ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap.76.

An Act for enabling the Company of Proprietors of the *Thames* and *Medway* Canal to vary the Line of the said Canal; and for altering and enlarging the Powers of Two Acts passed in the Fortieth and Forty-fourth Years of His present Majesty, for making the said Canal and a Collateral Cut thereto. [18th *May* 1810.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal fromt he 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; whereby 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 and other Works in the Manner therein particularly mentioned: And whereas an Act was passed in the Forty-fourth Year of the Reign of His said present Majesty, intituled *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*; whereby the said Company of Proprietors

40 G. 3. c. 23.

44 G. 3. c. 46.

were empowered, in lieu and stead of making such Canal in the Line directed to be made by the said first-recited Act, to deviate from such Line at such Place or Places, and in the Manner in the said last recited Act mentioned: And whereas the said Company of Proprietors have proceeded in the Execution of the said recited Acts, and have already completed a considerable Part of the said Canal: And whereas it is expedient that the said Company of Proprietors should be authorized and empowered to vary and alter certain Parts of the Lines of the said Canal, from or near to a certain Place called *Higham Street* in the Parish of *Higham* in the said County of *Kent*, to join the River *Medway* near to a certain Point to the Eastward of a certain Mill Dam in the Parish of *Strood* in the said County of *Kent*, whereby the said Canal would be rendered more useful and convenient to the Public; and it is also expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, and enlarged; but the beneficial 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 the said recited Acts, 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 altered, varied, 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 Act.

Power of former Acts extended.

Power of deviating.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, in lieu and stead of making such Canal in the Line directed to be made by virtue of the said recited Act of the Fortieth Year of the Reign of His present Majesty, or in the Line directed to be made by virtue of the said recited Act of the Forty-fourth Year of the Reign of His said present Majesty, to deviate from such Lines respectively, and by themselves, their Agents, Servants, Officers, and Workmen, to make, complete, and maintain such Canal from or near to a certain Place called *Higham Street* in the Parish of *Higham* through the several Parishes of *Higham* and *Frindsbury*, and through or into the Parish of *Strood* in the said County of *Kent*, and to terminate at the River *Medway* near to a certain Point to the Eastward of a certain Mill Dam in the Possession or Occupation of *Thomas Hulkes*, in the said Parish of *Strood* in the same County; and they and each and every of them are hereby invested with such and the like Powers, Authorities, and Remedies in all Respects and 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 Acts or either of them, 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 first recited Act for

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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 Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Husbands, Guardians, Trustees, Feoffees in Trust for charitable Uses, and other Purposes, Committees, Executors, and Administrators, and other Trustees, and every other Person and Persons whosoever, shall have and is and are hereby invested with such and the like Powers, Authorities, Remedies, 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, 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 Acts respectively, or either of them, to all Intents and Purposes whatsoever.

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

III. And whereas a Survey hath been taken, and a Map or Plan, with a proper Book of Reference thereto, hath been made, in order to shew the Line or Course of the said Deviation; be it therefore enacted, That there shall be Two or more 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 and 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 Books 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, or left at his last or usual Place of Abode, before any Jury or Juries to be impannelled by virtue of the said recited Acts 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 to the said Company of Proprietors for his travelling Expences, Absence from Home, and Attendance on such Occasions.

Not to deviate without Consent.

IV. And be it further enacted, That in making the Line of Canal, by this Act authorized to be made, the said Company of Proprietors shall not deviate from the Course or Direction delineated in such Maps or Plans, and

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set forth in such Books of Reference, more than One hundred and fifty Yards, without the Approbation and Consent in Writing of 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 to restrain or prevent the said Company of Proprietors from making any further 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.

V. 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 whomsoever 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 the Satisfaction of any Two Justices of the Peace for the said County 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 doth or do not belong, hath or have been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Houses, Gardens, &c. not to be injured.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend 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 nine, 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.

Power to complete Purchase by the Company of Lands belonging to His Majesty, and under the Charge of His Majesty's Office of Ordnance.

VII. And whereas in or about the Year One thousand eight hundred and one, the said Company of Proprietors being desirous of purchasing, for the Purpose of the said Canal, several Pieces or Parcels of Land herein-after mentioned, belonging to His Majesty, and under the Charge of His Majesty's Office of Ordnance: And whereas with a View to the Completion of such intended Purchase, the said Company of Proprietors, with the Consent of the said then principal Officers of the Ordnance, did on or about the Eighteenth Day of *June* One thousand eight hundred and one, take Possession of the said Lands for the Purposes of the said Canal, and have ever since been and still are in the Possession thereof: And whereas it is deemed necessary, for the Purposes of the said Canal, to complete the said intended Purchase of the said Lands; be it therefore enacted, That all that Piece or Parcel of Marsh Land containing by Admeasurement One Acre, One Rood, and Twenty-four Perches, or thereabouts, and also all that other Piece or Parcel of Marsh Land, containing by Admeasurement

Two Acres, Two Roods, Eight Perches or thereabouts, and also all that Piece or Parcel of Meadow or Pasture Land, containing by Admeasurement Five Acres, Two Roods, and Eleven Perches or thereabouts, and also all that Piece or Parcel of Arable Land, containing by Admeasurement Three Acres and Thirty-one Perches or thereabouts, together with the Road or Way adjoining the said Two last-mentioned Pieces of Land on the South and East Sides thereof, and also all that Slip or Piece of Salt Marsh Land, containing by Admeasurement One Acre, Three Roods, and Thirty-three Perches, with the Wall next the River *Thames*, all which said several Pieces of Land contain together in the Whole by Admeasurement Fourteen Acres, Two Roods, and Twenty-seven Perches or thereabouts, and are situate in the Parish of *Milton* next *Gravesend*, in the said County of *Kent*, shall from and immediately after the Payment by the said Company of Proprietors into the Treasury of His Majesty's Office of Ordnance, for the Use of His Majesty, such Sum or Sums of Money as shall be agreed upon between the said Company of Proprietors and the Principal Officers of His Majesty's Office of Ordnance for the Time being for the Purchase thereof, be and the same are hereby declared to be vested in the said Company of Proprietors and their Successors, for the several Purposes of the said recited Acts and of this Act.

VIII. Provided always, and be it further enacted, That no House or Houses, or other Erection or Building whatsoever, shall at any Time be erected or built on the said Pieces or Parcels of Land, or any Part thereof respectively, which shall in any Manner interfere with or obstruct the Works erected, or which shall be erected for the Defence of the Town of *Gravesend* aforesaid and Places adjacent.

Directing the Application of certain Purchase Monies.

IX. And whereas the Direction contained in the said first recited Act of the Fortieth Year of His present Majesty's Reign, that in case any Money or Recompence to be paid for any Messuages, Buildings, Lands, or Hereditaments which should be purchased, taken, or used for the Purposes of the said Act to any Corporation, Feme Covert, Infant, Lunatic, or Person under any other Disability or Incapacity should be equal to or exceed the Sum of One hundred Pounds, such Money or Recompence should in the meantime and until a Purchase of other Messuages, Lands, Tenements, or Hereditaments could be made therewith, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills, from Time to Time in Manner therein set forth, hath been found very inconvenient and troublesome, and productive of much Expence to such Corporations and Persons in Cases wherein such Purchase Monies have been so laid out; for Remedy whereof be it enacted, That it shall and may be lawful for the High Court of Chancery, and it is hereby authorized and empowered in a summary Way, upon Motion or by Petition for or on Behalf of any Corporation, Feme Covert, Infant, Lunatic, or other such Person as aforesaid, to or for whom any such Purchase Money or Recompence has been paid under the said first recited Act of the Fortieth Year of His present Majesty's Reign, which is now laid out or invested in Navy, Victualling, or Exchequer Bills, to order and direct the same Navy, Victualling, or Exchequer Bills to be sold and the Principal thereof to be placed or laid out in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, in the Name and with the Privity of the Accountant General of the said Court, and to be placed to his Account "*ex parte* the Company

Company of Proprietors of the *Thames* and *Medway* Canal," until the same shall in the Manner and according to the Directions contained in the said recited Act of the Forty-fourth Year of His present Majesty's Reign be laid out in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, to be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the said Messuages, Lands, Tenements, or Hereditaments heretofore belonging to such Corporation or Person as aforesaid, and for which the same Purchase Monies or Recompence were paid, stood settled or limited, or such of them as at the Time of making such Conveyances and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments to be purchased by virtue of the said recited Acts and this present Act, in case such Purchase or Settlement were made.

For removing Doubts respecting the Expences of Juries.

X. And for preventing Doubts in case of the Money to be paid for the Purchase of or for any Damage to any Lands, Tenements, or Hereditaments under the Authority of the said recited Acts or of this Act being assessed by a Jury, what Costs or Expences are payable, as the Expences of summoning the Jury and taking the Verdict in the said first recited Act mentioned; be it declared and enacted, That such Costs are and shall be deemed and taken to be the reasonable Costs and Expences of every Description incurred about the summoning of such Jury, and the preparing for and obtaining of and incident to such Verdict, to be settled as in the said first recited Act mentioned.

For securing the Water to Brick House Farm.

XI. And whereas a certain Farm called *Brick House Farm*, belonging to the Master, Fellows, and Scholars of the College of *Saint John* the Evangelist, in the University of *Cambridge*, and by them leased to *John Prebble* Esquire, is supplied with Water by a Well, near to which the said Canal is intended to pass, and the Supply of Water from the said Well might be diminished, which would be productive of Damage to the said Farm; be it therefore enacted, That the said Company of Proprietors shall at all Times maintain, either in the said Well, or in some other equally convenient Well or Wells, a Quantity of good salubrious fresh Spring Water, equal to the Quantity of Water at present supplied from the said Well, so that the said Farm may be supplied therewith as cheaply and conveniently as at present.

Costs of this Act how to be paid.

XII. 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 Acts, or out of any Money already received or to be received by virtue thereof and of this Act.

XIII. And

XIII. 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. Public Act.

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