



ANNO QUINTO

GEORGII IV. REGIS.

Cap. lxxv.

An Act for widening, deepening, enlarging, and making navigable a certain Creek called *Counter's Creek*, from or from near *Counter's Bridge*, on the Road from *London* to *Hammersmith*, to the River *Thames* in the County of *Middlesex*, and for maintaining the same. [28th May 1824.]

WHEREAS the Town and Parish of *Saint Mary Abbot's Kensington* in the County of *Middlesex*, and the Neighbourhood thereof, are very populous, and the widening, deepening, and enlarging a certain Creek called *Counter's Creek*, from or from near *Counter's Bridge*, on the Road from *London* to *Hammersmith*, and at a short Distance from the said Town, to the River *Thames*, so as to form or make a Canal for the Navigation of Boats, Barges, and other Vessels, would open a short and commodious Communication between the said Town and Neighbourhood and the River *Thames*, which would greatly facilitate the Conveyance of Coals, Lime, Goods, Wares, and Merchandize to and from the same, and would also tend to the Improvement of the adjoining Lands, and otherwise be of great public Utility: And whereas the said Town and Parish of *Saint Mary Abbot's Kensington*, and the several Parishes of *Saint Luke Chelsea*, and *Fulham*, and the Neighbourhood thereof respectively, or some Part thereof respectively, are drained by or by means of divers Sewers, Streams, Drains, and Watercourses running

[Local.]

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or

Proprietors
incorporated,
with Power
to purchase
and sell
Lands.

or flowing into or through the said Creek, and under the Jurisdiction of the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*: And whereas the Road or Way leading from *London* to *Fulham* called the *King's Private Road*; which passes to and over the said Creek, is the Property of the King's most Excellent Majesty: And whereas the several Persons herein-after named are desirous of being united into a Company for carrying into Effect the Purposes aforesaid; but the same cannot be accomplished 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 Commons, in this present Parliament assembled, and by the Authority of the same, That *William Lord Kensington, Sir Charles Sutton, Sir John Scott Lillie, Harvey Coombe, Joseph Brindley, John Wilson, Henry Payne, William Judson, Samuel Cleaver, Charles Smith, Edward Garland, George Tunks, John Fowler, Ralph Adams, William Ward, Thomas Davis, Horace Gooch, Evan Foulkes*, and their respective Executors, Administrators, or Assigns, or such of them as shall from Time to Time be possessed of any Share or Shares in the said Canal and Undertaking hereby authorized to be made and carried on, and also such other Person or Persons, Bodies Politic and Corporate, as shall from Time to Time be possessed of any Share or Shares therein, shall be and they are hereby united into a Company for the making, completing, maintaining, and carrying on the said intended Canal and other Works hereby authorized to be made, according to the Rules, Orders, and Directions herein-after expressed; and for that Purpose are and shall be one Body Politic and Corporate by the Name and Style of "*The Kensington Canal Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority, from and after the passing of this Act, to purchase, in manner by this Act directed, Lands, Tenements, and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking, and for the several Works hereby authorized to be made, and for the several other Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and also to sell any of the Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid.

Company
empowered
to widen and
enlarge the
Creek, and
make a Canal;

II. And be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, by themselves or by their Deputies, Agents, Officers, Workmen, or Servants, to widen, deepen, and enlarge the Creek called *Counter's Creek*, running from a certain Bridge called *Counter's Bridge*, on the High Road from *London* to *Hammersmith*, to the River *Thames*, or so much thereof as they shall think proper, and to form and make a Canal for the Navigation of Boats, Barges, and other Vessels, from or from near the said Bridge in or through the Parishes of *Saint Mary Abbot's Kensington, Saint Luke Chelsea, and All Saints Fulham*, and the Hamlet or Chapelry of *Saint Paul Hammersmith*, in the said County of *Middlesex*, some or one of them, to the River *Thames*, and to maintain the said Canal, but subject to such Jurisdiction as is herein-after reserved to the said Commissioners of Sewers; and also to supply the said intended Canal at all Times for ever while making and after the same shall be

made with Water from the River *Thames*, and from all such Brooks, Springs, Streams, Rivulets, Waters, and Watercourses which are or shall flow to or be found in digging or making the said Canal; and also to make, sink, and drive such and so many Wells, Drains, Tunnels, Levels, Perforations, Feeders, and Aqueducts, and to make, erect, and set up such and so many Weirs, Steam Engines, Water Wheels, and other Machines, with proper Shafts and Tunnels thereto, for supplying the said Canal with Water, and for conveying Water to or from the same for the Purposes of Navigation only, and for the Purpose of the better making and maintaining of such Canal, as they the said Company shall from Time to Time think proper and expedient; and also for effectuating the Purposes of this Act to take down and remove such Bridges as are now built over the said Creek, and to build other Bridges in lieu thereof, of the same or a greater Width, and of the same or larger Dimensions, or otherwise to widen and enlarge the same; and to enlarge, widen, divert, alter, or vary such Roads or Ways, and the Course of such Brooks, Streams, or Watercourses which are or shall be situate within the Line of the said intended Canal, or which shall or may hinder, prevent, or otherwise obstruct the making of the said Canal; and for the Purposes aforesaid, or any of them, the said Company, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Canal, and the other Works and Conveniences hereby authorized to be made, and there to bore, dig, cut, trench, and drain, and also to remove, take, carry away, and lay any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things (except as is otherwise herein-after provided) which may be dug or got in making, or which may hinder, prevent, or obstruct the making, carrying on, maintaining, or repairing the said Canal, Feeders, Tunnels, Aqueducts, and other Works respectively, according to the true Intent and Meaning of this Act; and also to make Roads and other Ways as well for the carrying and conveying of all Manner of Materials necessary or intended for the making, erecting, finishing, altering, repairing, widening, enlarging, or improving the said Canal and other Works hereby authorized, as also for the Purposes of the said intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandize, and other Things to and from the said Canal; and also to make, build, drive, erect, and set up in or upon the said Canal, or in or upon the Lands adjoining thereto respectively, such and so many Tunnels, Drains, Aqueducts, Culverts, Sluices, Locks, Flood Gates, Weirs, Banks, Dams, Pens for Water, Water Tanks, Basins, Wharfs, Quays, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Docks, Machines, and other Works, Fences, and Conveniences, as and where the said Company hereby incorporated shall think requisite and convenient, except as herein-after mentioned; and also from Time to Time to alter, repair, and amend, or discontinue the same or any of them, and to place, lay, work, or manufacture any Materials on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be carrying on; and also to make, set out and appoint such Towing Paths, Banks, Roads, and Ways for the towing, hauling, or drawing of Barges, Boats, Lighters, Rafts, and other

to make
Tunnels, &c.
erect Steam
Engines,
take down
Bridges,
and divert
Roads, &c.

Power to en-
ter Lands,
making Sa-
tisfaction for
Damages.

other Vessels passing upon the said Canal, with Men, Horses, or otherwise, and such convenient Places for Barges, Boats, and other Vessels and Rafts to turn, lie, or pass each other in, as the said Company shall think proper and expedient; and also to dig, take, and carry away any Soil, Clay, Gravel, Sand, or Stone which shall be proper, requisite, and convenient for the making, maintaining, and repairing the several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining or lying convenient thereto; and also to construct, erect, set up, make, and do all and every or any other Works, Matters, and Things whatsoever which they the said Company shall think requisite and necessary or convenient for the making, completing, repairing, improving, carrying on, maintaining, and using the said Canal and other Works, in pursuance of and within the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Servants, and Workmen doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in manner herein-after mentioned to the Owners or Proprietors, Tenants or Occupiers of, and all Persons interested in the Lands, Tenements, Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned.

Steam Engines to consume their own Smoke.

III. And be it further enacted, That every Steam Engine which shall be erected by the said Company of Proprietors, or in pursuance of this Act, shall be erected and built upon the best and most approved Principle of consuming its own Smoke.

Map and Book of Reference to remain with Clerk of Peace.

IV. And whereas a Map or Plan, describing the Line or Course of the said Canal, and the Estates, Lands, and Grounds in and through which the same are respectively to be carried or made, together with a Book of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Estates, Lands, and Grounds, have been deposited at the Office of the Clerk of the Peace for the said County of *Middlesex*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner therein shall have Liberty to inspect, peruse, and make Extracts from and Copies thereof at seasonable Times, on Payment of One Shilling for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the First, and paying for every Copy not exceeding Seventy-two Words the Sum of Sixpence, and so in proportion for any greater Number of Words and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in Question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

No Deviation from the Plan and Book of Reference.

V. Provided always, and be it further enacted, That the said Canal Company in making the said Canal shall not deviate from the Course or Direction

Direction delineated on the said Map or Plan, and set forth in the said Book of Reference.

VI. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company hereby incorporated, or any Interruption be given to the making of the said Canal and other Works hereby authorized to be made, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting in and for the said County of *Middlesex*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Advantage to be taken of any Error or Omission in the said Book of Reference.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Canal Company, or any other Person or Persons, to take, use, injure, or damage any House or Building, or any Ground which, upon the First Day of *January* One thousand eight hundred and twenty-three, was the Site of any House or other Building, or any Park, Avenue, planted Walk, Lawn, or Pleasure Ground, nor any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except such as are specified and contained in the Schedule to this Act annexed.

Houses, &c. not to be taken without Consent.

VIII. Provided always, and be it further enacted, That in all Cases where it shall be found necessary for the Purposes of this Act to divert or turn any Brook, Stream, or Watercourse, or to cut through or injure any Carriage or Horse Road, or Footway, either public or private, or to take down or injure any Bridge or Bridges, either public or private, so as to render the same impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Canal Company shall at their own Expence first make a Cut or Channel for such Brook, Stream, or Watercourse, or a temporary Bridge or Bridges, of no less Width than the former; and when such Cut or Channel shall be completed and finished, the Part of the Bed or Channel of the Brook, Stream, or Watercourse so to be taken, used, diverted, and turned, shall be and become vested in Fee Simple in the said Company, with full Power for them to sell or dispose of the same, in such Manner and Form and under such Regulations as are herein-after directed with respect to Lands which shall be purchased by the said Company, and found necessary to be made use of for the Purposes of the said Navigation, or as near thereto as the Case will admit; and such Bridge or Bridges so to be built or otherwise enlarged, and such Road or Footway so to be altered as aforesaid, shall be for ever thereafter repaired and kept in Repair by the Person or Persons who were by Law bound to repair the old Bridge, Road, or Way before such Alteration or Diversion; and further, that the Materials of the Bridges so to be taken down or enlarged shall be and become the absolute Property of the said Company.

Before any Brook or Road is diverted or injured, others are to be made.

IX. Provided always, and be it enacted, That if it shall be found necessary to take down the Bridge on the King's Road aforesaid, under which the said Creek now passes, the Bridge to be erected in lieu thereof shall be of the same Width as the said Road called the *King's Road*, and shall be of such Design and Form of Arch as shall be required and

Proviso respecting the Bridge under which the Canal passes.

[Local.]

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approved of by the Commissioners of His Majesty's Woods and Forests and Land Revenue, or the Surveyor General of Crown Lands for the Time being.

Ascents to
Bridges and
Fences there-
on.

X. Provided always, and be it further enacted, That in all Places where the Line of the said Canal by this Act authorized to be made shall cross any public Carriage Road, the Ascent of every Bridge which shall be made over the said Canal for the Purpose of such Road, in the Place of any other Bridge, shall not be more than One Foot in Thirteen, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Breadth of
Canal.

XI. And be it further enacted, That the Lands or Grounds to be taken and used for the said Canal, and the Towing Paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed One hundred Yards in Breadth, measured horizontally, except in such Places where any Basin, Sluice, or Weir shall be made, or where the said Canal shall be raised higher, or shall be cut more than Ten Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels or Rafts to turn, lie, or pass each other, or where any Warehouse, Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the Landing or Delivery of any Goods, Wares, or Merchandize, which shall be carried or conveyed on the said Canal; nor more than Two hundred Yards in Breadth in any Place, except where the said Canal shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the said Canal shall pass shall consent to the same being made wider in or through his, her, or their Lands or Grounds respectively.

Bodies Poli-
tic, &c. em-
powered to
sell and con-
vey Lands
for the Pur-
poses of this
Act.

XII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Canal, and other Works and Conveniences hereby authorized to be made, or any of them or any Part thereof, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbards, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Canal Company; and all such Contracts, Agreements, Sales, Conveyances and Assurances, shall be made at the Expence of the said Company, and shall be made according

to the following Form, or as near thereto as the Circumstances of the Case will admit; namely,

I of in consideration of the Sum of
to me paid by the Canal Company,
do hereby, in pursuance and by virtue of the Power in that Behalf contained in the Act passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intituled [*here insert the Title of this Act*], grant, release, assign, and confirm unto the said Canal Company all [*here insert the proper Description of the Lands or Hereditaments intended to be conveyed*], and all my Estate and Interest therein; to hold unto and to the Use of the said Canal Company, and their Successors for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the
Day of in the Year of our Lord

Form of Conveyance to the Company.

And that all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

XIII. And be it further enacted, That if any Contract, Agreement, Bargain or Sale of or concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, shall be made or entered into, of any Lands, Tenements, or Hereditaments which shall be Copyhold or Customary, or of the Nature of Copyhold or Customary, the same shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been made, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being, shall be willing and desirous to enfranchise the same; in which Case such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor or Manors for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company would prevent such Lord or Lords, Lady or Ladies, from receiving the Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in case such Copyhold or Customary Premises had continued to be the Property of Individuals, the said Lord or Lords, Lady or Ladies, of the said Manor or Manors, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold or Customary Lands, Tenements, and Hereditaments which shall be so purchased by or vested in the said Company for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them in respect of such Fines, Heriots, or other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence

For settling Contracts respecting Copyhold and Customary Lands.

pence and Satisfaction, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, as is directed by this Act.

Conveyance
by Lords of
Manors of
Lands
taken from
Commons to
be sufficient.

XIV. And be it further enacted, That in all Cases where there shall be occasion to cut through, take, or use, for the Purposes of this Act, any Part or Parts of any Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, which shall be charged with or subject to any Right or Rights of Common or Commons, whether of Pasture, Turbary, Estover, Piscary, or Easement, whether appendant, appurtenant, or in gross, or whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person or Persons having such and the like Estate or Interest of and in the Manor wherein such Lands, Tenements, Common or Waste Grounds shall be situate; or if the same shall not be the Waste of any Manor, then having such or the like Estate or Interest of and in the Soil of such Lands, Tenements, Wastes, Commons, and Hereditaments as the Body or Bodies Politic, Corporate, or Collegiate, or Persons who are herein-before enabled to sell and convey other Lands, Tenements, and Hereditaments, shall be a good and sufficient Conveyance to the said Canal Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Waste Ground or Common, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having such Right or Rights of Common upon such Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid shall be paid by the said Canal Company to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively, as a Vestry of such respective Parishes to be convened by such Churchwardens for that Purpose shall direct; and in all Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in manner by this Act directed, as the Case may be: Provided that in Cases where any such Manor is vested in Freeholders, or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situate, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in such Common or Waste Ground, and whose said Estates are assessed yearly to the Poor Rates to Three Fifths at least of the whole Property in each of the said Parishes which have such Common Right, to the said Company, shall also be a good and sufficient Conveyance.

XV. And

XV. And be it further enacted, That it shall be lawful for the said Canal Company, by Indenture under their Common Seal, to sell, grant, and convey, by way of absolute Sale, all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be purchased by and conveyed to the said Company, as shall not be wanted for the said Canal and Works, or any Part or Parts thereof, for such Sum or Sums of Money as in such Conveyances shall be expressed, and all such Grants and Conveyances shall be valid and effectual; and upon Payment of the Money which shall arise by such Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, or of any Land by virtue of this Act, it shall and may be lawful for the Treasurer or Treasurers of the said Company for the Time being to sign and give Receipts for the Money for which the same shall be sold (which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received), and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof; which said Money shall be applied by the said Canal Company for the same or for the like Purposes as the Money hereby authorized to be raised is to be applied: Provided that the said Company, before they shall contract for the absolute Sale and Disposal of any such Messuages, Lands, Tenements, and Hereditaments, shall first offer to resell the same to the Person or Persons from whom the said Company shall have purchased such Premises, or his, her, or their Heirs, at a Price to be fixed on by the said Company; but in case of Difference in that respect, then the Price at which the same shall be resold shall be adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons, or his, her, or their Heirs, to whom such Offer shall be made, shall not then and thereupon agree or shall refuse to re-purchase the same, on Affidavit being made and sworn before One of the Masters of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Middlesex*, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on behalf of the said Canal Company, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Company
empowered
to resell.

Offer of Re-
sale to be
first made to
the former
Owners.

XVI. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated to sell and convey Lands, Tenements, or Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or Hereditaments through, in, or over which the said Canal, or other Works hereby authorized, are intended to be made, or any of them, shall receive Satisfaction for the Value of such Lands, Tenements, or other Works and Hereditaments, and for the Damages to be sustained in making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between

Satisfaction
to be made.

[*Local.*]

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the said Owners and Occupiers respectively, or any of them, and the said Canal Company; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Canal Company may and shall be at liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the said Lands, Tenements, and Hereditaments, for the Use and Maintenance of the said Canal, and for supplying the same with Water; and in case the said Canal Company and the said Parties interested in such Lands, Tenements, and Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed.

In case the Parties refuse or are incapable to treat, the Value to be settled by a Jury.

XVII. And for settling all Differences which may arise between the said Canal Company and the several Owners of or Persons interested in the Lands, Tenements, or other Hereditaments which shall or may be taken, used, affected, damaged, or prejudiced in pursuance or execution of the Powers hereby granted, touching the Purchase Money or Recompence to be paid or made for the same, be it further enacted; That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested, entitled, or empowered to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for and on behalf of their respective Cestuique Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, shall refuse to accept such Purchase Money or Recompence as shall be offered in Writing by the said Company or their Agent, and shall give Notice thereof in Writing to the said Company, within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled, interested, or empowered to sell as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Canal Company concerning the same, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or other Impediment not provided for by this Act be incapable of treating or making such Agreements as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Canal and other the Works aforesaid; then and in any or either of the said several Cases the said Company or their Committee of Management shall and they are hereby empowered and required, from Time to Time, to issue a Warrant or Warrants under their Common Seal to the Sheriff of the said County of *Middlesex*; or in case such Sheriff or his Under Sheriff shall happen to be One of the said Canal Company, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the same County not interested as aforesaid; or if all the Coroners shall be so interested, then to the last Persons or Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner, or other Person, to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at

Westminster,

Westminster, to appear before the Justices of the Peace for the said County of *Middlesex*, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the said County of *Middlesex*, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in controversy; and such Jury upon their Oaths shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments as aforesaid, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated, repaired, or remedied by the said Canal Company, and which can or will be no further obviated, repaired, or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: Provided that not less than Ten Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Company to the Party or Parties with whom such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

In default of Attendance of Jurymen, Standers-by may be returned.

Witnesses may be summoned.

Jurors may view the Place or Matter in question.

Verdict and Judgment thereon to be conclusive.

XVIII. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in such Case every such Person so offending shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be

Penalty upon Sheriff, Jurors, or Witnesses making Default.

be

be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Juries to be under the same Regulations as those of the Courts at Westminster.

Persons giving false Evidence subject to the Penalties of Perjury.

XIX. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties, as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons, who in any Examination to be taken by virtue of this Act upon their Oath, or (being of the Society of Persons called *Quakers*) upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Expences of Juries.

XX. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, or for a greater annual Rent, for Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons unknown, or as Compensation for any Damages done or to be done to any Lands, Tenements, Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company of Proprietors or their Committee of Management; or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, or where no Compensation, or a smaller Sum than shall be given by such Verdict, had been previously offered or tendered in respect thereof by or on behalf of the said Company of Proprietors or their Committee of Management; or where, by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Company of Proprietors or their Committee of Management, as herein-before mentioned; then and in all such Cases all the reasonable Costs and Expences of impaneling, summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Company of Proprietors; and in case such Costs shall not be paid by the said Company of Proprietors, or their Committee of Management, within Five Days after the same shall be demanded, the same shall and may be levied, by virtue of any Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the said Company; but if any Verdict shall be given for the same Sum or Rent as had been previously offered by or on behalf of the said Company of Proprietors, or their Committee of Management, or for a less Sum than had been so previously offered, or in case of such Refusal or Neglect to enter into Treaty with or make Conveyances to or receive Compensation from the said Company of Proprietors or their

their Committee of Management, by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases, (except where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, when such Costs and Expences shall be paid by the said Company of Proprietors), the Costs and Expences of impanelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff so impanelling, summoning, and returning such Jury, and taking such Verdict, and be borne and paid in the Manner following; that is to say, one Moiety or Half Part of such said Costs and Expences shall be borne and paid by the said Company of Proprietors or their Committee of Management and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons with whom the said Company of Proprietors or their Committee of Management shall have such Disputes or Controversies; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict, where the Dispute is for Compensation only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

XXI. And be it further enacted, That all and every Person and Persons with whom the said Canal Company may have any such Controversy or Dispute as aforesaid, shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond to the Treasurer or Treasurers of the said Company for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Expences of summoning such Jury and taking such Inquest, and of summoning and the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to be paid, according to the true Intent and Meaning of this Act.

Persons requesting Juries, to enter into a Bond to prosecute their Complaint and pay Expences.

XXII. And be it further enacted, That the said Company shall not be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto by or on behalf of such Person or Persons, to the said Canal Company, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or such supposed Injury or Damage shall have ceased.

No Complaint to be taken notice of, unless Notice given to the Company within Six Months.

[*Local.*]

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XXIII. And

Value of
Lands and
Damages to
be ascertain-
ed separately.

XXIII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts, which they shall respectively make and give concerning the Value of Lands, Tenements, and Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Compensa-
tion Money
to be appor-
tioned.

XXIV. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages, which shall be agreed for, determined, and adjusted or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Power to
enter Lands
upon Pay-
ment or Ten-
der of Pur-
chase Money.

XXV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands or Hereditaments, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Compensation, within Twenty-one Days after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Canal Company, and their Agents, Servants, or Workmen, immediately to enter upon such Lands, Grounds, or other Hereditaments respectively; and then and thereupon the Lands, Waters, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and become the sole Property of the said Canal Company, to and for the Purposes of this Act for ever; and such Tender, Payment, or Investiture shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein.

Verdicts of
Juries to be
recorded.

XXVI. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace of the said County of *Middlesex* amongst the Records of the Quarter Sessions of the said County, and shall be deemed Records to all Intents and Purposes; and the same,

or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to make Copies thereof, paying for each Copy after the Rate of One Shilling for every One hundred Words.

XXVII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money, by the said Canal Company, or their Clerk or Agent, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint, or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Canal Company, or their Clerk or Agent, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages, at the End or Expiration of Two Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Two Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said Canal Company, or to such Person or Persons as they shall appoint; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the Value of the Premises, to be ascertained as directed by this Act, then the said Canal Company shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee shall neglect or refuse to convey and assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage into the Bank of *England*, at the End of Two Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and also of every Mortgager or Owner of the same Premises, and of all and every Person and Persons in trust for him, her, or them, or any of them, shall vest in the said Canal Company, to all Intents and Purposes whatsoever.

Mortgagees
to convey.

XXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as herein-before mentioned, such Money shall, in case the same shall amount to

Application
of Compen-
sation when
amounting to
or exceeding
200*l.*

or

1 G. 4. c. 35. or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the *Kensington Canal Company*, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George the Fourth*, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where Compensation is less than 200*l.* and exceeds 20*l.*

XXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account

Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Committee of Management of the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

XXX. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee or any Five or more of them shall think fit; in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where less than 20l.

XXXI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Committee of Management, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Committee to order the said Sum or Sums so awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them); subject to the Order, Controul, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out a good Title, &c. Money to be paid into the Bank.

XXXII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be

In case of disputed Titles, the

Person in Possession to be deemed lawfully entitled.

paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase by the said Company, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Exchequer may order Expence of Purchases to be paid by the Company.

XXXIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company hereby incorporated, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Company empowered to raise 10,000*l.* among themselves.

Application thereof.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Canal Company to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as they shall think necessary for the making, carrying on, and completing the said Canal, Aqueducts, Quays, Wharfs, and other Works and Conveniences hereby authorized to be made, not exceeding in the whole the Sum of Ten thousand Pounds (except as herein-after is mentioned), and that the same shall be divided into such Number of Parts or Shares as herein-after directed; and the Money so to be raised as afore-said, or a sufficient Part thereof, shall be laid out and applied, in the first Place, in Payment, Satisfaction, and Discharge of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and the making of the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto; and all the Residue of such Money, or so much thereof as shall be necessary, shall be applied and disposed of for or towards the making, carrying on, completing, and maintaining of the said Canal and other Works respectively, and for other the Purposes of this Act.

XXXV. And be it further enacted, That the said Sum of Ten thousand Pounds shall be divided into One hundred equal Shares, and that no Person shall take or subscribe for less than One Share in the said Undertaking; and such Shares shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and the said One hundred Shares shall be and they are hereby vested in the several Persons, Bodies Politic and Corporate, subscribing for and undertaking to raise and contribute to the same, and their respective Executors, Administrators, Successors, and Assigns, to and for their own respective Use and Benefit, according and proportionably to the Number of Shares which they shall respectively subscribe for and undertake to raise and contribute; and all Persons, Bodies Politic and Corporate, and their respective Executors, Administrators, Successors, and Assigns, who shall subscribe for any Share or Shares in the said Undertaking, and pay such Sum or Sums of Money as shall be demanded on account thereof, not exceeding in the whole their proportionable Part of the said Sum of Ten thousand Pounds towards the carrying on and completing the said Canal and other Works hereby authorized to be made, shall be entitled to and receive, after the said Navigation shall be completed, a due and just Proportion, according to their respective Number of Shares, of the clear Profits and Advantages which shall or may arise or accrue by or from the Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act, according to the true Intent and Meaning thereof, and shall also from Time to Time bear and pay a like due and just Proportion of the Money wanted for carrying on the said Navigation and Undertaking in the Manner herein-after directed.

The Money raised to be divided into Shares, which shall be numbered in Progression.

XXXVI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons, of and in the said Canal, or the Joint Stock or Fund of the said Canal Company, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be Personal Estate.

XXXVII. And for the better securing to the several Subscribers towards the said Navigation and Undertaking their respective Shares therein, be it further enacted, That the said Canal Company, or their Committee of Management, shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Navigation and Undertaking, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the Clerk to the said Canal Company, and after such Entry to cause the Common Seal of the said Company to be affixed thereto; which said Book shall from Time to Time be altered and corrected, and new Books from Time to Time be sealed with the said Common Seal, as the Change of Proprietors and Transfer of Shares shall render necessary or expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Navigation and Undertaking, bearing respectively the same Numbers as in the said Books, and the Common Seal of the said Company to be affixed to each of such Tickets or Instruments, and thereupon to cause to be

Names of Proprietors and the Numbers of their Shares to be entered in a Book.

Tickets for the Shares to be delivered to the Subscribers;

be

be delivered to every Subscriber towards the said Navigation and Undertaking, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he or she is entitled in the said Undertaking; and every such Subscriber shall pay to the Clerk to the said Company Two Shillings and Sixpence and no more for every such Ticket or Instrument, and every such Ticket or Instrument shall be admitted as Evidence in all Courts whatsoever of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Share from selling or disposing thereof, or from receiving annually his or her Share of the Profits of the said Navigation and Undertaking in respect thereof.

which shall
be Evidence
of their Title.

Company
empowered
to raise a
further Sum
not exceeding
5000*l.* among
themselves,

XXXVIII. And be it further enacted, That if the said Sum of Ten thousand Pounds herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Canal and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Canal Company, after an Order or Resolution for that Purpose shall be made at a Special General Meeting of the said Company, to be called by the Committee of Management for the Time being, herein-after directed to be appointed, (of which Meeting Ten Days previous Notice shall have been given in some Newspaper or Newspapers published or usually circulated within the said County of *Middlesex*.) to raise in such Shares and Proportions, and in manner and form as herein-before directed, any further or other Sum or Sums of Money for perfecting and completing the said Navigation and other Works not exceeding Five thousand Pounds; and towards raising such further or other Sum or Sums, any Member or Members of the said Canal Company shall and may, in the first Place, at his or their Discretion, subscribe and become a Proprietor or Proprietors of any such additional Shares; and in case such further Sum, or any Part thereof, shall not be raised and contributed among the original Members of the said Company in the Space of Three Calendar Months after such Order or Resolution made as aforesaid, the said additional Sum of Five thousand Pounds, or any Part thereof, shall and may be raised by the Admission of new Subscribers, and every such new Subscriber (if any) shall become a Proprietor in the said Navigation and Undertaking hereby authorized to be made, and shall be entitled to exercise and enjoy the same Powers, Privileges, and Advantages, and shall be also liable to the same Restrictions, Penalties, and Forfeitures, as if such further and additional Sum hereby allowed to be subscribed for and raised had constituted Part of the original Sum hereby authorized to be raised.

or by Admis-
sion of new
Subscribers.

For raising
Money by
Mortgage.

XXXIX. Provided always, and be it further enacted, That if the said Canal Company shall be desirous of raising by Mortgage of the said Navigation and Undertaking the said additional Sum of Five thousand Pounds, or any Part thereof, or in case the said Canal Company shall, for the more speedy Completion of the said Canal, be desirous of raising by Mortgage any Part of the said first-mentioned Sum of Ten thousand Pounds, not exceeding the Sum of Two thousand five hundred Pounds, in lieu of raising the same, or the Whole or any Part thereof, by Calls under the Provisions of this Act, and shall make an Order or Orders, or enter into a Resolution or Resolutions to that Effect, at any Special Meeting
or

or Meetings of the said Canal Company to be called for that Purpose by their Committee of Management for the Time being, and of which Meeting Ten Days previous Notice shall be given in the Manner aforesaid, stating in every such Notice the Purpose thereof, then and in such Case it shall and may be lawful to and for the said Canal Company, pursuant to such Order or Resolution, to borrow and take up at Interest such Sums, or any Part or Parts thereof, upon the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and the said Canal Company are hereby accordingly fully authorized and empowered to grant, assign, and make over, by way of Mortgage to any Person or Persons lending any such Money, or by way of collateral Security to any Person or Persons who shall borrow either of such Sums of Money, or any Part or Parts of either of such Sums of Money, for the Use of the said Company, the several Tolls, Rates, and Duties granted to them by this Act, or any Part thereof (the Costs and Charges of which Assignment shall be paid out of the said Tolls, Rates, and Duties) as a Security for the Sum or Sums of Money so to be borrowed, together with Interest for the same, unto the Person or Persons who shall lend and advance any such Sum or Sums of Money for the Use of the said Company, or unto his, her, or their Trustee or Trustees; all which Assignments or Mortgages shall be made by Deed in Writing under the Common Seal of the said Company, in the Form or to the Effect following; that is to say,

BY virtue of an Act made in the Fifth Year of the Reign of His Majesty King George the Fourth, intituled [insert the Title of this Act,] we the Kensington Canal Company, incorporated by virtue of the said Act, in consideration of the Sum of _____ of lawful Money of Great Britain to us paid by _____ of _____ do hereby bargain, sell, and assign unto the said _____ Executors, Administrators, and Assigns, the said Navigation and Undertaking, and all and singular the Tolls, Rates, and Duties granted or arising and payable to us by virtue of the said Act; and all the Estate, Right, Title, and Interest of us the said Company, of, in, to, or out of the same respectively, to hold unto the said _____ his Executors, Administrators, and Assigns, until the said Sum of _____, together with Interest for the same after the Rate of _____ per Centum per Annum, shall be fully paid and satisfied to him or them. Given under our Common Seal this _____ Day of _____

Form of
Mortgage.

Or in any other Form or to any other Effect which may be better adapted to the Circumstances under which any such Sum of Money shall be borrowed or collateral Security given; and all Persons to whom such Assignments or Mortgages shall be made shall be equally entitled (one with the other) to the said Tolls, Rates, Duties, and Premises thereby assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of the Priority of Date of any such Assignment or Mortgage, or upon any other Account whatsoever; and the Money so to be borrowed as aforesaid shall be applied and disposed of for the carrying on, completing, and maintaining the said Navigation and other Works hereby authorized to be made, and for carrying the several Powers and Authorities hereby given into Execution.

[Local.]

15 N

XL. And

A Memorial of every Mortgage to be made by the Company's Clerk.

XL. And be it further enacted, That an Entry or Memorial of every such Assignment or Mortgage as aforesaid, containing the Date thereof, the Name or Names and Additions of the Party or Parties to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall be made and entered in a Book to be kept for that Purpose by the Clerk to the said Canal Company for the Time being, and that such Book shall and may be perused gratis at any seasonable Times by any of the Proprietors or Creditors of the said Navigation and Undertaking ; and that all and every Person or Persons to whom any such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and set over his, her, or their Right, Title, or Interest therein, unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise ; which Transfer shall and may be made by a Deed in Writing, in the Form or to the Effect following ; namely,

Mortgages may be transferred.

Form of Transfer.

in consideration of the Sum of
I to me paid by of do hereby transfer
the within Mortgage, [or a certain Mortgage made to me by the
Kensington Canal Company, bearing Date the Day of
, and the Principal Sum of thereby
secured, and the Interest now due and hereafter to grow due for the same,
and all my Right and Property therein, unto the said
his Executors, Administrators, and Assigns. In witness whereof I have
hereunto set my Hand and Seal this Day of .

Memorials of Transfers to be made before the Assignees shall be entitled.

And that every such Transfer shall within Twenty-eight Days from the Date thereof be produced to the Clerk to the said Canal Company, who shall thereupon cause an Entry or Memorial thereof, to the same Purport and Effect as herein-before directed with respect to the original Assignment or Mortgage, to be made or entered in the Book to be kept for entering the Memorials of such original Assignments or Mortgages ; and that after such Entry shall be made, but not before, such Transfer shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage.

Company may raise the Sum of 5,000l. upon Promissory Notes.

XLI. Provided always, and be it further enacted, That if the said Canal Company hereby incorporated shall think it more expedient to borrow such further Sum of Five thousand Pounds, or any Part thereof, by Promissory Notes under the Common Seal of the said Company hereby incorporated, it shall and may be lawful for them so to do ; and that such Notes shall be made payable in such Manner, and at such Time and Times, and with such legal or less Rate of Interest as the said Company shall think proper, and either with or without Power in the Holders of such Notes to have an Option of being admitted to hold a Share of One hundred Pounds in lieu of the Principal Money thereby to be secured, or so much or such Parts thereof as the said Canal Company hereby incorporated, or their Committee of Management for the Time being, and the Person or Persons advancing such Money on the Security of the said Notes, shall jointly agree upon, so nevertheless that no Person be in any Case admitted to hold a Share of One hundred Pounds in lieu of a less Principal Sum of Money than One hundred Pounds advanced on the Security

Security of such Notes, the Particulars of such Options being at all Times expressed in the said Notes; and the Rates authorized to be taken, and which shall arise and be received by virtue of this Act, shall be a Security for any Sum or Sums of Money so to be borrowed as aforesaid, with Interest, to the Person or Persons who shall from Time to Time be entitled to such Securities and the Principal Monies and Interest thereby secured; and all Persons to whom any such Securities as aforesaid shall be given shall be equally entitled to a Claim or Lien on the said Rates in proportion to the respective Sums mentioned thereby to be secured and advanced, as if the same were advanced upon Mortgages or Assignments of the said Rates in pursuance or by virtue of this Act, and without any Preference by reason of the Priority of the Date of any such Securities, or on any other Account whatsoever.

XLII. And, be it further enacted and declared, That the Interest of such Money as shall be so borrowed by Mortgage or Promissory Notes as aforesaid shall be paid Half-yearly to the several Persons entitled thereto, in preference of any Interest or Dividends due and payable by virtue of this Act to the said Canal Company or any of them, and shall from Time to Time be fully paid and discharged or provided for, before the Yearly or other Interest or Dividends due to the said Proprietors be paid, made, or divided.

Interest of
Money bor-
rowed to be
first paid.

XLIII. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, and their respective Executors, Administrators, Successors, and Assigns, who shall by virtue of this Act have subscribed or undertaken for, or become entitled to and be in the actual Possession of any Share or Shares for or towards raising the Sum of Ten thousand Pounds hereby authorized to be raised in the first Instance, shall have a Vote or Votes at all Meetings of the said Canal Company to be held in pursuance of this Act, for or in respect of the Share or Shares for, to, or of which he, she, or they shall have so subscribed, undertaken, or become entitled or possessed, in manner following; (that is to say), for or in respect of One Share, One Vote; for or in respect of Two or more Shares, not exceeding Five, One Vote for every such Share; and for or in respect of every additional Number of Five Shares, Two Votes; but no Proprietor or Proprietors shall be entitled to vote for any less Number of Shares than Five, after the First Five Shares for which he, she, or they is or are hereby authorized to vote; and if it shall be found necessary to raise the further Sum of Five thousand Pounds hereby authorized to be raised, or any Part thereof, then that all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, and his, her, and their respective Executors, Administrators, Successors, and Assigns, who shall subscribe or undertake for or become entitled to and be in the actual Possession of Two or more Shares for or towards raising such further Sum, shall have a Vote or Votes at all such Meetings, for and in respect of such Shares, in manner following; (that is to say), for or in respect of Two Shares, One Vote; for or in respect of Four Shares, Two Votes; for or in respect of Five Shares, Three Votes; and for or in respect of every additional Number of Five Shares, Two Votes; but no such last-mentioned Proprietor or Proprietors shall be entitled to vote at any such Meetings in respect of One Share only, or for any less Number

Proprietors
entitled to
vote in re-
spect of
Shares.

Number of Shares than Five, after the first Five Shares for which he, she, or they is or are hereby authorized to vote; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any Meeting of the said Company to be held in pursuance of this Act, shall be determined by the Majority of Votes then present.

Proprietors
may vote by
Proxy.

XLIV. Provided always, and be it further enacted, That it shall and may be lawful for every such Body Politic, Corporate, or Collegiate, entitled to vote at Meetings of the said Canal Company to be held in pursuance of this Act, by Writing under their Common or Corporate Seal, and also for all and every other Person and Persons entitled to vote as aforesaid, by Writing under his, her, or their Hand or Hands, and in case of the Infancy, Idiotcy, or Lunacy of any such Person or Persons, then for his, her, or their Guardian or Guardians, Committee or Committees, by Writing under the Hand or Hands of such Guardian or Guardians, Committee or Committees, to constitute and appoint any other Proprietor or Proprietors entitled to vote in respect of his, her, or their own Share or Shares in the said Undertaking, their, his, or her Proxy or Proxies, to vote at any such Meetings of the said Canal Company; and every such Vote by Proxy shall be as good and valid, to all Intents and Purposes, as if the Principal or Principals had voted in Person.

Form of Ap-
pointment of
Proxy.

XLV. And be it further enacted, That the Appointment of every Proxy to vote under and by virtue of this Act shall and may be made in the Form or the Effect following; that is to say,

‘ I, _____, Proprietor [or Guardian, or
a Proprietor] of
‘ Shares in the *Kensington* Canal Navigation, do hereby nominate, consti-
‘ tute, and appoint _____ to be my Proxy [or Proxy
‘ of the said _____] in my [or his or her] Name, and
‘ in my [or his or her] Absence, to vote and give my [or his or her]
‘ Assent or Dissent to any Business, Matter, or Thing relating to the
‘ said Navigation which shall be mentioned or proposed at any Meeting of
‘ the said Canal Company, or any Adjournment thereof, until I [or the
‘ said _____] shall revoke this Appointment by Notice
‘ in Writing to the Clerk of the said Company. In witness whereof
‘ I have hereunto set my Hand this _____ Day of _____.’

Appoint-
ments of
Proxies to be
entered in a
Book.

And every such Appointment shall be produced to the Clerk of the said Canal Company, and entered in a Book to be kept by him for that Purpose, before any Vote shall be given in respect of such Appointment, which Book shall be sufficient Authority for any Proxy to give his Vote or Votes, without Production of his Appointment at the Time of voting, until the same is revoked.

Proprietors
not entitled
to vote in
respect of
Shares until
Calls are
paid.

XLVI. Provided always, and be it further enacted, That no Proprietor of any Shares in the said Navigation and Undertaking, either in Person or by Proxy, shall be entitled to vote at any Meeting of the said Canal Company in respect of such Shares, unless the same shall be standing in the Name of such Proprietor in the Register Book herein-before directed to be made and kept, at and immediately before such Meeting; nor unless the Sums of Money from Time to Time to be called for by the Committee

tee of Management for the Time being, to be appointed as herein-after directed, and due and payable at or before any such Meeting, in respect of all and every the Shares of such Proprietor, and all Arrears thereof, shall have been duly paid to the Treasurer or Treasurers of the said Company.

XLVII. And be it further enacted, That the first General Meeting of the said Canal Company for putting this Act in Execution shall be held in the Town of *Kensington*, within One Calendar Month after the passing of this Act, of which Meeting not less than Six Days Notice shall be given by public Advertisement in some One or more Newspapers published or usually circulated within the said County of *Middlesex*; and all future Meetings of the said Company (except such Special Meetings as herein-after mentioned) shall be held upon the first *Thursday* in *July* in every Year, at the Hour of Eleven in the Forenoon, in the said Town of *Kensington*, or at such Place or Places as the said Canal Company at the preceding General Meeting shall from Time to Time direct and appoint, of which future General Meeting not less than Seven Days Notice (both Days inclusive) shall be given by public Advertisement in such public Newspapers as herein-before mentioned, or in such other Manner as the said Canal Company at their respective General Meetings shall direct.

First and other General Meetings of Company.

XLVIII. And be it further enacted, That at every such Meeting as aforesaid, one of the Proprietors present shall be appointed President or Chairman, who shall not only have a Vote or Votes as a Proprietor or Proxy, but shall also, in case of an equal Division, have the decisive or casting Vote; and if at any Time Two or more Persons shall be proposed as President or Chairman, and shall have an equal Number of Votes, then the Person so proposed shall draw Lots for the said Office.

Chairman to be appointed, who shall have the casting Vote.

XLIX. And be it further enacted, That the said Canal Company shall at the first General Meeting, and afterwards from Time to Time when necessary at any future General Meeting, elect and choose and under their Common Seal appoint a Principal Treasurer or Principal Treasurers to the said Company, taking good and sufficient Security from him or them for the faithful Discharge of the Trust reposed in him or them respectively, and also a Clerk; and the said Clerk shall in a proper Book or Books, to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company, and of their Committee and Committees to be appointed as herein-after directed; and each of the said Proprietors in the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk of the said Company shall refuse to permit or shall not permit any Proprietor or Person so interested as aforesaid to inspect or peruse such Book or Books of Proceedings, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and whenever any such Treasurer or Clerk shall die or be removed,

Treasurer and Clerk to be appointed.

Accounts to be kept.

In case of Death, Re-

moval, or Resignation, Committee may appoint others until next General Meeting.

moved, or quit the Service of the said Company, it shall be lawful for the Committee of Management of the said Company from Time to Time to appoint some other Person in the Place of the Treasurer or Clerk so dying, being removed, or quitting, until the next General Meeting of the said Company, when the Clerk, Treasurer or Treasurers so appointed, or some other Clerk, Treasurer or Treasurers, shall be nominated and appointed for the Purposes aforesaid.

Treasurer and Clerk not to be the same Person.

L. Provided always, and be it further enacted, That it shall not be lawful for the said Company to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner or Partners, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk, or the Clerk or other Person or Persons in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance, shall be allowed.

Committee of Management.

LI. And be it further enacted, That the said Canal Company shall, at their first General Meeting, or at some Adjournment thereof, nominate and appoint Nine Persons of and out of the said Canal Company, to constitute a Committee of Management for managing and conducting the Affairs, Concerns, and Business of the said Undertaking, until the Annual General Meeting which shall be held in the Year of our Lord One thousand eight hundred and twenty-seven: Provided always, that no Person holding any Office, Employment, or Contract under the said Company shall be capable of being chosen or acting as a Member of such Committee during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract.

General Meetings for Appointment of Committee to consist of Ten Shares.

LII. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Five Proprietors present, either in Person or by Proxy, who shall together be possessed of Ten Shares at the least in the said Undertaking, no Nomination, Appointment, or Removal of any Member or Members of the said Committee shall be made or directed at that Time; but in such Case there shall be another Meeting of the said Canal Company held at the same Place, within the Space of Fourteen Days then next following, and so from Time to Time, until there

there shall be Five Persons present at such Meeting, having together such Number of Shares as aforesaid, and such Nomination, Appointment, or Removal shall then take place; and Seven Days Notice of every such Adjourned Meeting shall be given by Advertisement in some One or more public Newspaper or Newspapers published or usually circulated within the said County of *Middlesex*, or otherwise, as the Committee of Management shall direct; and the Person or Persons appointed to be Member or Members of the said Committee at any such Adjourned Meeting shall have the same Powers which he or they would have had, and shall continue in Office until such Time as he or they would have done, had he or they been chosen by the said first Meeting herein-before appointed; and in case of failure of the assembling of a sufficient Number of the Proprietors in Person or by Proxy having Ten Shares at such first Meeting, every Proprietor who shall not attend in Person or by Proxy such Adjourned Meeting shall forfeit to the said Canal Company for every Share which he, she, or they shall possess in the said Undertaking, the Sum of Ten Shillings, to be deducted out of the next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking after such Non-attendance; and in case no Interest or Dividends shall be payable to such Person or Persons so making Default as aforesaid within Six Calendar Months next after the making of such Default, and in default of such Payment, then such Forfeiture shall be recovered by the Ways and Means herein-after appointed for the Recovery of any the other Penalties or Forfeitures imposed by this Act.

LIII. And be it further enacted, That the said Nine Persons so nominated and appointed, or the Person or Persons appointed in their Room or Stead respectively by virtue of this Act, shall continue in Office until the Annual General Meeting which shall be held on the first *Thursday* in *July* in the Year of our Lord One thousand eight hundred and twenty-seven, and on the Day of such Meeting Three of the said Members of the said Committee shall go out of Office, and cease to be Members of the said Committee of Management; and in order to determine who of the said Members shall go out of Office, the Clerk of the said Company at the said General Meeting of the said Company (or at some Adjournment thereof) shall and he is hereby required to write upon Nine distinct Pieces of Paper the Names of each of the said Committee, and all such Papers shall be rolled up in the same Form as near as may be, and put into a Box or Bag, and Three of such Papers shall then be drawn out of such Box or Bag by such Clerk, One by One, and the Three Members whose Names shall be written upon such Papers respectively so drawn shall go out of Office and cease to be Members of the said Committee, and the said Company shall then nominate and appoint Three other Members of the said Company, and such Three Persons so appointed shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be a Member of the said Company, or to be qualified when necessary in manner herein-after directed) and no longer; and on the Annual General Meeting which shall be held on the first *Thursday* in *July* which shall be in the Year of our Lord One thousand eight hundred and twenty-eight, Three more of the Members of the said Committee first nominated and appointed by virtue of this Act as Members, or the Person or Persons nominated or appointed in his or their Room or Stead, shall go out of Office and cease to be Members of the said Committee of Management;

Members of the Committee to go out of Office by Rotation, and Manner of subsequent Appointment of Committee.

ment; and in order to determine who of such Persons shall go out of Office, the Clerk of the said Company at the General Meeting of the said Company to be holden on that Day (or at some Adjournment thereof) shall and he is hereby required to write upon Six distinct Pieces of Paper the Name of each of such Members, and all such Papers shall be rolled in the same Form as near as may be, and put into a Box or Bag by such Clerk, and Three of such Papers shall then be drawn out of such Box or Bag by such Clerk, One by One, and the Members whose Names shall be written upon such Papers respectively so drawn shall go out of Office and cease to be Members of the said Committee of Management, and the said Company shall then nominate and appoint Three other Members of the said Company (qualified when necessary as aforesaid) to be Members of the said Committee, and such Three Persons so nominated and appointed shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be a Member of the said Company, or to be qualified when necessary in manner herein-after directed) and no longer; and at the Annual General Meeting which shall be held on the first *Thursday in July* in the Year of our Lord One thousand eight hundred and twenty-nine, the Three remaining Members of the Committee first nominated and appointed by virtue of this Act, or the Person or Persons appointed in his or their Room or Stead, shall go out of Office and cease to be Members of the said Committee; and the said Company shall at such last-mentioned General Meeting nominate and appoint Three other Members of the said Company (qualified when necessary as aforesaid) to be Members of the said Committee of Management, and such Three Persons so nominated and appointed shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be a Member of the said Company, or to be qualified when necessary in manner herein-after directed) and no longer; and at every succeeding Annual General Meeting to be held on the first *Thursday in July* in every Year, Three Members of the said Committee out of the Members of the said Company (qualified when necessary as aforesaid) shall be nominated and appointed by the said Company, and such Three Members of the said Committee shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be a Member of the said Company, or to be qualified when necessary in manner herein-after directed) and no longer: Provided always, that it shall and may be lawful for the said Canal Company again to nominate and appoint any such Person or Persons so qualified when necessary as aforesaid, going out of Office, to be a Member or Members of the said Committee of Management; provided, that no Person who shall subscribe towards raising the said Sum of Five thousand Pounds, or such Part thereof as may be raised, shall be capable of being chosen or of acting as One of such Committee, unless he shall hold and be possessed in his own Right of Two Shares at the least in the said Undertaking.

Members of the Committee going out of Office to be re-eligible.

For supplying Vacancies in Committee by Death, &c.

LIV. And be it further enacted, That in case any Person nominated and appointed to be a Member of the said Committee of Management in manner aforesaid shall die or refuse to act, or shall not attend at One-fourth of the Meetings of the said Committee between any Two successive Annual Meetings of the said Company, or shall cease to be a Member of the said Company, or in the Event lastly provided for, to be

possessed of Two Shares at least in the said Undertaking, or shall hold any Place, Office, Employment, or Contract under the said Company, in any of such Cases it shall be lawful for the said Canal Company, at a General or Special Meeting of the said Company, to nominate and appoint from and out of the said Company some Person or Persons qualified, when necessary as aforesaid, to be a Member or Members of the said Committee, in the Room or Stead of the Member or Members so dying, refusing to act, ceasing to be a Member qualified when necessary as aforesaid, or holding any Place, Office, Employment, or Contract under the said Company; and every Person so nominated and appointed shall have the like Powers and Authorities, and shall be subject to the like Rules, Orders, Regulations, and Restrictions as the Person in whose Room or Stead he shall be so nominated and appointed, and shall continue in Office as a Member of the said Committee for such Time, and no longer, as the Person in whose Room or Stead he shall be so nominated or appointed would have continued in Office.

LV. Provided always, and be it further enacted, That it shall and may be lawful for the said Canal Company, at any General or Special General Meeting to be held for the Purposes of the said Navigation, from Time to Time to vary, alter, or increase, as to the said Company shall seem meet, the Qualification of the Person to be chosen a Member of the said Committee of Management; so that such Qualification shall not exceed Five Shares in the said Undertaking; and no Proposal for making any such Variation or Alteration shall be discussed or determined upon at any Meeting of the said Company, unless Notice shall be given by public Advertisement in some Newspaper published or usually circulated within the said County of *Middlesex*, or otherwise, as the Committee of Management shall direct, Fourteen Days at least before any such Meeting, that such Variation or Alteration is intended to be proposed.

Power to vary Qualification of the Members of the Committee.

LVI. And be it further enacted, That at the Second and every succeeding Annual General Meeting of the said Canal Company, an Account of all the Monies received, laid out, and disbursed respecting the said Canal and other Works by the Committee, or by the Clerk, Treasurer, Collector of Rates, and other Persons whomsoever employed about the said Undertaking, brought up to the Period of Twenty-eight Days before such Annual Meeting, shall be laid before the said Proprietors to be audited and settled, and such Account shall be deposited with the Clerk to the said Canal Company during the Seven Days immediately preceding such General Meeting, for the Purpose of being inspected by the Proprietors of Shares in the said Canal Company, who shall have free Access thereto at all seasonable Times during such Seven Days; and the said Committee for the Time being shall also from Time to Time make Reports of their Proceedings, and of every material Occurrence respecting the said Undertaking, to the General Meeting of the said Company, and shall at all Times be subject to and obey the Orders and Directions of such General Meetings.

Committee and Officers to account.

Committee to report to General Meetings.

LVII. And be it further enacted, That the said Committee of Management shall, at their first and every other Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present to preside at such Meeting; and that any Three or more

Regulations for Meetings of Committee of Management.

[Local.]

15 P

Members

Members of the said Committee of Management, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all Acts, Matters, and Things, and exercising all the Powers and Authorities hereby directed to be done by and vested in such Committee, and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at their said Meetings, shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at such Meetings, save and except that in case of an equal Division the Chairman shall, besides his own Vote, always have the casting Vote; and if at any Meeting Two or more Persons shall be proposed to fill the Office of Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same; and the said Committee shall meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Time and Place as they shall think fit (subject nevertheless to the Orders and Directions of the General Meetings of the said Company); provided always, that if at any Meeting of the said Committee there shall not attend so many Members as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned by the Member or Members then present, or if no Member be present, by the Clerk to the said Canal Company, or such other Person as shall attend in his Place, to such other Time and Place as he or they shall respectively think fit.

Committee of Management may appoint and dismiss Officers.

LVIII. And be it further enacted, That it shall and may be lawful for the said Committee of Management, and they are hereby authorized and required, from Time to Time to nominate and appoint a Superintendant or Superintendants of the Works of the said Canal Company, if they shall think expedient, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, and other Officers (except such as are directed to be appointed only by General Meetings of the said Company) as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into Execution (the said Committee always taking good and sufficient Security from all Collectors and other Officers who shall have the Care and Custody of any Monies to be raised and received by virtue of this Act, for the faithful Discharge of the Trust reposed in them); and also from Time to Time to discharge and dismiss any such Superintendants, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there shall be occasion; and that all such Superintendants, Engineers, Surveyors, Collectors, and other Officers of the said Canal Company, who shall, at any Time quit or be dismissed from the Service of the said Company, and their Executors and Administrators, and the respective Executors or Administrators of those who may happen die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or Power of such Superintendants, Engineers, Surveyors, Collectors, or other Officers, Executors, or Administrators, respectively, in anywise relating to the said intended Navigation and Undertaking; and the said Committee of Management, or any Sub-committee or Sub-committees to be appointed in manner after mentioned, shall also have full Power and Authority, and they

they are hereby required annually (or oftener, if they shall think fit) to call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed for or on account of the said Canal Company, by the Treasurer or Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Company in or about the said intended Navigation and Undertaking.

LIX. And be it further enacted, That every such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid shall, under their Hands, at such Time and Times and in such Manner as the said Canal Company or their Committee of Management shall direct, deliver to the said Canal Company, or to the said Committee, or to such Person or Persons as they shall respectively appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been, by such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Canal Company, or to the said Committee of Management, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer, or Person shall refuse to produce and deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Canal Company, or to the said Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after their being thereunto required by the said Canal Company, or by the said Committee, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act; or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Canal Company or the said Committee, or as they respectively shall direct or appoint, then and in any of the Cases aforesaid the said Canal Company may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Treasurer, Superintendent, Engineer, Surveyor, Collector, Clerk, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Canal Company, or by the said Committee, or by such Person or Persons as they shall respectively appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County, City, or Place wherein the said Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justice or Justices may, and he and they is and are hereby authorized and required, by a Summons under his and their Hand or Hands, to cause the Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing, to appear before him or them, and upon his or their appearing, or having been summoned and not appearing, without giving some

Treasurer and other Officers to account and pay over Money in their Hands;

or in default of Payment the same may be recovered by Action at Law, or before One or more Justices by Distresses;

for Want of Distress, or in case of Refusal to deliver up Books, &c. Offenders may be imprisoned.

some reasonable Excuse for such Non-appearance, to the Satisfaction of such Justice or Justices, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses, upon Oath or Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby empowered to administer), it shall appear to such Justice or Justices that any of the Monies which shall have been collected and raised by virtue of this Act shall be in the Hands of such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of the Person or Persons against whom such Warrant shall be granted, sufficient to answer and satisfy the said Money and the Charges of making and levying the same, can be found, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Canal Company or to the said Committee, or as they respectively shall appoint, then and in any of the Cases aforesaid such Justice or Justices shall commit every such Offender to the Common Gaol for such County, City, or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or till he shall compound with the said Canal Company, or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Canal Company, or to the said Committee: Provided always, that no Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer, or Person so committed for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space than Six Calendar Months.

Books, Accounts, &c. declared to be the Property of the Company.

LX. And be it further enacted, That all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody of any such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said intended Navigation and Undertaking, shall be and the same are hereby declared to be, and shall be construed, deemed, and taken to be the Right and Property of the said Canal Company.

Committee of Management may contract for Purchase of Lands, &c.

LXI. And be it further enacted, That the said Committee of Management shall have full Power and Authority to contract for and purchase all such Lands, Tenements, or Hereditaments, and all such Matters and other Things as shall and may be wanted for the said Navigation and other Works hereby authorized to be made, and to treat and agree with any Person or Persons whomsoever, touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Person

Persons in and about or for the carrying on the said Navigation and other Works, or any Part thereof, as shall be thought expedient, and to enter into and make all such Contracts, Bargains, and Agreements whatsoever touching or in anywise concerning the said Undertaking, as they shall think proper, and to order and direct how the several Works shall from Time to Time be carried on, and also from Time to Time to use the Common Seal of the said Canal Company in such Manner and for such Purposes as they shall think fit, by the Use whereof the said Company shall be bound, and generally to direct and manage all and singular the Affairs and Businesses of the said Canal Company, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large, at any Meeting or Meetings of such Proprietors to be held as herein mentioned.

LXII. And be it further enacted, That it shall be lawful for the said Committee of Management from Time to Time to nominate and appoint, out of their own Body, One or more Sub-committee or Sub-committees, (every such Sub-committee to consist of Five or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Canal Company, and to hire and employ any Agents, Workmen, and Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Navigation and Undertaking, which the said Committee of Management are themselves herein-before authorized to do, or such of them as the said Committee of Management shall think proper to intrust to the Care and Management of any such Sub-committee or Sub-committees, (save and except nevertheless the appointing of Collectors, Engineers, Superintendants, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Navigation and Undertaking, all which shall be done by the said Committee of Management only, as herein-before directed); and it shall also be lawful for the said Committee of Management, by an Order or Resolution for that Purpose, at any Time to break up and dissolve any such Sub-committee or Sub-committees, or to remove or displace any Member or Members thereof, and appoint some other or others in his or their Place or Stead, when and so often as such Committee of Management shall think proper and expedient; and such Sub-committee shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place as they shall think proper, and as occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee of Management be vested in any such Sub-committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings (the whole Number of Members present not being less than Three), and at all Meetings of such Sub-committees respectively One of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall besides his own Vote have the casting Vote in case of an equal Division, but no other Member shall have more than One Vote: Provided always, that every such Sub-committee shall from Time to Time make Reports of their Proceedings to the

Committee
of Manage-
ment may
appoint Sub-
committees.

Committee of Management, and shall at all Times be subject to the Examination and Controul, and pay due Obedience to the Orders and Directions of the said Committee in and about the Affairs and Business of the said Company.

Proceedings
and Accounts
of Committee
and Sub-
committees
to be entered
in proper
Books.

Expences of
Committee
and Sub-
committees
to be defray-
ed by the
Company.

LXIII. And be it further enacted, That the said Committee of Management, and also every such Sub-committee as aforesaid, shall at their respective Meetings enter or cause to be entered into Books, to be provided for that Purpose at the Expence of the said Canal Company, a full and true Account of all Monies disbursed and Payments made by such Committee and Sub-committees respectively, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively for or on account of the said Canal Company; and also a full and true Account and proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Canal Company, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and all reasonable Expences to be incurred at or by the respective Meetings of the said Committee of Management, and of such Sub-committees respectively as aforesaid, shall be paid and defrayed out of the Cash or Stock of the said Canal Company, and such Committee of Management and Sub-committees respectively shall and may, from Time to Time, draw for the Amount of such Expences respectively upon the Treasurer or Treasurers to the said Company, but no other Money shall be issued or paid by the said Treasurer or Treasurers for or on account of the said Company, without an Order being made for that Purpose by the said Committee of Management, at some such Meeting as aforesaid, or without a Draft or Order signed by Three or more of the Members of the said Committee of Management; and every such Book, and all other Books, Papers, and Writings belonging to the said Canal Company, shall at all reasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom without Fee or Reward.

Special
Meetings of
Proprietors
how to be
called.

LXIV. And be it further enacted, That if it shall at any Time appear to the Committee of Management, or to Three or more Proprietors of Two Shares at the least, to be necessary or expedient to call a Special Meeting of the Proprietors at large, for the more effectually putting this Act into Execution, or in order to take their Opinion respecting any Matters or Things to be done in or about the said Navigation, or respecting any Matter or Thing in which the Interest of the said Navigation and Undertaking, the Extent of its Trade, or the Interests of the Proprietors is or are in any respect implicated or concerned, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose to be made at a Meeting of the same Committee, or for any Three or more of the Proprietors of Two Shares or more in the said Undertaking, to call a Special Meeting of the Proprietors at large, by public Advertisement in some Newspaper or Newspapers published or usually circulated in the said County of *Middlesex*, or otherwise, as the Committee of Management shall direct, specifying in such Advertisement the Cause of calling such Special Meeting, and the Time and Place when and where the same shall be held (the Time not being less than Ten Days after

after such Notice shall be given); and the said Canal Company are hereby authorized and required to meet according to such Notice, and to take into Consideration the Matters to be submitted to them by the said Committee of Management, or expressed in such Requisition and specified in such Notice; and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give, either as Principals or Proxies, respecting such Matters only, shall be binding and conclusive upon the rest of the Proprietors to all Intents and Purposes, and shall be observed and acted upon accordingly.

LXV. And be it further enacted, That the said Canal Company shall also have full Power and Authority, from Time to Time, at any General Meeting of the said Company, to remove or displace any Person or Persons who shall have been chosen an Officer or Officers under them, and also to make such Rules, Orders, and Bye-laws as to them shall seem meet and proper for the good Government of the said Canal Company, and for regulating the Proceedings of the said Committee of Management and Sub-committees respectively, and for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Canal Company, and for the well and orderly using of the said intended Navigation, and the Locks, Sluices, Weirs, Railways, Rollers, Feeders, Wells, Trenches, Levels, Dams, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Grates, Bridges, Culverts, Engines, and other Works thereto belonging, and for regulating the Commencement, Continuance, Suspension, Cessation, Turn, and Order of the passing and repassing, and navigating of all Vessels, Boats, Barges, and Rafts, Persons, Horses, and Carriages, and the Bars, Poles, Wheels, Engines, and other Implements to be used above or with all such Vessels, Boats, Barges, and Rafts as shall from Time to Time be used upon the said Canal, Towing Paths, Roadways, or Wharfs, and the conveying of all Goods, Wares, and Merchandize which shall be navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others who shall be employed in carrying or conveying any such Goods, Wares, or Merchandize, and for the Superintendance and Management of the said Navigation in all other respects whatsoever; and from Time to Time to alter and repeal such Rules, Orders, and Bye-laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye-laws, or any of them, not exceeding the Sum of Five Pounds for any one Offence, as to the said Canal Company shall seem meet and expedient; and all Rules, Orders, and Bye-laws so to be made as aforesaid, being reduced into Writing, with the Common Seal of the said Company thereto affixed, shall be binding upon and be observed by all Persons using or in anywise concerned in the said Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon the same; provided that such Rules, Orders, and Bye-laws be not repugnant to the Laws of that Part of the United Kingdom called *England*, or any of the express Directions or Provisions of this Act; and provided that Copies of such Rules, Orders, and Bye-laws, or such of them as shall concern or relate to the using of the said intended Navigation and Works, and the Tunnels, Locks, Roads, and Ways belonging thereto, or to the Conduct and Behaviour of Bargemen, Watermen, Boatmen, or others conveying Goods

Company
may remove
Officers and
make Bye-
laws.

Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation and Works, or of the Persons resorting to or making use thereof, shall be painted in large Characters on Boards, and that such Boards shall be affixed and continued in some conspicuous Places upon or near adjoining all the Wharfs on the said Navigation, and renewed as often as the same shall be obliterated or defaced, and shall be subject to Appeal in manner herein-after mentioned.

Committee
empowered
to make
Calls.

LXVI. And be it further enacted, That the Committee of Management shall also have full Power and Authority from Time to Time, at any Meeting of the said Committee to be held in pursuance of the Powers and Provisions of this Act, to make such Call or Calls for Money from the several Proprietors of the said Navigation and Undertaking, in order to defray the Expences of carrying on the same, as they shall from Time to Time find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for or in respect of every Share in the said Navigation and Undertaking, and so that no such Calls shall be made except at a Distance of Three Weeks at least from each other, and so that Fourteen Days Notice at least shall be given of every such Call in some Newspaper or Newspapers published or usually circulated in the said County of *Middlesex*, or otherwise, as the Committee of Management shall from Time to Time order and direct; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer or Treasurers of the said Canal Company, to be issued, paid, and applied for carrying on the said Navigation and Undertaking, in such Manner as the said Committee of Management shall from Time to Time order and direct.

Subscribers
to pay the
Calls upon
their Sub-
scriptions.

LXVII. And be it further enacted, That the respective Persons who have subscribed, or who shall or may hereafter subscribe any Money for and towards the said Undertaking, or shall be the Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking shall, and they are hereby respectively required to pay the Sum or Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of Management of the said Company for the Time being, by virtue of the Powers and Directions of this Act, to such Person or Persons, at such Times and Places, and in such Manner as shall be directed by the said Committee; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time appointed for Payment thereof, in any Court of Law or Equity.

For enforcing
Payment
of Calls.

LXVIII. And for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Thirty Days next ensuing any such Call,
he

he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Shillings for every Share he, she, or they shall have in the said Undertaking, and if such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised as aforesaid, for the Space of Three Calendar Months next after such Call or Calls shall have been appointed to be paid as aforesaid, then and in such Case it shall and may be lawful to and for the said Company, at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited, and from thenceforth the said Share or Shares so declared to be forfeited as aforesaid, and all the Profit and Benefit thereof, shall be vested in the said Company, their Successors and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Undertaking shall be forfeited or vested in or shall accrue to the said Company, until Notice in Writing thereof shall be given by the Clerk of the said Company to the Person or Persons, or to the Clerk or Clerks or other Head Officer or Officers of the Body or Bodies Politic, Corporate, or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, Ten Days at the least previous to such Share or Shares vesting in or accruing to the said Company, provided such Place or Places of Abode shall be known to the Clerk of the said Canal Company; and in case the same shall be unknown to the Clerk of the said Company, such Notice shall be published in *The London Gazette* and such other public Newspaper or Newspapers as the said Committee shall order and direct; in which Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for his, her, or their Share or Shares in the said Undertaking; and that no such Share or Shares shall be forfeited to or vested in the said Company, if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and the aforesaid Penalties for Nonpayment, and all Expences attending the Application for the same, within the Time specified in such Notice; any thing contained in this Act to the contrary thereof in anywise notwithstanding.

LXIX. And be it further enacted, That in all Actions brought by the said Company against any Person or Persons who hath or have subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors of such and so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to, for such and so many Call or Calls of such and so many Sum or Sums of Money, upon such or so

[Local.]

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Proceedings
in Actions
for Calls.

many Share or Shares belonging to the Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, and the said Company shall thereupon be entitled to recover what shall appear due, and no Wager of Law shall be allowed in any such Action.

Company
empowered
to sell for-
feited Shares.

LXX. And be it further enacted, That when any Share or Shares of the said Undertaking shall, by virtue of this Act, have become forfeited to or vested in the said Company as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company, or their Committee of Management for the Time being, and they are hereby authorized and empowered from Time to Time to sell or cause to be sold by public Auction or private Contract, and by Writing under the Common Seal of the said Company to assign and transfer, such and so many of the Share or Shares of such Defaulter or Defaulters as the said Company or their said Committee shall from Time to Time find necessary and direct to be sold, unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns, and such Assignment and Transfer shall be good, valid, and effectual against the Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company, and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay any such Arrears as aforesaid and legal Interest thereon, together with the Penalties incurred by Nonpayment, and the Expences attending the Sale or Sales thereof, the Surplus arising from such Sale shall be paid to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company shall not by virtue of this Act, at any Time or Times, sell or transfer or direct to be sold or transferred any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest, Penalties, and Expences attending the same; and from and after the Payment of every the Call or Calls to be made by virtue of this Act, and the Interest, Penalties, and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Share or Shares shall have before belonged, in such Manner as if such Calls had been duly and regularly paid: Provided also, that every such Forfeiture, after the same shall be taken Advantage of by the rest of the said Company as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or Agreement between such Proprietor or Proprietors so forfeiting and the rest of the said Company, with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

LXXI. Provided always, and be it further enacted, That if any Subscriber or Subscribers to, or Proprietor or Proprietors of Shares in the said Undertaking, shall be minded and desirous to pay or advance immediately the full Amount of his, her, or their Subscription for the Share or Shares for which he, she, or they may have subscribed, or any Part thereof, not being less than a Sum of One hundred Pounds, without waiting for the said Call or Calls, then and in such Case it shall be lawful for the Committee of Management of the said Canal Company, if they shall think proper, to pay to such Subscriber or Subscribers, Proprietor or Proprietors, out of the Funds of the said Company; Interest at the Rate of Five Pounds *per Centum per Annum* upon the Amount which such Payment in Advance may be over and above the said Calls, and from the Period of the Call immediately preceding such Payment in Advance up to the Period of such subsequent Call respectively, according to the Sum then in Advance over and above the Amount of the said Call.

Interest may be allowed to Proprietors for Payments in Advance.

LXXII. Provided always, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise how or in what Manner such Share or Shares shall be disposed of, and how or by what means the future Calls in respect thereof shall be paid to the said Company for the Purpose of the said Undertaking, then and in such Case the Executor or Executors, Administrator or Administrators of any such Owner or Owners so dying, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians of an Infant or Infants, Lunatic or Lunatics, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner or Owners; shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid, to complete every such Subscription; and if such Owner or Owners deceased shall not have left Assets sufficient, or in case the Executor or Executors, Administrator or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and empowered to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner or Owners deceased, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of an Infant or Infants, Lunatic or Lunatics, or to any other Person or Persons who may be entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Lifetime, by virtue of any Call or Calls or otherwise upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the said Company in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective

In case of the Death of any Subscribers, Executors, &c. may complete their Subscriptions.

In case of Neglect other Persons may be admitted to take the Shares.

Interests

Interests in the said Undertaking, and shall be subject to be sold and disposed of by virtue of this Act.

Shares may be sold.

LXXIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and their respective Executors and Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Transfer of which Shares shall be in the Form or to the Effect following :

Form of the Assignment.

‘ I , in consideration of paid to me by , do
 ‘ hereby bargain, sell, assign, and transfer to the said , his
 ‘ Executors, Administrators, and Assigns, Share [or Shares] of
 ‘ the Navigation called “The *Kensington* Canal Navigation,” being
 ‘ No. of the Shares in the said Navigation, to hold to the
 ‘ said , his Executors, Administrators, and Assigns, subject to the
 ‘ same Rules, Orders, and Restrictions, and on the same Conditions that
 ‘ I held the same immediately before the Execution hereof ; and I the
 ‘ said do hereby agree to accept and take the said Share
 ‘ [or Shares] subject to the same Rules, Orders, Restrictions, and Con-
 ‘ ditions. As witness our Hands and Seals the Day of .’

Conveyances of Shares to be registered.

And on every such Sale the said Transfer, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk to the said Company shall have registered in a proper Book or Books, to be provided by the said Company and kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company, and shall have testified or indorsed the Registry of such Memorial on the said Transfer, for which no more than Two Shillings and Sixpence shall be paid ; and the said Clerk is hereby required to register such Memorial accordingly ; and until such Memorial shall have been registered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Dividend on such Share or Shares paid unto him, her, or them, or any Vote in respect thereof as Proprietor or Proprietors of the said Undertaking.

No Shares to be sold after a Call until the same be paid.

LXXIV. And be it further enacted, That after any Call of Money shall have been made as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon pain of forfeiting his, her, or their respective Share or Shares therein to the said Company, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be declared at a General Meeting in manner before directed.

Regulations as to Acquisitions of Shares.

LXXV. And whereas much Inconvenience may arise by the frequent Transfer of the Shares of and in the said Undertaking, by the Marriage or 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 ; be it therefore further enacted, That before any
 Person

Person or Persons who shall claim any Part of the Profits of the said Undertaking, in Right of Marriage, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, an Affidavit containing the Copy of the Register of such Marriage shall be made and sworn to by some credible Person before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator shall be made and sworn to by the Executor or Executors of such Will before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk, who shall file and enter the same in the Manner herein-before mentioned; and in all Cases other than as herein-before mentioned, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any Person or Persons, by any other legal Means than by a Transfer and Assignment thereof, as herein directed, an Affidavit shall be made and sworn to by Two credible Persons before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking.

LXXVI. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Name or Names shall at any Time hereafter stand in the said Register Book or List of the Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Navigation, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, shall be deemed and taken to be Proprietors of the several Shares standing in the said Book in his, her, or their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which such Proprietors of Shares in the said Navigation are made subject and liable by this Act; and all Notices by this Act required to be given previous to the Forfeiture of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, be in all respects good, sufficient, and conclusive, and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and that no Assignment or Transfer of any Share or Shares, or other Instrument giving Title to any such Share or Shares,

The Persons whose Names appear in the Register Book, to be deemed the Proprietors of the Shares standing in their Names, and answerable for Calls.

[Local.]

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which

which shall not have been brought to the said Clerk to be enrolled or registered as directed by this Act, shall be given or admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Canal Company to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Canal Company, to make the said Company liable to the Payment of Interest or Dividends to any other Person or Persons than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases, unless where it shall be expressly proved that the said Book is defective by reason of some Neglect or Default of the said Clerk, the said Book shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares.

Company
may buy up
Shares.

LXXVII. And be it further enacted, That if the said Canal Company, or their Committee of Management for the Time being, shall deem it expedient, out of any Surplus of Monies or otherwise, to buy up any Share or Shares in the said Canal Navigation which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said Canal Company either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company in Trust for the said Company, and such Share or Shares may in such last-mentioned 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 or towards the erecting or repairing of any Building or Works belonging to the said Canal, or any other Purpose necessary for carrying on the same.

Company
empowered
to demand
Rates for
Goods con-
veyed upon
the Canal.

LXXVIII. And in consideration of the Charges and Expences which the said Canal Company must sustain and incur in making and maintaining the said Canal and Works appertaining thereto, hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Canal Company hereby incorporated, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, the several Rates herein-after mentioned for Tonnage of the several Articles, Matters, and Things which shall be carried or conveyed upon the said Canal hereby authorized to be made; that is to say,

Rates.

For every Ton of Dung for Manure carried or conveyed between the River *Thames* and Fifty Yards Northward from the present Bridge called *Stamford Bridge*, any Sum not exceeding One Halfpenny:
And for every Ton of Dung for Manure carried or conveyed between the Northern Extremity of the said Fifty Yards and the *Hammersmith Road*, any Sum not exceeding Three-pence:
And for every Ton of Coals, Cinders, Culm, Lime, Slate, Stone, Alabaster, Potatoes, Pig Iron, Bricks, Peat, Gravel, Sand, Clay, and Marl, Timber, Deals, malleable and wrought or manufactured Iron, Lead, and other unwrought Metals, Corn, Grain, Malt, Peas and Beans, Wool, Cotton Wool, Cotton Yarn, Cotton, Linen, and Woollen manufactured Goods, Hemp, Flax, Groceries, and all other Goods, Wares, and Merchandize whatsoever, carried or conveyed between the River *Thames* and Fifty Yards Northwards from the present Bridge called *Stamford Bridge*, any Sum not exceeding One Penny:

And for every Ton of Coals, Cinders, Culm, Lime, Slate, Stone, Alabaster, Potatoes, Pig Iron, Bricks, Peat, Gravel, Sand, Clay, and Marl, Timber, Deals, malleable and wrought or manufactured Iron, Lead and other unwrought Metals, Corn, Grain, Malt, Peas and Beans, Wool, Cotton Wool, Cotton Yarn, Cotton, Linen and Woollen manufactured Goods, Hemp, Flax, Groceries, and all other Goods; Wares, and Merchandize whatsoever, carried or conveyed between the Northern Extremity of the said Fifty Yards and the *Hammersmith Road*, any Sum not exceeding Sixpence.

LXXIX. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, Vessel, or Raft, which shall be navigated upon the said Canal, a Proportion of the said Rates shall be demanded and taken by the said Canal Company for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a Whole Quarter of a Ton.

Fractions of a Ton in the Weight of the Goods how to be charged.

LXXX. And be it further enacted, That a Table or Tables of the Rates or Tolls which shall or may be from Time to Time payable or demandable, painted in large Characters on a Board or Boards, shall be affixed and continued at the Place or Places where such Rates or Tolls shall be payable, received, or taken, and renewed as often as the said Rates or Tolls shall be altered, or as the said Board or Boards shall be obliterated or defaced.

Table of Tolls to be fixed up.

LXXXI. And whereas it may be found expedient for the said Canal Company to make, build, and erect proper Wharfs and Cranes for loading and landing the Goods, Wares, Merchandize, Commodities, and other Things which may be landed, loaded, received, and forwarded at and from the said Wharfs; be it therefore further enacted, That (in consideration of the Expences which the said Company will by such Means sustain, and of the public Accommodation and Convenience which they will also thereby afford), it shall and may be lawful for the said Company from Time to Time and at all Times to ask, demand, take, and recover to and for their own proper Use and Behoof, for every Ton of Goods, Wares, Merchandize, Commodities, and other Things which shall be loaded from or landed upon any of the said Wharfs, and which shall remain thereupon not more than Seventy-two Hours, any Sum not exceeding Nine-pence, and for every Day or Part of a Day that they shall so remain after the first Seventy-two Hours, such further Sum as shall be determined by the said Committee of Management, not exceeding Sixpence.

For Payment of Wharfage.

LXXXII. Provided always, and be it further enacted, That it shall not be lawful for any Person who shall have landed or laid any Goods, Wares, or Merchandize, or any other Thing whatsoever, upon any of the Quays, Wharfs, or Landing Places to be made by virtue of this Act, to permit the same or any Part thereof to remain longer than Seventy-two Hours without the Licence of the Committee of Management of the said Company, or the Agent or Collector of the said Company, at any such Wharf, Quay, or Landing Place, first had and obtained for that Purpose, and

Goods not to remain upon Wharfs for more than 72 Hours.

and if any such Goods, Wares, or Merchandize, or other Things so landed or laid upon any of the said Wharfs, Quays, or Landing Places, shall remain thereupon for a longer Space of Time than Seventy-two Hours without such Licence as aforesaid, it shall and may be lawful for any such Collector or Agent of the said Company, or other Person authorized by them for that Purpose, to remove such Goods, Wares, and Merchandize, or other Things, to a Place of Safety, and there detain the same till Payment of the Charges of such Removal and Detention; and if such Charges shall not be paid within Five Days after Demand by the Collector or Agent of the said Company, the Goods and Chattels so removed, or a sufficient Part thereof, shall and may be sold for Payment of such Charges and the Expences attending such Sale; such Charges and Expences, in case of Dispute, to be settled and determined by any One or more Justices of the Peace for the said County of *Middlesex*.

Table of
Tolls for
Wharfage to
be fixed up.

LXXXIII. And be it further enacted, That the Rules and Regulations respecting the loading or landing Goods and other Things, and the Continuance thereof upon the said Wharfs, and a Table of the Sum or Sums to be paid for Wharfage, shall be respectively painted in large Characters on a Board or Boards, and that such Board or Boards shall be affixed and continued on some conspicuous Place or Places at all the Wharfs of the said Navigation, and shall be respectively renewed as often as the same Rules and Regulations, Sum or Sums for Wharfage, or any of them, shall be altered, or as the said Boards or any of them shall be obliterated or defaced.

For Recovery
of Rates and
Tolls.

LXXXIV. And be it further enacted, That the Rates, Tolls, and Duties herein-before authorized to be demanded and taken by the said Canal Company, shall be paid to such Person or Persons, at such Place or Places upon or near to the said Canal, and in such Manner and under such Regulations as the Committee of Management shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the said Canal Company to sue for the same by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; and in every such Action it shall be sufficient for the Plaintiffs to declare that under and by virtue of a certain Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], the said Company, or their Assignees or Mortgagees, were lawfully possessed of or entitled to such Tolls, Rates, or Duties as in and by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls, Rates, or Duties accrued and became payable to the said Plaintiffs; or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered, to seize and distrain the Goods, Wares, Merchandize, or Commodities, for or in respect of which such Rates, Tolls, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Boat, Barge, or other Vessel or Raft laden therewith, or any other Boat, Barge, Vessel, or Raft, Goods or Commodities, belonging to the Owner of such first-mentioned Boat, Barge, Vessel, or Raft, and lying or being upon the said Canal hereby

hereby authorized to be made, or upon any Wharf or in any Warehouse adjoining thereto, and to detain the same respectively, until full Payment shall be made of such Rates, Tolls, or Duties, and of all Arrears of the same which may be then due from the Owner of such Boat, Barge, Vessel, or Raft, to the said Canal Company, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

LXXXV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of any such Rate or Rates, or of the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such Distress, till the Amount of the Rates shall be ascertained by some Justice of the Peace for the said County of *Middlesex*, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or of a Witness or Witnesses, and shall determine the Amount of the Rates due or of the Charges of distraining for the same, and it shall be lawful for such Justice to award such Costs to either Party as in his Discretion shall seem proper; and if such Costs to be so awarded shall not forthwith be paid, such Justice shall and may grant his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the said Canal Company, or of the Person or Persons liable to pay the said Costs (as the Case may be), rendering the Overplus (if any), after defraying such Costs, and the Expences attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels so distrained.

Justices to
settle
Amount of
Rates due.

LXXXVI. And be it further enacted, That it shall and may be lawful for the said Canal Company or their Assigns to detain any Goods, Wares, or Merchandize which shall or may be deposited in any Warehouse of the said Company, until the Warehouse Rent, in respect of such Goods, Wares, and Merchandize shall be fully paid and satisfied, and in case of Nonclaim of such Goods, Wares, or Merchandize, or on Nonpayment of such Warehouse Rent, within the Space of Two Calendar Months next after the same shall have been so deposited, to sell and dispose thereof by public Auction or private Contract, as they shall think best, and out of the Monies to arise by such Sale or Sales pay and satisfy themselves such Warehouse Rent, and all Costs, Charges, and Expences attending such Sale or Sales, rendering the Overplus (if any be) upon Demand to the Owner or Owners thereof, Oath being first made in Writing (if required) by such Owner or Owners of his or their Right and Title to the Property so sold and disposed of, before some Justice of the Peace for the said County of *Middlesex*, which Oath any such Justice is hereby duly authorized and required to administer: Provided always, that Ten Days at least before any such Sale shall be made by the said Company, Notice thereof shall be given by Advertisement in some Newspaper published or usually circulated within the said County of *Middlesex*, containing a Description of the Goods so deposited, and stating the Amount of Warehouse Rent due for the same.

For Recovery
of Warehouse
Rent.

LXXXVII. And be it further enacted, That it shall be lawful for the Committee of Management for the Time being of the said Canal Company

[*Local.*]

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from The Com-
mittee of
Management

may vary the
Tolls.

from Time to Time to lower and reduce all or any of the Rates, Tolls, and Duties herein-before by this Act authorized to be taken, and afterwards from Time to Time again to advance and raise all or any of the said Rates, Tolls, and Duties which shall have been so lowered or reduced: Provided always, that the Rates, Tolls, and Duties so to be advanced or raised as aforesaid, shall not in any Case exceed the respective Sums herein limited and appointed.

Committee
of Manage-
ment em-
powered to
demise the
Tolls.

LXXXVIII. And be it further enacted, That it shall and may be lawful, from and after the Term of Two Years from the passing of this Act, for the said Committee of Management, or any Three or more of them, by any Instrument in Writing under their Hands and the Common Seal of the said Company, to let or demise all or any Part or Parts of the Rates, Tolls, and Duties arising from or to be payable under or by virtue of this Act, for any Term not exceeding Three Years at any one Time, to any Person or Persons, for the highest Rent that can be had or got for the same, either by public Bidding or otherwise; provided that Two Calendar Months previous Notice be given in some of the public Newspapers published or usually circulated in the County of *Middlesex*, of the Intention of the said Committee of Management to lease or demise the said Rates, Tolls, and Duties, and so as that the Person or Persons renting the same shall give satisfactory Security to the said Committee of Management, by Articles in Writing, for the true Performance of his, her, or their Bargain, Contract, or Agreement with them; and the Person or Persons so renting the said Duties shall have full Power and Authority to ask, demand, collect, and receive the same, and shall in every respect be deemed and taken to be a Collector or Collectors appointed by the said Committee of Management.

Mode of as-
certaining
Weight of
Goods.

LXXXIX. And be it further enacted, That the Tonnage of all Goods, Merchandize, Articles, and other Things whatsoever, conveyed upon and along the said Canal, shall be ascertained and charged according to the real Weight thereof, save and except such Goods as are usually denominated light Goods, of which Forty Cubic Feet shall be deemed and taken to be One Ton, and in all Cases One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One Hundred Weight, and Twenty such Hundred Weight as One Ton, any Usage to the contrary thereof notwithstanding.

Masters of
Boats, &c.
to give Ac-
count of
Lading.

XC. And be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel or Raft navigating upon the said Canal or Navigation, or any Part thereof, shall from Time to Time give in a just and true Account in Writing, signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, and Commodities, contained in every Boat, Barge, or other Vessel or Raft, or of which such Raft shall consist, and of the Place from whence brought, or where intended to be landed, or carried, and also the Quantities, Qualities, and Weight of such Goods, Wares, Merchandize, or Commodities, as shall have been discharged or taken out of such Boat, Barge, or other Vessel, or from any Raft, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandize, or Commodities shall be

liable to the Payment of different Rates, then such Master or Owner or other Person shall specify the Quantities liable to the Payment of each Rate; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Canal Company the Sum of Five Pounds for every such Offence, over and above all the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities.

XCI. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel or Raft, or the Owner of any Goods, Wares, Merchandize, or other Commodities on board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandize, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel or Raft, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, Merchandize, and Commodities as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel or Raft affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel or Raft, shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof, upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandize, and Commodities shall appear to be of the same Weight and Quantity, or of less Weight and Quantity than the said Master, Owner, or other Person declared the same to be, then the said Canal Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to One or more of His Majesty's Justices of the Peace acting in and for the County of *Middlesex*, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; but in case it shall at any Time be made to appear to the said Justice, upon the Complaint of the said Canal Company, or any of their Officers, and upon the like Oath of one or more credible Witness or Witnesses, that such Stoppage and Detention, and weighing, measuring, and gauging, was without reasonable Ground or Belief, or vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damage as shall appear to the said Justice, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Canal Company, or by such Collector, as the Case may be, the same shall be recovered from the said Canal Company, or the said Collector, as the Case may be, by Distress and Sale of their or his

In case of any Dispute respecting the Weight of Goods, Collectors may weigh, &c.

Costs of weighing, &c. how to be paid.

his Goods and Chattels, by Warrant under the Hand and Seal of the said Justice, or otherwise by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Power for Justices, upon Application of Company, to fix the Sums to be paid for Parcels.

XCII. And be it further enacted, That it shall be lawful for the Justices present at any General Quarter Sessions of the Peace to be held in and for the said County of *Middlesex*, upon Application to be made by the said Canal Company or their Committee of Management for the Time being, from Time to Time to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel not exceeding Five Hundred Weight upon the said Canal, or upon any Part thereof; and the said Canal Company shall from Time to Time cause to be printed and affixed upon every public Wharf on the said Canal, in some conspicuous Place, a List or Account ascertaining and particularizing the Price or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid upon the said Canal; and in case any Owner or Master of, or other Person having the Care of any Boat or other Vessel navigating or passing upon the said Canal, or any Part or Parts thereof, after such List or Account so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed shall be so fixed as aforesaid, shall demand or take for the Carriage of any Parcel as aforesaid more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Magistrate before whom such Person shall be convicted.

Navigation to be free on Payment of Tolls.

XCIII. And be it further enacted, That all and every Person and Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Ways and Roads belonging to the said Canal Company (except the Towing Paths) for the conveying any Goods, Wares, Merchandize, or other Things to and from the said intended Canal, and the Wharfs, Quays, and Landing Places belonging thereto, and also with Boats, Barges, and other Vessels and Rafts, to navigate, pass upon, and use the said Canal for the Purpose of conveying any Goods, Wares, Merchandize, or Commodities whatsoever thereon respectively; and also to use the said Wharfs, Quays, and Landing Places, for the loading and unloading of any Goods or other Things, and the said Towing Paths for the hauling and drawing of such Boats, Barges, and other Vessels and Rafts, upon Payment of such Rates, Tolls, and Duties for the same respectively, as shall be demanded by the said Canal Company, not exceeding the several Rates, Tolls, and Duties herein-before mentioned, and subject always to the Rules, Orders, Bye-laws, and Regulations which shall from Time to Time be made by the Committee of Management by virtue of the Power by this Act given in that Behalf.

No Person to keep a Passage Boat without the Licence of the Company.

XCIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Person or Persons (except the said Company or any Person acting by or under their Authority) to keep or use any Boat or other Vessel for the Conveyance of Passengers for Hire or Reward along the said Canal; and if any Person shall convey any Passenger upon the said Canal for Hire or Reward, in any Boat or other Vessel, or upon any Raft, every Person so offending shall

shall forfeit and pay for every Passenger so conveyed any Sum not exceeding Twenty Shillings.

XCV. And be it further enacted, That it shall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds by or through which the said intended Canal shall be made, and for the Lessee or Lessees of such Owner or Owners, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Canal, or any Basins connected therewith, and to make and lay out proper Ways and Roads to the same across any Lands belonging to the said Canal Company, and to land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal; and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Navigation of the said Canal, or the Passage or the Towing Paths thereof; and that all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, as shall be erected by such Lord or Lords, Owner or Owners, Lessee or Lessees, for the Use of the Public, not exceeding the Rates herein-before limited for Wharfage, shall be and the same are hereby accordingly vested in such Lord or Lords, Owner or Owners, Lessee or Lessees, as the Case may be, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses as aforesaid, and his, her, or their respective Heirs and Assigns, or his, her, or their respective Executors, Administrators, or Assigns, as the Case may be.

Lords of
Manors and
others may
erect Wharfs,
&c.

XCVI. And be it further enacted, That if any such Lord or Lords, Owner or Owners shall not, within the Space of Six Calendar Months next after Notice in Writing shall be given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, under the Hand of the Clerk of the said Company on behalf of the said Canal Company, stating that any Part or Parts of his, her, or their Waste Lands or Grounds is or are necessary or proper for erecting and making any Public Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, or for making and laying out any Road or Roads for the Conveyance of Goods to and from the said Canal, give Notice in Writing to the said Clerk of his, her, or their Intention to erect and make, and shall not forthwith proceed to erect and make, and within Nine Calendar Months from the Date of such last-mentioned Notice make, erect, and lay out, and afterwards from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouses, and Roads for the Use of the Public, on the respective Part or Parts of the Waste Lands or Grounds to be described in such Notice, then and in such Case the said Canal Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make and make use of such Part or Parts of such Wastes, Lands, or Grounds for erecting and building proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses, and

If they refuse,
Company
may erect.

[Local.]

15 U

for

for making and laying out proper and convenient Roads to and from the said Canal, agreeably to such Notice so given by the said Clerk as aforesaid; they the said Canal Company first making Satisfaction for the same, in such Manner as is herein-before directed with respect to any Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

Private Wharfs not to be used by Company without Consent.

XCVII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Canal Company, or any Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, which shall be made, erected, and set up by the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds adjoining or near to the said Canal, for his, her, or their own private Use only; or to erect or set up any Cranes or Weighing Machines in or upon any such private Wharfs, Quays, or Landing Places, without the Consent in Writing of such Lord or Lords, Owner or Owners.

Penalty on Persons evading Tolls.

XCVIII. And be it further enacted, That in case any Person or Persons navigating or intrusted with the Care of any Boat, Barge, or other Vessel or Raft upon the said Canal or any Part thereof, shall, with Intent to avoid or evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load, unload, or take into or upon any such Boat, Barge, or other Vessel or Raft, any Goods, Wares, Merchandize, or Commodities whatsoever, liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than at the public or private Wharfs or Quays upon or belonging to the said Navigation, without having previously obtained Permission in Writing for that Purpose from the Committee of Management or from some one of the Agents or Collectors of the Tolls to the said Canal Company, or in case any Person or Persons shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay to the said Canal Company the Sum of Five Pounds.

Poles, &c. prohibited unless of certain Dimensions.

XCIX. And be it further enacted, That no Boat, Barge, or other Vessel or Raft, having on board any Pole, Shaft, or Instrument used, or to be used in punting or navigating such Boat, Barge, or other Vessel or Raft, pointed or spiked with Iron or otherwise, of less Area at each End thereof than Four Square Inches, shall pass along any Part of the said Canal; and it shall be lawful for the Agents or Servants of the said Canal Company to seize such Poles, Shafts, or Instruments, in case they shall be found on board any such Boat, Barge, or other Vessel or Raft, or to stop and detain such Boat, Barge, Vessel, or Raft until such Poles, Shafts, or Instruments shall be delivered up; and the Master, Owner, or Person having the Care of such Boat, Barge, or other Vessel or Raft, shall forfeit a Sum not exceeding Ten Pounds for every such Pole, Shaft, or Instrument found on board his Boat, Barge, or other Vessel or Raft.

Places to be made for Vessels to

C. And be it further enacted, That it shall be lawful for the said Canal Company, and they are hereby required, in such Parts of the said Canal

Canal as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel or Raft to turn about, or for Two Boats, Barges, or other Vessels or Rafts to pass each other, to open and cut proper Spaces and Places in the Lands adjoining to the said Canal, at convenient Distances from each other, for the turning and passing of such Boats, Barges, or other Vessels or Rafts; and that all Boats, Barges, or other Vessels or Rafts passing upon the said Canal, shall, upon meeting any other Boat, Barge, Vessel, or Raft, stop at or go back to and be in the said Spaces or Places to be made for that Purpose, in such Manner as the Committee of Management shall from Time to Time direct and appoint.

turn and
pass each
other.

CI. And be it further enacted, That if any Boat, Barge, or other Vessel or Raft shall be placed in any Part of the said Canal, or of the Trenches, Sluices, or Passages belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat, Barge, Vessel, or Raft shall not immediately remove the same or alter the Position thereof, upon Request made for that Purpose, he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, and shall moreover forfeit and pay a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue after such Request for Removal thereof shall be made as aforesaid; and that it shall be lawful for any of the Collectors, Agents, or Servants of the said Canal Company to cause any such Boat, Barge, Vessel, or Raft to be unladen if necessary, and to be removed in such Manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Boat, Barge, Vessel, or Raft, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties and the Charges of such Unloading or Removal shall be paid; and that if any Boat, Barge, Vessel, or Raft shall be sunk in any Part of the said Canal, and the Owner or Owners or Persons having the Care thereof shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Canal Company, or any of them, to cause such Boat, Barge, Vessel, or Raft to be weighed and drawn up, and detain and keep the same until Payment shall be made of all Expences thereby necessarily incurred or occasioned.

Penalty on
Boats, &c.
obstructing
the Naviga-
tion.

Boats, &c.
sunk to be
weighed up.

CII. And be it further enacted, That every Owner, Master, or Person having the Charge or Command of any such Boat, Barge, or other Vessel, shall from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Canal Company or their Committee of Management; and that every Owner, Master, or other Person having the Charge or Command of any Boat, Barge, or other Vessel, who shall refuse to permit any such Boat, Barge, or other Vessel to be gauged and measured as aforesaid, and also any Owner, Master, or other Person who shall have the Charge or Command of any Boat, Barge, Vessel, or Raft, who shall navigate the same upon the said Canal, or who shall cause or permit such Boat, Barge, Vessel, or Raft to be at any Time unladen without a Stage being laid from the Side of such Boat, Barge, Vessel, or Raft to the Bank of the said Canal, in order to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

Boats, &c. to
be gauged
when re-
quired by
the Company.

CIII. And

Owners of
Boats, &c.
answerable
for Damage
done by their
Vessels,
Horses, or
Servants.

CIII. And be it further enacted, That the Master or Owner of every Boat, Barge, Vessel, or Raft navigating or passing upon the said Canal, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief as shall be done by his Boat, Barge, Vessel, or Raft, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works in, upon, or belonging to the said Canal, either by loading or unloading or navigating any such Boat, Barge, Vessel, or Raft, or by any other Means whatsoever, and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Canal, by leaving open Gates or otherwise, and for any Trespass whatsoever contrary to the said several Directions and Restrictions in this Act contained, or any of them; and every such Master or Owner shall, upon Conviction before any One Justice of the Peace, either upon Confession or upon the Oath or Oaths of one or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided such Damages do not exceed the Sum of Ten Pounds; and upon Nonpayment on Demand, the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Ten Pounds, then the same may be sued for and recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*.

Owners may
recover from
their Ser-
vants.

CIV. And be it further enacted, That if any Owner or Owners of any Boat, Barge, Vessel, or Raft navigating or passing on the said Canal, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, Boatmen, or Watermen, or any of them, then and in such Case every such Servant, Boatman, and Waterman, shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded (such Oath to be made before any One or more of the Justices of the Peace for the County where such Penalty shall have been recovered), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Penalty on
Persons float-
ing Timber
or obstruct-
ing the Na-
vigation of
the Canal,
&c.

CV. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, without having the same properly hooded or otherwise secured agreeable to the Directions of the Committee of Management of the said Canal Company, or shall navigate on the said Canal any Boat or Vessel laden with Timber, which shall lie over the Sides of such Boat or Vessel in such a Way as to obstruct the Passage of any other Boat, Vessel, or Raft, and shall not immediately upon Notice given

given of such Obstruction, haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same so as to make a free Passage for other Boats, Vessels, or Rafts; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Canal, or into any Trenches, Sluices, or Passages for Water to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Paddle, Valve, or Sluice belonging to the said Canal, or shall wilfully flush or draw off or cause to be flushed or drawn off the Water from any Part of the said Navigation, or shall leave any of the Gates or Sluices of any Lock open after any Boat, Vessel, or Raft shall have passed through the same, (except in such Cases as herein-before otherwise ordered), or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act; every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

CVI. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, or destroy any Bridge or Bridges, Bank or Banks, Lock or Locks, Erections or Buildings, or other Works to be erected and made by virtue of this Act, every Person so offending, being lawfully convicted, shall be transported as Felons are directed to be transported by the Laws and Statutes of this Realm, for any Term not exceeding Fourteen Years; or otherwise the Court before whom such Person shall be convicted may, in mitigation of such Punishment (if they shall think fit), award such other Punishment as the Law directs in Cases of Petit Larceny.

Punishment
of Persons
wilfully
destroying
Works.

CVII. And be it further enacted, That if any Person or Persons shall throw, cast, or lay, on any Part of any Bank or Towing Path belonging to the said Canal, any Dung or other Manure, Dust, Ashes, Rubbish, or other Matter, otherwise than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, Wares, and Merchandize, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in such Manner as other Penalties under this Act are directed to be recovered and applied.

Penalty for
leaving Rub-
bish, &c. on
the Towing
Paths.

CVIII. And be it further enacted, That in case any Person or Persons shall bathe in the said Canal, or in any Waterway, Feeder, or Pond, being the Property of the said Canal Company, without the Permission of the said Company or their Agents, it shall be lawful to and for any Justice of the Peace for the said County of *Middlesex*, and he is hereby required, upon Complaint made to him by One or more credible Witness or Witnesses of any such Offence, to issue a Warrant to apprehend the Party or Parties so accused, or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to

Penalty on
Persons
bathing in
Canal.

[*Local.*]

be secured and conveyed before some Justice of the Peace for the said County; and on the Party or Parties accused being brought before some Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and such Party or Parties being convicted, either by his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively, and if more than One shall severally forfeit and pay any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her, or them incurred, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, there to be kept to hard Labour for any Time not exceeding One Calendar Month; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Penalty as aforesaid be sooner paid.

Penalty on
Lock Keepers
giving any
Preference.

CIX. And be it further enacted, That if any Lock Keeper, Wharf-inger, or other Person employed by or Servant belonging to the said Company shall give any undue Preference, or shew any Partiality to any Boat, Barge, Vessel, or Raft, in passing through any Lock or Locks upon the said Canal, or in loading or unloading any Goods or Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company, every Person so offending shall, upon Conviction, forfeit and pay any Sum not exceeding Forty Shillings.

Enabling
Company
to cleanse
adjoining
Water-
courses at
the Land
Owner's Ex-
pence.

CX. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Canal and other Works, or any of them, shall, by reason of their not being sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation; and if the same shall not be perfectly cleansed and opened within Twenty-one Days after Notice in Writing shall have been given thereof to, or left at the Place of Abode of such Owner or Occupier by the Clerk or Agent of the said Company, it shall then be lawful for the said Company (an Order in Writing for the said Purpose having been first obtained from any Two or more Justices of the Peace for the said County of *Middlesex*) from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed, the said Ditches or Drains, and the reasonable Expences thereof, when ascertained and allowed by the said Justices or any Two of them, shall be repaid to the said Company by such Owner or Occupier as aforesaid; and in case of Refusal to satisfy the same for the Space of Three Calendar Months after Demand shall have been made thereof, such Charges and Expences shall and may be recovered and levied in such Manner as Forfeitures and Penalties are herein-after directed to be recovered.

For fencing
off Canal,
Towing Path,
&c.

CXI. And be it further enacted, That the said Company shall at their own Costs divide and separate, and keep constantly divided and separated, the said Canal, Towing Paths, Trenches, or Passages, or such Part or Parts thereof respectively as shall be declared necessary by any

Two

Two or more Justices of the Peace of the said County of *Middlesex*, from the adjoining Lands or Grounds, by Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle, as well as for the due Protection of Gardens and Garden Grounds to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid, and the said Company shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences to be set up and made as aforesaid; and also shall, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Bridges across the said Canal, or any Aqueduct, Conductor, or Watercourse leading into the same, and also Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, in such Manner as any Two or more Justices of the Peace of the said County shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, or Hereditaments, adjoining to such Canal; and the said Company shall not make the said Canal, or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any common Highway, public Bridleway, or Footpath, until they shall, at their own Costs and Charges, have made and provided a good and sufficient temporary Road, Bridleway, or Footpath, for the Accommodation of all Persons whomsoever, and until a good and sufficient Bridge or Bridges, Passage or Passages, over, across, or under the said Highway, Bridleway, or Footpath, shall be made and perfected; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences so to be made as aforesaid, shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair by the said Company.

CXII. And be it further enacted, That in case the said Company or their Agents shall refuse or neglect to divide and separate, and to keep divided and separated, the said Canal and Towing Paths, in manner herein-before directed; or to make, erect, and set up such Gates, Bridges, and Stiles in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages for the Use and Convenience of the respective Owners or Occupiers of the Lands or Hereditaments adjoining or near to the said Canal; or to maintain and support such Gates, Stiles, and Bridges, when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Thirty Days next after the Times to be appointed by the said Justices as aforesaid, and after Notice shall have been given by or on behalf of the Owner or Owners of any such Lands or other Hereditaments who shall find themselves aggrieved by any such Refusal or Neglect, to the said Company; then and in every such Case, it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, or Hereditaments, who shall find himself, herself, or themselves aggrieved as aforesaid, to make, erect, and set up all such Gates, Stiles, and Bridges, and other Conveniences as shall be necessary, and shall have been before directed or appointed by the said Justices to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require,

If Company do not fence off Towing Paths, make Bridges, &c. Land Owners may do it at the Company's Expence.

quire, so that in making and maintaining such Works the said Navigation, or the Banks thereof, or the Feeders belonging thereto, shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company; and the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company for the Recovery thereof by Action at Law, or in such Manner as in other Cases is in and by this Act directed: Provided always, that the said Company shall not be liable to repair or amend any Part of the Roads over the Approaches to any of the Bridges to be made over the said Canal, after the Roads over such Approaches shall have been first put into good Repair by or at the Expence of the said Company, in the Event of the said Roads being injured by any of the Works hereby authorized to be made.

Land Owners may make other Conveniences at their own Expence.

CXIII. Provided always, and be it further enacted, That if any Owners or Occupiers of any Lands or other Hereditaments by or through which the said Canal shall be made, shall at any Time or Times hereafter choose to erect other Gates, Stiles, Bridges, Passages, Tunnels, Drains, Back Drains, Trenches, or other Passages and Conveniences respectively, than such as the said Justices shall have so directed or appointed to be made by the said Company, then and so often and in any such Case it shall be lawful for all or any of such Owners or Occupiers, with the Approbation and Consent of the Committee of Management of the said Company, to make, fix, and erect, at their own proper Costs and Charges, such Gate or Gates, Stiles, Bridges, Passages, Tunnels, or other Conveniences, of the same or the like Constructions with others made by the said Company, in, over, or near to the said Canal or the Towing Paths thereof, in such Places as the said Owners and Occupiers shall judge most necessary and convenient, for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as that the Navigation of, in, or upon the said Canal be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Tunnels, or other Conveniences had been made or erected by the said Company as aforesaid.

Works damaged by Floods to be repaired by Company, who may get Materials from adjacent Lands for that Purpose.

CXIV. And whereas it may happen, from Floods or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, or other Works of the said Navigation, may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damages; be it therefore enacted, That when and as often as any such Case shall happen, it shall be lawful for the said Company from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons

sons

sons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal and other Works of Conveniences, or any of them (not being the Ground whereon any House or other Building stands, or Garden, Orchard, Park, Paddock, planted Walk, Nursery Ground, or Avenue to a House,) and to dig for, work, get, and carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands and Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owners and Occupiers of or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Ten Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined or assessed by the Ways and Means herein prescribed and directed with respect to other Damages to be done by making and completing the said Navigation.

CXV. Provided always, and be it further enacted, That the said Company shall make ample and full Satisfaction and Compensation to the Owner and Owners of any Lands, Hereditaments, and Premises that may be prejudiced or damaged by reason of any Floods or Accidents happening by reason or in consequence of the making of the said Canal and other Works, for all such Damage or Loss which they may respectively sustain by reason of any such Floods or Accidents so happening as aforesaid, the same to be ascertained and settled, in case of any Difference, in manner aforesaid.

Compensation in case of Damage by Floods.

CXVI. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damages in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers given by this Act, for which a Compensation is not herein-before provided, then and in every such Case such Damages shall from Time to Time be settled and ascertained or assessed by a Jury, and the Sum or Sums of Money to be paid for the same shall be levied, recovered, and applied in such and the same Manner as herein-before directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same.

Compensation for Damages not herein-before provided for.

CXVII. And be it further enacted, That the Lord or Lords, or Owner or Owners of all and every Manor or Manors through which the said Canal shall be made, shall have and be entitled to the several and exclusive Right of Fishery of and in so much of the said Canal as shall be made through the Common or Waste Lands within his, her, or their Manor or Manors respectively, or through any other Lands or Grounds lying within such Manor or Manors wherein such Lord or Lords, or Owner or Owners, now have or hath or are or is entitled to the Right of Fishery, and the Owner or Owners of all other Lands or Grounds adjoining to the said Canal shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal as shall be made by or in his, her, or their Lands or Grounds, so as by the Use and

Right of Fishery reserved to Lords of Manors, &c.

[*Local.*]

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Exercise

Exercise of any such Right of Fishery as aforesaid the said Canal, or the Towing Paths, Banks, or other Works and Conveniences hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or extracted from or out of the said Canal, and so as the said Company or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Canal which shall be taken, killed, or destroyed through or by means of the necessary letting off the Water out of the same respectively, or for or on account of any Repairs or Works to be done in or about the same.

Penalty on Bargemen, &c. carrying Nets, Guns, &c. for killing Fish or Game.

CXVIII. And be it further enacted, That if any Person or Persons navigating or working or being on board any Boat, Barge, Vessel, or Raft upon the said Canal, shall carry with him or them, or have on board any Boat, Barge, Vessel, or Raft, any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game (not being qualified by Law so to do), such Person or Persons shall for every such Offence, being convicted thereof before any One Justice of the Peace, on the Confession of the Party offending, or on the Oath of One or more credible Witness or Witnesses, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Rule or Command of any Boat, Barge, Vessel, or Raft, shall knowingly suffer or permit any Person (not being duly authorized so to do) to have, carry on board, or make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying any Fish or Game, every such Master or Person shall for every such Offence, being in manner aforesaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

For Recovery of Penalties.

CXIX. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Rule, Order, or Bye-law to be made in pursuance thereof, except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath, to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person, such Justice or Justices shall and may issue a Warrant, under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture by virtue of this Act, or of any Bye-law made in pursuance thereof, imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer, until it can be ascertained whether such Person hath any Goods and Chattels whereon such Fine, Penalty, or

Forfeiture

Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures when recovered shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer or Treasurers of the said Company, and shall be applied and disposed of towards defraying the Expences of the said Navigation, and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned upon Demand to the Owner of the Goods and Chattels so distrained.

CXX. And be it further enacted, That it shall be lawful for any Person or Persons who shall see any Offence committed against this Act, by any Person destroying or doing any wilful Damage to the said Canal or any other Works by this Act authorized to be made, contrary to any of the Provisions herein-before contained, to apprehend and detain any such Offender without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the said County of *Middlesex*, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

For Apprehension and Commitment of Offenders in certain Cases.

CXXI. Provided nevertheless, and be it further enacted, That it shall be lawful for the Committee of Management of the said Company from Time to Time, if they shall think fit, to pay and apply any Part of the said Penalties, Forfeitures, and Fines to and for the Use of the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them.

Committee of Management may give Informer Part of the Penalties.

CXXII. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; that is to say,

Form of Conviction.

‘ to wit. } BE it remembered, That on [Time of Conviction], at
 ‘ [Place of Conviction] [Name of Offender] of [Addition of Offender]
 ‘ [der] was duly convicted before me [or us,] [Name and Style of convicting
 ‘ Justice or Justices] for that the said [Name of Offender] on [Time of committing Offence] at [Place of committing Offence] did [here state the Offence
 ‘ against

‘ against the Act, according to the Fact] contrary to the Form of the
 ‘ Statute made in the Fifth Year of the Reign of His Majesty King George
 ‘ the Fourth, intituled [here set forth the Title of this Act], and I [or we]
 ‘ do therefore declare and adjudge that the said [Name of Offender] has
 ‘ forfeited for the said Offence the Sum of [Fine], or shall be committed
 ‘ to [Place of Imprisonment] for the Space of [Time of Imprisonment].
 ‘ Given under my Hand and Seal, [or our Hands and Seals,] the Day and
 ‘ Year first above written.’

Persons taking Distress irregularly, not to be deemed Trespassers: *ab initio*.

CXXIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Proceedings not to be quashed for Want of Form, &c.

CXXIV. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

For compelling Witnesses to attend.

CXXV. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace, touching any Matter of Fact contained in the Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges (without a reasonable Excuse for his, her, or their Refusal or Neglect), or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers, on solemn Affirmation), and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Appeal to Quarter Sessions.

CXXVI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-law, or Order of the said Canal Company, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the said County of *Middlesex*, the Person or Persons appealing having first given at least Fourteen Days clear Notice in Writing of such Appeal, and of the Nature and Matter thereof,
 to

to the Person or Persons appealed against, or to the Clerk of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County; and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

CXXVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said Company any Notice or Notices, Writ or Writs, or other legal Proceedings, the Service upon One of the Committee of Management to be appointed by virtue of this Act, or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Company.

For Service
of Notices,
&c. on the
Company.

CXXVIII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits or Informations, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the

Limitation of
Actions.

[Local.]

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Defendant

Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have in other Cases at Law.

The whole of the probable Expence to be subscribed before the Act is put in force.

CXXIX. And whereas the probable Expence of making the said Canal and other Works hereby authorized to be made will, according to an Estimate made thereof, amount to the Sum of Seven thousand nine hundred and sixty-nine Pounds, or thereabouts, and the Sum of Seven thousand five hundred Pounds, being more than Four Fifth Parts of such Expences, has already been subscribed for defraying such Expences by several Persons, under a Contract binding them, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the Whole of the said Sum of Seven thousand nine hundred and sixty-nine Pounds shall be subscribed in like Manner, before any of the Powers given by this Act shall be put in force.

Canal to be completed within the Space of Three-Years, or Powers to cease.

CXXX. And be it further enacted, That in case the said intended Canal shall not have been completed and made navigable, so that Boats and Barges may pass along the whole Line, within the Space of Three Years, to be computed from the passing of this Act, then from and immediately after the Expiration of the said Term of Three Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and in respect of so much (if any) of the said Canal, or any other of the Works hereby authorized to be made, as shall have been completed and made navigable, so that Boats and Barges may pass along the same, within the Term of Three Years, and as shall have been declared to have been so made navigable within the said Term by the Justices of the Peace of the said County of *Middlesex*, assembled at any Quarter Sessions of the Peace to be holden in and for the same County, at any Time before the Expiration of the said Term of Three Years, or within Twelve Calendar Months next after the Expiration thereof, upon the Evidence of Witnesses upon Oath, to be produced before them for that Purpose.

Power for Commissioners of Sewers to cleanse the Canal and heighten the Banks.

CXXXI. And be it further enacted, That if at any Time after the said Canal shall be made as aforesaid, the free Passage of the Water from the Drains and Passages under the Jurisdiction of the said Commissioners of Sewers shall be deemed by the said Commissioners to be hindered or obstructed by reason of the said Canal not being sufficiently cleansed, or if it shall be deemed necessary by the said Commissioners that the Banks of the said Canal should be heightened, so as to prevent the adjoining Lands from being overflowed; and if the said Canal shall not be perfectly cleansed, or if the said Banks shall not be sufficiently heightened to the Satisfaction of the said Commissioners, within Fifteen Days after Notice in Writing shall have been given thereof by the said Commissioners, or their Clerk for the Time being to the said Company, it shall then be lawful for the said Commissioners from Time to Time, as often as there shall be Occasion, to cleanse or cause to be cleansed the said Canal, or so much thereof as shall not be so sufficiently cleansed, and also, if found necessary for the Purposes aforesaid, to heighten or cause to be heightened the Banks thereof, and the said Commissioners shall and may cause the
Expence

Expence thereof to be levied by Distress and Sale of the Goods and Chattels of the said Company, by Warrant under the Hands and Seals of the said Commissioners, or any Six of them, or may otherwise recover the same by Action at Law, or by such other Means as are provided by any of the Statutes of Sewers, in case of Nonpayment of Taxes or Assessments taxed or assessed under or by virtue of such Statutes, or any of them.

CXXXII. And be it further enacted, That it shall not be lawful for the said Company to erect or set up any Lock, Flood Gate, Weir, or Tumbling Bay in the said Canal, or to do any other Act or Thing whatsoever, whereby or by means whereof the Water in the said Creek or Canal may be dammed up, or the free Current thereof in any Manner impeded or restrained, and if any such Lock, Flood Gate, Weir, or Tumbling Bay shall be erected in the said Canal contrary to this Act, it shall be lawful for the said Commissioners of Sewers, and they are hereby authorized and empowered at their Discretion, either to cause the same to be removed and to levy the Expences attending the same in the Manner next hereinafter directed, or by Notice in Writing to require the said Company to remove or cause the same to be removed; and if the said Company shall not cause every such Lock, Flood Gate, Weir, or Tumbling Bay to be removed within Five Days after such Notice in Writing shall have been given by the said Commissioners or their Clerk for the Time being to the said Company, then and in every such Case the said Company shall forfeit and pay to the said Commissioners the Sum of Twenty Pounds for each and every Day during which any such Lock, Flood Gate, Weir, or Tumbling Bay shall be continued after the Expiration of such Five Days, such Penalty or Penalties to be recovered by the said Commissioners in the same Manner as any other Penalty is by this Act authorized to be recovered by them from the said Company.

Company not
to set up
Locks.

CXXXIII. And be it further enacted, That it shall not be lawful for the said Company to erect or set up, or to cause, permit, or suffer to be erected or set up, any Lock, Flood Gate, Weir, or Tumbling Bay at the Entrance of any Basin or Basins to be made in pursuance of this Act (save and except the Basin as delineated in the Map or Plan so deposited at the Office of the Clerk of the Peace as aforesaid), without the Consent of the Commissioners of Sewers for that Purpose first had and obtained, or to continue any such Lock, Flood Gate, Weir, or Tumbling Bay (except as aforesaid), after the said Company shall have been ordered or required to remove the same by the said Commissioners of Sewers, but that every such Lock, Flood Gate, Weir, or Tumbling Bay (except as aforesaid) shall be removed and taken away within Three Days after Notice in Writing of such Order or Requisition shall have been given by the said Commissioners or their Clerk for the Time being to the said Company; and in case the said Company shall not cause such Lock, Flood Gate, Weir, or Tumbling Bay to be removed and taken away within the said Period of Three Days, then and in every such Case the said Company shall forfeit and pay to the said Commissioners the Sum of One hundred Pounds for each and every Day during which any such Lock, Flood Gate, Weir, or Tumbling Bay shall be so continued by the said Company after the Expiration of such Three Days, such Penalty or Penalties to be recovered

Company not
to erect
Locks at the
Entrance of
Basins.

covered by the said Commissioners in the same Manner as any other Penalty is by this Act authorized to be recovered by them from the said Company.

Fine and
annual Rent
to be paid to
the City of
London.

CXXXIV. And be it further enacted, That the said Company of Proprietors shall pay to the Mayor and Commonalty and Citizens of the City of *London* the Sum of Five Pounds as a Fine or Acknowledgment for the Liberty of opening or enlarging Communications between the said Canal and the River *Thames*, and shall also pay to the said Mayor and Commonalty and Citizens of the said City, their Successors, Collectors, or Assigns, for ever, an annual Rent or Sum of Five Pounds, after the said Communications shall have been opened or enlarged as aforesaid; and such annual Sum is hereby charged upon and made payable by and may be recovered from the said Company of Proprietors by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Saving
Rights of
Lords of
Manors.

CXXXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to lessen or abate or in any Manner to affect or prejudice the Rights, Titles, or Privileges of the King's most Excellent Majesty, the Right Honourable *Charles Henry Cadogan* Earl *Cadogan*, the Honourable *George Cadogan*, the Right Reverend Father in God *William* Lord Bishop of *London*, and the Right Honourable *William* Lord *Kensington*, their Heirs, Successors, or Assigns, to any Rights, Profits, Royalties, Benefits, Jurisdictions, or Advantages belonging or in anywise appertaining to or vested in them or either of them (other than such Tolls, Rates, and Duties as are by this Act authorized and directed to be collected, received, and paid), but that they and every of them, and all other Person or Persons authorized by them or any of them, may take, receive, exercise, and enjoy the same as fully and beneficially, to all Intents and Purposes whatsoever, as if this Act had not been passed.

Saving
Powers of
Commiss-
ioners of
Sewers.

CXXXVI. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the said Commissioners of Sewers; but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made, but so nevertheless that the said Commissioners shall not have any Power or Authority to alter or divert the Line of the said Canal.

Saving the
Rights of the
City of
London.

CXXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of making this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, as Conservator of the River *Thames* and Waters of *Medway*, did or might lawfully claim, use, or exercise, nor to authorize or empower the said Company, their Servants or Workmen, or any of them, to embank, encroach

upon,

upon, or interfere with any Part of the Soil or Bed of the River or the Banks or Shores thereof, without the Licence and Consent of the said Mayor and Commonalty and Citizens first had and obtained in Writing for that Purpose, nor to prevent the Execution of the Laws for the better Protection or Preservation of the Fishery in the said River *Thames*, upon or over such Parts of the Ground as shall be purchased for the Purposes of this Act, lying contiguous to the Banks or Shores of the said River, any thing herein contained to the contrary in anywise notwithstanding.

CXXXVIII. And be it further enacted, That this Act shall be deemed Public Act. 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.

The SCHEDULE to which the foregoing Act refers.

Parishes or Township.	Description of Property.	Owners.	Occupiers.
Saint Mary Abbot's Kensington	Garden Ground	The Right Honourable William Lord Kensington	Adam Tirrell.
Ditto	Garden Ground	Ditto	Samuel Hutchins.
Ditto	Meadow Land	— Gunter, Esq.	Himself.
Ditto	Meadow Land	William Lord Kensington	Henry Huntley.
Ditto	Garden	— Pettinard, Esq.	Samuel Poupart.
Ditto	Garden	George Coleman	John Benson.
Fulham	Meadow Land	Stephen Moore, Esq.	William Howard.
Ditto	{ Manufactory and Gardens }	Mrs. Ann Mist	William Howard.
Ditto	Meadow	Mrs. Ann Edwards	Robert Lion.
St. Luke Chelsea	Meadow	Parish of St. Luke Chelsea, or the Poor thereof	Herself.
			Joseph Brown and — Simkin.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1826.