



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 18.

An Act for enabling the Company of Proprietors of the *Croydon Canal* to complete the same.

[14th April 1808.]

WHEREAS by an Act made in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a navigable Canal from or from near the Town of Croydon in the County of Surrey into the Grand Surrey Canal in the Parish of Saint Paul Deptford in the County of Surrey; and for supplying the Towns of Croydon, Streatham, and Dulwich, and the District called Norwood in the Parish of Croydon, in the said County of Surrey, and the Town of Sydenham in the County of Kent, with Water from the said Canal*, it was enacted, that the several Persons therein named, and such Person or Persons, Bodies Politic or Corporate, as should at any Time thereafter be possessed of One or more Share or Shares in the said Canal and Undertaking, and the Successors, Executors, Administrators, and Assigns of such several Persons and Bodies, should be and they were thereby accordingly united into a Company for the making, completing, and maintaining the said Canal, and the Aqueducts and other Works thereby authorized to be made, by the Name of "The Company of Proprietors of the *Croydon Canal*;" and it was thereby further enacted, that it should be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as they should think proper, a Sum of Money not exceeding in the whole the Sum of Fifty thousand

[Loc. & Per.] 3 Pounds

41G.3.c.127.

Pounds (except as therein-after mentioned), which said Sum of Money should be laid out and applied, in the first place, in discharging the Expences of obtaining and passing the said Act, and then towards the making, completing, and maintaining the said Canal and Aqueducts, and other requisite Works and Conveniences, and otherwise for putting the said Act in execution; and if that Sum should be found insufficient for those Purposes, the said Company of Proprietors were authorized to raise and contribute amongst themselves, in Manner and Form aforesaid, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Thirty thousand Pounds, or to borrow and take up at Interest all or any Part of the said Sum of Thirty thousand Pounds on the Credit of the said Undertaking, and to assign the Property of the same Undertaking, and the Rates arising or to arise to the said Company of Proprietors by virtue of the said Act, or any Part thereof, as a Security for the Sums so borrowed, with Interest, to the Persons advancing the same: And whereas the said Company of Proprietors have raised by Subscription amongst themselves, in Shares of One hundred Pounds, the Sum of Forty-seven thousand five hundred and eight Pounds, and have borrowed on the Security of the said Canal the Sum of Twenty thousand three hundred and fifty-seven Pounds, and have received from the Sale of Timber and Clay, and from the Rent of Land, One hundred and ninety-five Pounds Sixteen Shillings and Sixpence, making together the Sum of Sixty-eight thousand and sixty Pounds Sixteen Shillings and Sixpence, and they have expended the whole thereof, except a Balance of Four hundred and forty-nine Pounds Nineteen Shillings and One Penny, now remaining in their Hands, in executing a considerable Part of the said Canal; but the said Company of Proprietors having, for the better Accommodation of the Public, executed the Canal upon a larger Scale than was in contemplation when the original Estimate of the Expence was made, and having in consequence constructed a greater Number of Locks than was at first intended, and having expended a considerable Sum of Money in forming Two large Reservoirs, which it has been found advantageous to form for supplying the Canal with Water, instead of raising the Water by Steam Engines as was originally designed, from these Circumstances, and from the high Prices which the Company of Proprietors have been obliged to pay for Land beyond what the said Land was estimated at, and from the great Rise which has taken place since the original Estimate was made in the Prices of Timber, Bricks, and other Materials, and of Labour, there is found to be wanting, for the discharging of the Sums of Money now owing on account of the said Canal, and for the completely finishing the same and the Works thereunto belonging, the further Sum of Thirty thousand Pounds: 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 the said recited Act, and all and every the Rates, Tolls, Duties, Clauses, Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained, (save and except such Parts of the same as are hereby varied, altered, or repealed,) shall be and the same is and are hereby declared to be in full Force and Effect, and shall

Recited Act
to apply to
this Act.

shall be as good, valid, and effectual for carrying this Act into execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise, by the Ways and Means herein-after mentioned, any Sum or Sums of Money not exceeding in the whole the Sum of Thirty thousand Pounds, although the whole of the Money authorized and intended by the said recited Act to be raised may not have been raised and paid; and the Money so to be raised, after paying and discharging the Expences of obtaining and passing this Act, shall be applied and disposed of in paying the several Sums of Money now due and owing by the said Company of Proprietors, and the Costs, Charges, and Expences of completing and maintaining the said Canal and other Works.

Authorizing the Company to raise Money.

III. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors for the Time being to raise the whole of the said Sum of Thirty thousand Pounds, or any Part or Parts thereof, as to them shall seem right and proper, by creating new or additional Shares of One hundred Pounds each, or at such other Rate or Value *per* Share as the said Company of Proprietors shall from Time to Time think proper, and to dispose of the same at such Price or Prices as to the said Company of Proprietors shall from Time to Time seem meet and convenient.

Company may raise Thirty thousand Pounds by creating new Shares.

IV. And be it further enacted, That so much of the said recited Act as directs that no Body Politic, Corporate, or Collegiate, or Person, becoming a Proprietor in the said Undertaking, shall become a Proprietor of more than Five Shares, either in his own Name, or in the Name or Names of any other Person or Persons in Trust for him or her, (unless the same shall come to him or them by Will, Bequest, Descent, Right of Administration, or Marriage,) upon pain of forfeiting to the said Company of Proprietors all such Shares exceeding Five Shares, shall be and the same is hereby repealed, and declared to be null and void, to all Intents and Purposes whatsoever.

Repealing so much of Act as relates to the Number of Shares.

V. And be it further enacted, That it shall and may be lawful to and for any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, possessed of any Share or Shares in the present Capital Stock of the said Company of Proprietors, to accept and take so many of the said new Shares as shall be proportionate to the Number of Shares holden by such Person or Persons in the present Capital Stock, within One Month after Notice shall have been given (in any Newspaper or Newspapers published or usually circulated in the said County of *Surrey*, or in such other Manner as the said Company of Proprietors at any General or Special Assembly shall think proper,) of the Intention to create such new or additional Shares; and in default thereof, after the Expiration of the said Time, any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, possessed of any Share or Shares in the said Undertaking, who shall make Application for any such new or additional Shares at the next ensuing General or Special Assembly of the said Company of Proprietors,

Disposition of new Shares.

prietors, shall be entitled to any Number of such new or additional Shares at such Rate or Value as shall be fixed by the said Company of Proprietors, pursuant to the Power herein-before given for that Purpose; and in case any such Share or Shares shall remain undisposed of after such last-mentioned General or Special Assembly, it shall and may be lawful to and for the said Company of Proprietors or their Committee to sell or dispose of the same to any Person or Persons whomsoever, in such Manner and at such Price or Prices as they shall think proper and expedient.

New Proprietors to enjoy the same Privileges as old Proprietors.

VI. And be it further enacted, That each and every Proprietor of each and every Share which shall or may be created by virtue of this Act shall be entitled to such and the same Powers, Privileges, and Advantages, and shall be subject to such and the same Rules, Regulations, Restrictions, Penalties, and Forfeitures, as if the Share or Shares so holden by him, her, or them were Part of the Shares already created by virtue of the said recited Act, and now vested in the several and respective Proprietors of the said Undertaking; and the Admission of all and every Person and Persons to any such new Share or Shares, by any Order or Resolution of the said Company of Proprietors, shall be and be deemed to be a good and effectual Title to such Person or Persons, and his, her, or their respective Executors, Administrators, and Assigns, on his, her, or their paying to the said Company of Proprietors, or their Treasurer or Treasurers, the Purchase Money or Price agreed to be paid for such Shares respectively.

Committee may raise the said 30,000*l.* by Promissory Notes.

VII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, in case they shall think it meet and expedient, to borrow the whole of the said Sum of Thirty thousand Pounds, or any Part or Parts thereof, upon Promissory Notes under the Common Seal of the said Company of Proprietors; and all such Notes shall be made payable in such Manner, and at such Time or Times, and with such legal Rate of Interest, as the said Company of Proprietors shall think proper; and all such Notes shall be made either with or without a Power in the respective Holders thereof to have an Option of becoming a Proprietor of One Share of One hundred Pounds in the said Undertaking, in lieu of the Principal Money by such several Promissory Notes to be secured, or so much or such Part thereof as the said Company of Proprietors, or their Committee for the Time being, and the Person or Persons advancing such Money on the Security of the said Notes, shall jointly agree upon: Provided always, that no Person shall in any Case be admitted to be a Proprietor of any Share in the said Undertaking in lieu of a less Principal Sum of Money than One hundred Pounds advanced on the Security of such Notes; and the Terms and Particulars upon which the respective Holders of such Notes shall be entitled to such Option of becoming a Proprietor or Proprietors in the said Undertaking shall be fully expressed and set forth in the said several and respective Notes.

Holders of Notes not to be admitted Proprietors for a less Principal than 100*l.*

For proving the Title to Shares in Cases of Intestacy.

VIII. And be it further enacted, That in case any Person or Persons possessed of any Share or Shares in the said Canal shall die intestate, the Letters of Administration of his, her, or their Effects shall be produced to the Clerk of the said Company of Proprietors in like Manner as the Probates of Wills are by the said recited Act required to be produced, and that upon the Production of such Letters of Administration, or of an Affidavit containing a Copy thereof, and sworn, as in the said recited

recited Act is mentioned, the Person or Persons claiming in course of Administration shall become entitled to the Share or Shares held by the Intestate in like Manner as Persons claiming under any Will will become entitled upon the Production of the Probate of such Will, or of an Affidavit containing such Parts thereof as is in the said recited Act expressed.

IX. And be it further enacted, That the several Rates authorized to be demanded and taken by virtue of the said recited Act shall be a Security for each and every Sum and 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 all Persons to whom any such Securities as aforesaid shall be given shall be equally entitled to such Securities, 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 of Money advanced and lent by them respectively on the Credit of the said Rates, without any Preference by reason of the Priority of the Date of any such Notes, in like Manner as if such Sums of Money had been advanced and lent upon Mortgage or Assignment of the said Rates in pursuance or by virtue of the said recited Act.

Rates to be a Security for the Money borrowed.

X. Provided always, and be it enacted, That in case the said Company of Proprietors shall think it more advisable or proper to raise the whole of the said Sum of Thirty thousand Pounds, or any Part or Parts thereof, by Mortgage of the Rates authorized to be collected by virtue of the said recited Act, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to borrow and take up at legal Interest, by any such Mortgage as aforesaid, from any Person or Persons, upon the Credit of the said Rates or any of them, the whole of the said Sum of Thirty thousand Pounds, or any Part or Parts thereof; and the said Company of Proprietors are hereby authorized and empowered to assign and make over their Interest and Property in the said Undertaking and other Works, and the Rates to arise by virtue of the said recited Act, or any Part thereof, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage, in like Manner and Form, and with and subject to the like Powers and Directions for transferring every such Mortgage and registering the same, and with and subject to the like Remedies, Regulations, and Provisions touching and concerning the same, and the Interest arising therefrom, as are mentioned or contained in and by the said recited Act respecting the borrowing of Money and the Securities to be made for the same.

Power to raise the Money by Mortgage.

XI. And be it further enacted, That so much of the said recited Act as declares that in all Cases where, in making the said Canal, Aqueducts, or other Works thereby authorized, or any Road or Roads thereto respectively, there should be Occasion to cut through or use any Part of any Commons or Wastes (except in the said Parish of *Croydon*), the Conveyance of such Parts of such Commons or Wastes by the Lord or Lords, Lady or Ladies of the Manor or Manors in which the same were situate, to the said Company of Proprietors, should be a good and sufficient Conveyance

For repealing a Provision in the recited Act relating to the Application of the Purchase Monies of Waste Lands.

[*Loc. & Per.*]

3 Z

thereof

thereof (without the Commoners or other Persons interested therein joining in such Conveyance), and that the Commissioners therein appointed should ascertain what Proportion of the Purchase Money should be due to the said Lord or Lords, Lady or Ladies, for his, her, or their Interest in such Lands, and that such Proportion should be thereupon paid to him, her, or them, for his, her, or their own Use, and that the Remainder of the said Purchase Money should be paid to the Overseers of the Poor of the Parish in which such Lands should lie, and be applied by them in aid of the Poor's Rates, and that the Receipts of the said Lord or Lords, Lady or Ladies, and of such Overseers respectively, should be sufficient Discharges to the said Company of Proprietors for the same, shall be and the same is hereby declared to be null and void to all Intents and Purposes whatsoever.

What Notice shall be given to Parties interested in the Case of using Common or Waste Lands.

XII. And be it further enacted, That when and as often as it shall be necessary or expedient, for the Purposes of making the said Canal and Aqueducts, or any other the Works to be made, maintained, and supported by virtue of the said recited Act, to take or make use of any Common or Waste Ground, or any Part or Parts thereof, and also when and as often as any Common or Waste Ground shall have been already taken and used for the Purposes aforesaid, but is not yet paid for, then and in every such Case the Committee of the said Company of Proprietors, or any Three or more of them, shall cause Notice of their Intention of taking or making use of the same, or of their having taken and made use of the same (as the Case may be), to be affixed on the Church Door of the Parish or Place wherein such Common or Waste Ground is situate, lying, and being, or in such other conspicuous Place where Notices of Vestry for such Parish or Place are usually affixed, and of requiring a Meeting of the Commissioners appointed by the said recited Act, or a Jury to be impanelled, summoned, and returned (on a certain Day and Time and Place in such Notice to be specified), in manner by the said recited Act directed, for the Purpose of settling and determining the Purchase Money, annual Rent, or Satisfaction to be paid, given, or made for such Common or Waste Ground, or for such Part or Parts thereof, to be taken and made use of by the said Company of Proprietors for the Purposes of the said recited Act; and the said Committee, or any Three or more of them, shall cause the like Notice to be given to or left at the last or usual Place or Places of Abode of the Lord or Lords, Lady or Ladies, or reputed Lord or Lords, Lady or Ladies of the Manor or Manors in which such Common or Waste Ground shall be situate, lying, or being; and such Notices, when so affixed and given, shall be and be deemed to be full and sufficient Notice to all Persons, Bodies Politic, Corporate, and Collegiate, concerned or having any Right or Interest in, to, over, or upon such Common or Waste Ground: Provided always, that there shall be Twenty-one Days at the least between the Day or Days on which such Notices respectively shall be so affixed and given as aforesaid, and the Day on which such Commissioners or Jury shall appear for the Purpose of settling and determining such Purchase Money, annual Rent, or Satisfaction as aforesaid: Provided also, that nothing herein contained shall extend or be construed to extend to the Commons or Waste Lands within the Parish of *Croydon* aforesaid.

XIII. And

XIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments purchased or to be purchased by virtue of the said recited Act and this Act, or either of them, shall refuse to accept the same, or in case any such Person or Persons as aforesaid, or any Person or Persons who shall have agreed or shall hereafter agree with the said Company of Proprietors for the Sale of any Lands, Tenements, or Hereditaments, shall not be able to make a good Title to the Premises to the Satisfaction of the Committee of the said Company of Proprietors, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 and may be lawful to and for the said Committee, or any Five or more of them, to order the said Sum or Sums of Money so awarded or due as aforesaid to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Chancery, 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 of Chancery; which said Court, on 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and 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 such Sum or Sums of Money, 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 Titles.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, in case they shall think it right and proper, to hold their stated General Assemblies or Special General Assemblies, or any of them, within the Cities of *London* and *Westminster*, or either of them; and it shall and may be lawful to and for the Committee of the said Company of Proprietors to hold their several Meetings or any of them within the Cities of *London* and *Westminster*, or either of them, any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Meetings may be held in *London* or *Westminster*.

XV. And be it further enacted, That no Boat or other Vessel liable to pay any Tonnage under the last-recited Act of less Burthen than Twenty Tons shall pass through any of the Locks made by virtue of the said recited Act, without the Consent in Writing of the said Committee or Clerk to the said Company of Proprietors (being thereunto authorized by the said Company of Proprietors or Committee), unless the Owner, Master, or other Person having the Care of such Boat or other Vessel shall pay the same Tonnage, according to the respective Rates in the said recited

Boats under 20 Tons not to pass Locks but on certain Conditions.

recited Act mentioned, as for a Boat, Barge, or Vessel laden with Twenty Tons.

Public Act.

XVI. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.