



ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 148.

An Act to alter, amend and enlarge the Powers of Two Acts, passed for making and maintaining a navigable Canal from the River *Thames* or *Isis*, at or near the Town of *Abingdon* in the County of *Berks*, to join or communicate with the *Kennet* and *Avon* Canal, at or near the Town of *Trowbridge* in the County of *Wilts*, and also certain navigable Cuts therein described. [2d June 1810.]

WHEREAS by an Act passed in the Thirty-fifth Year of His present Majesty's Reign, intituled, *An Act for making and maintaining a navigable Canal from the River Thames or Isis, at or near the Town of Abingdon in the County of Berks, to join or communicate with the Kennet and Avon Canal, at or near the Town of Trowbridge in the County of Wilts, and also certain navigable Cuts therein described,* certain Persons were united into a Company for making and maintaining the said Canal and Cuts, by the Name and Style of "The Company of Proprietors of the *Wilts* and *Berks* Canal Navigation," in perpetual Succession; and the said Company were authorized to raise and contribute among themselves a competent Sum of Money for making and completing the said Canal and Cuts and other Works and Conveniencies thereto belonging, not exceeding in the Whole One hundred and eleven thousand nine hundred Pounds (except as therein-after mentioned) which was to be divided into One thousand one hundred and nineteen Shares of One hundred Pounds each; but with Power for the said Company to raise any further Sum not exceeding One hundred and fifty thousand Pounds, either

[Loc. & Per.] 37 N by

3G. 3. c. 52.

41 G. 3. c. 68.

by Contribution among themselves, or by Mortgage of their Tolls and Undertaking in Manner therein expressed; and by the said Act (among other Things) it was enacted, that no Coal or Culm, or Cinders burnt from Coal or Culm, which should have passed upon the said then intended Navigation, or any Part thereof, should be conveyed down the River *Thames* between *Reading* and *London* by any Barge, Boat, or other Vessel, on pain of Forfeiture of every such Barge, Boat, or Vessel, and of all such Coal, Culm, or Cinders as should be on board the same, and also on pain of forfeiting the Sum of Fifty Pounds by the Owner or Owners of every such Barge, Boat or Vessel, such respective Forfeitures to be recovered by any Person who would sue for the same by Action of Debt or Trover, as the Case should require, in any of His said Majesty's Courts of Record at *Westminster*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for enabling the Company of Proprietors of the Wilts and Berks Canal Navigation, to raise Money for completing the said Canal, and to alter, explain and amend the Act passed in the Thirty fifth Year of the Reign of His present Majesty, for making the said Canal*; and by the said last Act the Company of Proprietors were authorized to raise a further Sum not exceeding Two hundred thousand Pounds for discharging their Debts and completing the said Canal and the Works thereto belonging, by creating new Shares and by Promissory Notes bearing Interest, with an Option to the Lenders to become Proprietors of Shares in the said Canal in Manner therein expressed; and it is by the now reciting Act (among other Things) enacted, that until the said Canal and Works should be completed and finished, the Rates, Tolls, and Duties which were already or should be received by the said Company, after Payment of such Rents and other Payments as were charged thereon, should be divided amongst the Persons who then were or should thereafter become Proprietors yearly and every Year, in Proportion to the several Sums of Money by them respectively advanced and paid; any Thing in the said first in Part recited Act or that Act contained to the contrary notwithstanding: And whereas the said Company of Proprietors, instead of applying the Rates, Tolls, and Duties arising from the said Canal Navigation in the Manner directed by the last recited Act, found it would be more beneficial for the said Company to apply the same, after satisfying such Rents and other Payments as are charged thereon, in completing the said Canal and Works, which they have accordingly done, and have thereby and by the Means aforesaid nearly finished the same: And whereas it would be very beneficial as well to the said Company as also to the Country adjoining and near the said River *Thames*, between the Town of *Reading* aforesaid, and the Town of *Staines* in the County of *Middlesex*, if Coals were conveyed by Means of the said Canal down the River *Thames* as far as the City Stone above *Staines Bridge*, in the County of *Middlesex*: 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 so much of the said Act passed in the Thirty-fifth Year of the Reign of His present Majesty as prevents Coals or Culm, or Cinders burnt from Coal or Culm, which shall have passed upon the said Canal Navigation, or any Part thereof, from being conveyed down the River *Thames* between *Reading* and *London* aforesaid by any Barge, Boat, or other Vessel, and all Forfeitures and Penalties by the same Act imposed thereon or affixed thereto, shall be and the same and every of them respectively are and is hereby repealed.

II. Provided always, and be it enacted, That no Coal or Culm, or Cinders burnt from Coal or Culm, which shall have passed upon the said Navigation or any Part thereof, shall be conveyed down the River *Thames* between the said City Stone and *London* aforesaid, by any Barge, Boat, or other Vessel on pain of Forfeiture of every such Barge, Boat or Vessel, and of all such Coal, Culm, or Cinders as shall be on board the same, and also on pain of forfeiting the Sum of Fifty Pounds by the Owner or Owners of every such Barge, Boat, or other Vessel; such respective Forfeitures to be recovered by any Person who will sue for the same by Action of Debt or Trover, as the Case shall require, in any of His said Majesty's Courts of Record at *Westminster* aforesaid.

Penalty for conveying Coals lower down the *Thames* than the City Stone.

III. And be it further enacted, That the Application already made by the said Company of Proprietors of the said Undertaking of the Rates, Tolls, and Duties received by them (after discharging the Rents, Interests and other Payments charged thereon) in and towards the completing the said Canal and other Works by the said recited Acts directed to be made, shall be and the same is hereby declared to be good, valid, and effectual; any Thing in the said recited Acts or either of them contained to the contrary thereof in anywise notwithstanding.

Application of Rates, &c.

IV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be ordered to be paid as in the said recited Acts or either of them is mentioned, shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners for executing the said recited Acts and this Act, or any Two of them, or shall refuse to execute any Conveyance or Conveyances of such Premises, or in case the Person or Persons to whom any Sum or Sums of Money shall be ordered to be paid cannot be found, or if the Person or Persons entitled to the Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Two or more of them, 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 Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements and Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court, which the 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution 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 and Cashiers of the Bank of *England*, who shall receive such Sum and Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, 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, &c.

V. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant

Where any Question shall arise touching the Title to Money to be

paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

countant General of the Court of Chancery, in pursuance of the said recited Acts or either of them, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, 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, 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 Chancery, 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.

Expences of Purchases, and investing the Money, how to be paid.

VI. 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 or the said recited Acts or either of them, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof respectively, 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 the said recited Acts or either of them, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of this Act.

VII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid and defrayed by the said Company of Proprietors by and out of the first Money that shall come to their Hands after the Day of passing this Act by virtue hereof, or of the said recited Acts, or either of them.

Public Act.

VIII. 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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