



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. xxi.

An Act to enable the *Birmingham and Liverpool Junction Canal Navigation Company* to raise a further Sum of Money. [22d May 1834.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for making a navigable Canal from the Staffordshire and Worcestershire Canal, in the Parish of Tettenhall in the County of Stafford, to the united Navigation of the Ellesmere and Chester Canals in the Parish of Acton in the County Palatine of Chester*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said late Majesty, intituled *An Act to enable the Company of Proprietors of the Birmingham and Liverpool Junction Canal Navigation to alter the Line of the said Navigation, and to make certain Branches therefrom, in the Counties of Stafford and Salop*: And whereas another Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act to enlarge and amend the Powers and Provisions of the several Acts relating to the Birmingham and Liverpool Junction Canal, and to better supply the said Canal with Water*: And whereas the Works by the said Acts authorized to be made are nearly completed, and in order to the Completion thereof it is necessary that a further Sum of Money should be raised: And whereas the Object aforesaid cannot be effected without the Authority of Parliament: 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

[Local.] 50 Commons,

Powers of recited Acts extended to this Act.

Commons, in Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things in the said recited Acts or any of them contained (except such of them or such Parts thereof respectively as are by the said recited Acts or any of them, or by this Act, expressed, repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and shall operate and be in force in respect of the Objects and Purposes thereof, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act.

Company empowered to raise 100,000*l.* by Calls upon the Proprietors of Shares in the Undertaking.

II. And be it further enacted, That it shall be lawful for the said Company to raise, by Calls upon the several Proprietors of Shares in the Undertaking, any Sum of Money not exceeding the Sum of One hundred thousand Pounds, and it shall be lawful for the said Company to make such Calls upon the said Proprietors as they from Time to Time shall find necessary, provided such Calls do not in the whole exceed the Sum of Twenty-five Pounds in respect of each Share in the said Undertaking, and that no Call do at any one Time exceed the Sum of Ten Pounds upon each Share; provided also, that there be an Interval of Three Calendar Months at the least between each Call, and that Twenty-one Days Notice at the least be given of each Call by Advertisement in some Newspaper usually circulated within the Counties of *Stafford*, *Salop*, and *Chester* respectively; and all Monies so called for shall be paid (together with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment of such Call) to such Persons and in such Manner as the said Company or the Committee thereof shall direct, and shall be applied to the general Purposes of the said Undertaking; and if any Person shall neglect or refuse to pay his Proportion of the Money so called for to the Person and at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same, with all Interest then due thereon, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager or Protection of Law, or more than One Imparlance, shall be allowed.

No Person to transfer his Share until Call paid.

III. And be it further enacted, That after any Call of Money shall have been made by the said Company under the Authority of this Act no Person shall sell or transfer any Share which he shall possess in the said Undertaking, until he shall have paid to the said Company the entire Sum of Money which shall have been called for in respect of such Share, together with all Interest then due thereon; and all the Powers, Provisions, Remedies, Penalties, Matters, and Things contained in the said recited Acts or any of them in relation to the Payment of Calls, with Interest, (except the Forfeiture of Shares in Cases of Nonpayment of Calls,) shall extend and be construed to extend to Calls made under the Authority of this Act.

Persons paying Calls to receive Certificates.

IV. And be it further enacted, That the several Corporations and Persons, and their several Successors, Executors, Administrators, and Assigns, who at the Time of the passing of this Act shall be possessed

of any Share in the said Undertaking, and who shall from Time to Time pay such Calls as may be duly made by the said Company under the Authority of this Act, shall be entitled to receive from the Clerk of the said Company Certificates of the several Payments from Time to Time made by them; and the several Holders of such Certificates shall, on Production thereof, be entitled to receive, at such Times as the said Company shall direct, and before Payment of any Dividends or Distribution of Profits in the said Undertaking, a fixed Payment not exceeding the Rate of Five Pounds *per Centum per Annum* on the Amount of the several Calls so paid by them, such fixed Payments to be and remain a Charge on the said Undertaking,

V. Provided always, and be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to borrow of any Person or Corporation such Part of the said Sum of One hundred thousand Pounds herein-before authorized to be raised by way of Call on the Proprietors of Shares in the said Undertaking as shall not have been received from such Proprietors, and also any further Sum of Money not exceeding in the whole the Sum of Fifty thousand Pounds, at such Rate of Interest as may be agreed upon, not exceeding Five Pounds *per Centum per Annum*, and by Bond under the Common Seal of the said Company, and at the Costs of the said Company, to secure the Repayment of the Money advanced, together with any Arrears of Interest due thereon, at such Periods as the said Company and the Parties advancing such Money may agree upon; and the Money so agreed to be advanced, together with all Arrears of Interest due thereon, shall be paid at the Periods so fixed to the Parties who at the Expiration of such Periods shall be the Holders of such Bonds, or to their respective Nominees; and the several Parties holding such Bonds shall be entitled to be repaid out of the Rates, Tolls, and Duties, or other Effects of the said Company, the Principal Money and all Arrears of Interest then due, according to the Sums in such Bonds mentioned and thereby intended to be secured, without any Preference by reason of any Priority in the Date of any such Bond.

Power to borrow Money.

VI. And be it further enacted, That every Bond issued under the Authority of this Act may be in the Words or to the Effect following; (that is to say,)

Form of Bond.

Birmingham and Liverpool Junction Canal Navigation.

No. Bond £

BY virtue of an Act passed in the Year of the Reign of
 King *William* the Fourth, intituled [*here set forth the Title of this Act*], we, the Company of Proprietors of the *Birmingham and Liverpool Junction Canal Navigation*, in consideration of the Sum of
 to us paid, do assign unto the Holder hereof, his Executors, Administrators, and Assigns, all and singular the Rates, Tolls, and Duties arising by virtue of the several Acts relating to the said Navigation, and all the Estate, Right, Title, and Interest of the said Company in and to the same, to hold for the Term of Years from the Day of the Date hereof (or until the said Sum of shall have been fully paid and satisfied), together with Interest for the same after the Rate of *per Centum per Annum*, payable half-yearly, that

‘ that is to say, on the Day of and the
 ‘ Day of in each Year. Given under the Common Seal
 ‘ of the said Company this Day of in the Year of
 ‘ our Lord ,

And an Entry or Memorial of every such Bond, containing the Number and Date thereof, and the Name of the Person to whom the same shall be issued or granted, and of the Sum thereby secured, shall, prior to the issuing thereof, be entered into some Book to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward.

Persons hold-
 ing Bonds
 not to be-
 come Share-
 holders
 thereby.

VII. Provided always, and be it further enacted, That no Person holding such Bond shall become or be deemed a Proprietor of any Share in the said Undertaking, or be capable of acting as such at any Meeting of the said Company, by reason only of his holding such Bond.

Power to pay
 off Bonds.

VIII. Provided always, and be it further enacted, (without Prejudice to any Mortgage granted or to be granted under the Authority of the said recited Acts or any of them,) That it shall be lawful for the said Company from Time to Time to pay off and discharge the Money due on any of the Bonds issued under the Authority of this Act before the Days in such Bond appointed for Payment thereof, upon giving Six Calendar Months Notice of the Intention so to do by Insertion thereof in the *London Gazette*, and in some Newspaper usually circulated in the Counties of *Stafford*, *Salop*, and *Chester* respectively.

Interest to
 be paid in
 preference to
 Dividends.

IX. And be it further enacted, (without prejudice to any Mortgage granted or to be granted under the Authority of the said recited Acts or any of them,) That the Interest from Time to Time due upon the Bonds issued under the Authority of this Act shall be paid to the several Parties entitled thereto in preference to any Dividends to the Proprietors of Shares in the said Undertaking; and in case such Interest or any Part thereof shall be unpaid for the Space of Thirty Days next after the same shall have become due, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the Clerk of the said Company, or shall have been left at the Office of the said Company, then, in addition to such Remedies as the Holder of such Bond may be entitled unto at Law or in Equity, it shall be lawful for any Two or more Justices of the Peace acting for the Counties of *Stafford*, *Salop*, or *Chester*, and they are hereby respectively required, on Request in Writing to them made by or on behalf of any such Holder, or by or on behalf of the Executors, Administrators, or Assigns of any such Holder, whose Interest shall be so in arrear, by an Order under the Hands of such Justices, to appoint some Person to receive the Whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Acts and of this Act, or any of them, until all such Interest, together with the Costs and Charges of receiving such Rates, Tolls, and Duties, shall be fully paid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Party to whom such Interest shall then be due; and after such Interest and Costs shall have been paid and satisfied the Power and
 Authority

Authority of such Receiver for the Purposes aforesaid shall cease and determine.

X. And whereas Proprietors of Shares in the said Undertaking may be willing to make Payment in One Sum of the aggregate Amount of the Calls to which they are by this Act made liable; be it therefore enacted, That in case any such Proprietor shall make Payment in One Sum of the aggregate Amount of Calls to which he shall be liable under the Provisions of this Act it shall be lawful for the said Company, notwithstanding any thing in the said recited Acts or any of them or in this Act contained, to accept such Payment, and in consideration of such Payment to grant to such Proprietor a Bond under the Common Seal and at the Expence of the said Company for the Payment to such Proprietor of such an annual Sum as shall be agreed upon between the said Company and such Proprietor, not exceeding the Rate of Five Pounds *per Centum per Annum* upon the Sum paid by such Proprietor; and every such Bond shall be distinguished from any Bond granted by the said Company to any Person lending Money on the Security of the said Undertaking by the Words "Shareholder's Bond," and such Bond may be in the Words or to the Effect following; (that is to say,)

Shareholders paying whole Amount of Call in One Payment to receive Bonds.

' *Birmingham and Liverpool Junction Canal Navigation.*

' No.

Form of Shareholder's Bond.

' **B**Y virtue of an Act passed in the _____ Year of the Reign
 ' of King *William* the Fourth, [*here insert the Title of this Act*],
 ' we, the Company of Proprietors of the *Birmingham and Liverpool*
 ' Junction Canal Navigation, in consideration of the Sum of
 ' (being the aggregate Amount of the Calls to which *A. B.* of
 ' is by the said Act made liable) to us paid by the said *A. B.*, do assign
 ' unto the said *A. B.*, his Executors, Administrators, and Assigns, all
 ' and singular the Rates, Tolls, and Duties arising by virtue of the
 ' several Acts relating to the said Navigation, and all the Estate, Right,
 ' Title, and Interest of the said Company in and to the same, to hold unto
 ' the said *A. B.*, his Executors, Administrators, and Assigns, as a Security
 ' for the Payment of the Sum of _____ *per Annum*, payable half-
 ' yearly, (that is to say,) on the _____ Day of _____
 ' and the _____ Day of _____ in every Year.
 ' Given under the Common Seal of the said Company this _____ Day of _____
 ' in the Year of our Lord _____

And an Entry or Memorial of every such last-mentioned Bond, containing the Number and Date thereof, and the Name of the Shareholder to whom the same shall have been granted, and of the Sum thereby secured, shall, within Fourteen Days next after the Date thereof, be entered into some Book to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and the several Persons being the Obligees in such Bonds, their respective Executors, Administrators, and Assigns, may from Time to Time by Indorsement transfer the same and the Money thereby secured to any other Person; all which Transfers may be in the Words or to the Effect following; (that is to say,)

Power to transfer Shareholders Bonds.

[Local.]

5 P

' I A. B.

Form of
Transfer.

‘ I *A. B.* of _____ in consideration of the Sum of _____
 ‘ paid by *C. D.* of _____ do hereby transfer a certain
 ‘ Bond numbered _____ granted under the Common Seal of
 ‘ the Company of Proprietors of the *Birmingham and Liverpool* Junction
 ‘ Canal Navigation unto _____ of _____ bearing
 ‘ Date the _____ Day of _____ for securing the Sum
 ‘ of _____ Pounds *per Annum*, and all my Right, Interest, and Property
 ‘ therein, to the said *C. D.*, his Executors, Administrators, and Assigns.
 ‘ Dated the _____ Day of _____ in the Year of our Lord _____.’

And every such Transfer shall, within Twenty-eight Days after the Date thereof if executed in *England*, or otherwise within Twenty-eight Days after the Arrival thereof in *England* if executed elsewhere, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial thereof to be made in the same Manner as of the original Bond, and shall also, if required, indorse a Certificate of such Entry on such Transfer, for which Entry and Certificate the said Clerk shall be paid such Sum as the said Company shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made such Transfer shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof, and to sue the said Company for Payment thereof in his or their own Name or Names; and it shall not be in the Power of any Person who shall have made such Transfer to make void or release any Bond so by him transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Shareholders
Bonds to be
paid before
Dividends on
Shares, and
to be re-
covered by
Justices.

XI. And be it further enacted, (without prejudice to any Mortgage or other Security granted or to be granted under the Authority of the said recited Acts or any of them, or of this Act,) That the Sums from Time to Time due upon the Bonds issued under the Authority of this Act to the Shareholders in the said Undertaking shall be paid to the several Parties entitled thereto in preference to any Dividends in respect of the Shares held by them in the said Undertaking; and in case such Sums or any Part thereof shall be unpaid for the Space of Thirty Days next after the same shall have become due, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the Clerk of the said Company, then, in addition to such Remedies as the Holder of such Bond may be entitled unto at Law or in Equity, it shall be lawful for any Two or more Justices of the Peace acting for the Counties of *Stafford, Salop, or Chester*, and they are hereby respectively required, on Request in Writing to them made by or on behalf of any such Holder, or by or on behalf of the Executors, Administrators, or Assigns of such Holder, by an Order under the Hands of such Justices to appoint some Person to receive the Whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Acts and of this Act, or any of them, until the Sum due, together with the Costs and Charges of receiving such Rates, Tolls, and Duties, shall be fully paid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Party to whom such Sum shall then be due; and after such Sum and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine.

XII. And

XII. And whereas the Commissioners nominated and appointed in and by an Act of Parliament made and passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the several Acts therein recited, mentioned, and referred to, did, on or about the First Day of *November* One thousand eight hundred and thirty-one, advance and lend to the said Company of Proprietors of the *Birmingham and Liverpool Junction Canal* Navigation the Sum of One hundred and sixty thousand Pounds in Exchequer Bills, on the Security of an Indenture of Mortgage under the Common Seal of the said Company bearing Date on or about the said First Day of *November* One thousand eight hundred and thirty-one, whereby for the Considerations therein mentioned the said Company of Proprietors assigned to *William Holden* Esquire, the then Secretary of the said Commissioners, but since deceased, all the said Canal, and all Works and Property belonging or which might thereafter belong thereto, and all Rates, Tolls, Rents, and Profits accruing or which might at any Time thereafter accrue, arise, be taken, collected, or received by the said Company of Proprietors from or out or on account of the said Canal and Works, in pursuance of the Acts mentioned in the said Indenture, or any other Act or Acts of Parliament then or thereafter relating to the said Company, subject to Redemption upon Payment by the said Company of the Sum of One hundred and sixty thousand Pounds, and Interest, by such Instalments and at such Times as in the said Indenture is particularly mentioned and set forth: And whereas the said Commissioners did, on or about the Nineteenth Day of *July* One thousand eight hundred and thirty-two, advance to the said Company of Proprietors the further Sum of Twenty-four thousand six hundred Pounds in Exchequer Bills, on the Security of a further Indenture of Mortgage bearing Date the said Nineteenth Day of *July* One thousand eight hundred and thirty-two, whereby the said Canal and Premises were assigned to *John Strettell Brickwood* Esquire, the present Secretary of the said Commissioners, in the Manner and for the Purposes therein expressed: And whereas the whole of the said several Sums of One hundred and sixty thousand Pounds and Twenty-four thousand six hundred Pounds, making together the Sum of One hundred and eighty-four thousand six hundred Pounds, remains unpaid, with an Arrear of Interest on the first of the said Advances at Five Pounds *per Centum per Annum* from the First Day of *November* One thousand eight hundred and thirty-one, and a like Arrear on the Second of the said Advances from the Nineteenth Day of *July* One thousand eight hundred and thirty-two; be it therefore enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said several Indentures of Mortgage bearing Date respectively the First Day of *November* One thousand eight hundred and thirty-one and the Nineteenth Day of *July* One thousand eight hundred and thirty-two, or the Priority to which such Mortgages are respectively entitled, or any of the Powers, Privileges, and Remedies now vested in the said Commissioners for or in respect thereof for enforcing the Payment of the several Sums secured thereby, or the Completion of the said Canal, and all Works connected therewith, but such Powers, Privileges, and Remedies shall continue and

For Protection of the Securities given to the Exchequer Loan Commissioners.

remain in like Force in all respects as if this Act had not been passed, any thing herein contained to the contrary thereof notwithstanding.

Expences of Act.

XIII. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and of carrying the same into effect, or otherwise relating thereto, shall be defrayed and paid by the same Company, out of the Monies received or to be received by them under the Authority of the said recited Acts and of this Act, or any of them, in preference to any other Payments.

Construction of certain Terms employed in this Act.

XIV. And be it further enacted, That whenever in the said recited Acts or any of them, or in this Act, any Word or Words is or are used importing the Singular Number only, the same shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person; and the Word "Person" and also the Word "Corporation" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Tenements and Hereditaments; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

XV. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially noticed as such by all Judges, Justices, and others.

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