

ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 46.

An Act for enabling the Company of Proprietors of the *Thames* and *Medway* Canal, to vary the Line of the ſaid Canal, and to raiſe a further Sum of Money for completing the ſaid Canal and the Works thereunto belonging; and for altering and enlarging the Powers of an Act, made in the Thirty-ninth and Fortieth Year of the Reign of His preſent Majeſty, for making the ſaid Canal and a Collateral Cut thereto. [5th *June* 1804.]

WHEREAS by an Act made in the Thirty-ninth and Fortieth Years of the Reign of His preſent Majeſty, intituled, *An Act for making and maintaining a navigable Canal from the River* Thames *near to the Town of* Graveſend, *in the County of* Kent, *to the River* Medway, *at a Place called* Nicholſon's Ship Yard, *in the Pariſh of* Frindſbury *in the ſaid County; and alſo a certain Collateral Cut from* White Wall *in the ſaid Pariſh to the ſaid River* Medway, certain Perſons therein named were incorporated by the Name of *The Company of Proprietors of the Thames and Medway Canal*, and were authorized and empowered to make and maintain a navigable Canal out of the River *Thames*, near to and on the Eaſt Side of the Town of *Graveſend* in the County of *Kent*, to or into the River *Medway*, at or near to a certain Place called *Nicholſon's Ship Yard*, in the Pariſh of *Frindſbury* in the ſaid County, and alſo to make and maintain a Collateral Cut or Canal from or out of the ſaid Canal, at or 39 & 40 G. 3.

or near to *White Wall*, in the ſaid Pariſh of *Frindſbury*, to or into the River *Medway*, at or near to a certain Point oppoſite, or nearly oppoſite to His Majeſty's Dock Yard at *Chatham* in the ſaid County, and alſo to make and maintain divers other Works requiſite for the ſaid Canal and Collateral Cut; and for effecting ſuch ſeveral Purpoſes the ſaid Company of Proprietors were authorized and empowered to raiſe and contribute amongſt themſelves a competent Sum of Money for making and maintaining the ſaid Canal and Collateral Cut, and ſuch other Works, not exceeding in the Whole the Sum of Forty thouſand Pounds (except as therein mentioned), to be divided into Shares of One hundred Pounds each; and in caſe the ſaid Sum of Forty thouſand Pounds ſhould be found inſufficient for the making, completing, and maintaining of the ſaid Canal and Collateral Cut, and the Works thereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then the ſaid Company of Proprietors were authorized and empowered to raiſe and contribute amongſt themſelves in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhould ſeem meet, or to raiſe by the Admiſſion of new Subſcribers any further Sum or Sums of Money, not exceeding in the Whole the Sum of Twenty thouſand Pounds; and in caſe the ſaid Company ſhould be deſirous of raiſing the ſaid Sum of Twenty thouſand Pounds, or any Part thereof, by Mortgage of the ſaid Undertaking, they were empowered to borrow and take up at Intereſt all or any Part of the ſaid Sum of Twenty thouſand Pounds on the Credit of the Rates of the ſaid Canal and Collateral Cut, and to aſſign the Property of the ſaid Navigation, and the Rates ariſing or to ariſe to the ſaid Company by virtue of the ſaid Act, as a Security for any Sum or Sums of Money ſo to be borrowed, with Intereſt to ſuch Perſon or Perſons; or to his, her, or their Truſtee or Truſtees, who ſhould advance the ſame: And whereas the ſaid Company of Proprietors have proceeded in the Execution of the ſaid Act, and have already completed a conſiderable Part of the ſaid Canal, and in ſo doing have expended a conſiderable Sum of Money: And whereas if the ſaid Company of Proprietors were enabled to vary and alter the Line of the ſaid Canal the ſame might be rendered more uſeful and convenient: And whereas for the Purpoſe of completing the ſaid Canal and Collateral Cut, and the Works requiſite and belonging thereto, it is expedient that the ſaid Company of Proprietors ſhould be enabled to raiſe a further Sum of Money, and that certain of the Powers and Proviſions of the ſaid recited Act ſhould be altered, amended, and enlarged; but as ſuch ſeveral Purpoſes 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 the ſaid recited Act, and all and every the 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 be as good, valid, and effectual, for making, completing, preſerving, and maintaining the Line of Canal, and other Works to be made by virtue of this Act, and for carrying the ſeveral Purpoſes of 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 the Body of this preſent Act.

Powers of former Act extended.

II. And

Company enabled to borrow a further Sum of Money not exceeding 60,000*l.*

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors of the *Thames* and *Medway* Canal, and they are hereby authorized and empowered, to raiſe, in Manner hereinafter mentioned, any further Sum or Sums of Money not exceeding in the Whole the Sum of Sixty thouſand Pounds (although the Whole of the ſaid ſeveral Sums of Forty thouſand Pounds and Twenty thouſand Pounds allowed to be raiſed by virtue of the ſaid recited Act may not have been raiſed); and to borrow and take up the ſame at legal Intereſt from ſuch Perſon or Perſons as ſhall be willing to advance and lend the ſame; and the Money ſo to be raiſed, together with ſuch Part or Parts of the ſaid Sums of Forty thouſand Pounds and Twenty thouſand Pounds, as remains or remain unpaid, ſhall be applied and diſpoſed of in defraying the Coſts, Charges, and Expences of carrying on, completing, and repairing and maintaining the ſaid Canal and Collateral Cut, and the ſeveral Works belonging thereto and directed to be made by virtue of the ſaid recited Act and of this Act, and alſo in making ſuch Alterations and Improvements therein as to them the ſaid Company of Proprietors ſhall from Time to Time ſeem right and proper.

Company may create new Shares.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, or their Committee for the Time being, to raiſe the Whole or any Part or Parts of the ſaid Sum of Sixty thouſand Pounds, as to them reſpectively ſhall ſeem right and proper, by creating new or additional Shares of One hundred Pounds each, and by diſpoſing of the ſame to ſuch Perſon or Perſons, and at ſuch Price or Prices, as to the ſaid Company of Proprietors, or their Committee, ſhall from Time to Time ſeem meet and convenient.

New Proprietors to enjoy the ſame Privileges as old Proprietors.

IV. 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 Reſtrictions, Penalties, and Forfeitures, as if the Share or Shares ſo holden by him, her, or them, were Part of the Shares already created, and now veſted in the ſeveral and reſpective Proprietors of the ſaid *Thames* and *Medway* Canal; and the Admiſſion of any Perſon to any ſuch new Share or Shares, by any Order or Reſolution of the ſaid Company of Proprietors, or their Committee for the Time being, 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, or their Treaſurer or Treaſurers, the Purchaſe Money or Price agreed to be paid for ſuch Shares reſpectively.

Company may raiſe the ſaid Sum of 60,000*l.* by Promiſſory Notes.

V. 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 ſaid Sum of Sixty 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

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 Proprietors in the ſaid Undertaking, ſhall be fully expreſſed and ſet forth in the ſaid ſeveral and reſpective Notes.

Rates to be a Security for the Money borrowed.

VI. 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 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 Mortgages or Aſſignments of the ſaid Rates in purſuance or by virtue of the ſaid recited Act.

Power to raiſe the Money by Mortgage or by Annuities.

VII. Provided always, and be it enacted, That in caſe the ſaid Company of Proprietors ſhall think it more adviſeable or proper to raiſe the ſaid Sum of Sixty thouſand Pounds, or any Part thereof, by Mortgage of the Rates authorized to be collected by virtue of the ſaid recited Act, or by granting Annuities payable out of the ſaid Rates, inſtead of raiſing the ſame by the Creation of any new Share or Shares, or by ſuch Promiſſory Notes as aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors either 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 ſaid Sum of Sixty thouſand Pounds, or any Part thereof, or to raiſe any ſuch Money by the granting of any ſuch Annuity or Annuities as aforeſaid, to or for the Uſe of the Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the Treaſurer or Treaſurers to the ſaid Company of Proprietors, any Sum or Sums of Money, for the abſolute Purchaſe of any ſuch Annuity or Annuities, ſuch Annuity or Annuities to be paid and payable for any Term or Number of Years, or during the natural Life of any ſuch Contributor, or the natural Life of ſuch Perſon as ſhall be nominated by or on the Behalf of ſuch Contributor, at the Time of the 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 aſſign and make over their Intereſt and Property in the ſaid Canal and Collateral Cut, and other Works, and the Rates to ariſe by virtue of the ſaid recited Act and of this 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

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, made in the Thirty-ninth and Fortieth Years of the Reign of His preſent Majeſty, reſpecting the borrowing of Money and the Securities to be made for the ſame.

VIII. 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, according to the Form following; (that is to ſay),

Form of Grants of Annuity.

'WE, the Company of Proprietors of the *Thames* and *Medway* Canal, in conſideration of the Sum of to us paid by *A. B.* of do hereby, by virtue of an Act of Parliament paſſed in the Forty-fourth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*] grant unto the ſaid *A. B.* One Annuity or Yearly Sum of to be iſſuing out of all and ſingular the Rates ariſing by virtue of the ſeveral Acts of Parliament made for or relating to the making and maintaining of the *Thames* and *Medway* Canal; to hold unto the ſaid *A. B.* Executors, Adminiſtrators, and Aſſigns, for the Term of Years, [*or, as the Caſe ſhall be*, to hold unto the ſaid *A. B.* and Aſſigns, during natural Life; *or*, to hold unto the ſaid *A. B.* Executors, Adminiſtrators, and Aſſigns, for and during the natural Life of] and ſhall be payable and paid at upon the Yearly, by equal Portions, and the firſt Payment thereof to be made upon the Day of next. Given under our Seal, this Day of

And every ſuch Grant ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever; and all the Grantees of ſuch Annuities ſhall be equally entitled to their Proportion of the ſaid reſpective Rates, according to their reſpective Annuities, without any Preference by reaſon of the Priority of Date of any ſuch Grant, or on any other Account whatſoever; and an Entry or Memorial of every ſuch Grant 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 to the ſaid Company of Proprietors; and all and every Perſon and 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, according to the Form following; (that is to ſay),

Form of Transfer of Annuities.

'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 *Thames* and *Medway* Canal, bearing Date the Day of of an Annuity of payable [*here mention the Duration of the Annuity*] and all my Right, Title, and Intereſt, in and to the Annuity thereby ſecured, to hold the ſame unto the ſaid *C. D.* Executors, Adminiſtrators, and Aſſigns. In witneſs

' witneſs whereof I have hereunto ſet my Hand and Seal this
' Day of in the Year of our Lord ,

And every ſuch Transfer ſhall within Thirty Days after the Date thereof, be produced and notified to the Clerk to the ſaid Company of Proprietors, who ſhall thereupon cauſe an Entry or Memorial to be made thereof in the ſaid Book, containing the Date and 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 ſo to be granted as aforeſaid ſhall be paid to the ſeveral Perſons entitled thereto in Preference to any Intereſt or Dividends due and payable by virtue of the ſaid recited Act, or this Act, to the ſaid Company of Proprietors: Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend ſo as to hinder or prevent the ſaid Company of Proprietors from raiſing ſuch Part of the ſaid Sum of Forty thouſand Pounds, and Twenty thouſand Pounds, authorized to be raiſed by virtue of the ſaid recited Act, as hath not been already raiſed, but that the ſaid Company of Proprietors ſhall have the like Powers and Authorities in all reſpects for raiſing the ſame upon the Credit or Security of the Rates granted by the ſaid recited Act, as they would have had in caſe this Act had not been made.

Number neceſſary to form a Meeting of the Committee reduced.

IX. And whereas ſo much of the ſaid recited Act as directs that all the Powers and Authorities by the ſaid recited Act veſted in, or directed to be exerciſed by the Committee of the ſaid Company of Proprietors, may be done and exerciſed by the major Part of them preſent at their reſpective Meetings, the whole Number preſent not being leſs than Seven, has been found extremely inconvenient; be it therefore enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and rendered null and void to all Intents and Purpoſes whatſoever; and all the Powers and Authorities veſted in or directed to be exerciſed, and all Acts, Matters, and Things directed to be done by the ſaid Committee, by the ſaid recited Act and this Act, or either of them, ſhall be veſted in and may be exerciſed and done by the major Part of them preſent at their reſpective Meetings, to be holden in purſuance of the ſaid recited Act, the whole Number preſent not being leſs than Five; any Thing in the ſaid recited Act to the contrary thereof in anywiſe notwithſtanding.

Power of deviating.

X. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, in lieu and inſtead of making ſuch Canal in the Line directed to be made by virtue of the ſaid recited Act, to deviate from ſuch Line at or near a certain Place or Point at the Diſtance of Eight hundred Yards, or thereabouts, to the Eaſtward of a certain Farm called *King Farm*, in the Pariſh of *Chalk* in the ſaid County of *Kent*; and by themſelves, Agents, Officers, Servants, and Workmen, to make, complete, and maintain ſuch Canal from or near to ſuch Place or Point, through the ſeveral Pariſhes of *Higham Cliffe*, and *Frindſbury*, in the ſaid County, ſo as to communicate again with the Line of the ſaid Canal directed to be made by virtue of the ſaid recited Act, at or near to a certain

certain Place or Point called *The Hoo Road*, in the ſaid Pariſh of *Frindſbury* in the ſaid County; and they and each and every of them are hereby inveſted with ſuch and the like Powers and Authorities, in all Reſpects, to all Intents and Purpoſes whatſoever, for the making, completing, and maintaining the ſaid Canal in ſuch Line, and the ſeveral Works neceſſary thereto, as if ſuch Line had been particularly mentioned and deſcribed in the ſaid recited Act, they the ſaid Company of Proprietors, their Agents, Officers, Servants, and Workmen, doing as little Damage as may be in the carrying of this Act into Execution, and making Satisfaction in the Manner mentioned in the ſaid recited Act for all ſuch Damages as ſhall be ſuſtained by the Owners or Proprietors of or other Perſons intereſted in the Lands, Tenements, and Hereditaments reſpectively, which ſhall be taken, uſed, or prejudiced by or on the Behalf of the ſaid Company of Proprietors in the making, completing, and maintaining the ſaid Line of Canal to be made by virtue of this Act; and the ſaid Company of Proprietors, their Agents, Servants, Workmen, and Labourers, and all and every Perſon and Perſons, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, Huſbands, Guardians, Truſtees, Feoffees in Truſt for charitable Uſes, and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees, and every other Perſon and Perſons whoſoever, ſhall have and is and are hereby inveſted with ſuch and the like Authorities, Powers, Abilities, Intereſts, Privileges, and Advantages, and ſhall be, and is and are hereby made ſubject and liable to ſuch and the like Rules, Conditions, Directions, Regulations, Limitations, Reſtrictions, Controul, Payments, Penalties, Forfeitures, Puniſhments, and Benefit of Appeal, in relation to the repairing, maintaining, ſupporting, and Government of the ſaid Line of Canal, to be made by virtue of this Act, as are mentioned, given, granted, preſcribed, eſtabliſhed, and inflicted in and by the ſaid recited Act, to all Intents and Purpoſes whatſoever.

Plan and Book of Reference to be authenticated by the Speaker, and depoſited.

XI. And whereas a Survey hath been taken, and a Map or Plan, with a proper Book of Reference thereto, hath been made in conſequence thereof, in order to ſhew the Line or Courſe of the ſaid Deviation; be it therefore enacted, That there ſhall be Two of the ſaid Maps or Plans, and Two ſuch Books of Reference thereto made, and the ſame ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons; and One of the ſaid Maps or Plans, together with One of ſuch Books of Reference thereto, ſhall be depoſited with the Clerk of the Peace for the ſaid County of *Kent*, and the other of the ſaid Maps or Plans, and the other of the ſaid Books of Reference, ſhall be depoſited with the Clerk to the ſaid Company of Proprietors; and to ſuch Maps, Plans, and Books of Reference, all Perſons ſhall have Liberty to reſort and to examine, or make Extracts from or Copies of the ſame, as Occaſion ſhall require, paying to the ſaid reſpective Clerks One Shilling, and no more, for ſuch Examination, and for Copies of or Extracts from the ſaid Book of Reference, after the Rate of Sixpence for every One hundred Words, and ſo in proportion for any greater or leſs Number of Words; and the ſaid Maps, or Plans, and Books of Reference ſo certified, or true Copies thereof, ſhall be and are hereby declared to be good Evidence in all Courts of Law or elſewhere; and the Clerk for the Time being to the ſaid Company of Proprietors ſhall and he is hereby required from Time to Time to produce the ſaid Map, or Plan, and Book of Reference, ſo to be depoſited with him as aforeſaid, on Seven Days Notice given to him for that Purpoſe,

Purpoſe, or left at his laſt or uſual Place of Abode, before any Jury or Juries to be impannelled by virtue of the ſaid recited Act or this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may be then and there given in Evidence; and a reaſonable Sum of Money ſhall be paid to the Clerk of the ſaid Company of Proprietors for his travelling Expences, Abſence from Home, and Attendance on ſuch Occaſions.

Not to deviate without Conſent.

XII. And be it further enacted, That in making the ſaid new Line of Canal the ſaid Company of Proprietors ſhall not deviate from the Courſe or Direction delineated in ſuch Maps or Plans thereof, and ſet forth in ſuch Books of Reference thereto, more than One hundred and fifty Yards from the Courſe or Direction ſpecified in the ſame, without the Approbation and Conſent in Writing, ſigned by the Perſon or Perſons to whom any Lands, Tenements, or Hereditaments do or ſhall reſpectively belong, into, through, or over which any Deviation is deſired to be made; but nothing herein contained ſhall extend or be conſtrued to extend ſo as to reſtrain or prevent the ſaid Company of Proprietors from making any ſuch Deviation from the ſaid Courſe or Direction, in caſe all the Perſons, to whom the Lands, Tenements, or Hereditaments, to be cut through or made uſe of for the Purpoſes of ſuch Deviation ſhall belong, ſhall conſent thereto.

Land Owners omitted in the Book of Reference not to obſtruct the making of the Deviation.

XIII. Provided always, and be it enacted, That the ſaid Company of Proprietors ſhall and may make ſuch new Line of Canal to be made by virtue of this Act and ſpecified in ſuch Maps or Plans thereof, and ſhall and may make ſuch Deviations from the ſame, into, through, acroſs, or over the Lands and Grounds of any Perſon or Perſons whoſoever, into whoſe Lands or Grounds the ſaid Company of Proprietors are hereby enabled to make ſuch Deviations as aforeſaid, although the Names of ſuch Perſons reſpectively be not mentioned in the ſaid Book of Reference; or into the Lands or Grounds of any Perſon or Perſons whoſe Name or Names may appear to have been by Miſtake omitted in the ſaid Book of Reference, or that inſtead thereof the Name or Names of ſome other Perſon or Perſons to whom ſuch Lands or Grounds do not belong, hath or have been by Miſtake inſerted therein; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Houſes, Gardens, *etc.* not to be injured, except ſuch as are mentioned.

XIV. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid new Line of Canal to be made by virtue of this Act, or any of the Works neceſſary thereunto, or thereunto belonging, any Houſe or other Building which was erected and built on or before the Firſt Day of *June* One thouſand eight hundred and three, or any Land or Ground which, on the ſaid Firſt Day of *June*, was ſet apart and uſed as or for a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a Houſe, without the Conſent of the Owners and Occupiers thereof, other than and except a certain Meſſuage or Tenement, and Blackſmith's Shop or Forge, Yard and Garden, belonging to and in the Occupation of *Edward Parker*, ſituated in the Pariſh of *Higham* in the ſaid County of *Kent*, and a Meſſuage and Garden in the ſaid Pariſh of *Higham*, in the Occupation of and belonging to *Thomas French*.

XV. And

Application of Compenſation if amounting to 200*l.*

XV. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act and this Act, or either of them, for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Ceſtuique* Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement, or to any Perſon under any Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Company of Proprietors, 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 or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances 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 and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or 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 mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the ſaid Court, 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 mean Time 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 to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation if leſs than 200*l.* and exceeding 20*l.*

XVI. 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 or be equal to 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

their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, 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 High Court of Chancery, and be placed to his 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 Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Three or more of the Committee of the ſaid Company of Proprietors (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 any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application of Compenſation if leſs than 20*l.*

XVII. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next 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, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Act and of this Act, in ſuch Manner as the ſaid Company of Proprietors or their Committee ſhall think fit, or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Money ſhall be paid 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.

In caſe of not making out Titles;

XVIII. 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, to be purchaſed by virtue of the ſaid recited Act, or of this Act, ſhall refuſe to accept the ſame, or 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 in caſe the 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 to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, 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, Tements, or Hereditaments [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition, of the ſaid Court of Chancery, which ſaid Court of Chancery 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 publick 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

or, if Perſons cannot be found, Purchaſe Money to be paid into the Bank,

ſubject to the Order of the Court of Chancery, on Motion or Petition.

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 aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, *etc.* at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto, according to ſuch Poſſeſſion, unleſs, &c.

XIX. Provided always, and be it 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 General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of an Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Act, or of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or 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.

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

XX. Provided alſo, and be it 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 the ſaid recited Act, or of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, 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 and may be lawful to and for the ſaid Court of Chancery 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, 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.

Coſts of this Act how to be paid.

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

Publick Act.

XXII. And be it further enacted, That this Act ſhall be deemed, and taken to be a Publick Act, and all Judges, Juſtices, and other Perſons are hereby required to take Notice of it as ſuch, without ſpecially pleading the ſame.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1804.