



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. xviii.

An Act for enabling the Company of Proprietors of the *Thames* and *Medway* Canal to raise a further Sum of Money for completing the said Canal, and the Works thereto belonging; and for altering, enlarging, and rendering more effectual the Powers for making the said Canal and Works. [17th March 1818.]

WHEREAS an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, intituled *An Act* ^{39 & 40 G. 3} *for making and maintaining a Navigable Canal from the River* ^{c. 23.} *Thames, near to the Town of Gravesend, in the County of Kent, to the River Medway, at a Place called Nicholson's Ship Yard, in the Parish of Frindsbury in the said County, and also a certain collateral Cut, from White Wall in the said Parish, to the said River Medway; whereby certain Persons therein named were incorporated by the Name of "The Company of Proprietors of the Thames and Medway Canal," and were authorized and empowered to make and maintain a navigable Canal, and other Works, in the Manner therein particularly mentioned: And whereas an Act was passed in the Forty-fourth Year of the Reign of His said present Majesty, intituled *An Act to enable the Com-* ^{44 G. 3. c. 46.} *pany of Proprietors of the Thames and Medway Canal, to vary the Line of the said Canal, and to raise a further Sum of Money for completing the said Canal and the Works thereunto belonging, and for altering and*
[Local.] 4 U enlarging*

enlarging the Powers of an Act made in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, for making the said Canal and a collateral Cut thereto, whereby the said Company of Proprietors were empowered in lieu and Stead of making such Canal in the Line directed to be made by the said first recited Act to deviate from such Line at such Place or Places, and in the Manner in the said last recited Act mentioned: And whereas an Act was passed in the Fiftieth Year of the Reign of His said present Majesty, intituled *An Act for enabling the Company of Proprietors of the Thames and Medway Canal to vary the Line of the said Canal, and for altering and enlarging the Powers of Two Acts passed in the Fortieth and Forty-fourth Years of His present Majesty, for making the said Canal and a collateral Cut thereto*, whereby the said Company of Proprietors were empowered in lieu and Stead of making such Canal in the Line directed to be made by the said last recited Act, to deviate from such Line at such Place or Places, and in the Manner in the said last recited Act mentioned: And whereas the said Company of Proprietors have proceeded in the Execution of the said several Acts, and have completed a considerable Part of the said Canal, and in so doing have expended nearly the whole of the Monies which they are authorized to raise: And whereas, in order to complete the said Canal and the Works thereto belonging, and render the same beneficial to the Neighbourhood and to the Public, it is expedient that the said Company should be empowered to raise a further Sum of Money, and be authorized to take additional Rates for Goods landed or transhipped from any Vessel entering any Basin or Pen of Water belonging to the said Company, and on Vessels entering any such Basin or Pen of Water and not passing along the whole Line of the Canal, and likewise that certain other Powers of the said Acts should be altered, amended, and enlarged, in order more effectually to carry the several Purposes thereby intended into Execution; 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 and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise a further Sum of Money not exceeding One hundred thousand Pounds in Manner hereinafter mentioned, and by all, or any, or either of the Ways or Means by which the said Company are authorized to raise any Money by virtue of the said recited Acts.

50G.3.c.76.
Power to raise an additional Sum of Money.

Money may be raised among the Proprietors, or by new Subscription.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, in case they or their Committee shall deem it meet and expedient to raise the said Sum, or any Part thereof, either among themselves, the said Company, or by the Admission of new Subscribers, and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, subscribing towards raising such further Sum of Money, shall be a Proprietor or Proprietors in the said Undertaking, and shall have a like Vote by himself, herself, or themselves, or his, her, or their Proxy or Proxies, in respect of every Share of the said additional Sum hereby authorized to be raised, and shall also stand interested in all the Profits of the said Undertaking, in Proportion to such Sum as he, she, or they may subscribe thereunto, and shall be liable to such Forfeiture or Forfeitures, Penalty or Penalties, as are in the said first

first recited Act provided to take place, and shall, to all Intents and Purposes whatever be as fully and effectually a Member or Members of the said Company as the Proprietors of Shares in the Capital Stock of the said Company now are.

III. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, or their Committee for the Time being, to raise the said Sum of One hundred thousand Pounds, or such Part or Parts thereof, as they shall from Time to Time think fit, by creating Half Shares of Fifty Pounds each, and disposing of the same to such Person or Persons, and at such Price or Prices, as to the said Company of Proprietors shall from Time to Time seem meet and convenient, or by such other Ways and Means as the said Company of Proprietors shall from Time to Time think expedient or necessary for that Purpose, and that the respective Proprietors of any Half Shares which shall or may be created by virtue of this Act shall be entitled to such and the same Powers, Privileges, and Advantages, and be liable to such and the same Restrictions, Penalties, Conditions, and Forfeitures, as if the same were Part of the Shares already created and now vested in the several and respective Proprietors of the said Canal; and the Admission of every Person to any such Half Shares, by any Order or Resolution of the said Company of Proprietors, or their Committee for the Time being, shall be good and effectual Titles to such Person or Persons, and his, her, or their respective Executors and Administrators, on his, her, or their Payment to the said Company of the Purchase Money or Price agreed for the same; provided always, that for the Purposes of voting at any General or other Assembly of the said Company of Proprietors Two such Half Shares shall be considered as One entire Share.

Half Shares
may be
created.

IV. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered from Time to Time to grant unto their Treasurer or Clerk for the Time being for the Purpose of selling the same, any Bond or Bonds under the Common Seal of the said Company of Proprietors for the Sum of One hundred Pounds on each Bond, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*, upon the Credit of the Rates and Tolls authorized to be raised and collected by virtue of the said first-recited Act and this Act (not exceeding in the whole the Sum of One hundred thousand Pounds.)

Company
may grant
Bonds to
their Clerk
or Treasurer.

V. And be it further enacted, That it shall and may be lawful to and for the said Treasurer or Clerk for the Time being, by and with the Consent and Direction of the said Company of Proprietors, to be given at any General or Special Meeting, from Time to Time to make sale, and dispose of all, or any of the said Bonds to be granted as aforesaid, either by Private Contract or Public Sale, to any Person or Persons whomsoever for the best Price or Prices in Money that can be reasonably had or obtained for the same.

Power to sell
such Bonds.

VI. Provided also, and be it further enacted, That if the Committee of the said Company of Proprietors shall deem it expedient, out of any Funds of the said Company or otherwise, to buy up any Shares which may be offered for Sale by any of the said Proprietors, then and in such Case it shall

Committee
may purchase
Shares.

shall and may be lawful for the said Committee either to direct that any such Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company, or such other Person or Persons as they may appoint in Trust for the said Company; and such Shares may in such Case at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for the Purpose of carrying the said recited Acts or this Act into Execution.

Proprietors
to have Pre-
ference.

VII. Provided also, and be it further enacted, That it shall and may be lawful to and for any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, possessed of any Share or Shares in the Capital Stock of the said Company, to accept and take any Number of such Shares as shall be sold at a less Sum than One hundred Pounds *per* Share, in Proportion to the Number of Original Shares holden by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as he, she, or they shall think proper, within Twenty-one Days after Notice shall have been given in any Two or more of the *London* Newspapers, or in such other Manner as the said Committee shall think proper, of the Intention to dispose of such Shares in Manner aforesaid; and in Default thereof, after the Expiration of the said Time, any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, possessed of any Share or Shares in the said Undertaking who shall make Application for any such Shares at the Place and within the Period to be limited and appointed by the said Committee for that Purpose, shall be entitled to any Number of such Shares at such Rate or Value as shall be fixed by the said Committee, pursuant to the Powers hereinbefore given for that Purpose; and in case any such Share or Shares shall remain undisposed of after such Period, it shall and may be lawful to and for the said Committee to sell and dispose of the same to any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, in such Manner, and at such Price or Prices as they shall think proper and expedient.

Shares under
former Acts
or this Act
may be dis-
posed of.

VIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the Committee of the said Company to dispose of such of the Shares authorized to be created in and by the said recited Acts, as now remain unfold or unappropriated, and also the Shares authorized to be created by this Act, or such Part or Parts thereof as they may deem expedient, at and for such Price and Prices *per* Share, and to such Person or Persons as the said Committee shall from Time to Time think proper.

Power to
raise the
Money from
Time to
Time.

IX. And be it further enacted, That if the said Company shall not raise the said Sum of One hundred thousand Pounds hereby authorized to be raised at one and the same Time, it shall be lawful for the said Company from Time to Time, as they shall think expedient, to raise a further Part or the Remainder of the said Sum of One hundred thousand Pounds by all, any, or either of the Ways or Means by which the said Company are authorized to raise any Money by Virtue of the said recited Acts or of this Act.

Money au-
thorized to
be raised by

X. And be it further enacted, That if at the Time of passing this Act the said Company shall not have raised the full Sums of Forty thousand Pounds,

Pounds, and Twenty thousand Pounds, and Sixty thousand Pounds authorized to be raised by the said recited Acts, it shall be lawful for the said Company in Addition to such Sum or Sums as are hereinbefore authorized to be raised, to raise such further Sum as shall be wanting of either of the said Sums of Forty thousand Pounds, or Twenty thousand Pounds, or Sixty thousand Pounds in such and the like Manner as is hereinbefore enacted, with respect to the said Sum of One hundred thousand Pounds; or any Part thereof.

former Acts, may be raised in like Manner.

XI. And whereas it is by the said first recited Act enacted, that the said Company of Proprietors may demand and take any Rate not exceeding Two-pence *per* Ton for all Manner of Goods, Wares, Merchandize, or other Things landed from any Boat, Barge, or other Vessel having entered any Basin or Pen of Water, or as shall be put into any other Boat, Barge, or other Vessel, and also any Rate not exceeding Four-pence *per* Ton on every Boat, Barge, or other Vessel, on entering such Basin or Pen of Water, which shall not have passed along the whole Line of the said Canal: And whereas the said Rates are not found sufficient to remunerate the said Company; be it therefore enacted, That the said Rates shall be and the same are hereby repealed.

Repealing Rates of the first recited Act for entering the Basins.

XII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, to demand and take to and for their own Use and Benefit any Rate not exceeding Sixpence *per* Ton for all Manner of Goods, Wares, Merchandize, or other Things whatsoever, landed from any Boat, Barge, or other Vessel having entered any such Basin or Pen of Water, or as shall be put into any other Boat, Barge, or other Vessel, and also any Rate not exceeding One Shilling *per* Ton on every such Boat, Barge, or other Vessel, on entering such Basin or Pen of Water which shall not have passed along the whole Line of the said Canal: Provided always, that if any such Boat, Barge, or other Vessel shall within Forty-eight Hours after having entered any such Basin or Pen of Water, proceed along the whole Line of the said Canal, then and in such Case the Rate so paid for entering such Basin or Pen of Water shall be deducted from the Rates which the said Company of Proprietors are enabled to take, for or in respect of Boats, Barges, or other Vessels passing along the said Canal.

Rates.

XIII. Provided always, and be it further enacted, That the said Rates hereby authorized to be demanded, taken, recovered, and received as aforesaid, shall be liable to the same Reduction, and shall again be raised to the full Extent hereby authorized to be taken, in the like Events and Manner, and under the same Provisions and Regulations, as in and by the said first recited Act is mentioned, and directed concerning the Rates thereby authorized to be taken.

Rates may be lowered and raised again to their full Extent.

XIV. And whereas it is by the said first recited Act enacted, That the said Company of Proprietors shall on the Second *Saturday*, in the Month of *May* in every Year, assemble at such Place, and at such Hour, not being more than Twenty-five Miles distant from the said Canal, as the Company of Proprietors should at any Assembly appoint: And whereas the Day appointed for such General Meeting of the said Company of Proprietors, has been found inconvenient, be it there-

Repeal of Clause for Annual Meeting.

[Local.]

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fore

fore enacted, That the said Provision shall be, and the same is hereby repealed.

Appointing
Day for
Annual
Meeting.

XV. And be it further enacted, That the said Company of Proprietors shall hold their first General Assembly after the passing of this Act, at the *George and Vulture Tavern, Saint Michael's Alley, Cornhill, London*, on the Third day of *June* One thousand eight hundred and eighteen, between the Hours of Eleven and One of the Clock, and shall afterwards assemble annually on the First *Wednesday* in the Month of *June*, in each and every Year, at such Hour, and at such Place, not being more than Twenty-five Miles distant from the said Canal, as the said Company of Proprietors shall at any General or Special Assembly appoint.

Property of
Canal and
Works vested
in the Com-
pany.

XVI. And be it further enacted, That from and after the passing of this Act the Right and Property of and in all the Wharfs, Quays, and Buildings, and of all Timber, Iron Work, Wood, Stone, and other Materials, now belonging to the said Company of Proprietors, under the said recited Acts, or to be purchased for the Purposes of the said Acts and this Act, and the Property of all and every the Works erected in and about the said Canal, in pursuance of the said Acts and this Act, shall belong to, and the same is and are hereby vested in the said Company of Proprietors, who are hereby authorized and empowered to cause any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred, as the Case shall require, against any Person or Persons who shall steal, take, or carry away, detain, demolish, destroy, break down, or injure any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be deemed to be sufficient to state generally, that the Article or Articles, Thing or Things, for or on Account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Company of Proprietors of the *Thames and Medway Canal*," without particularly naming the Members of such Company; and the said Company shall from Time to Time have full Power and Authority to sell and dispose of all or any Part of such Materials, that shall be found useless, to such Person or Persons as shall be willing to purchase the same, and the Money to arise therefrom shall be applied for the Purposes of the said Acts and this Act.

Giving No-
tices to the
Company.

XVII. And be it further enacted, That all Notices or legal Proceedings by the said Acts or this Act required to be given to, or served upon the said Company, shall be deemed and taken to be well and sufficiently given, if the same shall have been left at the usual Place of Abode of the Clerk to the said Company, or if such Notice shall have been inserted Twice in some One Newspaper usually circulated in the said County of *Kent*.

Satisfaction
for the Value
of Lands by
Annual
Rents re-
pealed.

XVIII. And whereas by the said first recited Act, it was among other Things enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees, or other Owner or Owners, Occupier or Occupiers of Lands, Tenements, or Hereditaments, which should be taken, affected, or prejudiced by the Execution of the Powers of the said Act, might receive Satisfaction for the Value of such Lands, Tenements, and Here-
ditaments,

ditaments, and for the Damages to be sustained by making the Works thereby authorized, either in Gross Sums or by Annual Rents; And whereas it is expedient that so much of the said Act as authorizes the Payment of Annual Rents in the Cases aforesaid should be repealed; be it therefore enacted, That so much of the said first recited Act as authorizes the Payment of Satisfaction for the Value of Lands, Tenements, or Hereditaments, or for the Damages to be sustained by making and completing the Works thereby authorized, by Annual Rents shall be, and the same is hereby repealed, and that from and after the passing of this Act, all Recompence or Satisfaction for Lands, Tenements, and Hereditaments, purchased or taken for the Purposes of the said Acts and this Act, or for any Damages to be sustained as aforesaid, shall be made by a Sum of Money in Gross.

XIX. And be it further enacted, That the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all Costs, Charges and Expences incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors of the *Thames* and *Medway* Canal, out of any Money received or to be received by virtue of the said recited Acts, or out of any Money already received or to be received by virtue thereof and of this Act. Costs of this Act how to be paid.

XX. 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. Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1818.

