



ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 53.

An Act for vesting several Messuages and Hereditaments in and near *Sheffield*, in the County of *York*, and divers detached Parts of the settled Estates of the Most Noble *Charles* Duke of *Norfolk*, in Trustees, upon Trust to sell, and to enable the said *Charles* Duke of *Norfolk* to enfranchise certain Copyhold and Customary Lands, Parcels of certain Manors in the Counties of *Norfolk*, *Suffolk*, and *Sussex*, other Parts of the said settled Estates, and for laying out the Monies arising from such Sales and Enfranchisements, in the Purchase of more convenient Estates, and for other Purposes therein mentioned. [5th June 1805.]

WHEREAS by virtue of certain Indentures of Lease and Release, bearing Date respectively the Tenth and Eleventh Days of June One thousand seven hundred and sixty-seven, the said Indenture of Release being of Eight Parts, and made between the Most Noble *Edward* Duke of *Norfolk*, Hereditary Earl Marshal of *England*, by the several other Titles and further Descriptions therein contained, Indenture dated 10 & 11 June 1767.

[Loc. & Per.] 115 of

transacted by a Committee of Twenty-four of the said Company of Proprietors, to be elected in the Manner therein mentioned, and to be called *The Committee of Management*: And whereas another Act was made in the Thirty-sixth Year of the Reign of His present Majesty, intituled, 36 G. 3. c. 44. *An Act to vary and alter the Line of the Canal authorized to be made by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, 'An Act for making a navigable Canal from the River Kennet, at or near the Town of Newbury, in the County of Berks, to the River Avon, at or near the City of Bath, and also certain navigable Cuts therein described; and to amend the said Act; and also to make a certain navigable Cut therein described:* And whereas another Act was made in the Thirty-eighth Year of the Reign of His present Majesty, intituled, 38 G. 3. c. 18. *An Act to vary the Line of the Kennet and Avon Canal, authorized to be made by Two Acts passed in the Thirty-fourth and Thirty-sixth Years of the Reign of His present Majesty; and also to extend the Powers of and to amend the said Acts:* And whereas by an Act passed in the Forty-first Year of the Reign of His said Majesty, intituled, 41 G. 3. c. 23. *An Act for enabling the Company of Proprietors of the Kennet and Avon Canal Navigation to complete the same,* Power was given to the said Company of Proprietors to raise a further Sum of Two hundred and forty thousand Pounds, by the Creation and Disposal of Four thousand new Shares, (or so much Money as such new Shares, at the Rate they should be disposed of should amount to), and it was thereby directed that Three thousand of the said new Shares should and might be taken by such of the then Proprietors of Shares and Half Shares in the said Undertaking, or their Nominees, as had subscribed for the same, at the Rate of Sixty Pounds a Share, and that they should be divisible into Half Shares, by such of the said Proprietors or their Nominees as should be admitted by the said Committee of Management to subscribe for the same, within One Calendar Month from the passing of the said last mentioned Act, and afterwards by any other Person who should be admitted by the Committee of Management to subscribe for and take the same at the said Rate, and that the remaining One thousand of the said new Shares, or so many thereof as the said Committee of Management should think fit, should be disposed of by publick Auction, at such Times and Places, and in such Manner and under and subject to such Rules and Regulations as are in the said Act mentioned and contained; but it was provided by the said last mentioned Act, that none of such Shares should be sold at less than Sixty Pounds each, without the Consent of the Proprietors at large, to be given at some Special Meeting of such Proprietors: And whereas in pursuance of the Powers of the said last recited Act, the said Three thousand new Shares at the Rate of Sixty Pounds a Share, were taken and subscribed for in Whole Shares and Half Shares, but the remaining One thousand of the said new Shares still remain undisposed of: And whereas the said Company of Proprietors have proceeded in making and completing certain Parts of the said Canal and Calls to the Amount of Fifty-five Pounds on each Whole Share; and Twenty-seven Pounds Ten Shillings on each Half Share, in respect of the said Three thousand new Shares, have already been made on the Proprietors of the said Three thousand new Shares, and there will yet be a further Sum of Money wanting and necessary, more than the said Company of Proprietors have been able to raise or can raise or borrow by virtue of the said several recited Acts to complete the said Canal and Works, and the said Proprietors are desirous, that, instead of their raising any further Sum

3000 new Shares subscribed for.

Part of Money raised.

Further Sum wanting.

by

By the Disposal of the said One thousand remaining Shares, they may be empowered to raise an adequate Sum for the Completion of the said Canal in the Manner after mentioned: And whereas the said several recited Acts and the Powers and Provisions therein contained, require to be altered, amended, and enlarged; 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 in all or any or such of the Ways or Means herein-after mentioned, as shall from Time to Time be determined upon by the said Company of Proprietors, at a Special Meeting or Special Meetings to be held for that Purpose, or by Three Parts in Four of the Proprietors who shall be present at such Special Meeting or Special Meetings, according to the Number of Votes they shall have a Right to give either as Principals or Proxies, the Sum of Two hundred thousand Pounds, or so much thereof as shall be necessary for the making, completing, and maintaining the said Canal and Works, in Lieu and Stead of the Money intended to be raised by the Sale and Disposal of the remaining One thousand of the said new Shares, mentioned and allowed to be created and disposed of in and by the said last recited Act, although the Whole of the Money intended to be raised by virtue of the said several Acts herein-before respectively mentioned, or either of them, hath not been fully raised and paid; which said Sum of Two hundred thousand Pounds, or such Part thereof as shall be raised by virtue of this Act, shall be applied in paying and discharging the Debts owing by the said Company of Proprietors, and in completing the said Canal and Works, and in executing the several Purposes of the said recited Acts and of this Act, and the Surplus thereof (if any) shall be considered as Part of the general Stock of the said Company of Proprietors.

Further Provisions necessary.

Company empowered to raise 200,000 l.

II. Provided always, That all Special Meetings of the said Proprietors, at which the raising of any Sum or Sums of Money shall be determined upon, shall be convened and held in such Manner as Special Meetings of the Proprietors at large are by the said recited Acts, or any of them, directed to be convened and held.

Special Meetings how to be convened.

III. And whereas several of the Proprietors in the said Undertaking, and certain other Persons, are willing to advance Money towards raising the said Sum of Two hundred thousand Pounds, to be paid by Instalments, and to take Promissory Notes under the Common Seal of the said Company, transferrable by Indorsement, on having such Option reserved or given to them as herein-after is mentioned; be it therefore enacted, That it shall be lawful for the said Company of Proprietors, (if it shall be so determined in Manner before-mentioned), to raise so much of the said Sum of Two hundred thousand Pounds as shall be agreed to be advanced by any of the said Proprietors, or by any other Persons if the said Proprietors shall not subscribe for the whole Amount thereof, to be paid by Instalments, and secured by Promissory Notes under the Common Seal of the said Company, and to be transferrable by Indorsement thereon; and that such Notes shall be made payable at the End of Eight Years from the passing of this Act, with Interest for the

Power to raise Money by Optional Notes.

Principal

Principal Monies to be thereby secured in the mean Time, to be paid Half-yearly after the Rate of Five Pounds *per Centum per Annum*, but the respective Holders of such Notes shall have and be entitled to the Option, instead of receiving back such Principal Monies, of being admitted to and becoming Proprietors of a new Share in the said *Kennet and Avon* Canal Navigation, for or in respect of every Fifty Pounds of such Principal Money advanced on such Notes, or such other Sum more or less than Fifty Pounds as shall be agreed upon at any Special Meeting or Special Meetings of the said Proprietors to be held for that Purpose, and shall be expressed in such Notes at or at any Time before the Expiration of the Term of Six Years from and after the passing of this Act, such Holders respectively giving Notice, in Writing, to the principal Clerk of the said Company, of such their Option to become Proprietors as aforesaid Six Calendar Months previous to the Day on which such Holders desire to become Proprietors as aforesaid.

Payment of
Instalments.

IV. And be it further enacted, That the said Committee of Management shall have Power at any Meeting or Meetings of the said Committee to fix upon such Instalments, and to appoint such Days of Payment thereof respectively, into the Hands of the Treasurer or Treasurers of the said Company of Proprietors from the Subscribers for the said Notes as they shall judge to be necessary, so that no such Instalment do exceed the Sum of Five Pounds for every Sum of Fifty Pounds subscribed for, and so that no such Instalment be payable before an Interval of Three Calendar Months at the least shall have elapsed, from the Time when the preceding Instalment shall have become payable; and that no Payment shall be appointed to be made until the Sum of One hundred and fifty thousand Pounds, Part of the said Sum of Two hundred thousand Pounds shall be actually subscribed for in some or One of the Modes mentioned in this Act, and so that Twenty-eight Days Notice at the least be given of the Day of Payment of every such Instalment by Advertisement in some Newspaper or Newspapers published in the Counties of *Berks, Wilts, and Somerset*, and also in some *London* Newspaper.

Subscribers
made liable to
Payment of
certain Instal-
ments.

V. And be it further enacted, That the respective Persons, Bodies Politick or Corporate, who shall, by themselves or their Agents, subscribe for any such optional Notes, shall be subject and liable to the Payment of so many of the First Instalments that shall be appointed to be paid in respect thereof, as shall amount to Twenty Pounds upon each Note, and in Default of Payment of such First Instalments, or any of them, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, against such Subscribers, Bodies Politick or Corporate, Person or Persons, his, her, or their Executors, or Administrators.

Holders be-
coming Pro-
prietors of
Shares incor-
porated.

VI. And be it further enacted, That all Persons to whom any such Notes as aforesaid shall be given, or who shall from Time to Time be entitled thereto, and to the Principal Money and Interest thereby secured as Indorsees or otherwise, at or before the Expiration of the said Term of Six Years, on such Option or Election being made, and Notice thereof so given as aforesaid to become Proprietors of Shares in respect thereof, shall be admitted Proprietors in the said Undertaking accordingly, and shall

shall be and they are hereby declared to be Owners and Proprietors of such and so many Shares as he, she, or they shall or may by virtue of such Note or Notes, and Election to be made as aforesaid, become entitled to and shall be and they are hereby united to and incorporated with the said Company, and the several Powers, Directions, Penalties, Forfeitures, and Provisions contained in the said recited Acts, (subject nevertheless to the Provisions, Directions, and Regulations herein contained) shall extend to the Nature of the Property, Sale, and Disposal of transferring, ticketing, and registering of the said Shares respectively, in like Manner as if the said Shares had been originally subscribed for, and as if the Money to be subscribed by virtue of this Act was Part of the Money authorized to be raised by the said first recited Act, and as if the said several Powers, Directions, Penalties, Forfeitures, and other Provisions, contained in the said recited Acts or any of them, and not hereby abrogated or altered, were repeated or re-enacted in this Act; and all and every the Persons, Bodies Politick and Corporate, and their several and respective Executors, Administrators, Successors, and Assigns, who shall so severally become entitled and admitted to any such new Shares as aforesaid, shall respectively become and be interested in all the Profits and Advantages which shall and may arise and accrue to the said Company by virtue of the said recited Acts, (except as to such Tonnage and Duty as shall accrue due prior to the converting of such Notes into Shares as aforesaid), in such Proportions as such Shares shall bear to the whole Amount of Shares of or in the said Undertaking.

VII. And be it further enacted, That any such Subscriber or Subscribers as aforesaid shall have full Power, (if he, she, or they shall think proper), to pay the Whole or any Portion of the Sum subscribed for into the Hands of the Treasurer or Treasurers of the said Company for the Time being, at any Time before any such Instalment or Instalments shall become payable; and that the said Treasurer or Treasurers whether the Payment or Payments of such Subscriber or Subscribers shall be made in Advance, or shall not be made until and in consequence of such Instalments becoming payable as aforesaid, shall give to such Subscriber or Subscribers a Memorandum in Writing, or Script Receipt, specifying the Day on which such Payment or Payments was or were made by such Proprietor or Proprietors, together with the Amount of the Sum paid, and such Subscriber or Subscribers, Holder or Holders of such Memorandums or Script Receipts, shall be entitled to lawful Interest on such Payments from the Day or Days on which the same shall be made, to the Twenty-fourth Day of *June* or Twenty-fifth Day of *December*, which shall then next follow, and from thence to the Day or Days on which their respective Notes shall be dated; and when and so soon as the Whole of the Money subscribed for by any Person or Persons for or in respect of any such Note or Notes as aforesaid, shall be fully paid, such Subscriber or Subscribers, or the Holder or Holders of such Memorandum or Memorandums or Script Receipts, so given by the Treasurer or Treasurers as aforesaid, shall, on the producing and delivering up the same, be entitled to and receive a Promissory Note or Promissory Notes, under the Common Seal of the said Company, in Exchange for such Memorandums or Script Receipts, to be sealed and given to such Person or Persons at the Expence of the said Company of Proprietors.

Payments of
Instalments
regulated.

Subscribers to
lose Benefit of
Subscription
if Instalments
not paid.

VIII. Provided always, and be it enacted, That if Default shall be made in Payment of any such Instalment or Instalments as aforesaid, by any Subscriber to or in respect of any such Note as aforesaid, or by any Holder of such Memorandums or Script Receipts as aforesaid, for Forty Days next after any such Instalment or Instalments shall be made payable; such Subscriber or Holder shall in such Case forfeit and lose all Interest which may be due and owing to him or her on any former Payments specified in any such Memorandums or Script Receipts, and all Right to such Option as aforesaid, or the Exercise thereof, and shall only be entitled (after making good the full Amount of the Sum or Sums subscribed by him, her, or them), to a Promissory Note, payable at the Expiration of the said Term of Eight Years from the passing of this Act, with Interest thereon after the Rate aforesaid from the Date of such Note, without any Option to be expressed therein; and if Default shall be made by any Subscriber to or in respect of any such Note as aforesaid, or by any Holder of such Memorandums or Script Receipts as aforesaid, in Payment of any such Instalment or Instalments as aforesaid, for Six Calendar Months next after any such Instalment or Instalments shall become payable, then every such Subscriber or Holder as last aforesaid shall forfeit and lose the said Subscription, and all prior Payments made in respect of his or her Subscription to or in respect of such Notes and all Interest thereof, and all Benefit and Advantage thereof; and the same shall thereupon become and be considered as Part of the Stock of the said Company of Proprietors: Provided always, that no such Forfeiture as last is mentioned shall be incurred or taken Advantage of until Twenty-one Days at least after Notice shall have been inserted in *The London Gazette*, and in some Newspaper published in each of the Counties of *Berks, Wilts, and Somerset*, and also in some *London Newspaper*, in the Form or to the Effect following; (that is to say),

Form of
Notice.

‘ KENNET AND AVON CANAL NAVIGATION.

‘ WHEREAS in pursuance of an Act of Parliament, made in the Forty-
‘ fifth Year of the Reign of His Majesty King *George the Third*
‘ intituled, [*here insert the Title of this Act*], an Instalment of *per*
‘ Note hath been duly appointed to be paid by the respective Subscribers
‘ to the optional Notes in the said Act mentioned, on the [*here insert*
‘ *the Date on which the Instalment was payable*]: And whereas Default
‘ hath been made in Payment of such Instalment by the Persons whose
‘ Subscriptions or Script Receipts are distinguished in the Books of the
‘ said Company, by the Number, [*here insert the Number or Numbers of*
‘ *the Subscription*], and therefore Notice is hereby given, that if the said
‘ Instalment shall not be paid to the Treasurer or Treasurers of the said
‘ Company, within the Space of Six Calendar Months, from the said
‘ Day of [*the Day on which the Instalment was payable*], the
‘ Person or Persons now entitled to the Benefit of such Subscription, [*or,*
‘ Subscriptions], will forfeit and lose the said Subscription [*or, Subscrip-*
‘ tions], and all Payments made in respect of the same, and all Interest,
‘ Benefit, and Advantage thereof.

‘ *A. B.* Principal Clerk to the said Company of Proprietors.’

IX. And

IX. And be it further enacted, That the Rates, Tolls, and Duties authorized to be taken, and which shall arise by virtue of the said Acts; and also so much of the Money to be raised by virtue of this Act, as shall not be expended in Payment of the Debts of the said Company, and in the completing and finishing of the said Canal, shall be a Security for all and every Sum and Sums of Money for which such Promissory Notes as aforesaid respectively shall be given, and the Interest thereof, and of the Payments which shall be made as aforesaid, before such Notes shall be given to the Person or Persons who shall from Time to Time be entitled to the same, but subject nevertheless to the Directions respecting the Forfeiture thereof herein-before contained; and also subject and without Prejudice to the Payment of such yearly Rents or other Sum or Sums of Money as have been or shall be agreed upon, determined, or assessed, and awarded for Damages or Satisfaction under and by virtue of the said recited Acts.

Rates made
able to pay
Interest.

X. And be it further enacted, That the Form of Subscription to or of any Engagement by such Subscribers to take such Notes as aforesaid, the Form of Nomination by any Proprietor of Shares, of any other Person to subscribe in his Stead, the Form of the Memorandums or Script Receipts to be given by the said Treasurers of Payments made on account of such Subscriptions, the Form of such Notes, and the proper Entry and Registry thereof; and the Form of any other Notice or Notices, and of all other Matters and Things relating thereto, shall be from Time to Time regulated and adjusted by the said Committee of Management, for the Time being, as they shall think fit; but subject nevertheless to the Directions and Regulations herein contained relating thereto.

Form of Sub-
scriptions,
Notes, &c.

XI. And be it further enacted, That the Interest of the Money so to be advanced by Instalments, and also the Interest to be secured by the said Notes as aforesaid; and of any Sum or Sums of Money which shall or may be borrowed, and the Annuities which shall or may be granted in pursuance of the Powers herein-after contained, shall be paid Half-yearly to the several Persons entitled thereto (but subject and without prejudice as aforesaid), in Preference to any Interest or Dividends due and payable by virtue of the before recited Acts, or any of them, to the Individuals of the said Company, for or in respect of their Shares in the said Undertaking; and in case the same Interest and Annuities, or any Part thereof, shall be in Arrear by the Space of Six Calendar Months next after the same shall become due and payable, and after Demand made thereof to the Treasurer or Treasurers of the said Company of Proprietors, then it shall and may be lawful for the Commissioners appointed by or under the said first recited Act, and they are hereby required, on Request to them made by any such Creditor or Creditors whose Interest or Annuity shall be so in Arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole or any Part or Parts of the Rates, Tolls, or Duties authorized to be raised or levied by the said first recited Act, with a Salary or Allowance for the Trouble of collecting the same (such Receiver or Receivers giving Security faithfully to account); and the Money so to be received shall be applied in the First Place in Payment of what shall from Time to Time be due for or in respect of such yearly Rents, or other Sum or Sums of Money as have been or shall be agreed

Interest on
Notes or
Mortgages
and Arrears
of Annuities
to have Pre-
ference to Di-
vidends on
Shares.

Receiver to be
appointed for
Payment of
Interest.

agreed upon, determined, or assessed and awarded for Damages or Satisfaction under and by virtue of the said recited Acts, and after such Payments, then in Payment of the Salary or Allowance of such Receiver or Receivers respectively, and afterwards in Payment *pari passu* of what shall from Time to Time be due for Interest on the said Payments and Promissory Notes, and on Mortgages, and for Arrears of Annuities under and by virtue of this Act; and the Money so to be received by such Receiver or Receivers shall (subject to the Payments so as aforesaid hereby directed to be made in the first Place thereof), be and be considered as so much Money received for the Use of the Creditor or Creditors on such Payments, and on Promissory Notes and Mortgages, and of Annuitants to whom such Interest and Arrears shall be then due, to the Extent of such Interest, and Arrears, and Costs of Collection; and after such Interest, and Arrears, and Costs of Collection shall be satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid, shall cease and determine; or otherwise the said Interest and Arrears remaining due and unpaid as aforesaid, shall and may be sued for and recovered by Action of Debt or on the Case against such Receiver or Receivers, who shall have Money in his or their Hands applicable to the Payment thereof, or against the said Company in any of His Majesty's Courts of Record at *Westminster*.

Receiver to be appointed for Payment of Principal.

XII. And be it further enacted, That in case any Creditor or Creditors on any such Promissory Note or Notes not converted into a Share or Shares, shall choose to receive back the Principal Money due and owing thereupon at the End of the said Term of Eight Years from the passing of this Act, or any Mortgagee or Mortgagees shall give Six Calendar Months Notice for the Payment of his, her, or their Mortgage Money, and the said Company shall make Default in Payment thereof respectively, then and in every such Case it shall and may be lawful for the said Commissioners, and they are hereby also required, on Request made to them by any such Creditor or Creditors, by a like Order under their Hands, to appoint One or more Person or Persons to receive the Whole, or any Part or Parts of the said Rates or Duties, with a Salary or Allowance as aforesaid, such Receiver or Receivers in like Manner giving Security to account; and the Money so to be received shall in like Manner in the first Place be applied in Payment of what shall be due for Rents, Damages, and Satisfaction, and for Arrears of Annuities and Interest, and then in Payment of the Salary of such Receiver or Receivers, and afterwards in Payment *pari passu* of all the Principal Monies and Interest due to such Creditor or Creditors on any Promissory Notes or Mortgages as shall require Payment thereof; and the Money so to be received by such last-mentioned Receiver or Receivers, shall (subject to the Payments so as aforesaid hereby directed to be made in the first Place thereof) be and be considered as so much Money received for the Use of the Creditor or Creditors on Notes or Mortgages respectively requiring Payment of the Principal and Interest due thereon, to the Extent of such Principal and Interest; and after such Principal and Interest, and the Costs of collecting the said Rates and Duties, shall be satisfied, the Power and Authority of such Receiver or Receivers shall in like Manner cease and determine, or otherwise the said Principal Money and Interest shall and may be sued for and recovered by

by Action of Debt, or on the Case, against such last-mentioned Receiver or Receivers who shall have Money in his or their Hands applicable to the Payment thereof, or against the said Company in any of His Majesty's Courts of Record at *Westminster*.

XIII. And be it further enacted, That if the said Company of Proprietors, assembled at a Special Meeting or Meetings to be appointed for that Purpose in Manner herein-before mentioned, shall think it more expedient, it shall and may be lawful for the said Company, and they are hereby authorized and empowered to raise the said Sum of Two hundred thousand Pounds, or any Part thereof, by Mortgage of the said Navigation, or by granting Annuities, in like Manner and with the same Powers and Provisions as the said Company of Proprietors are by the said recited Act of the Forty-first Year of His present Majesty empowered to raise Part of the Sum of Two hundred and forty thousand Pounds therein mentioned; or by creating new or additional Shares, to be subscribed for in Manner herein-after mentioned; after the Rate of Thirty Pounds *per* Share, or at such other Rate or Value *per* Share more or less than Thirty Pounds, as the said Company of Proprietors, assembled at any General or Special Meeting to be appointed as aforesaid, shall from Time to Time think proper to declare.

Power to raise the said 200,000 £. by Mortgage or Annuity;

or by the Creation of new Shares.

XIV. And be it further enacted, That all such new Shares shall be deemed Personal Estate, and be transferrable as such; and all Persons, Bodies Politick and Corporate, who shall by themselves or Agents subscribe for and be admitted by the said Committee of Management, or otherwise become entitled to such Shares, their several and respective Executors, Administrators, Successors, and Assigns, shall be and they are hereby declared to be the Owners and Proprietors thereof, and shall be and they are hereby united to and incorporated with the said Company; and the several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Acts, or any of them, (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 Shares, and for compelling and obliging the several Subscribers for or Proprietors of the same, to pay the respective Sums to be subscribed for as aforesaid, and for transferring, entering, and registering the said Shares; and in all other respects relating thereto, in like Manner as if the said Shares had been originally subscribed for, and as if the Money to be subscribed by virtue of this Act was Part of the Money authorized to be raised by virtue of the said first recited Act, and as if the said several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said Acts, or any of them, and not hereby abrogated and altered, were repeated and re-enacted in this Act, and as well all and every the Persons, Bodies Politick and Corporate, their several and respective Executors, Administrators, Successors, and Assigns, who shall severally subscribe for and be admitted to any such new Shares as last aforesaid, shall stand and be intitled in all the Profits and Advantages which shall or may arise and accrue to the said Company by virtue of the said recited Acts and this Act, in such Proportions as such Shares shall bear to the whole Amount of Shares and Half Shares in the said Undertaking, so that each Proprietor of such new Shares shall be entitled to receive such and the same Dividend and Profit for the same, as he would

Provisions of former Acts extended to new Shares;

and new Proprietors incorporated.

be entitled to receive for an equal Number of old Shares in the said Undertaking.

Calls.

XV. And be it enacted, That the said Committee of Management shall and may at any Meeting of the said Committee, held according to the Directions and Powers given in and by any of the said recited Acts, make Calls for Money from the Subscribers to and Proprietors of the said last mentioned new Shares, provided that publick Notice thereof be given in Manner directed by the said first recited Act; and that not more than after the Rate of Ten Pounds *per Centum* shall be called for at any one Time, nor more than after the Rate of Forty Pounds *per Centum* be called for in the Whole in any one Year, commencing from the Time when the Subscription to the Amount of One hundred and fifty thousand Pounds in some or one of the Modes herein-before respectively mentioned shall be completed: Provided also, that no Call shall be made until at least the Sum of One hundred and fifty thousand Pounds shall be actually subscribed for or lent and advanced in all, some, or one of the Modes herein mentioned.

Proprietors
entitled to
Preference.

XVI. Provided always, and be it enacted, That it shall be lawful for any Person or Persons, Bodies Politick or Corporate, possessed of any Whole or Half Share or Shares in the said Canal, and he, she, and they shall be entitled in Preference to all other Persons to subscribe by himself, herself, or themselves, or his, her, or their Nominee or Nominees, to be appointed in such Manner and Form as shall be settled by the said Committee of Management, for so many of such optional Notes or new Shares as may be so created as last aforesaid, as he, she, or they shall choose to take at the respective Rates aforesaid, within Two Calendar Months after Notice shall have been given by the principal Clerk of the said Company of Proprietors, in some Newspaper published in each of the Counties of *Berks, Wilts, and Somerset*, and also in some *London* Newspaper, that such Person or Persons, Bodies Politick or Corporate, his, her, or their Nominee or Nominees, are at Liberty so to do: Provided nevertheless, that if more than the Sum of Two hundred thousand Pounds shall be subscribed for, either in such optional Notes only, or in such new Shares only, or in such Notes and new Shares jointly, then and in any such Case, the said Committee of Management shall ascertain, as nearly as may be, what Proportion the full Number of Notes or Shares, or Notes and Shares subscribed for, bear to the full Number of Shares and Half Shares in the said Concern created by the said several Acts, and remaining unforfeited, and shall reduce the Subscriptions of such Proprietors as shall have subscribed for a greater Number of the said optional Notes or new Shares than shall bear a Proportion to the Shares or Half Shares created by the said several Acts of which such Proprietors shall be possessed, as nearly as can be computed, and so as to lower the total Amount of the said Subscriptions to Two hundred thousand Pounds; and in case any optional Notes or new Shares shall remain unsubscribed for at the End of Two Calendar Months after such Notice given, it shall be lawful for the said Committee, at any subsequent Meeting or Meetings of the said Committee, to admit any Person or Persons whomsoever to subscribe for optional Notes or new Shares, at the same respective Rates at which they shall have been before offered to the said Proprietors; and

and if the said Committee shall not receive Applications for the whole Residue of such Subscription, then the Proprietors shall have Power, at any Special Meeting of the said Proprietors, to offer the Subscription either for Notes or Shares, or for Notes and Shares, in like Manner first to the Proprietors and then to the Publick, at such reduced Rates as shall be agreed upon at any such Meeting.

XVII. Provided always, and be it further enacted, That if it shall be found necessary by the said Company of Proprietors, at any Special Meeting or Meetings, after a Part only of the said Sum of Two hundred thousand Pounds shall have been subscribed, either on optional Notes as aforesaid, or on new Shares as aforesaid, or otherwise, to lower the Rate of Notes to a less Sum than the Rate at which Notes shall have been before taken and subscribed for, in order to induce Persons to subscribe for the Residue of the said Sum of Two hundred thousand Pounds, or any Part thereof, then and in such Case all the Notes which shall have been before taken and subscribed for by virtue of this Act, shall be also lowered or depreciated to the same Rate *per Note* at which such new Notes shall be proposed to be taken, (notwithstanding a greater Sum shall have been paid or agreed to be paid for or on Account thereof); and all such new Shares as shall have been subscribed for by virtue of this Act shall also be lowered or depreciated in the like Proportion *per Centum*; and in like Manner, if it shall be found necessary for the Purposes aforesaid to lower the Rate of Shares to a less Sum than the Rate at which such Shares shall have been before taken and subscribed for, then and in such Case all the Shares which shall have been before taken and subscribed for by virtue of this Act shall be also lowered or depreciated to the same Rate *per Share* at which such new Shares shall be proposed to be taken, (notwithstanding a greater Sum hath been paid or agreed to be paid for or on Account of the same), and all such optional Notes as shall have been subscribed for shall also be lowered or depreciated in the like Proportion *per Centum*.

Provision in case of lowering the Rate of Notes or Shares.

XVIII. Provided also, and be it enacted, That the Subscribers to such Notes or Shares at such higher Rates, shall pay the full Sums they shall have respectively subscribed for, notwithstanding such Reduction or Depreciation as aforesaid, but every such Subscriber shall be entitled to require that the Overplus of such Money (above the Amount of his or her Note or Notes, or Share or Shares, calculated at such reduced or depreciated Rate as aforesaid), shall be converted into One or more Note or Notes, or Share or Shares, at such reduced or depreciated Rate, so far as such overplus Money may extend; and if there shall be any fractional Sum paid by any such Subscriber, not equal to One of such last mentioned Notes or Shares, such Subscriber shall be at Liberty to advance such further Sum as, with the said fractional Sum, shall entitle him or her to One of such Notes or Shares at his or her Option, at such reduced or depreciated Rate as aforesaid.

Subscribers to pay full Sums subscribed, and be entitled to require the Overplus to be converted into Shares.

XIX. And be it further enacted, That the Money intended by the said recited Act of the Forty-first Year of His present Majesty to be raised by the Disposal of the remaining One thousand Shares therein mentioned and now undisposed of, shall not be raised, nor the said Shares be disposed of.

Remaining 1000 Shares under former Act not to be disposed of.

XX. And

Three Fourths
of Votes at
Special Meet-
ings to decide.

XX. And be it further enacted, That at all Special Meetings to be held for the Purposes of this Act, the Determination of Three Parts in Four of the Votes, according to the Number of Votes in Person and by Proxy which the Persons attending any such Meeting shall have a Right to give and shall give, shall be and is hereby made necessary, in order to be binding and conclusive upon the Rest of the Proprietors; and such Determination so made shall be binding and conclusive upon the Rest of the Proprietors, and shall be observed and acted upon accordingly; any Thing contained in either of the before mentioned Acts to the contrary thereof in anywise notwithstanding.

Annual Re-
port to be
made.

XXI. And be it further enacted, That the said Committee of Management, at their General Quarterly Meeting which shall be held in the Month of *June* in every Year, in pursuance of the Directions of the said recited Acts, or some or One of them, shall prepare and make out a Report of the Receipts and Payments which have been made on account of the said Company, and a general Statement of their Accounts, and of the Situation of their Affairs, and shall cause the same to be produced to the Proprietors at large at their then next annual General Meeting for the Election of a Treasurer or Treasurers, to be held in pursuance of the said first recited Act.

Regulating the
Resale of Lands
not wanted by
the Company.

XXII. And whereas it is by the said Act of the Forty-first Year of the Reign of His said Majesty provided, that the said Company before they shall sell and dispose of any Messuages, Lands, Tenements, or Hereditaments, by virtue of the Authority thereby given, shall first offer to resell the same to the Person or Persons from whom the said Company shall have purchased such Premises, his, her, or their Heirs, in Manner therein mentioned, which Provision hath been attended with Inconvenience to the said Company, by preventing them from disposing of such Messuages, Lands, Tenements, or Hereditaments as they have no further Use for, to the best Advantage; be it therefore enacted, That all Conveyances of Messuages, Lands, Tenements, or Hereditaments, by the said last mentioned Act authorized to be made, which have been made and executed, or at any Time hereafter shall be made and executed by the said Company, to any Person or Persons whomsoever, shall be good, valid, and effectual, to all Intents and Purposes whatsoever, although the said Company of Proprietors have not or shall not have first offered to resell such Messuages, Lands, Tenements, or Hereditaments, to the Person or Persons from whom the said Company shall have purchased such Premises, his, her, or their Heirs, unless the Person or Persons from whom any such Messuages, Lands, Tenements, or Hereditaments, have been already purchased, his, her, or their Heirs, shall within Three Calendar Months next after the passing of this Act, give Notice in Writing to the principal Clerk of the said Company, that he, she, or they are desirous of having such Offer made to him, her, or them, and unless the Person or Persons at any Time hereafter selling and conveying any Messuages, Lands, Tenements, or Hereditaments to the said Company, shall at the Time of making and executing the Conveyance or Conveyances thereof, by Writing under his, her, or their Hands, give Notice to the said Company that in case of a Resale of any Part of the said Messuages, Lands, Tenements, or Hereditaments by the said Company, such Offer shall be made

to

to him, her, or them, his, hers, or their Heirs, as is directed by the said last mentioned Act.

XXIII. And whereas it is by the said first recited Act provided, that Copies of certain Rules, Orders, and Bye Laws thereby authorized to be made, shall be written or printed in large Characters, and be affixed and continued in some conspicuous Place or Places upon all the Wharfs on the said Navigation: And whereas it is attended with great Inconvenience to the said Company to prove, upon every Prosecution for Offences against such Bye Laws, that such Bye Laws have been made, affixed, and actually continued to the Time of such Prosecution, upon every one of the Wharfs on the said Navigation; for the Remedy thereof, be it enacted, That in all Cases of Prosecution for Offences against the said Bye Laws, the Production of a printed Paper purporting to be the Bye Laws of the Company, and authenticated by the Common Seal of the Company being affixed thereto, shall be sufficient Evidence of the Existence of such Bye Laws; and that it shall be sufficient to prove that a printed Paper, in Characters sufficiently plain, purporting to be a Copy of such Bye Laws, hath been affixed; and in case of its being afterwards displaced or damaged, hath been replaced with another such Paper, as soon as conveniently might be, in some conspicuous Place upon the Wharf nearest to the Place where the Offence was committed, unless Proof shall be adduced by the Defendant that such printed Paper is not a Copy of such Bye Laws, or hath not been duly kept up and generally continued at such Wharf.

Authenticating Bye Laws.

XXIV. And whereas in and by the said recited Act, the Committee of Management are authorized and empowered to appoint One or more Sub-Committee or Sub-Committees for the Purposes therein mentioned; be it enacted, That it shall be lawful for the said Committee of Management, and they are hereby authorized from Time to Time, to make Compensation and Satisfaction to such Sub-Committee Men, or other Persons as shall be appointed to superintend the Execution and Completion of the said Canal, not exceeding Three Persons, for their Care, Trouble, and Expences in the Management of the Concerns of the said Company, by Way of Salary or otherwise, as the said Committee of Management shall think fit, and the Members of such Sub-Committee shall not be thereby disqualified from acting as Members of the said Committee of Management.

Allowances to Sub-Committee of Management.

XXV. And be it further enacted, That all and every the Provisions and Clauses of this Act, shall in the Execution of the said recited Acts be used, applied, and construed, so far as the same are applicable, in like Manner as if the same were specially enacted in the said Acts, or some or One of them; and all and every the Provisions and Clauses of the said recited Acts, shall, in the Execution of this Act, except where the same are hereby expressly varied, be used and applied, extended and construed, in like Manner as if the same Provisions and Clauses (except as aforesaid) were specially enacted in or by this Act.

General Powers.

[Loc. & Per.]

14 D

XXVI. And

Costs of ob-
taining Act.

XXVI. And be it further enacted, That the Costs and Expences of applying for, obtaining, and passing this Act, and all Costs and Expences incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors, out of any Money received or to be received by virtue of the said recited Acts and of this Act, or either of them.

Publick Act.

XXVII. 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 others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1805.