ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XLII.

An Act for enabling the Company of Proprietors of the *Warwick* and *Birmingham* Canal Navigation to finiſh and complete the ſame; and for amending the Act of Parliament, paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, for making the ſaid Canal. [24th *March* 1796.]



WHEREAS by an Act of Parliament, paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, certain Perſons and their Succeſſors, incorporated by the Stile of *The Company of Proprietors of the Warwick and Birmingham Canal Navigation*, are authorized to make a Navigable Canal from or nearly from a Place called *The Saltisford*, in the Pariſh of *Saint Mary* in the Borough of *Warwick*, into or near to the Pariſh of *Birmingham*, in the County of *Warwick*, and to terminate at or near to a certain Navigable Canal in or near to the Town of *Birmingham*, called *The Digbeth Branch* of the *Birmingham* and *Birmingham* and *Fazeley* Canal Navigations, and to raiſe any Sum of Money towards defraying the Expences thereof, not exceeding One hundred thouſand Pounds; and if the ſaid Sum ſhould be found inſufficient, they were alſo enabled to raiſe the further Sum of Thirty thouſand Pounds; but Doubts have ariſen whether the Proprietors of the ſaid Canal are compellable to raiſe among themſelves the ſaid further Sum

Preamble. Act 33 *Geo.* III, Cap. 38. recited.

Sum of Thirty thouſand Pounds: And whereas the ſaid Company of Proprietors are proceeding in making the ſaid Canal, and the Works belonging thereto, and have already completed a conſiderable Part thereof, in which Work they have expended a very large Sum of Money; but find the ſaid Sum of One hundred thouſand Pounds, and alſo the ſaid further Sum of Thirty thouſand Pounds, would not be ſufficient for carrying the Purpoſes of the ſaid Act into Execution: And whereas the ſaid Act has in ſome Reſpects been found defective, and the Execution of ſome of the Powers and Proviſions thereof in the Mode preſcribed inconvenient: May it 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, from and after the paſſing of this Act, the Clauſe in the ſaid recited Act, which enacts that it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to raiſe and contribute amongſt themſelves, in the Manner and Form therein mentioned, any further or other Sum of Money, not exceeding the Sum of Thirty thouſand Pounds, ſhall be, and the ſame is hereby declared to be repealed, and inſtead thereof be it enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered to raiſe, in Manner herein-after mentioned, any Sum or Sums of Money, not exceeding in the Whole the Sum of Fifty thouſand Pounds, (although the Whole of the ſaid Sum of One hundred thouſand Pounds may not have been raiſed), any Thing contained in the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty to the contrary notwithſtanding; and the Money ſo to be raiſed ſhall be applied in defraying the Expence of carrying on and completing the ſaid Canal and other Works authorized to be done and completed by the ſaid Act; and the ſaid Sum of Fifty thouſand Pounds, or ſuch Part thereof as ſhall be raiſed, ſhall be divided into One thouſand Half Shares, each Half Share to be of the Value of Fifty Pounds each, and the ſaid Half Shares ſhall be deemed Perſonal Eſtate, and be tranſmiſſible as ſuch; and all and every Bodies Politick, Corporate, and Collegiate, and other Perſons, who have ſubſcribed for or towards raiſing the ſaid One thouſand Half Shares, or any of them, or ſhall hereafter ſubſcribe for, or otherwiſe become entitled thereto, and the ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, of ſuch Bodies Politick, Corporate, and Collegiate, and Perſon and Perſons reſpectively as aforeſaid, 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, ſhall extend to the calling for, raiſing, ſuing for, and recovering, the ſeveral Sums 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 ſubſcribed, or to be ſubſcribed as aforeſaid, and for dividing the ſame into Half Shares of Fifty Pounds each, 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 Sum of One hundred thouſand Pounds authorized to be raiſed by virtue of the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty, or as if the ſaid ſeveral

Company empowered to raiſe a further Sum not exceeding 50,000 *l.*

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 Bodies Politick, Corporate, or Collegiate, and all other Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay the Sum of Fifty Pounds for the said Half Shares, shall be entitled to and receive the entire and net Distribution of a 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, being equal to One Half of the Amount of the Distribution of such Profits and Advantages to which the several Proprietors of the Original Shares of One hundred Pounds each, in the said Undertaking, shall be entitled; and all and every the said Half Shares, and also the Bodies Politick, Corporate, or Collegiate, and other Persons entitled thereto, shall be subject to the like Regulations and Provisions as the said Shares of One hundred Pounds each, and the Proprietors thereof are liable to; and that in the Qualification of Proprietors to vote in the General and other Assemblies of the said Company of Proprietors, Two of such Half Shares shall be considered equal to One of the said Shares, but no such Proprietor shall be entitled to give any such Vote for and in respect of any single Half Share.

Calls for Money not to exceed a certain Sum, nor be made at a less Distance than Thirty Months after the First Call.

II. And be it further enacted, That, from and immediately after the passing of this Act, the Committee for the Time being of the said Company of Proprietors shall be and they are hereby authorised and empowered to make a Call, not exceeding Twenty Pounds *per Centum* upon all the Subscribers to and the Proprietors of such Half Shares, and the several Proprietors of such Half Shares are hereby required to pay the said Call within Thirty Days after the same shall be made, and Notice thereof published in one of the *Birmingham* Newspapers, to the Treasurers for the Time being of the said Company of Proprietors, and that afterwards no one Call for Money from the Subscribers to and Proprietors of the said Half Shares shall exceed the Sum of Twenty Pounds in the One hundred Pounds, nor shall any such Calls be made within a less Distance of each other than Three Calendar Months; and no Person shall be obliged or compellable to pay any such Money in consequence of any such Calls within a less Time than Sixty Days after the Call shall have been made.

Proprietors of Whole Shares, under Disabilities, enabled to subscribe for Half Shares.

III. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, being possessed thereof for Life, or upon any other Contingency, and for the Husbands, Guardians, Trustees, Committees, and Attornies, of any such Proprietors being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietors, to sell and dispose of any such Shares or Half Shares to any Person or Persons, or to borrow and take up at Interest, upon the Credit of such Shares and Half Shares, or either of them, such Sums of Money as they shall respectively find necessary for the Purpose aforesaid, and by Writing under their Hands and Seals to grant and assign over such Shares and Half Shares, to be sold or mortgaged as aforesaid, unto the Person or Persons who shall purchase the same, or advance and lend such Money, and

the Money ariſing by any ſuch Sale, or to be borrowed, and taken up at Intereſt as aforeſaid, ſhall be paid to the Treaſurers to the ſaid Company of Proprietors for the Purpoſe of anſwering and paying the Calls to be made upon ſuch Proprietors, as herein-before mentioned; but no Purchaſer of any ſuch Share or Half Share ſhall be anſwerable or accountable for the Application, Miſapplication, or Non-application of the Purchaſe Money: Provided always, that in all Caſes where any Money ſhall be borrowed and taken up at Intereſt as aforeſaid, the Grant or Aſſignment to be made for ſecuring the ſame ſhall contain a Proviſo or Condition to ceaſe and be void, or an expreſs Truſt to be ſurrendered, or re-conveyed when the Money thereby ſecured, with the Intereſt thereof, ſhall be fully paid and ſatisfied; and that where the ſame ſhall be made by or on Behalf of any Proprietor intereſted in or entitled unto any ſuch Share or Half Share for Life, or upon any other Contingency, there be contained a Covenant or Proviſo that the Perſon or Perſons entitled to ſuch Share or Half Share, in Remainder or Reverſion, ſhall not be liable, upon becoming poſſeſſed thereof, to the Payment of any further or larger Arrear of Intereſt than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall commence; and every ſuch Sale, Grant, or Aſſignment, ſhall be valid and effectual, any Settlement, Will, Truſt, or other Impediment, to the contrary notwithſtanding; and ſuch Grants or Aſſignments as ſhall be made for ſecuring any Money to be borrowed or taken up at Intereſt as aforeſaid, ſhall have Priority in every Reſpect to any other Charge or Incumbrance: Provided alſo, that no ſuch Sale, Grant, or Aſſignment, or any Transfer or Aſſignment thereof, ſhall be valid unleſs the ſame be produced and notified to the Clerk to the ſaid Company of Proprietors within One Calendar Month next after the Execution thereof, who ſhall cauſe an Entry to be made thereof in a Book to be kept for that Purpoſe, containing the Number of every ſuch Share or Half Share which ſhall be ſold or mortgaged, and the Date of the Grant, Security, Aſſignment, or Transfer, and the Names of the Parties, and Principal Sum ſecured, for which the Clerk ſhall be paid the Sum of One Shilling and no more; but no ſuch Grant or Aſſignment for ſecuring any Money to be borrowed and taken up at Intereſt as aforeſaid, or any Transfer or Aſſignment thereof for that Purpoſe, ſhall entitle any Perſon to a Right of voting at any Aſſembly or Meeting of the ſaid Company of Proprietors: Provided alſo, that no Transfer or Sale of any of the ſaid Half Shares ſhall be made, until Ten Pounds *per Centum* of the Money to be advanced and paid by the reſpective Proprietors of the ſaid Half Shares, by virtue of this Act, ſhall have been actually advanced and paid to the Treaſurers to the ſaid Company of Proprietors.

Application of Surplus Money ariſing by Sale of Shares.

IV. And be it further enacted, That in all Caſes where any of the Shares in the ſaid Undertaking ſhall be ſold, by virtue of the Power herein-before for that Purpoſe given, and there ſhall be any Surplus of the Money ariſing by ſuch Sale, after anſwering the Calls to be made as aforeſaid, ſuch Surplus ſhall, with all convenient Speed, be laid out by the Perſon or Perſons who would have been in Poſſeſſion of ſuch Shares if no ſuch Sale had been made, or the Huſbands, Guardians, Truſtees, Committees, or Attornies of ſuch of them as ſhall be under any Diſability or Incapacity of acting for themſelves, or the Executors or Adminiſtrators of any deceaſed Proprietors, in the Purchaſe of ſo many of the ſaid Half Shares as ſuch Surplus will extend to purchaſe; and the Perſons

ſons purchaſing ſuch Half Shares ſhall ſtand and be poſſeſſed thereof for ſuch and the ſame Eſtate, and to ſuch and the like Uſes, Truſts, Intents, and Purpoſes, in all Reſpects, as the Shares ſo ſold would have been ſubject or liable to if no ſuch Sale had been made; and if no Half Shares can be purchaſed, or if after the purchaſing of ſo many of the ſaid Half Shares as ſuch Surplus will extend to purchaſe, there ſhall be any Reſidue of the Money ariſing by ſuch Sale as aforeſaid, the ſame ſhall be placed in ſome of the Publick Funds, in the Names of ſuch Two or more Perſons as they ſhall appoint, and the Intereſt or Dividends ariſing or to be produced therefrom ſhall be paid to ſuch Perſon or Perſons as would for the Time being have been entitled to the Profits upon ſuch Shares if no ſuch Sale had been made.

A further Sum may be raiſed if neceſſary.

V. And be it further enacted, That in caſe the ſaid Sum of Fifty Thouſand Pounds, to be raiſed as aforeſaid, ſhall be found inſufficient to defray all Expences of finiſhing and completing the ſaid Canal, and the Works belonging thereto, and all other neceſſary Charges and Expences relating thereto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to borrow or take up at Intereſt, on their Bond or Bonds, or on a Mortgage or Mortgages of the Tolls and Duties granted by the ſaid recited Act, under their Common Seal, any further or other Sum or Sums of Money for completing and maintaining the ſaid Navigation, not exceeding in the Whole the Sum of Thirty thouſand Pounds; and the Intereſt of the Money ſo to be borrowed as aforeſaid ſhall be paid Half Yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividend due and payable to the ſaid Company of Proprietors, or any of them, by virtue of this or the ſaid Act.

Additional Sum of 30,000 *l.* to be raiſed if neceſſary.

Company empowered to pay Intereſt.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, during the Time the ſaid Canal ſhall be carrying on, and until the ſame ſhall become navigable from *Warwick* to *Birmingham*, to pay unto each Proprietor of a Share or Shares therein, who has paid the ſeveral Calls thereon, and who has ſubſcribed and ſhall pay the Sum of Fifty Pounds, or unto his, her, or their Nominee or Nominees, who has ſubſcribed and ſhall pay the Sum of Fifty Pounds in Addition to each Share ſuch Proprietor or Proprietors has or have, or is or are poſſeſſed of in the ſaid Canal, or ſuch leſs Sum as ſhall be required or demanded in reſpect thereof by the ſaid Company, or their Committee for the Time being, towards finiſhing and completing the ſaid Canal, Intereſt for all the Money ſuch Proprietor or Proprietors has or have paid, or he, ſhe, or they, or his, her, or their Nominee or Nominees ſhall pay towards completing the ſaid Canal, after the Rate of Five Pounds *per Centum per Annum*; any Thing in the ſaid recited Act or this Act contained to the contrary thereof in anywiſe notwithſtanding.

VII. And whereas by the ſaid recited Act it is enacted, That after any Parts of any Lands or Grounds ſhall be ſet out and aſcertained for making the ſaid Canal and other Works therein mentioned, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, and all Corporations and other Perſons intereſted, therein deſcribed, to contract for, ſell, and convey the ſame unto the ſaid Company of Proprietors; and it is alſo further enacted, That where, by making the ſaid Canal, the Property

perty of any Land Owner or Land Owners ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for the Owners thereof, on the Conditions therein mentioned, to ſell and diſpoſe of, or convey in Exchange in lieu of other Lands, all or any Part of the Lands or Hereditaments through which the ſaid Canal ſhall be intended to be made, but no Form of Conveyance is preſcribed in either of the ſaid Caſes; be it therefore further enacted, That all ſuch Conveyances, which ſhall be made to the ſaid Company of Proprietors, ſhall be made in the Form or to the Effect following; *videlicet*,

Form of Conveyance 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 *Warwick* 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 Company, their Succeſſors and Aſſigns for ever, by virtue and according to the true Intent and Meaning of the Acts of Parliament paſſed for making and maintaining the ſaid *Warwick* and *Birmingham* Canal. In Witneſs whereof I have hereunto ſet my Hand and Seal, the Day of in the Year of our Lord

Which ſaid Conveyances ſhall be as valid and effectual in the Law, to all Intents and Purpoſes whatſoever, againſt the Perſon or Perſons making the ſame, and the Perſon or Perſons claiming the Remainder or Remainders, as if he, ſhe, or they, had levied a Fine, or ſuffered a Recovery of the Premiſes to be contained in every ſuch Conveyance, any Thing in this Act or the ſaid recited Act contained, or any Law, Cuſtom, or Uſage, to the contrary thereof in anywiſe notwithſtanding; and every ſuch Conveyance as aforeſaid which ſhall be made to any Perſon or Perſons, other than the ſaid Company of Proprietors, ſhall be made in the Form or to the Effect following; (*videlicet*),

Form of Conveyance to other Perſons than the Company.

'I *A. B.* of do hereby, by virtue and in purſuance of a certain Act of Parliament, [*inſert the Title of this Act*], and by and with the Conſent and Approbation of or more of the Commiſſioners appointed under and by virtue of the ſaid Act of the Thirty-third Year of the Reign of His ſaid preſent Majeſty, teſtified by their Signatures hereto, and in Conſideration of the Sum of to me in Hand paid by *C. D.* of at or before the Sealing and Delivery of theſe Preſents, the Receipt whereof I do hereby acknowledge [*or*, in Exchange for certain Lands ſituated and conveyed to me by *C. D.* by Writing under his Hand and Seal, bearing even Date herewith] convey and aſſign unto 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

And every ſuch Conveyance ſhall be valid and effectual in the Law, to all Intents and Purpoſes whatſoever, againſt the Perſon or Perſons making the ſame, and the Perſon or Perſons claiming the Remainder or Remainders, as if he, ſhe, or they had levied a Fine, or ſuffered a Recovery of the Premiſes to be therein contained, any Thing contained in

this Act, or the ſaid recited Act, or any Statute, Law, Cuſtom, or Uſage, to the contrary thereof in anywiſe notwithſtanding; and all ſuch Conveyances reſpectively ſhall be inrolled in ſuch and the ſame Manner as by the ſaid Act is directed with reſpect to the Conveyances therein mentioned.

Proprietors may poſſeſs any Number of Shares not exceeding 25.

VIII. And whereas by the ſaid Act it is directed, that no Perſon ſubſcribing thereto, or becoming a Proprietor of the ſaid Navigation, do become a Proprietor of more than Fifteen Shares, either in his own Name, or in the Name or Names of any other Perſon or Perſons in Truſt for him (except the ſame ſhall come to him by Will or Act in Law); and it is apprehended the ſaid Reſtriction will be injurious to the ſaid Undertaking, therefore be it enacted, That, from and after the paſſing of this Act, it ſhall be lawful for any Proprietor of Shares in the ſaid Canal, or any other Perſon or Perſons, to purchaſe, or take and hold in his or her own Name, any Number of Shares and Half Shares, ſo as the whole Number of Shares and Half Shares which he or ſhe ſhall be poſſeſſed of in the ſaid Navigation (except the ſame ſhall come to him by Will or Act in Law as aforeſaid) ſhall not exceed the Number of Twenty-five Shares in the Whole, any Thing in the ſaid recited Act or this Act contained to the contrary notwithſtanding; but no Perſon ſhall at any Time become a Proprietor of more than Twenty-five Shares in the Whole (except as before excepted) upon Pain of forfeiting to the ſaid Company of Proprietors, their Succeſſors and Aſſigns, all ſuch Shares and Half Shares exceeding Twenty-five Shares, reckoning Two Half Shares as One Share.

Altering the Quorum of Committees.

IX. And whereas by the ſaid Act the Powers delegated to the Committee of the ſaid Company cannot be executed without the Concurrence of the Majority of the ſaid Committee together aſſembled, ſuch Majority not being leſs than Nine: And whereas it hath been found very difficult to get Nine of the Committee to attend together, ſo that the Buſineſs of the ſaid Company hath been conſiderably delayed, to their Inconvenience and Injury; therefore, for preventing the like Inconveniencies in future, be it enacted, That, from and after the paſſing of this Act, it ſhall be lawful for any Seven or more of the Committee of the ſaid Company for the Time being, when aſſembled together, to execute, do, and tranſact, all ſuch Powers, Acts, Deeds, Matters, and Things, as fully and effectually to all Intents and Purpoſes as the Committee for the Time being, or Nine of them, are by the ſaid Act empowered to execute, do, and tranſact the ſame; any Thing in the ſaid recited Act contained to the contrary in anywiſe notwithſtanding.

Regulations as to the Acquiſitions of Shares.

X. And whereas much Inconvenience may ariſe by the frequent Transfer and Sale of the Right and Title to the Shares and Half Shares of and in the ſaid Navigation, by the Marriage and Death of Proprietors, and it may be difficult in ſuch Caſes to aſcertain to whom the Dividends ariſing or becoming due upon ſuch Shares ought to be paid and do belong: And whereas no Proviſion is made in the ſaid recited Act for remedying the ſame, and for preventing any Inconvenience which might otherwiſe hereafter happen thereby: Be it therefore further enacted, That before any Perſon or Perſons who ſhall claim any Part or Share of the Profits of the ſaid Navigation, in Right of Marriage, ſhall be entitled to receive the ſame, an Affidavit (or Affirmation of a Perſon being a Quaker)

ker) containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, or of the actual Solemnization of ſuch Marriage, ſhall be made and ſworn to by ſome credible Perſon, before One of the Judges at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk or Clerks to the ſaid Company for the Time being, who ſhall file the ſame and make an Entry thereof in the Book or Books which ſhall be kept by the ſaid Clerk or Clerks for the Entry of Tranſfers and Sales of Shares in the ſaid Navigation; and that before any Perſon or Perſons who ſhall claim any Part or Share of the Profits of the ſaid Navigation by virtue of any Bequeſt or Will, or in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will, or the Probate Copy thereof, ſhall be produced and ſhewn to the ſaid Clerk, or an Affidavit containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator, or the Letters of Adminiſtration, in caſe the Proprietor ſhall have died inteſtate, ſhall be made and ſworn to by an Executor or Executors of ſuch Will, or by an Adminiſtrator or Adminiſtrators of the Eſtate and Effects (as the Caſe may happen to be) before One of the Judges at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall alſo be tranſmitted to the ſaid Clerk or Clerks, who ſhall file and enter the ſame in Manner herein-before mentioned.

Within what Time the Proprietors are to become Subſcribers for Half Shares.

XI. And be it further enacted, That it ſhall be lawful for any Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons whomſoever, who is or are poſſeſſed of or entitled unto One or more Share or Shares in the ſaid Canal, if he, ſhe, or they ſhall think proper, within Three Calendar Months next after the paſſing of this Act, and who ſhall not then have ſubſcribed for the ſaid New or Half Shares, to become a Subſcriber for and Proprietor of as many New or Half Shares in the ſaid Canal as ſuch Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons, ſhall then be poſſeſſed of Whole Shares in the ſaid Canal.

If the Proprietors do not take the Half Shares the Company to diſpoſe of them.

XII. Provided always, and be it further enacted, That in caſe any Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons whatſoever, who is or are poſſeſſed of or entitled unto One or more Share or Shares in the ſaid Canal, and who has not ſubſcribed for the ſaid New or Half Shares, ſhall not, within Three Calendar Months next after the paſſing of this Act, give Notice in Writing to the Clerk or Clerks of the ſaid Company of his, her, or their Intention to become a Subſcriber or Subſcribers for the ſame, it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby fully authorized and empowered to diſpoſe of all ſuch New or Half Shares, which ſhall then remain undiſpoſed of, to any new or freſh Subſcriber or Subſcribers to the ſaid Canal, who ſhall be willing to take the ſame, within One Year after the paſſing of this Act, in the ſame Manner, and as fully, abſolutely, and effectually, to all Intents and Purpoſes whatſoever, as the ſaid Company of Proprietors are by the ſaid recited Act empowered to diſpoſe of the remaining or ſurplus Shares in the ſaid Canal; and in caſe of and after ſuch Notice given as aforeſaid, the Perſon or Perſons giving the ſame, or by or on whoſe Behalf the ſame ſhall be given, ſhall be compellable to become a Subſcriber or Subſcribers purſuant to ſuch Notice; and the

ſaid Company of Proprietors, in caſe of Failure of Payment of the Money due upon ſuch New or Half Shares, as the ſame ſhall from Time to Time be called for, ſhall have full Power to recover the ſame, from Time to Time, by Action of Debt, in any of His Majeſty's Courts of Record; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Paying the Expences of the Act.

XIII. And be it further enacted, That the Charges and Expences attending the obtaining and paſſing this Act, ſhall be paid by the ſaid Company of Proprietors out of the Money ſubſcribed or to be ſubſcribed for the ſaid New or Half Shares; and that this Act ſhall be deemed and taken, in all Courts whatſoever, to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

Publick Act.

FINIS.