



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 105.

An Act for enlarging the Powers of several Acts of His present Majesty, for making and maintaining the *Birmingham Canal Navigations*, and for further extending and improving the same.

[21st May 1811.]

WHEREAS an Act was passed in the Eighth Year of the Reign of 8 G. 3. His present Majesty, for making and maintaining a navigable Cut or Canal from *Birmingham* to *Bilstone*, and from thence to *Autherley*, there to communicate with the Canal between the Rivers *Severn* and *Trent*, and for making collateral Cuts up to several Coal Mines, whereby certain Persons were made one Body Politic and Corporate, by the Name and Style of *The Company of Proprietors of the Birmingham Canal Navigation*: And whereas an Act was passed in the 9 G. 3. Ninth Year of the Reign of His said present Majesty, to rectify a Mistake in an Act, passed in the Eighth Year of His present Majesty, for making and maintaining a navigable Cut or Canal from *Birmingham* to *Bilstone*, and from thence to *Autherley*, there to communicate with the Canal between the Rivers *Severn* and *Trent*, and for making collateral Cuts up to several Coal Mines: And whereas an Act was passed in the Twenty-third 23 G. 3. Year of the Reign of His said present Majesty, for making and maintaining a navigable Canal from a Place near *Rider's Green*, in the County of *Stafford*, to *Broadwater Fire Engine*, and Six collateral Cuts from the same

[Loc. & Per.]

24 A

to

24 G. 3.

34 G. 3.

46 G. 3.

Incapacitated
Persons ena-
bled to treat
and agree
with the
Company for
the Sale of
Lands.

to several Coal Mines, and also a navigable Canal from or near the Town of *Birmingham* to join the *Coventry* Canal at or near *Fazeley* in the Parish of *Tamworth* in the said County of *Stafford*, with a collateral Cut to the lower Part of the said Town of *Birmingham*, whereby several Persons were made one Body Politic and Corporate, by the Name of *The Company of Proprietors of the Birmingham and Fazeley Canal Navigation*: And whereas an Act was passed in the Twenty-fourth Year of the Reign of His said present Majesty, for incorporating the Company of Proprietors of a Canal Navigation, authorized by an Act passed in the Eighth Year of the Reign of His present Majesty King *George* the Third, to be made from *Birmingham* to *Bilstone* and *Autherley*, with the Company of Proprietors of a Canal Navigation, authorized by an Act passed in the Twenty-third Year of the Reign of His present Majesty, to be made from *Birmingham* to *Fazeley*, and for consolidating their Shares, and amending the said last-mentioned Act, whereby the said Two Companies were united and incorporated together, and made one Body Politic and Corporate, by the Name of *The Company of Proprietors of the Birmingham and Birmingham and Fazeley Canal Navigations*: And whereas an Act was passed in the Thirty-fourth Year of the Reign of His said present Majesty, intituled *An Act for extending and improving the Birmingham Canal Navigations*, wherein it is enacted, that from and immediately after the passing of the said Act, the said Company of Proprietors shall be incorporated, styled, and called by the Name of *The Company of Proprietors of the Birmingham Canal Navigations*, instead of the Name of *The Company of Proprietors of the Birmingham and Birmingham and Fazeley Canal Navigations*: And whereas an Act was passed in the Forty-sixth Year of the Reign of His said present Majesty, intituled *An Act for improving the Birmingham Canal Navigations*: And whereas it is requisite that some further Powers and Provisions should be given and made respecting the said *Birmingham Canal Navigations* than those which are contained in the said recited Acts: And whereas, in and by the said recited Act passed in the Forty-sixth Year of the Reign of His present Majesty, it is provided that no Land shall be taken for any further Works, Improvements, or Alterations of such Line as aforesaid, without the Consent of the Owner or Owners thereof, and Payment being made or Security given for the Value thereof in Money, or an annual Rent, at the Option of the Owner or Owners of such Lands respectively: 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 any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all Trustees or Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all other Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be set out and ascertained for the Purpose of making such further Works,

Improvements, or Alterations as are authorized to be made by virtue of the said recited Acts or any of them, to consent and agree with the said Company of Proprietors of the said *Birmingham Canal Navigations*, when desirous of making such further Works, Improvements, or Alterations of such Line as aforesaid, for the Land, Ground, or Hereditaments to be made use of for that Purpose, and the Damage to be occasioned thereby; and every such Consent and Agreement, being reduced into Writing, and signed and sealed by the respective Parties giving or making the same, shall be binding and conclusive upon all Persons and Bodies Politic and Corporate whatsoever, and shall be deposited with the Clerk of the Company of the said Proprietors, and be by him kept.

II. And whereas by the said recited Acts of the Eighth and Twenty-third Years of the Reign of His present Majesty, the Masters, Owners, and Managers of every Boat or Vessel navigating upon the said Canal are required to give a just Account in Writing to the Collectors of the said Tonnage or Duties of the Quantities of Goods in or belonging to each Boat or other Vessel; and in case of Neglect or Refusal to deliver such Account, or of giving a false Account, they are made subject to Forfeitures as in the said Acts are contained; and it is further provided, that if any Difference shall arise between any Collector, and the Master, Owner, or Manager of any Boat or Vessel, or the Owner of any Goods, concerning the Weight and Quantity of the same, such Collector may stop and detain any such Boat or Vessel, and weigh, measure, and gauge all such Goods as shall be therein contained: And whereas the said Proceeding is attended with great Delay, Expence, and Inconvenience, and should not be resorted to unless in Cases of Necessity; be it therefore further enacted, That if at any Time hereafter any Dispute or Difference shall arise between any of the said Collectors, and the Master, Owner, or Manager of any Boat or Vessel, or the Owner of any Goods, concerning the Weight or Quantity of the Goods in such Boat or Vessel, and the same cannot be settled and adjusted without unloading such Boat or Vessel, and weighing, measuring, or gauging such Goods, it shall and may be lawful for the said Company or their said Collectors, and they are hereby authorized and empowered to charge the Weight of such Goods by and according to the Weight thereof declared by the Gauge of such Boat, or the graduated Index thereon; any thing in the said recited Acts contained to the contrary notwithstanding.

For the more easily ascertaining the Weight of Goods.

III. And be it further enacted, That if any Boat or other Vessel shall be wilfully placed in any Part of the said Canals, whereby or by means whereof the Passage of any Part of the said Canals shall be obstructed or impeded, and the Person having the Care of such Boat or Vessel shall not without Delay, on Request made by an Agent of the said Company, remove the same, he shall for every such Offence forfeit any Sum not exceeding Five Pounds, to be recovered, levied, and applied in the same Manner as the Forfeitures or Penalties incurred by any of the said former Acts are directed to be recovered and applied.

Penalty on Persons obstructing the Passage of the said Canals.

IV. And whereas the Passage of the said Canal hath been greatly obstructed by Wharfs which have been made to project into the Bed or Channel of the Canal; to remedy which, be it further enacted, That the

Regulation as to Wharfs.

the upright Wall of every Wharf hereafter to be made upon the Line of the said Canal or Cuts shall be set at least Eight Feet without the Line of the Top-water Level of the said Canal or Cuts, so that a Boat or Boats whilst lying thereat shall be clear of the Passage of other Boats, and not in anywise narrow, impede, or obstruct the Navigation of the said Canal or Cuts, or any Part thereof.

The Property of the Canal to be divided into One thousand Shares.

V. And whereas in and by the said Act of the Twenty-fourth of *George the Third* it is enacted, that the Shares in the said respective Undertakings should be consolidated and comprehended in Five hundred Shares and no more, and that no Person then already being or thereafter becoming a Proprietor therein should be or become a Proprietor for less than One Share or more than Ten Shares, either in his or her own Name, or in the Name of any other Person or Persons in Trust for him or her, unless the same should have theretofore or might thereafter come to him or her by Will or Act in Law, upon Pain of Forfeiture of all above Ten Shares : And whereas the said Company did raise and contribute among themselves the several large Sums of Money which they were authorized to do by the said Acts, or some of them, amongst the Proprietors thereof, and which with various other Sums of Money have been expended in the Execution of the Works authorized to be completed by the said recited Acts, and the Capital belonging to the Proprietors of the said Company has been ever since the passing of the said Act of the Twenty-fourth of His present Majesty, and is now, divided into Five hundred Shares : And whereas it would be more convenient to the said Company of Proprietors, if the said Five hundred Shares were divided and distinguished into One thousand Shares, instead of the said Five hundred Shares ; be it therefore enacted, That the said Five hundred Shares shall be and the same are hereby divided into One thousand equal Parts or Shares, and that all and every Person and Persons, Bodies Politic or Corporate, who now stand or standeth possessed of or entitled unto One Part or Share in the said Navigations, Undertaking, and Premises, by virtue of any Act or Acts of Parliament now in being, or by this Act, shall henceforth be deemed and taken to stand possessed of Two Parts or Shares, and so in proportion for any greater Number of Shares not exceeding Twenty Shares, and shall have and be entitled to the like Privileges, Advantages, and Emoluments, in respect to the Number of Shares such Person or Persons, or Bodies Politic or Corporate, shall or may be possessed of or entitled unto in the said One thousand Parts or Shares, according to the Distribution aforesaid, as he or they now is or are or would have been entitled to had the said Shares continued or remained at the said Five hundred Parts or Shares ; and the said One thousand Parts or Shares shall remain subject and liable to the same Charges and Incumbrances as the said Five hundred Parts or Shares now are or would have been subject and liable to had the same not been divided as aforesaid, or this Act had not been made ; any thing in this Act or the said recited Acts, or any of them, contained to the contrary notwithstanding.

Limiting the Number of Shares to be held.

VI. Provided always, and be it further enacted, That no Persons or Body Politic or Corporate, now being or hereafter becoming a Proprietor in the said Navigations, Undertaking, and Premises, do or shall become a Proprietor of less than One Share or more than Twenty Shares, either

ither in his or her own Name or in the Name of any other Person or Persons in Trust for him or her (except the same shall have come or shall hereafter come to him or her by Will or Act in Law), upon Pain of forfeiting to the said Company, their Successors and Assigns, all such Shares exceeding Twenty Shares as aforesaid; nor shall any Person be qualified to be elected as a Member of the Committee for managing the Affairs of the said Company, who is not at the Time of such Election possessed of Six Shares of the said Navigations and Premises.

VII. And be it further enacted, That every Person or Persons who is, are, or shall be possessed of or entitled unto One or more Share or Shares in the said Navigations and Undertaking, according to the Division and Distribution aforesaid, shall have a Vote in respect of every such Share in the General and Special Assemblies of the said Company, which Vote shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors in the said Undertaking), duly constituted under his, her, or their Hand or Hands; and that no Acts of the Proprietors at any such General or Special Assemblies of the said Company hereafter to be held shall be valid, unless there shall at such General or Special Assembly be Persons who have Five hundred Shares, either as Principals or Proxies, in the said Navigations and Undertaking, according to the Division and Distribution aforesaid.

Regulating
voting in
respect of
Shares.

VIII. And whereas in and by the said recited Act passed in the Twenty-third Year of the Reign of His present Majesty, it is enacted, that it should not be lawful for the said Company of Proprietors to take any Water raised or to be raised by virtue of any Fire Engine, which then did or thereafter might belong to the Representative of the late *John Wood*, without the Consent of the said Representative in Writing first had and obtained: And whereas in and by a certain Indenture Tripartite, bearing date the Sixteenth Day of *March* in the Year of our Lord One thousand eight hundred and nine, and made between *William Gilbert Wood* of *Broad Mead* in the Parish of *King's Norton* in the County of *Worcester*, Gentleman, of the first Part; *Samuel Baker*, of *Rotten Park* in the Parish of *Birmingham* in the County of *Warwick*, Maltster, and *Ann* his Wife, who was the Widow and Relict of the said *John Wood*, late of *Wednesbury Forge* in the County of *Stafford*, Ironmonger, deceased, and also an Annuitant under his Will, of the second Part; and the Company of Proprietors of the *Birmingham Canal Navigations*, of the third Part; the said *William Gilbert Wood*, the Son and Devisee under the Will of his Father the said late *John Wood* deceased, did, for the Considerations therein mentioned, release, surrender, and give up unto the said Company of Proprietors and their Successors the Restriction imposed by the said Clause in the said recited Act passed in the Twenty-third Year of the Reign of His present Majesty, for the securing the said Water to the Representative of the said *John Wood* deceased as aforesaid, as far as he could or might release the same as Representative of and one of the Sons and Devisee under the said Will of the said *John Wood* deceased; be it therefore further enacted, That in pursuance of the said Agreement herein recited, such Restriction or Exemption in the said recited Act of the Twenty-third Year of the Reign of His present Majesty shall cease, and is hereby repealed and made void; any thing in the said recited Act to the contrary notwithstanding.

Clause in
23 G. 3.
respecting
*Wood's Fire
Engine*, re-
pealed.

Public Act.

IX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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