half Share or Half Shares, to which he, she, or they shall be so admitted, absolutely freed and discharged of all Claims and Demands of all and every Person and Persons claiming under such deceased Proprietor or Proprietors, his, her, or their Executors or Administrators, and also against such Infant or other Person under Disabilities as aforesaid, provided that the Person or Persons so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Proprietor or Proprietors, or to the Trustee or Trustees, Guardian or Guardians of any such Infant or other Person entitled to such Share or Shares, or Half Share or Half Shares as aforesaid, the full Sum or Sums of Money which shall have been paid by such deceased Proprietor in his or her Lifetime, or on Account of such Infant or other Person or Persons as aforesaid, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or Half Share or Half Shares, or such other Sum or Sums of Money as the same Share or Shares, Half Share or Half Shares, can be sold for under an Order of the General Assembly of the said Company, to be made for that Purpose, of which said intended Sale Twenty-eight Days Notice shall be given in the *London Gazette*, and in One of the *Birmingham* and *Worcester* Newspapers.

Appointing
how the
Company
may sue for
Money not
paid on
Calls.

IX. Provided always, and be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares, or any Half Share or Half Shares, or Part or Parts of any Shares, of and in the said Navigation, to recover the Amount of any Sum or Sums of Money now due and payable, or hereafter to become due

due and payable from him, or her, or them, for or by Reason of any Call or Calls made or to be made by virtue of the said recited Act or of this present Act, it shall be sufficient for the said Company to declare and alledge, that such Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares, or Half Share or Shares, or such or so many Part or Parts of such or so many Share or Shares (as the Case may happen to be) of and in the said Navigation, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls so in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares, Half Share or Shares, or Part or Parts of such or so many Share or Shares, belonging to such Defendant or Defendants (as the Case may happen to be) duly made upon such Defendant or Defendants, according to the Authority of the said Acts, whereby an Action accrued to the said Company by virtue of the said Acts, without setting forth the special Matter, any Thing herein-before or in the said herein-before recited Act contained to the contrary thereof in anywise notwithstanding: Provided also, That no such Action shall be brought by the said Company against any Owner or Owners of any Share or Shares, or any Half Share or Half Shares, or Part or Parts of any Share or Shares of and in the said Navigation, until Notice in Writing be given by the Treasurer or the Clerk of the said Company of Proprietors to the Owner or Owners thereof, or left at his, her, or their Dwelling House or usual Place of Abode Three Calendar Months next before such Action shall be brought, and in which Notice shall be contained a Statement and exact Account how much Money is due from the Person or Persons for his, her, or their Call or Calls in the said Undertaking; and that after such Notice given or left as aforesaid, it shall not be necessary to prove, on the Trial of such Action, any other Notice given of such Calls, by virtue of the said recited Act of the Thirty-first Year of His present Majesty, or of this present Act; any Thing contained in the said recited Act or this present Act to the contrary thereof in anywise notwithstanding.

X. And be it further enacted, That, from and after the passing of this Act, it shall be lawful for any Person or Persons already possessed of Shares, or who shall become a Proprietor or Proprietors of Shares or Half Shares in the said Navigation, to hold any Number of Shares or Half Shares therein; any Thing in the said recited Act contained to the contrary notwithstanding.

Directing what Number of Shares may be held by any One Proprietor.

XI. Provided always, and be it further enacted, That it shall be lawful for the Committee for the Time being of the said Company, from Time to Time to borrow the Whole or any Part of the said Sum of One hundred and forty-nine thousand nine hundred and twenty-nine Pounds One Shilling and One-penny Halfpenny on their own Bonds, or on the Bonds of such others of the Proprietors who may be willing to become Surety for the same, either as an original Security, or by way of collateral Security to any Mortgage of the said Navigation, to be executed as aforesaid; and that all such Sum or Sums of Money as shall be borrowed for the Use of the said Company on the Bonds of the said Committee, or of any of the other Proprietors of the said Company, either collectively or individually, in pursuance of this Act, shall be repaid, with such Rate of Interest as shall be expressed in such Bonds respectively out of the said Sum of One hundred and forty-nine thousand nine

The Committee may borrow any Part of the additional Sums on their Bonds.

nine hundred and twenty-nine Pounds One Shilling and One-penny Halfpenny, authorized to be raised under the Powers of this Act, or out of the Income and Rates arising from the said Navigation, in preference to any Dividends or Distribution of Profits among the Proprietors thereof; and that the Person or Persons who shall enter into such Bond or Bonds as aforesaid, shall be fully indemnified and saved harmless by the said Company of Proprietors against the Payment of the Principal Money and Interest for which such Bonds shall be given, and all Damages, Costs, Charges, and Expences by reason thereof.

Repealing the Clause for holding Two General Annual Meetings.

XII. And whereas by the said recited Act the said Company of Proprietors are directed to hold Two General Assemblies in every Year for carrying the Purposes of the said Act into Execution: And whereas it is deemed expedient, on Account of the Expence and Inconvenience attending the said General Assemblies, to hold One General Assembly only in every Year; be it therefore enacted, That, from and after the passing of this Act, there shall be only One such General Assembly of the said Company of Proprietors in every Year, for carrying the Purposes of the said recited Act and this Act into Execution, the next of which General Assemblies shall be holden at the *Hop Pole* in the City of *Worcester*, on the First *Tuesday* in *July* One thousand seven hundred and ninety-eight, and all succeeding General Assemblies shall be holden alternately within the Town of *Birmingham* and City of *Worcester*, on the First *Tuesday* in *July* in every Year, at such convenient Houses therein respectively as the said Company of Proprietors shall at their respective General Assemblies appoint; any Thing in the said Act contained to the contrary hereof in anywise notwithstanding.

For reducing the Number of the Committee.

XIII. And whereas by the said recited Act Power is given to the Proprietors assembled at their General Assemblies, together with such Proxies as shall be then present, to choose Fifteen Persons, who for the Time being shall be Proprietors of Five or more Shares in the said Navigation, to be a Committee to manage the Affairs of the said Company in Manner as the said Act directs: And whereas it has been found inconvenient and expensive to have so great a Number as Fifteen Persons to be a Committee; be it therefore enacted, That the Proprietors at such General Assemblies, together with such Proxies as shall be then present, (but subject nevertheless to the Directions and Regulations in the said Act contained), shall and may, at any Time hereafter, elect and choose Thirteen Proprietors, being Proprietors of Five or more Shares of the said Navigation, which said Thirteen Proprietors shall be a Committee to manage the Affairs of the said Company for such Time, in such Manner, with such Powers, and under such Limitations, Restrictions, and Control, in every Respect, as in the said recited Act is directed respecting Fifteen Persons being a Committee to manage the Affairs of the said Company; any Thing in the said Act contained to the contrary hereof notwithstanding.

For granting additional Tonnage Rates.

XIV. And whereas, in order to make Compensation to the said Company of Proprietors, in Consideration of the additional Sum which it is necessary to raise in order to complete the said Canal, and the several Works directed to be made by the said recited Act, it is reasonable that the said Company should be authorized to collect and receive some additional

tional Rates; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Benefit, for the Tonnage and Wharfage of all Goods and other Things which shall be navigated, carried, or conveyed, upon or through the said Canal, over and above the Rates which the said Company of Proprietors are already authorized and empowered to demand and receive, the several Rates herein-after mentioned; *videlicet*,

For the Tonnage and Wharfage of Coal, Coke, Iron, Iron Stone, Stone, Timber, and other Goods and Things, which shall be navigated, carried, or conveyed upon any Part of the said Canal (except Lime and Lime Stone), the additional Sum of One Shilling *per* Ton, and so in Proportion for any Quantity less than a Ton :

Tonnage Rates.

For the Tonnage and Wharfage of all Lime and Lime Stone, navigated, carried, or conveyed, upon any Part of the said Canal, the additional Sum of Four-pence *per* Ton, and so in Proportion for any Quantity less than a Ton :

Provided always, That no more than after the Rate of Three-pence *per* Ton for every Mile shall be demanded or taken, under the Powers of this Act, or any former Acts, for the Tonnage and Wharfage of any Coal, Coke, Iron, Iron Stone, Stone, Timber, or other Goods or Things (except Lime and Lime Stone), which shall be navigated, carried, or conveyed, upon no other Part of the said Canal than the First Fourteen Miles thereof, to be computed from the Head of the said Canal at *Birmingham*, and so in Proportion for any Distance more or less than a Mile, and for any Quantity less than a Ton :

Provided also, That no more than after the Rate of One Penny *per* Ton for every Mile shall be demanded or taken, under the Powers of this Act, or any former Acts, for the Tonnage and Wharfage of any Lime or Lime Stone, which shall be navigated, carried, or conveyed, upon no other Part of the said Canal than the First Fourteen Miles thereof, to be computed from the Head of the said Canal as aforesaid, and so in Proportion for any Distance more or less than a Mile, and for any Quantity less than a Ton :

And which said additional Rates hereby granted shall and may be ascertained, collected, levied, and recovered, by such and the like Ways and Means, and in such and the like Proportions and Manner, and subject to such and the like Exemptions as the Rates of Tonnage and Wharfage granted and made payable to the said Company of Proprietors in and by the said recited Act are thereby directed to be ascertained, collected, levied, and recovered, and are subject to.

XV. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General or Special Assembly to be held for that Purpose, of which Three Calendar Months Notice shall be given in Manner directed by the said recited Act, to lessen or reduce all or any of the Rates granted by this present Act, or by the said recited Act, upon the Whole or any Part or Parts of the said Canal, and for any Distance or Distances they shall think proper, and again to raise all or any of the said Rates so lessened, not exceeding the Rates granted by the said recited Act and this present Act, as often as it shall be deemed necessary for the Benefit of the said Navigation.

The Rates may be lowered.

This Act not to alter the Rates granted to this Company by the *Dudley Canal Act*, except in certain Cases.

XVI. Provided always, and be it further enacted, That nothing herein contained shall extend to raise, alter, or vary any of the Rates granted to the said Company of Proprietors of the *Worcester* and *Birmingham* Canal by virtue of an Act, made in the Thirty-third Year of the Reign of His present Majesty, for making and maintaining a Navigable Canal from the *Dudley* Canal, in the County of *Worcester*, to the said *Worcester* and *Birmingham* Canal, and certain Collateral Cuts to communicate therewith, for the Tonnage and Wharfage of Coals, Coke, Goods, Merchandizes, and other Things, which shall pass from the said *Dudley* Canal into or upon the said *Worcester* and *Birmingham* Canal, or from the said *Worcester* and *Birmingham* Canal into or upon the said *Dudley* Canal; save and except such Coal and Coke as shall pass from the said *Dudley* Canal into or upon the said *Worcester* and *Birmingham* Canal, to or towards the City of *Worcester*, and shall not pass into the *Stratford upon Avon* Canal, which it is hereby declared and enacted shall be subject to the same additional Rates and Tonnages as are by this present Act granted to the said Company of Proprietors of the said *Worcester* and *Birmingham* Canal for all such Coal and Coke as shall pass along the said Canal from *Birmingham* to or towards the City of *Worcester*; and save and except such Goods, Merchandize, and other Things, (other than Coal and Coke) as shall pass from the said *Dudley* Canal into or upon the said *Worcester* and *Birmingham* Canal, to or towards the City of *Worcester*, and not pass into the *Stratford upon Avon* Canal, or which shall be navigated between the Junction of the *Dudley* Canal with the *Worcester* and *Birmingham* Canal, and the City of *Worcester*, and pass into the *Dudley* Canal, and not pass from or out of the *Stratford upon Avon* Canal, which said last-mentioned Goods, Merchandize, and other Things shall be liable to the additional Rates and Tonnages granted by this Act for the Distance only such last-mentioned Goods, Merchandize, and other Things shall pass upon the said *Worcester* and *Birmingham* Canal, and be subject also to the like Regulations and Powers of Reduction as are by this Act made and given to the said Company of Proprietors with respect to the Rates and Tonnages hereby granted.

This Act not to affect the Rates granted to this Company by the Act for making the *Stratford* and *Avon* Canal, etc.

XVII. Provided also, and be it further enacted, That nothing herein contained shall be deemed or construed to repeal, alter, or affect any of the Clauses or Regulations contained in a certain other Act, made in the Thirty-third Year of the Reign of His present Majesty, for making and maintaining a Navigable Canal from the said *Worcester* and *Birmingham* Canal into the Borough of *Stratford upon Avon*, and certain Collateral Cuts therein mentioned, and also in a certain other Act, made in the Thirty-fifth Year of the Reign of His said Majesty, for making a Navigable Cut from the said *Stratford upon Avon* Canal into the *Warwick* and *Birmingham* Canal, so far as respects the Rates granted to the said Company of Proprietors of the said *Worcester* and *Birmingham* Canal, by the said recited Act of the Thirty-first Year of the Reign of His said Majesty; any Thing herein contained to the contrary thereof notwithstanding.

For preserving the Equality between the *Dudley* and *Birmingham* Canals.

XVIII. Provided nevertheless, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors to reduce or again to raise any of the Rates on Coal, Coke, Iron, Ironstone, Lime, Limestone, Stone, Timber, or other Goods and Things navigated upon the said *Worcester* and *Birmingham* Canal, and which shall pass into or from the *Birmingham* Canal Navigation, without at the same Time reducing

reducing or raising the Rates in the same Proportion on the like Articles navigated upon the said *Worcester* and *Birmingham* Canal, and which shall pass into or from the *Dudley* Canal; nor to reduce or again to raise any of the Rates on Coal, Coke, Iron, Ironstone, Lime, Limestone, Stone, Timber, and other Goods and Things navigated upon the said *Worcester* and *Birmingham* Canal, and which shall pass into or from the *Dudley* Canal, without at the same Time reducing or raising the Rates in the same Proportion on the like Articles navigated upon the said *Worcester* and *Birmingham* Canal, and which shall pass into or from the said *Birmingham* Canal Navigation, so as that at all Times the Rates to be taken by the said Company of Proprietors of the said *Worcester* and *Birmingham* Canal on Coal, Coke, Iron, Ironstone, Lime, Limestone, Stone, Timber, and other Goods and Things navigated upon the said *Worcester* and *Birmingham* Canal, and passing into or from the *Birmingham* Canal Navigation, may bear the same Proportion to the Rates to be taken by the said Company upon the same Articles navigated upon the said *Worcester* and *Birmingham* Canal, and which shall pass into or from the *Dudley* Canal, as the same now bear each to the other under the Regulations contained in the several Acts made with respect to the *Dudley* and *Stratford upon Avon* Canal Navigations; any Thing herein contained to the contrary notwithstanding.

XIX. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use Part of any Common or Waste Ground for the Purpose of the said *Worcester* and *Birmingham* Canal, the Conveyance thereof by the Lord or Lady of the Manor, wherein the same shall be situate, shall be a good and sufficient Conveyance to the said Company of Proprietors, for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Grounds had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Company of Proprietors to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or publick Purposes, within such Parishes respectively, as a Vestry of every such Parish, to be convened by such Churchwardens for that Purpose, shall direct; any Thing in the said Act for making and maintaining the said *Worcester* and *Birmingham* Canal, or in this present Act, to the contrary thereof notwithstanding.

Where the Company take any Common or Waste Ground, Conveyance to them by the Lord of the Manor shall be sufficient.

XX. And be it further enacted, That the said Company of Proprietors of the said *Worcester* and *Birmingham* Canal shall from Time to Time be rated to all Parliamentary and Parochial Taxes, Rates, and Assessments, for and in respect of the Lands and Hereditaments taken and used by the said Company for the Purposes of the said Navigation, and all Warehouses and other Buildings erected or to be erected thereon by the said Company of Proprietors, by virtue of the said Act and of this present Act, in the same Proportions as other Lands, Grounds, and Buildings adjoining or lying near the said Canal, are or shall be rated; but it shall be lawful for the said Company to agree with any Owner or Owners of any Lands or Hereditaments of sufficient Yearly Value, adjoining or lying near to the Lands or Hereditaments to be purchased or taken for the

The Company to be rated for the Lands, etc. used by them in the same Proportion as adjoining Lands are.

Purposes

Purposes of the said Navigation, for an Exemption from all Rates and Taxes in respect of such last mentioned Lands and Hereditaments, and for charging the same upon the adjoining Lands and Hereditaments of such Person or Persons; and in all such Cases all the Parochial and other Taxes, Rates, Charges, and Assessments which might be thereafter charged upon or payable in respect of the Lands or Hereditaments to be purchased or taken for the Purposes of the said Navigation, shall be rated and charged upon such adjoining Lands, and upon the Owners and Occupiers thereof; and the Lands and Hereditaments to be purchased for the Purposes of the said Navigation shall be exempted and discharged therefrom.

Parochial Taxes on Company's Rates, &c. to be laid in proportion to the Length of Canal.

XXI. And be it further enacted, That all Parochial Rates and Assessments, which shall or may at any Time be laid, assessed, or imposed upon the Rates and Personal Estate of the said Company of Proprietors, shall be laid, assessed, or imposed, in each Parish, Township, Hamlet, or Place respectively, in Proportion to the Length of the said Canal in each respective Parish, Town, Hamlet, or Place, and not otherwise.

The Company in certain Cases obliged to purchase more Land than they want for the Canal, but may sell the same again.

XXII. And be it further enacted, That where the said Company of Proprietors shall cut through any Land or Ground for the Purposes of the said *Worcester* and *Birmingham* Canal, they shall be obliged to purchase, not only such Part of the same Lands and Grounds as shall be actually taken or used, but also, at the Option of the Owner or Owners of such Land or Ground, the Remainder thereof, so as the same do not exceed Two Acres over and above the Land or Ground which shall be actually taken or used for the Purposes of the said Canal, the Value thereof to be ascertained in the same Manner as by the said Act of the Thirty-first of His present Majesty is directed concerning the Land or Ground to be cut, taken, or used for the Purpose of the said Canal, in case the said Company of Proprietors and the Owner or Owners of such Land or Ground cannot agree for the Purchase Money or Price to be paid for the same; and that the said Company of Proprietors shall also have Power to sell and convey such Land to any Person or Persons whomsoever, without the Intervention of the Commissioners appointed under or by virtue of the said Act.

XXIII. And be it further enacted, That all Conveyances of any Lands or other Hereditaments to be made to the said Company of Proprietors by virtue of the said recited Act, shall be made according to the Form following; *videlicet*,

Form of Conveyance of Land to the Company.

‘ I *A. B.* of _____ in Consideration of the Sum of
 ‘ to me paid [*or*, in Consideration of the Annual Rent of
 ‘ to me to be hereafter yielded and paid by Yearly, *or*, Half Yearly,
 ‘ Payments, *as may be agreed upon*] by the Company of Proprietors of the
 ‘ *Worcester* and *Birmingham* Canal, do hereby grant and release to the said
 ‘ Company, all [*describing the Premises to be conveyed*], and all my Right,
 ‘ Title, and Interest, to and in the same, and every Part thereof, to hold
 ‘ to the said Company for ever, by virtue and according to the true In-
 ‘ tent and Meaning of the Act passed for making and maintaining the said
 ‘ *Worcester* and *Birmingham* Canal. In Witness whereof I have hereunto
 ‘ set my Hand and Seal, this _____ Day of _____ in the
 ‘ Year of our Lord

Which said Conveyances shall be kept by the Clerk to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requesting the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said Company of Proprietors, shall be according to the following Form; *videlicet*,

‘ I *A. B.* do hereby, by virtue and in pursuance of a certain Act, intituled, [*insert the Title of this Act*], and by and with the Consent and Approbation of Five or more of the Commissioners appointed under or by virtue of the said Acts, testified by their Signatures hereto, and in Consideration of the Sum of _____ to me in Hand paid by *C. D.* at or before the Sealing and Delivery of these Presents, the Receipt whereof I do hereby acknowledge [*or; in Exchange for certain Lands situate _____ conveyed to me by C. D. by Writing under his Hand and Seal, bearing even Date herewith*], convey and assign to the said *C. D.* all [*describe the Premises*] to hold to the said *C. D.* his Heirs and Assigns for ever. As witness my Hand and Seal this _____ Day of _____

Form of Conveyance to private Persons.

And every such Conveyance shall be valid and effectual: Provided always, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands, Tenements, or Hereditaments, which are of the Nature of Copyhold, shall be executed and completed by Surrender, in such and the same Manner as is mentioned and directed in the said recited Act of the Thirty-first of His present Majesty, and as if this Act had not been made.

XXIV. Provided always, and be it further enacted, That no Boats, Barges, or Vessels, which may be intended or used for carrying Passengers and small Parcels, shall be permitted to pass or be navigated upon any Part of the said Canal without the Consent of the said Company of Proprietors, or their Committee for the Time being, and then only upon such Terms as may be fixed or agreed upon between the said Company or their said Committee and the Person or Persons who may be desirous to navigate or make use of such Boats or Vessels for the Purposes aforesaid.

Vessels for the Conveyance of Passengers and small Parcels not to be used without the Consent of the Proprietors.

XXV. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel employed on the said Navigation, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Satisfaction for Damages (with the Costs thereof) to such Owner or Owners; and in case of Non payment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same, and the Costs thereof, have or hath not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded, (such Oath to be made before any One Justice of the Peace for the County where such Penalty and Satisfaction shall

If the Owners of any Vessel pay any Penalty, or make Satisfaction for any Damages, for the Default of their Servants, such Servants to be answerable to them.

have been recovered), the Amount thereof shall be recovered in like Manner as any Penalty is to be recovered by virtue of the said recited Act of the Thirty-first of His present Majesty.

No Vessel to pass on the Canal without a Helm and a Steerer.

XXVI. And be it further enacted, That no Boat, Barge, or other Vessel shall be used or navigated on the said Canal (except such as shall be used in repairing it) without a Helm, and a Steerer to attend it, who shall constantly attend at the Helm, and guide the Boat, Barge, or Vessel while the same shall be drawn along the said Canal, and in Default thereof the Master and Owner of every such Boat, Barge, or Vessel, shall, for every such Offence, forfeit and pay to the said Company of Proprietors, their Successors or Assigns, any Sum not exceeding the Sum of Five Pounds nor less than Twenty Shillings.

Vessels of less Tonnage than Forty-six Tons not to pass a Lock without the Consent of the Company or their Committee.

XXVII. And be it further enacted, That no Boat, Barge, or other Vessel having less than Forty-six Tons Lading on board, shall pass through any Lock on the said Canal, without the Consent of the said Company of Proprietors, or their Committee, Agent, or Lock Keeper for the Time being, for that Purpose first had and obtained in Writing, or paying Tonnage for Forty-six Tons, unless Two Boats, Barges, or other Vessels shall pass such Lock as aforesaid together, in which Case they shall pay for Twenty-three Tons each.

If Lords of Manors or Land Owners do not make Wharfs and Landing Places within a limited Time, the Company may do it.

XXVIII. And be it further enacted, That if any Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said Canal is or shall be made, shall not, within the Space of Twelve Calendar Months next after Notice given in Writing to him or them, or left at his or their usual Place or Places of Abode, by or on the Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of making Landing Places and Wharfs for the Use of the said Navigation, and from Time to Time keep in good and substantial Repair such proper and sufficient Landing Places and Wharfs for the Use of the said Navigation, as the said Commissioners shall think necessary, and on the respective Part or Parts of the Lands and Grounds described in such Notice, that then the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Land, Ground, or Wastes, for making proper and sufficient Landing Places and Wharfs, according to such Notice as aforesaid, first making Satisfaction for the same in such Manner as by the said Act of the Thirty-first of His present Majesty is directed with respect to other Lands, which shall be taken or used for the Purpose of the said Navigation.

Boats, &c. to be numbered, &c.

XXIX. And be it further enacted, That every Master or Owner of any Boat, Barge, or other Vessel or Vessels, to be navigated on the said Canal, shall, before the same be permitted to pass on the same Canal, cause his Name and Place of Abode, and the Number of every such Boat, Barge, or other Vessel, to be entered in a Book to be kept at the said Company's Office in *Birmingham* or *Worcester*, which Entry shall be made by the Company's Clerks at the said Offices respectively, *gratis*, and the said Boats, Barges, or other Vessels, also shall be marked W. R. and B. C. and numbered, with a Plate of Cast Iron, to be delivered from such Office, and the Number to correspond with the Number entered into the Book kept

in the Office, in which shall be entered the Name and Place of Abode of such Master or Owner as aforesaid, and for which Plate of Cast Iron such Master or Owner shall pay One Shilling, and no more; and in Default thereof shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds, nor less than Twenty Shillings, for every Time any such Boat shall pass without such Entry being made, and the Boat, Barge, or other Vessel being marked and numbered as aforesaid.

XXX. And whereas, by a Proviso in the said Act for making the said *Worcester and Birmingham Canal*, it is provided, that no more than after the Rate of One Penny *per* Ton shall be demanded or taken for the Tonnage and Wharfage of any Coal, Iron, Iron Stone, Stone, Timber, or other Goods and Things which shall be carried or conveyed in any Boat, Barge, or other Vessel, to or from the River *Severn* into or out of the *Baton* intended to be made for the Use of the said Navigation at *Lowesmore* near to the City of *Worcester*, and not passing upon any other Part of the said Canal; be it enacted, That the said Proviso so contained in the said Act shall be and the same is hereby declared to be repealed.

Repealing the Tonnage and Wharfage granted by the former Act, between the River *Severn* and the *Baton* intended to be made at *Lowesmore*.

XXXI. Provided always, and be it further enacted, That no more than after the Rate of Two-pence *per* Ton shall be demanded or taken by the said Company of Proprietors for the Tonnage and Wharfage of any Coal, Iron, Iron Stone, Stone, Timber, or other Goods or Things which shall be carried or conveyed in any Boat, Barge, or other Vessel, passing to or from the River *Severn* into or out of any *Baton* to be made for the Use of the said Navigation at *Lowesmore* aforesaid, or at any other Place in or near to the City of *Worcester*, and not passing upon any other Part of the said Canal.

Tonnage to be taken between the *Severn* and any *Baton* to be made at or near *Worcester*.

XXXII. And be it further enacted, That if any Person shall wilfully, maliciously, or negligently do any Act to the Prejudice of the said *Worcester and Birmingham Canal* Navigation, every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds or less than Forty Shillings.

Penalty on damaging the Canal.

XXXIII. And for the more easy and speedy Conviction of Offenders against the said recited Act or this present Act, be it further enacted, That every Justice of the Peace, before whom any Person or Persons shall be convicted of any Offence against the said recited Act or this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect, as the Case shall happen; *videlicet*,

* County of } **B** E it remembered, That on the Day of Form of Conviction.
 } **E** in the Year of our Lord *A. B.* is
 ' convicted before me *C. D.*, One of His Majesty's Justices
 ' of the Peace for the said County (*specifying the Offence, and*
 ' *Time and Place when and where the same was committed*).
 ' Given under my Hand and Seal the Day and Year aforesaid.'

XXXIV. And be it further enacted, That the said Act, passed in the Thirty-first Year of the Reign of His present Majesty, and all and every Clause, Article, Provision, Matter, and Thing therein contained (except such

Former Act connected with this.

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, in so far as the same are compatible herewith.

For paying
the Expences
of the Act.

XXXV. And be it further enacted, That the Cofts and Charges of obtaining and passing this Act, and all Cofts, Charges, and Expences incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors of the said *Worcester* and *Birmingham* Canal Navigation, out of any Money received or to be received by virtue of the said recited Act for making and maintaining the said *Worcester* and *Birmingham* Canal Navigation, or of this Act.

Publick Act.

XXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.

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