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GEORGII IV. REGIS.

Cap. lvii.

An Act for granting further Powers to the Company of Proprietors of the *Portsmouth and Arundel* Navigation. [23d May 1828.]

WHEREAS by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for making and maintaining a Navigable Canal from the River Arun to Chichester Harbour, and from thence to Langstone and Portsmouth Harbours, with a Cut or Branch from Hunston Common to or near the City of Chichester, and for improving the Navigation of the Harbour of Langstone, and Channels of Langstone and Thorney*, several Persons therein named were united into and made a Body Politic and Corporate, by the Name of "The Company of Proprietors of the *Portsmouth and Arundel* Navigation," for carrying the Purposes of the said Act into Execution; and the said Company of Proprietors were, amongst other Things, authorized and empowered by the said Act to raise and contribute amongst themselves, in manner therein mentioned, the Sum of One hundred and twenty-six thousand Pounds, to be divided into Two thousand five hundred and twenty equal Shares, for the Purpose of making, carrying on, and completing the Canal and other Works mentioned in the said Act; and the said Company of Proprietors were further authorized and empowered, by the said Act, to raise an additional Sum of Forty thousand Pounds, by Mortgage of the said Navigation and Undertaking, and Assignment of the several Rates, Tolls, and Duties granted by the said Act, for the Purpose of more speedily completing

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57 G. 3. c. 63.

the said Navigation: And whereas by an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for giving further Powers to the Company of Proprietors of the Portsmouth and Arundel Navigation, and the Company of Proprietors of the Wey and Arun Junction Canal, and to confirm an Agreement entered into between the said Companies*, the said Company of Proprietors of the Portsmouth and Arundel Navigation were empowered to extend and enlarge the Canals and other Works authorized to be made by the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty King George the Third, and to make, deepen, straighten, and keep navigable and passable for Boats, Barges, and other Craft, the natural Creek communicating between the Harbour of Langstone and Portsmouth called *Portsbridge Creek*, in the County of Southampton, in the Manner therein mentioned and directed: And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty King George the Fourth, intituled *An Act for giving further Powers to the Company of Proprietors of the River Arun Navigation, and for confirming certain Agreements entered into between the said Company and the Company of Proprietors of the Portsmouth and Arundel Navigation*: And whereas the Sum of One hundred and twenty-two thousand four hundred and three Pounds Twelve Shillings and Two-pence, or thereabouts, Part of the said Sum of One hundred and twenty-six thousand Pounds authorized to be raised by the first-recited Act, hath been raised by Calls upon the Subscribers to the said Undertaking; and the said Sum of Forty thousand Pounds hath been borrowed from the Commissioners for carrying into Execution an Act made and passed in the Third Year of the Reign of His said present Majesty King George the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty, and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills, for the Purpose of the said Acts*, on Mortgage, in the Manner authorized by the said first-recited Act: And whereas the said Company of Proprietors have proceeded to carry into Execution the said several recited Acts of Parliament, and thereby have expended a larger Sum of Money than they were by the said Acts empowered to raise, or otherwise have burthened the said Canal and Works with Debts on account thereof, which the said Company of Proprietors have not at present the Means of discharging: And whereas the said Sums of Money so raised under the Authorities and in Manner aforesaid, and the said Debts so incurred as aforesaid, have been found insufficient for completing and enlarging the said Canal and Works, by reason whereof the said Undertaking is in an unfinished State, and many Parts thereof have, from Disuse and the Want of the necessary Funds for keeping the same in repair, fallen into Decay; from all which several Circumstances the said Undertaking will soon be in danger of becoming useless, unless the same be speedily and effectually completed and repaired: And whereas it is expedient that a further Sum of Money, not exceeding Fifty thousand Pounds, should be raised for the Purpose of discharging the Debts of the said Company, for completing and repairing the said Canal and Works, and

59 G. 3. c. 104.

1 & 2 G. 4.
c. 62.

3 G. 4. c. 86.

for other the Purposes of the said Navigation, either by Loan or by the Creation of new Shares (as might be judged necessary), such said Shares to have and possess a Priority of Claim and Interest in and to the said Undertaking over the old or present Shares, and the Holders thereof to be entitled to receive a Dividend or Interest out of the Profits of the said Undertaking on the Amount thereof, for and during a limited Period next following the Time when the said Canal shall be declared to be in a fit State for the Purposes of Navigation; and it is also expedient that the Powers and Provisions of the said recited Acts should be altered and amended; but the Purposes aforesaid cannot be effected without the Aid and 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 all and every the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Penalties, Forfeitures, Restrictions, Matters, and Things whatsoever in the said recited Acts contained, so far as the same are not altered, varied, or repealed, shall or may be put in execution for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof.

Powers of recited Acts extended to this Act, except as hereby altered.

II. And be it further enacted, That so much and such Part or Parts of the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty as empowers the said Company of Proprietors to supply the said Canals or Cuts with Water, from all Rivers, Springs, Brooks, Streams, and Watercourses whatsoever which are or shall be found within the Distance of Two thousand Yards from any Part of the said respective Canals, shall be and the same is and are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever: Provided always, that nothing herein contained shall extend or be construed to extend to prevent the said Company of Proprietors from making use of the Waters of all such Rivers, Springs, Brooks, Streams, and Waters as have been or are now used by them for supplying the said Canals with Water, or from diverting the Course of and using all such other Rivers, Springs, Brooks, Streams, and Watercourses as now run under or across the said Canals.

Repealing so much of the Act of 57G.3. as empowers the Company to supply the Canal with Water.

Proviso.

III. And be it further enacted; That it shall be lawful for the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation to raise and contribute among themselves, or by Admission of new Subscribers, in addition to the Sums of Money which they have so already raised and borrowed as aforesaid under and by virtue of the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty, any further Sum or Sums of Money, not exceeding in the whole the further Sum of Fifty thousand Pounds, in such Proportions as they shall think fit; and such further Sum or Sums shall be divided into Shares of Twenty-five Pounds each; and such new or additional Shares so to be created by virtue of this Act shall or may be transferred or assigned from Time to Time in such and the same Manner as is provided in and by the said

Company empowered to raise Money not exceeding 50,000*l.*, by Shares of 25*l.* each.

said recited Act with regard to the Shares therein mentioned or referred to; and all Persons, Bodies Politic, Corporate, and Collegiate, and Parties whomsoever, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more of the said new or additional Share or Shares, and shall pay such Sum or Sums of Money as shall be called for or demanded under and by virtue of this Act, shall respectively be entitled to and receive such Part and Parts of the Profits or Advantage that shall or may arise or accrue from the said Undertaking as herein-after mentioned, and shall, for every One of such new or additional Shares as aforesaid, have a Vote in respect of the same at all Meetings of the said Company of Proprietors to be held in pursuance of the said first-recited Act, with Power and Authority to appoint a Proxy or Proxies in his, her, or their Room or Stead, in such Way and Manner, to all Intents and Purposes, as is and are enacted and provided in and by the same Act with regard to the present or old or original Subscribers to and Proprietors of the said Navigation and Undertaking.

Qualification
of Members
of Committee
of Manage-
ment.

IV. Provided always, and be it further enacted, That it shall not be lawful for any Person or Persons who shall so subscribe and pay his or their Subscription or Subscriptions as aforesaid, to be nominated and elected or to act as a Member or Members of the Committee of Management for conducting and managing the Affairs and Concerns of the said Company of Proprietors, according to the Provisions of the said first-recited Act, until he or they shall possess or hold, in his or their own Right, Ten at the least of the Shares to be raised by virtue of this Act, or a proportionate Number of Shares created by the said first-recited Act and to be created by virtue of this Act jointly, reckoning every One of such Shares created by the said first-recited Act equally with and as Two of the Shares to be created under the Authorities of this Act; and if any Person or Persons being a Subscriber or Subscribers shall act as a Member or Members of the said Committee of Management, for the Purposes of this Act and the said recited Acts, not being duly qualified as last aforesaid, he or they shall for every such Offence forfeit and pay the Sum of Ten Pounds; and every Act, Matter, and Thing done and performed by the Person or Persons so elected as aforesaid shall be null and void to all Intents and Purposes whatsoever.

Committee of
Management
empowered to
make Calls on
Subscribers.

V. And be it further enacted, That the Committee of Management for the Time being of the said *Portsmouth* and *Arundel* Navigation shall have and they are hereby invested with 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 the said first-recited Act, to make such Call or Calls for the Money to be raised under the Authority of this Act, or any Part thereof, from the several Persons who shall become Subscribers under or by virtue of this Act, so that no such Call shall exceed the Sum of Five Pounds for or in respect of every Share in the said Navigation and Undertaking, and so as no such Call shall be made but at the Distance of Two Calendar Months at least from each other, and so that Twenty-one Days Notice at least shall be given of every such Call, by Advertisement
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in some Newspaper or Newspapers published or usually circulated in the Counties of *Sussex* and *Southampton* respectively, and also in some *London* Newspaper or Newspapers; all which Money so to be raised under the Calls as aforesaid shall be paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors for the Time being; and in case any Person or Persons shall neglect or refuse to pay the Sum or Sums so to be called for from him, her, or them, at the Time and in Manner to be appointed for that Purpose as aforesaid, it shall be lawful for the said Committee of Management to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, in an Action of Debt, or in an Action of Trespass on the Case upon Promises, or in an Action upon the Case in Tort, as they shall deem most expedient.

VI. And be it further enacted, That in all Actions brought by the said Committee of Management against any Person or Persons who shall hereafter subscribe or advance, or agree to subscribe or advance, any Money for and towards the said Undertaking, or against any Owner, 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 to be made by virtue of this Act, it shall be sufficient for the said Company to declare or allege that the Defendant or Defendants, being Owner or Owners, Proprietor or Proprietors, of 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 and Sums of Money upon such or so many Share or Shares belonging to the said 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 such Call or Calls was or were in fact made, and that such Notice was given thereof as is herein-before directed; and the said Company shall thereupon be entitled to recover what shall appear to be due, unless it shall appear that any such Call exceeded the Sum of Five Pounds for every Twenty-five Pounds, or was made within the Distance of Two Calendar Months from the last preceding Call, or without Notice given as aforesaid.

Regulating
Proceedings
in Actions
for Recovery
of Calls.

VII. And whereas by reason of taking down Houses, Buildings, and Premises, and making Alterations in pursuance of this and the said recited Acts, there may have been and may be Deficiencies in the Assessments for Land Tax in the said Parish or Parishes through which the said Navigation passes or is intended to pass; be it therefore enacted, That to remedy the same, the said Company shall, from and after the passing of this Act, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of the said Parish or Parishes, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money

Company to
make Com-
pensation for
Deficiencies
in Land Tax.

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as have been or shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes, by reason or means of any Houses, Buildings, and Premises liable to such Assessments having been taken down, or which shall or may be taken down or used for the Purposes of this Act and the said recited Acts, according to the Rental at which the same were or are valued or rated at the Time of the same being so taken down or used as aforesaid; and the Treasurer, Collector, or Receiver appointed or to be appointed under this Act or the said recited Acts, any or either of them, shall be and he is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the said Assessments.

Application
of Monies to
be raised.

VIII. And be it further enacted, That the Money so to be raised as aforesaid, or such Part thereof as may be deemed sufficient for that Purpose, shall be laid out and applied, in the first place, in the Payment of the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act, and then in Payment, Satisfaction, and Discharge of the Debts, Damages, Claims, and Demands now existing against, or due or owing by or from the said Company of Proprietors, and in completing the said Canal and other Works directed or authorized in and by the said recited Acts, in such Order as may be judged expedient and necessary; and if, after the Payment of the said Expences, Debts, Damages, Claims, and Demands, and completing the said Canal and other Works, so far as it may be judged expedient as aforesaid, the yearly Income, Profits, or Emoluments of the said Navigation and Undertaking shall, together with the Balance (if any) which may remain of the Money so to be raised as aforesaid, after answering and satisfying the other Purposes aforesaid, exceed the yearly Expenditure of the said Navigation, it shall be lawful for the Committee of Management for the Time being, and they are hereby required, at any General Meeting or Special Meeting to be held for that Purpose, to declare or make a Dividend of the surplus yearly Profits and Emoluments of the said Navigation, to and amongst such of the Proprietors of the same who shall have subscribed and paid the Sums to be raised under the Authority of this Act, pursuant to the Calls of the said Committee of Management as aforesaid, provided the same do not exceed Six Pounds *per Centum per Annum* for their several Shares as aforesaid; and the said last-mentioned Proprietors shall so continue to share and divide amongst themselves, in proportion to their said several Shares, such Parts of the said surplus Profits and Income as the said Committee of Management for the Time being shall declare and apportion as aforesaid, until the Expiration of Ten Years from and after the Time when the said Canal shall be declared to be in a fit State for the Purposes of Navigation.

Subscribers
under this
Act to be en-
titled to Six
per Cent. on
the Profits for
Ten Years.

The surplus
Income to be
divided
amongst ori-
ginal Sub-
scribers for
said Term.

IX. And be it further enacted, That it shall be lawful for the said Committee of Management to pay and apply the Surplus of the yearly Income and Profits of the said Navigation which shall remain over and above the yearly Expenditure of the same, for and during the Term of Ten Years next following the Time the said Canal shall be declared

declared to be in a fit State for the Purposes of Navigation as aforesaid, unto and amongst all and every the Person and Persons who is and are Proprietor or Proprietors of the several Shares of and in the said Navigation and Undertaking, made and created under the Authorities of the said herein-before recited Act of the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, according to the several and respective Rights and Interests of such said Person or Persons therein.

X. And be it further enacted, That if, after Payment of the Debts of the said Company, and the Completion of the said Navigation, as far as the same may be deemed advisable, it shall appear to the said Committee of Management that the Proprietor or Proprietors of the said additional Shares of Twenty-five Pounds shall not have received, for the Space of Ten Years next following the Time when the said Canal shall be declared to be in a fit State for the Purposes of Navigation, from the said Company, a yearly Dividend to the Amount of Six Pounds *per Centum per Annum* on the Sums so respectively advanced by them for such Shares, it shall be lawful for the said Committee of Management, and they are hereby required, at any Time or Times, either during the said Ten Years or after the Expiration thereof, after ascertaining the Amount of such Deficiency, to pay such Amount to the said last-mentioned Proprietors, from and out of the yearly Income and Profits of the said Navigation, before any Dividend shall be declared or made by the said Committee of Management to and among the other Proprietors: Provided always, that from and after Payment to the Proprietors of the said additional Shares, for the said Space of Ten Years, of the said yearly Dividend of Six Pounds *per Centum per Annum* on the Sums so to be advanced as aforesaid, and of all Arrears and Deficiencies thereof as last aforesaid, the said yearly Dividend shall from thenceforth cease, and the said Proprietors of the said additional Shares shall thereafter be placed upon the same Footing, and only equally share with the other or old or original Proprietors of the said Navigation, in the Income and Profits thereof, in proportion to their respective Shares.

If Profits will not pay Six per Cent. to new Subscribers for Ten Years, the Deficiency to be made up afterwards.

XI. Provided also, and be it further enacted, That if after the Expiration of the said Ten Years the Income and Profits of the said Navigation and Undertaking shall be found insufficient to pay to and divide among all and every the Proprietors and Proprietor of the same, equally one with another, a yearly Dividend of Five Pounds *per Centum per Annum* upon and for their several and respective Shares therein, then and in such Case it shall be lawful for the said Committee of Management, and they are hereby required at all Times thereafter, to pay out of the said Income and Profits, unto and amongst such of the said Proprietors of the said Undertaking as shall hold and possess the said new or additional Shares to be created by virtue of this Act as aforesaid, a Dividend of not exceeding Five Pounds *per Centum per Annum* on the Amount of such said several Shares, before any of the old or present or original Subscribers to and Proprietors of the said Undertaking shall participate in or be entitled

If after Ten Years, the Profits are not sufficient to pay Five per Cent., Proprietors of additional Shares to be preferred.

entitled to receive any Part of the same; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Power or
the Company
to direct
Committee
of Manage-
ment to buy
up Shares.

XII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General or Special Meeting to be holden in the Manner directed by the said first-recited Act, to order and direct the said Committee of Management to buy up, out of any Funds of the said Company, or otherwise, any Share or Shares which may be offered for Sale by any of the Proprietors of Shares in the said Navigation and Undertaking; and in such Case, and in case any such Share or Shares shall be bought up as aforesaid, it shall be lawful for the said Committee of Management, either to order and 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, or such other Person or Persons as they may appoint, in Trust for the said Company, and such Share or Shares may in such Case at any Time or Times thereafter be sold for the Benefit of the said Company, for the raising of any Sum or Sums of Money which may be wanted for the Purposes of the said Navigation.

Company
empowered
to raise the
Money by
Mortgage.

XIII. And be it further enacted, That if the said Company of Proprietors shall not be able to raise and contribute amongst themselves, or by the Admission of new Subscribers, and under the Calls of the Committee of Management as aforesaid, a Sum sufficient for discharging the Debts of the said Company, and for completing, repairing, and maintaining the said Navigation as aforesaid, and shall be desirous of raising the same or any Part thereof by Mortgage of the said Navigation and Undertaking, it shall be lawful for the said Company of Proprietors to borrow and take up at Interest such further Sum or Sums of Money as may be necessary for the Purposes aforesaid, not exceeding the Sum of Fifty thousand Pounds, upon the Credit of the said Navigation and Undertaking, instead of raising the same wholly by Calls under the Provisions of this Act; and the said Company of Proprietors are hereby 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 such Sum of Money, or any Part thereof, for the Use of the said Company, the several Tolls, Rates, and Duties granted by the said recited Acts, any or either of them; the Costs and Charges of which Assignment or Assignments shall be paid out of the said Tolls, Rates, and Duties, together with Interest for the same, unto the Person or Persons who shall lend and advance any such Sum or Sums of Money, or who shall have borrowed any such Sum or Sums of Money for the Use of the said Company, or unto his, her, or their Trustee or Trustees; and such Mortgage or Mortgages may be made and transferred in the Manner and Form, and subject to the Rules, Conditions, and Provisions contained in the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty, and shall be subject to the Regulations therein contained, as if the same were raised or borrowed under the Authority of the said Act.

XIV. And

XIV. And be it further enacted, That in case the said Company of Proprietors, at any Special General Meeting to be called in manner directed by the said Act of the Fifty-seventh Year of His said late Majesty, shall think it more advisable and proper to raise the said Sum of Fifty thousand Pounds, or any Part or Parts thereof, by granting Annuities payable out of the Rates, Tolls, and Duties and other Revenue of the said Undertaking, then and in every such Case it shall be lawful for the said Company to raise any such Sum by the granting any such Annuity or Annuities as aforesaid, to or for the Use of the Person or Persons who shall contribute, advance, or pay, into the Hands of the Treasurer or Treasurers of the said Company for the Time being, according to the Directions of the said Committee of Management, any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable for any Term or Number of Years, or for or during the natural Life of any such Contributor, or such other Person as shall be nominated by or on behalf of any such Contributor at the Time of Payment of his or her Contribution and Purchase Money, and either with or without Benefit of Survivorship; and the said Company of Proprietors are hereby authorized and empowered to grant all and every such Annuity or Annuities so to be purchased as aforesaid, out of the Rates, Tolls, and Duties and other Revenue of the said Undertaking, to the Person or Persons who shall agree to purchase the same, or to his, her, or their Trustee or Trustees.

Or the Company may grant Annuities on the Rates, &c.

XV. And be it further enacted, That the Grant of every such Annuity as aforesaid shall be by Deed under the Common Seal of the said Company, and may be according to the Form or to the Effect following; (that is to say,)

Grant of Annuity to be by Deed.

WE, the Company of Proprietors of the *Portsmouth and Arundel* Navigation, in consideration of the Sum of
 to us paid by *A. B.* of [or if intended to be granted
 with Benefit of Survivorship, by *E. F., G. H., &c.*], do hereby, by
 virtue of an Act passed in the Ninth Year of the Reign of King
George the Fourth, intituled [here insert the Title of this Act], grant
 unto the said *A. B.*, and for his [or her] Assigns [or if by Survivor-
 ship, unto the said *E. F., G. H., et cetera*, and to the Survivors
 and Survivor of them], one Annuity or yearly Sum of
 to be issuing out of all and singular the Rates, Tolls, and Duties
 arising by virtue of an Act passed in the Fifty-seventh Year of the
 Reign of His Majesty King *George* the Third, intituled [here set
 forth the Title of the said recited Act], also by virtue of an Act
 passed in the Fifty-ninth Year of the Reign of His said Majesty
 King *George* the Third, intituled [here set forth the Title of the said
 recited Act], and also by virtue of an Act passed in the First and
 Second Years of the Reign of His Majesty King *George* the Fourth,
 intituled [here set forth the Title of the said recited Act], and of all
 other the Revenue of the said Company; to hold unto the said
A. B., and his or her Assigns, for his [or her] natural Life, or to
 hold unto the said *A. B.*, his [or her] Executors, Administrators, or
 Assigns, for and during the natural Life of *C. D.*, [or if by Survivor-
 ship, unto and amongst them the said *E. F., G. H., et cetera*, and
 the Survivors and Survivor of them]; and such Annuity or yearly
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Sum shall be paid and payable upon the Day of yearly. Given under our Common Seal, this Day of in the Year of our Lord One thousand eight hundred and

Grant of Annuity to be valid without Inrollment in Chancery.

And every such Grant shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, without any Inrolment or Registry of the Memorial in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute thereof to the contrary in anywise notwithstanding; and the Grantees of such Annuities shall be equally entitled one with another, in proportion to the Amount of their several Securities, to the Interest of the Sum or Sums for which such Annuities shall have been granted.

Grants to be entered in a Book kept by Clerk to the Company.

XVI. And be it further enacted, That an Entry or Memorial of every such Grant or Annuity, containing the Date thereof, and an Account of the Name or Names of the Party or Parties to whom the same shall have been made, with their respective proper Additions, and of the Consideration of such Grant, and of the Annuity granted, and the Duration thereof, shall, within Thirty Days next after the Date thereof, be written and inserted in a Book to be kept for that Purpose by the Clerk of the said Company, and such Clerk shall be entitled to the Sum of Two Shillings and Sixpence, and no more, for the doing thereof.

Annuities may be assigned.

XVII. And be it further enacted, That all and every such Person or Persons to whom any such Grant shall have been made, or who shall be entitled to the Annuity thereby secured, may from Time to Time assign or transfer his, her, or their Right and Title therein to any Person or Persons, in the Form or to the Effect following; (that is to say,)

Form of Assignment.

I A. B. of in consideration of the Sum of to me paid by C. D. of do hereby transfer unto the said C. D. a certain Grant made by the Company of Proprietors of the Portsmouth and Arundel Navigation, bearing Date the Day of payable [here insert the Duration of the Annuity], and all my Right, Title, and Interest in and to the said Annuity thereby secured; to hold the same unto the said C. D., his [or her] Executors, Administrators, and Assigns. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

Transfers to be entered in Company's Books.

And every such Transfer shall, within Twenty-one Days after the Date thereof, be produced and notified to the Clerk of the said Company, who shall thereupon cause an Entry or Memorial to be made thereof in the said Book, containing the Date, and the Names of the Parties, and the Annuities thereby transferred, for which Entry such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Grant; and it shall not be in the Power of the Person or Persons who shall have made any such Transfer at any Time afterwards to make void, release, or discharge the said Annuity, or any Part thereof; and the

said Annuities to be granted as aforesaid shall be paid to the several Persons entitled thereto, in such Manner as the same would have been payable to the original Grantee or Grantees thereof in case such Transfer had not been made.

XVIII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, according to the Rate prescribed by Two several Acts, one made in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other made in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

For preventing improvident Grants of Annuities.

48G.3.c.142.

52G.3.c.129.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to annul, abridge, affect, or prejudice the Rights, Privileges, and Interests of any Person or Persons whomsoever who now hath or have any Mortgage or Mortgages, collateral Security or collateral Securities, made and given under or by virtue of the said recited Acts, or any or either of them, of or upon the said Navigation and Undertaking, or the Rates, Tolls, Duties, and Profits thereof, or any Part or Parts thereof, for any Sum or Sums of Money which he, she, or they hath or have already paid, or shall or may hereafter pay, on account of or for the said Navigation and Undertaking, or in discharge of any Specialty or other Debts secured on the same, but the said Mortgage or Mortgages, collateral Security or collateral Securities, (in case the same shall not be paid off and discharged out of the Monies to be raised by virtue of this Act,) shall, notwithstanding any Mortgage or Mortgages, Annuity or Annuities, may be made and granted under the Authorities of this Act, remain, continue, and be in the same State, and with the same Priority of Claim and Interest in and to the said Navigation and Undertaking, to all Intents and Purposes whatsoever, as the same was or were in immediately before the passing of this Act, or as the same would have been in if this Act had not been passed.

Act not to affect the Mortgages or collateral Securities already existing.

XX. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their General Annual Meeting in each Year, to examine and audit the Accounts of the Treasurers, Clerks, and other Officers acting under the Authority of this Act and the said recited Acts, and to examine into the Revenues and Debts of the said Company; and when and as soon as the said Accounts shall be examined and audited, the same shall be signed by the Chairman of such Meeting; and the said Company shall and they are hereby required, immediately after such Accounts shall be examined and audited and signed, to cause a sufficient Number of Copies of a Statement thereof to be printed, and transmitted to

Company to audit their Treasurers and Clerks Accounts, and to transmit printed Copies of them, when audited, to each Proprietor.

to each Proprietor of a Share or Shares in the said Navigation and Undertaking.

Works at
Portsbridge
Creek to be
first com-
pleted.

XXI. And whereas it is desirable, in order to carry into Effect the Intentions of the said several recited Acts and of this Act, that the said *Portsbridge Creek* should be forthwith converted into a Navigable Cut, according to the Direction of the said recited Act of the Fifty-ninth Year of the Reign of His said late Majesty; be it therefore enacted, That from and immediately after the passing of this Act it shall and may be lawful for the said Company of Proprietors to make and deepen, straighten, and keep navigable for Boats, Barges, and other Craft, the said natural Creek communicating between the said Harbours of *Langstone* and *Portsmouth* in the said County of *Southampton*, in conformity to the Provisions, and according to the Directions of the said Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third.

Extending
the Time for
completing
the Works.

XXII. And be it further enacted, That the Time limited by the said recited Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, for declaring the Canals authorized to be made by the said recited Acts, any or either of them, to have been completed and made navigable, so that Boats and Barges might pass along the same, shall be extended, and the same is hereby declared to be extended, for the Purposes aforesaid, and as in the said Act is mentioned, for and during the Term of Five Years next following the passing of this Act.

For remedy-
ing Doubts as
to the forfeit-
ing of Shares
under former
Act.

XXIII. And whereas Doubts have arisen with regard to the Powers given by the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty to the Committee of Management, as to the forfeiting of the Shares of such of the said Proprietor or Proprietors as had not paid his, her, or their Proportions of the Money so called for by the said Committee of Management under the said recited Act; for removing the same, be it further enacted, That it shall be lawful for the said Committee of Management, after determining or declaring any Share or Shares to be forfeited under the Provisions of the said recited Act, to determine and declare at the same Time, if they shall so think fit, the said Share or Shares to be sunk or merged in the rest of the Shares of the said Navigation, without first offering them for Sale as directed by the said Act; and in case the said Committee of Management shall not so determine, but shall think fit to sell the Share or Shares so declared forfeited, by public Auction, the same shall be put up to Sale, subject to the Payment of the Instalments due upon them, and shall be sold for the most Money that can be gotten for the same, over and above the said Instalments; the Produce of the Share or Shares so forfeited and sold to be paid and applied pursuant to the Provisions of the said first-recited Act.

For releasing
Effects of
Insolvents
deceased.

XXIV. And be it further enacted, That if the Proprietor or Proprietors of any Share or Shares in the said Navigation shall have died, or shall hereafter die, before Payment shall have been made by him, her, or them of the full Sum called for under the Provisions of

of the said recited Act, in respect of each Share which he, she, or they shall have been possessed of or entitled to, and the said Proprietor shall not have left or shall not leave sufficient Assets to discharge the same, of which the Declaration in Writing and on Oath of the Executor or Administrator of such deceased Proprietor shall be sufficient Proof, then and in that Case the said Committee of Management may and they are hereby authorized to sell such Share or Shares; and the Money arising by the Sale of such Share or Shares, after Payment of such Sum or Sums of Money as may be due thereon for Calls to the Treasurer or Treasurers of the said Company, and deducting the Expences attending such Sale, shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged.

XXV. And whereas for the better carrying the Purposes of the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty into Execution, all the Affairs and Business of the said Company of Proprietors, except as therein excepted, was thereby authorized and directed to be transacted by a Committee of Management, to consist of Fifteen Persons; and it was thereby also enacted, that not less than Five Members of the said Committee should be a sufficient Number to constitute a Meeting for the Purpose of exercising the Powers and Authorities vested in the said Committee by the said Act: And whereas it has often been found difficult, and sometimes impossible, to assemble the last-mentioned Number of the Members of the said Committee for the above Purposes; be it therefore further enacted, That any Three or more Members of the said Committee of Management shall from henceforth be a sufficient Number to constitute a Meeting for doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities hereby or by the said recited Acts directed to be done by and vested in the said Committee (save and except the Appointment of any Person to be a Member of the said Committee on any Vacancy which might occur therein, and save and except the signing of any Checks upon the Treasurer or Treasurers for the Payment of any Money, or affixing the Seal of the Company to any Deed or Instrument, and also save and except the Disposal of any Share or Shares of the said Undertaking which may be bought up as herein-before directed); any thing contained in the said recited Acts to the contrary in anywise notwithstanding.

Three Mem-
bers of the
Committee
may con-
stitute a
Meeting for
certain Pur-
poses.

XXVI. And whereas several of the Bridges made by the said Company of Proprietors over the Canal in the Parish of *Portsea* in the County of *Southampton* are alleged to be insufficient, and may require to be repaired; be it therefore enacted, That it shall be lawful for any Two or more of His Majesty's Justices of the Peace acting for the said County of *Southampton*, and they are hereby authorized, to make such Orders respecting such Bridges as they the said Justices shall from Time to Time judge necessary; and such Orders, being made in Writing, and under the Hands and Seals of the said Justices, shall be binding upon the said Company of Proprietors, and they are hereby required to observe and perform the same accordingly; subject nevertheless to such Right of Appeal to the Quarter Sessions of the Peace, against the same, as is provided in and by the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty, with regard to the Grievances therein referred to.

Justices to
determine
what Bridges
are to be
repaired by
the Com-
pany.

[*Local.*]

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XXVII. And

Power to
remove
Company's
Servants in
case of Mis-
behaviour.

XXVII. And be it further enacted, That when any Clerk, Wharfinger, Lock Keeper, Engine Keeper, Bridge Keeper, or other Servant of the said Company, who shall occupy any Messuage, Tenement, or Cottage Building, or Land, belonging to the said Company, shall neglect or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, or be discharged by the said Committee of Management; or if the Wife or Widow, or any of the Children, Family, or other Representatives of any Clerk, Wharfinger, Lock Keeper, Engine Keeper, Bridge Keeper, or other Servants, who shall die, shall neglect or refuse to deliver up the Possession of such Messuage, Tenement, Cottage Building, or Land, for the Space of Fourteen Days next after Demand thereof made, by Notice in Writing, signed by the Clerk of the said Company, or by the Chairman of the Committee of Management at any Meeting of the said Committee for that Purpose, given to such Clerk, Wharfinger, Lock Keeper, Engine Keeper, Bridge Keeper, or other Servant, or left at any such Messuage, Tenement, or Cottage Building; then and in every such Case it shall be lawful for any One or more Justice or Justices of the Peace for the County or Place where the Offence shall have been committed, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the County or Place in which the same shall be situate, with such Assistance as may be necessary, to enter such Messuage, Tenement, Cottage Building, or Land, in the Day-time, and to remove the Person or Persons who shall be therein, together with his, her, or their Goods out of the same, and put the said Committee of Management, or such Person or Persons as they shall direct, into the Possession thereof.

Lessees or
Renters of
Tolls enabled
to receive
Payment of
Toll.

XXVIII. And be it further enacted, That in case the said Company of Proprietors shall demise or let any of the Rents, Rates, Tolls, Duties, Profits, or other Revenue by the said recited Acts or any of them granted to the said Company of Proprietors, then and in such Case the Person or Persons who shall or may so rent such said Rents, Rates, Tolls, Duties, Profits, or other Revenue arising from the said Navigation and Undertaking, or their Officers, Agents, and Servants, by him or them authorized, shall have full Power and Authority to ask, demand, collect, receive, and take the Rents, Rates, Tolls, Duties, Profits, and other Revenue to him or them let or demised, with the like Powers and Authorities for the Recovery of the same as the said Company of Proprietors, or their Committee of Management, would or might have had if the same had not been let or demised; and for the last-named Purpose the Person or Persons who shall or may so rent the Rents, Rates, Tolls, Duties, Profits, and other Revenue as aforesaid, shall, in all Proceedings necessary to be taken for Recovery of the same under the Authorities aforesaid, be deemed to be the Officers, Agents, or Servants of the said Company of Proprietors, and as acting under their Direction and Authority.

For punish-
ing transient
Offenders.

XXIX. And whereas Persons guilty of Offences against the said recited Acts and this Act may be transient Persons, unknown to the said Committee of Management, or their Collectors, Wharfingers, or other Officers and Servants; be it further enacted, That it shall be lawful for the said Collectors, Wharfingers, or other Officers and

and Servants of the said Company, respectively acting under the Authority of the said recited Acts and this Act, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons guilty of any Offence or Offences against the said recited Acts or this Act, and to convey him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence shall have been committed, or such Offender or Offenders shall be seized and apprehended, and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, according to the Provisions of the said recited Acts or this Act.

XXX. And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth* are now entitled to certain Cranage, Wharfage, Petty Customs, and other Dues upon, for, or in respect of the Goods, Wares, Merchandize, and other Articles loaded, shipped, or unloaded at the Quay of the said Borough in the Town of *Portsmouth*, and also at or on the Wharfs and Banks, or discharged in or near the Basin, of or belonging to or used for the Purposes of the Canal, situate at or near the Halfway Houses, or any Part of the said Canal or Cut from the said Harbour of *Langstone* to the said Halfway Houses: And whereas considerable Quantities of such Goods, Wares, Merchandize, and other Articles may, after the making the Canal from the said Harbour of *Langstone* to the Harbour of *Portsmouth*, be loaded, shipped, or unloaded at or on the Wharfs or Banks, or discharged in or near the Basins, belonging to or used for the Purposes or in connection with the said last-mentioned Canal or Cut, by reason whereof considerable Loss may arise to the said Mayor, Aldermen, and Burgesses; be it therefore enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, from Time to Time, after the making of such last-mentioned Canal or Cut, to ask, demand, take, have, and receive all such and the like Cranage, Wharfage, Petty Customs, and other Dues, for or in respect of all Goods, Wares, Merchandize, and other Articles that shall be loaded, shipped, or unloaded at or on the Wharfs or Banks, or discharged in or near the Basins, of or belonging to or used for the Purposes of or in connection with the said last-mentioned Canal or Cut, within the Island of *Portsea* and the Parishes of *Wymering* and *Widley*, or any or either of them, as they the said Mayor, Aldermen, and Burgesses are now entitled to ask, demand, take, have, or receive, for or in respect of any Goods, Wares, Merchandize, or other Articles loaded, shipped, or unloaded at the said Quay of the Borough of *Portsmouth*, and to collect, sue for, recover, levy, and enforce the Payment of such Cranage, Wharfage, Petty Customs, and other Dues, by such and the like Remedies, Ways, Means, or Expedients as if the said Goods, Wares, Merchandize, or other Articles had been loaded, shipped, or unloaded at or near to the said Quay of the Borough of *Portsmouth*, and the said Canal or Cut, Wharfs, Banks, and Basins situate in the said Island of *Portsea* and the Parishes of *Wymering* and *Widley*, or in any or either of them, for the Purpose of demanding, collecting, suing for, levying,

Corporation
of Ports-
mouth may
collect cer-
tain Dues.

levying, recovering, and enforcing the Payment of such Dues, Duties, or Payments as aforesaid, (but for no other Purpose,) shall respectively be deemed, considered, and taken to be within or Part of the Borough of *Portsmouth*; any thing in this Act, or in any Act or Acts of Parliament, Charter, Law, Usage, or Custom, to the contrary thereof, in any sense notwithstanding.

For securing such Dues to such Corporation.

XXXII. And for the better securing to the said Mayor, Aldermen, and Burgesses the said Cranage, Wharfage, Petty Customs, and other Dues herein before granted, be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, so long as the said Mayor, Aldermen, and Burgesses shall consent thereto, to ask, demand, take, and receive, to and for the Use and Benefit of the said Mayor, Aldermen, and Burgesses, the said Cranage, Wharfage, Petty Customs, and other Dues, herein before granted, in such Manner as the said Company of Proprietors are by the said first-recited Act authorized to ask, demand, take, and receive, to and for their own Use and Benefit, the several Rates, Tolls, and Duties thereby granted to the said Company of Proprietors; and in case of Neglect or Refusal to pay any such Cranage, Wharfage, Petty Customs, and other Dues, or any Part thereof, to use and exercise all such Powers and Authorities for enforcing the Payment thereof as they are thereby enabled to use and exercise for enforcing the Payment of the several Rates, Tolls, and Duties thereby granted to the said Company of Proprietors; and for that Purpose the said Cranage, Wharfage, Petty Customs, and other Dues shall be taken to be and be considered as Rates, Tolls, and Duties payable to the said Company of Proprietors; and the said Company of Proprietors shall be liable from Time to Time to account with the said Mayor, Aldermen, and Burgesses for all such Cranage, Wharfage, Petty Customs, and other Dues as shall be so taken and received by them, and pay over the same, and shall make out the Receipts of the same in a Book to be kept by them for that Purpose; and the said Mayor, Aldermen, and Burgesses, or such Person as shall be by them lawfully appointed, shall at all Times, during the usual Hours of Business, have Liberty to inspect the said Book, and to take Copies of all or any Parts thereof; and the said Mayor, Aldermen, and Burgesses, upon accounting, as aforesaid, shall allow to the said Company of Proprietors the Sum of Ten Pounds for every One hundred Pounds, and so at and after the same Rate for every less Sum of the Monies taken and received by them for such Cranage, Wharfage, Petty Customs, and other Dues as aforesaid.

Public Act.

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

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