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GEORGI III. REGIS.

Cap. 119.

An Act to enable the *Kennet and Avon Canal Company* to raise a further Sum of Money to purchase the Shares of the River *Kennet Navigation*, and to amend the several Acts passed for making the said Canal. [3d June 1813.]

WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for making a Navigable Canal from the River Kennet, at or near the Town of Newbury in the County of Berks, to the River Avon, at or near the City of Bath, and also certain Navigable Cuts therein described*, certain Persons and their Successors, incorporated by the Name of "The Company of Proprietors of the *Kennet and Avon Canal Navigation*," were authorized to make, complete, and maintain the said Canal Navigation in manner thereby directed, and to raise and contribute amongst themselves certain Sums of Money therein mentioned for completing the same: And whereas another Act was made in the Thirty-sixth Year of the said Reign, intituled *An Act to vary and alter the Line of the Canal authorized to be made by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled 'An Act for making a Navigable Canal from the River Kennet, at or near the Town of Newbury in the County of Berks, to the River Avon, at or near the City of Bath, and also certain Navigable Cuts therein described;'* and to amend the said Act; and also to make a certain Navigable Cut therein described: And whereas another Act was made in the Thirty-eighth Year of the said Reign, intituled *An Act to vary the Line of the Kennet and Avon Canal authorized to be made by Two Acts passed*

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- in the *Thirty-fourth and Thirty-sixth Years of the Reign of His present Majesty*, and also to extend the Powers of and to amend the said Acts: And whereas an Act was made in the *Forty-first Year of the said Reign*, intituled *An Act for enabling the Company of Proprietors of the Kennet and Avon Canal Navigation to complete the same*: And whereas an Act was made in the *Forty-fifth Year of the said Reign*, intituled *An Act for enabling the Company of Proprietors of the Kennet and Avon Canal Navigation to complete the same, and for altering and enlarging the Powers of the several Acts passed for making the said Canal*: And whereas an Act was made in the *Forty-ninth Year of the said Reign*, intituled *An Act for enabling the Kennet and Avon Canal Company to raise a sufficient Sum of Money to complete the said Canal, and for amending the several Acts for making the same*: And whereas the said Company of Proprietors have proceeded to make and execute the said Canal, and have expended all the Money they have hitherto been able to raise under and by virtue of the said Acts, and are indebted to divers Persons in considerable Sums of Money: And whereas by the said recited Act of the said *Forty-first Year of the Reign of His present Majesty* it was, for the promoting a more convenient Inland Navigation between the Ports of *London and Bristol*, enacted, that if at any Special Meeting or Special Meetings of the Proprietors at large, to be called for that Purpose, it should be so determined on, it should be lawful to and for the said Company of Proprietors to borrow and raise any Sum of Money not exceeding Fifty thousand Pounds, by the Ways and Means therein mentioned, and to apply the Money so raised, either in contributing to or subscribing for Shares in any Canal which might be made in order to avoid the Inconveniences of the River Navigation which form the Communications between the said Canal and the said Ports, or in purchasing Shares in or contributing to the Improvement of any such River Navigation, by any other lawful Means that should be determined upon by the said Proprietors at any such Special Meeting or Meetings, or at any other Special Meeting of the said Proprietors: And whereas in and by an Act made in the *First Year of the Reign of His late Majesty King George the First*, intituled *An Act to make the River Kennet navigable from Reading to Newbury in the County of Berks*, *Richard Cowslade Esquire*, and certain other Persons, were empowered to make the said River *Kennet* navigable, portable, and passable for Boats, Barges, Lighters, and other Vessels, from the Wharf or common Landing Place at *Reading* to *Newbury* aforesaid, in manner therein mentioned; and in consideration of the great Charges the said Undertakers would be at, it was thereby further enacted, that it should be lawful for them, their Heirs, Assigns, and Nominees, thereafter to recover and take for their own Use, for all Goods that should be conveyed up or down the said River *Kennet* between *Reading* and *Newbury* aforesaid, the Rates and Duties therein after mentioned: And whereas a certain other Act was passed in the *Seventh Year of the same Reign*, intituled *An Act for enlarging the Time granted for making the River Kennet navigable from Reading to Newbury in the County of Berks*: And whereas a certain other Act was passed in the *Third Year of the Reign of His late Majesty King George the Second*, intituled *An Act for making the Acts of the First and Seventh Years of His late Majesty's Reign (for making the River Kennet navigable from Reading to Newbury in the County of Berks) more effectual*: And whereas the said River *Kennet*, some Time after the passing of the said last mentioned Acts, undersand by virtue thereof, was made and still is navigable from *Reading* to *Newbury* aforesaid: And whereas the Naviga-

tion thereof now forms Part of the Communication between the said *Kennet* and *Avon* Canal and the Port of *London*. And whereas the said Company of Proprietors of the *Kennet* and *Avon* Canal Navigation are desirous of purchasing the Shares and Tolls in the said Navigation of the said River *Kennet*. And whereas the said Sum of Fifty thousand Pounds so authorized to be raised by the said Act of the said Forty first Year of the Reign of His present Majesty as aforesaid is not only insufficient to effect the said Purchase as aforesaid, together with the other Purposes by the same Act authorized, but is also insufficient for the said Purchase alone; and the said Company are desirous to be enabled to complete such Purchase, and to pay their said Debts: 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 it shall and may be lawful to and for the said Company of Proprietors of the *Kennet* and *Avon* Canal Navigation, and they are hereby empowered and authorized, to purchase unto themselves, their Successors and Assigns, of and from all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, to whom the Hereditaments and Premises herein-after mentioned, or any Part or Parts thereof, or any Share or Shares therein, shall or may be found to belong, all that the Power, Authority, Office, and Privilege of making, continuing, and maintaining the said River *Kennet* from the said Wharf or common Landing Place at *Reading* in the said County of *Berks* to the said Place called *The Hospitals* in the said Borough of *Newbury*, navigable, portable, and passable for Boats, Barges, and Lighters, and of using such Navigation in such Manner as they shall think fit, created in and by the said several recited Acts, and all and every other Act or Acts of Parliament in anywise enabling the Undertakers of the said Navigation in that Behalf, or any of them, and all Powers, Rights, Privileges, Means, and Remedies by the said Acts, or any of them, given for carrying into effect the Purposes of the same several Acts or any of them, and all such Rates and Duties for all and every such Goods, Merchandizes, Wares, or Commodities whatsoever that shall be carried or conveyed up or down the said River *Kennet* between *Reading* and *Newbury* aforesaid, as the Undertakers of the said Navigation, their Heirs, Assigns, or Nominees, were in and by the said recited Acts, or any of them, empowered to ask, demand, recover, and take, and also all Messuages, Wharfs, Locks, Warehouses, Lands, Tenements, and Hereditaments, and other the Estates, Goods, Chattels, and Property whatsoever now belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, which at any Time heretofore have been contracted for, purchased, used, or taken by the Undertakers of the said Navigation, their Heirs or Assigns, in consequence or in contemplation of or for the Purposes of the said Navigation, under and by virtue of the said several recited Acts or any of them, nor any other wise howsoever, and for ever thereafter to hold the same or any of them, or to sell or dispose thereof or of any Part or Parts thereof, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and also that it shall and may be lawful for the said Company to purchase and pay for the same respectively, at such Price and by such Rent charge, to be respectively paid and secured, and payable at such Times and in such Manner, and upon such Rates, Tolls, and other Security, as to the said Company of Proprietors, or their Committee of Management for the Time being, shall seem expedient, and shall be agreed to by the respective Owner or Owners thereof; and

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Company authorized to purchase the River *Kennet* Navigation.

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Power to create new Shares.

and that for the Purposes aforesaid, and for paying and discharging the said Debts of the said Company, it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise, by the Creation and Disposal of so many new Shares in the said Kennet and Avon Canal Navigation as to the said Company shall seem expedient, not exceeding in the whole Five thousand five hundred such new Shares, the further Sum of One hundred and thirty-two thousand Pounds, or so much thereof as they shall find necessary for the Purposes aforesaid, although the whole of the Money authorized and intended to be raised by virtue of the said several recited Acts or either of them hath not been fully raised and paid, which said Sum of One hundred and thirty-two thousand Pounds, or so much thereof as shall be raised by virtue of this Act, shall be applied in paying and discharging the Debts owing by the said Company of Proprietors, and in executing the several Purposes of the said recited Acts and this Act, and the Surplus thereof (if any) shall be considered as Part of the general Stock of the said Company of Proprietors.

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II. And be it further enacted, That the Shares so to be created shall be disposed of at the Rate or Price of Twenty-four Pounds for each such Share, to be paid at the Times herein-after mentioned; namely, Five Pounds thereof on the Second Monday after the passing of this Act; other Four Pounds thereof on the Fourteenth Day of June One thousand eight hundred and thirteen; other Four Pounds thereof on the First Day of September One thousand eight hundred and thirteen; other Four Pounds thereof on the First Day of March One thousand eight hundred and fourteen; other Four Pounds thereof on the First Day of March One thousand eight hundred and fifteen; and the remaining Three Pounds thereof on the First Day of March One thousand eight hundred and sixteen; and that the same several Shares shall be distributed to and are hereby vested in the Persons next herein-after mentioned in the following Proportions; that is to say, unto all and every such Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, and to all and every the Nominees of all or any such Persons or Person who or whose Nominees did on or before the passing of this Act, by themselves, or by any Agent or other Person thereto authorized, subscribe their, his, or her Names or Name in any Book opened by the Direction of the said Company of Proprietors for receiving Subscriptions for new or additional Shares, there shall be allotted by the said principal Clerk, in the first place, the like Number of Shares out of the said Shares hereby created as the Number of new or additional Shares is for which every such Person or Nominee did so subscribe as aforesaid; and if after the said Subscribers shall have been supplied in manner aforesaid, there shall be any Residue of the said Shares hereby created, or if any of the said Shares, after being subscribed for, shall, with the Consent of the said Committee of Management, be relinquished and surrendered by the Subscribers to the same, then the same shall be distributed amongst such Persons as shall, after the passing of this Act, be admitted by the said Committee of Management to subscribe for the same; and all and every such Persons and Person, Bodies Politic and Corporate, who have so subscribed or shall so subscribe for new or additional Shares as aforesaid, and to whom any such One or more of the Shares hereby created is or are so allotted under and by virtue of this Act, or who shall by any other Means become entitled thereto, shall be and hereby is and are declared to be the Owners and Proprietors

Shares how to be distributed.

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of the Shares or Share so allotted, and shall be and hereby are and is united to and incorporated with the said Company of Proprietors and their, his, and her Successors, Heirs, Executors, Administrators, and Assigns, and are and is hereby required to pay to the said Company of Proprietors in respect of each such Share the said Sum of Twenty-four Pounds, at such Times and by such Instalments as herein before is mentioned and directed for Payment thereof: Provided nevertheless, that all such Sum or Sums as shall have been deposited or paid by any such Person or Persons, before the passing of this Act, on account or in Part Payment of his, her, or their Subscription for any such new or additional Shares as aforesaid, shall be computed and go in Part Payment from him, her, or them of the Sum or Sums payable by him, her, or them in respect of such Share or Shares hereby created as shall be allotted to him, her, or them in manner aforesaid.

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Deposits to be allowed in Part Payment.

III. And be it further enacted, That all such new Shares shall be transmissible as Personal Estate; and the several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Acts or any of them, subject nevertheless to the Provisions, Directions, and Regulations herein contained, shall extend to the calling for, raising, paying, suing for, and recovering the several Sums hereby made payable in respect of the said Shares hereby created as aforesaid, and for compelling and obliging the several Proprietors thereof to pay the said respective Sums, and for transferring, entering, ticketing, registering, and evidencing the said Shares hereby created, and in all other respects relating thereto, in like Manner as if the said Shares had been originally subscribed for under the said recited Acts or any of them, and as if the Money subscribed as aforesaid or authorized to be raised by virtue of this Act was Part of the Money authorized to be raised by virtue of the said recited Acts for any of them, and as if the said several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said Acts or any of them were repeated and re-enacted in this Act, except so far as the same or any of them are hereby abrogated or altered; and as well the said Company of Proprietors of the *Kennet* and *Avon* Canal Navigation, and their Successors, as also all and singular the Persons who severally have subscribed or shall subscribe for any new or additional Share as aforesaid, and to whom any of the Shares hereby created shall be allotted as aforesaid, their respective Executors, Administrators, and Assigns, and also all and singular the several Proprietors of any Share or Shares in the said *Kennet* and *Avon* Canal Navigation created in and by the said recited Acts, or any of them, and their respective Executors, Administrators, and Assigns, shall, from and after the Purchase and Conveyance made to the said Company of Proprietors of the said Shares, Tolls, and Hereditaments hereby authorized to be purchased as aforesaid, or such of them as shall be purchased or conveyed under and by virtue of this Act, stand and be seised and possessed of and interested in and entitled to all and singular such and the like Rates, Dues, Duties, Profits, Emoluments, Rights, Powers, Liberties, Franchises, Privileges, Remedies, and Advantages whatsoever, as the Owner or Owners, Occupier or Occupiers of any Share or Shares in the said Navigation of the said River *Kennet*, Tolls, or Hereditaments heretofore hath been or now is or would have been entitled to in case such Purchase or Purchases had not been made, and shall stand and be interested in the same, and also in the Profits or Advantages which shall

Provisions of former Acts to be extended to new Shares

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or may arise and accrue to the said Company by virtue of the said recited Acts or any of them, in such Proportions as their respective Shares shall bear to the whole Amount of Shares in the said Undertaking, so that each Proprietor of any Share or Number of Shares shall be entitled to receive on account thereof the same or the like Dividend and Profit, whether their, his, or other Shares, or any of them, be Shares hereby created, or be old Shares in the said Undertaking.

IV. And whereas it may be for the Advantage of the said Company of Proprietors to appropriate a Part of the net Income of the said Canal to the Purposes after mentioned; be it therefore enacted, That if at any Special Meeting or Special Meetings of the Proprietors to be called for that Purpose it shall be so determined on, it shall and may be lawful to and for the said Company of Proprietors from Time to Time to set apart from and out of the net Income or Produce of the Tolls and other Effects of the said Company, after Payment of all Taxes, Rents, Interest, and other Charges affecting the same, such Sum or Sums of Money, periodically or otherwise, as the said Company of Proprietors at any such Special Meeting or Special Meetings, or the Committee of Management of the said Company, shall from Time to Time direct, and to pay and apply the same from Time to Time either in the Discharge of any Sum or Sums of Money, which the said Company have borrowed or raised or shall borrow or raise by virtue of the said recited Acts or any of them, or this Act, or in purchasing or buying up of Shares in the said Canal Navigation for the Purpose after mentioned, or to invest the same at Interest upon any Real Security, or upon the Security of any Shares in the said Canal Navigation, or in the Purchase of Stock in any of the Public Funds, in the Name of the said Company of Proprietors, and from Time to Time when and as the Committee of Management shall so direct to invest the Dividends to be received from any such Shares so to be purchased, and the Interest and Dividends of any Monies so put out at Interest or invested in such Funds, in any of the aforesaid Purchases, Securities, Shares, or Funds, and afterwards at such Time or Times as shall also be determined upon at any Special Meeting or Special Meetings of the said Proprietors, or by the said Committee of Management, to call in the said Monies, or to sell, assign, transfer, or dispose of the said Securities or Stock so to be purchased and accumulated; or any Part thereof, and to apply the Money arising thereby, and any Part of the Interest or Dividends thereof, which may not have been invested or laid out in the said Purchases, Securities, or Funds, in paying and discharging any such Sum or Sums of Money, or in purchasing or buying up of Shares in the said Canal Navigation; and that all or any Part of the Shares so to be purchased shall and may be kept on Foot, and the Dividends and Proceeds thereof received by the said Company for their own Use, and applied to the Purposes last herein before mentioned, until the said Company of Proprietors at any Special Meeting or Special Meetings, or the said Committee of Management, shall determine that the same or any Part thereof shall be merged and extinguished; and from and after any such Determination the same Shares so to be purchased, or such Part or Parts thereof concerning which such Determination shall be made, shall thenceforth be merged and extinguished, or shall be applied to any other such lawful Purpose as shall be determined upon at any Special Meeting or Special Meetings of the said Company of Proprietors, or by the said Committee of Management.

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Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or construed in anywise to impeach or annul the Power given to the said Company of Proprietors in and by the said recited Act of the Forty-first Year of the Reign of His present Majesty to borrow and raise any Sum not exceeding the Sum of Fifty thousand Pounds therein mentioned, but that it shall and may be lawful for the said Company of Proprietors to raise the same Sum by all or any one or more of the Ways and Means by which any Sum or Sums of Money raised or to be raised by the said Company have been authorized and directed to be raised in and by the said several recited Acts and this Act, or either of them, and from Time to Time to apply the same Sum or Sums so to be raised; and also such Parts, Shares, and Proportions of the Rates and Tolls to the said Company accruing under and by virtue of the said several recited Acts and this Act, or either of them, in contributing to or subscribing for Shares in any Canal which may be made in order to avoid the Inconveniences of the River Navigations which form the Communications between the said Canal and the said Ports, or in purchasing Shares in or contributing to the Improvement of any such River Navigation, or in or to any Cut, Canal, Railroad, or Level which shall communicate with any such River Navigation or with the said Canal, or in, to, or by any other lawful Purpose or Means that shall be determined on by the said Proprietors at any Special Meeting or Meetings, or by their said Committee of Management.

Act not to annul the Power of borrowing 50,000*l*.

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VI. And whereas it was in and by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty enacted, that all the Affairs and Business of the said Company of Proprietors (except as therein was excepted) should be transacted and managed by a Committee of Twenty-four of the said Company of Proprietors, to be called "The Committee of Management," and that for the Purpose of electing such Committee the said Company of Proprietors should be divided into Three distinct Classes, one of which Classes should comprehend all the Proprietors resident in the Cities of *Bristol* and *Bath*, or elsewhere in the Counties of *Somerset* and *Gloucester*, who should be called "The Proprietors of the Western District;" one other of the said Classes should comprehend all the Proprietors resident in the County of *Wilts*, who should be called "The Proprietors of the *Wiltshire* District;" and the other of the Three Classes should comprehend all the Proprietors resident in the County of *Berk* or elsewhere, (except in the said Counties of *Gloucester*, *Somerset*, and *Wilts*;) who should be called "The Proprietors of the Eastern District;" and that a General Meeting of the Proprietors of the Western District should be held once in every Year on the first *Tuesday* in the Month of *July*, at Eleven of the Clock in the Forenoon, at such Place in the said City of *Bristol* as therein is mentioned; and that at every such General Meeting the said Proprietors of the Western District, or such of them as should be present, together with such Proxies as should be present, should elect and make Choice of Ten Persons out of the said Proprietors of the Western District, qualified as therein was mentioned, to be Members of the said Committee for the Space of One Year then next ensuing; and until Ten other Persons, qualified in like Manner, should be elected in their Stead; and the other Fourteen Members of the said Committee were thereby directed to be chosen by the Proprietors of the said *Wiltshire* District and Eastern District at General Meetings thereof respectively, to be held on the same Day in every Year, at the Place and in manner therein mentioned.

Proprietors of Shares resident within the Bills of Mortality to be called "The Proprietors of the London District," and to elect Three Members of the Committee of Management.

And

And whereas numerous Proprietors of Shares in the said Undertaking do reside within the Cities of *London* and *Westminster*, and the Limits of the Bills of Mortality, and it would be convenient that a certain Number of Persons forming Part of the said Committee of Management should be elected at some Place within the said City of *London*; be it therefore enacted, That from and after the passing of this Act the said Company of Proprietors shall be divided into Four distinct Classes, Two of which said Classes shall be the same Two Classes mentioned in the said recited Act, and therein called "The Western District" and "*Wiltshire* District," and shall respectively comprehend such Persons as therein is mentioned; and the Third of the said Classes shall comprehend all the Proprietors of Shares in the said Undertaking resident within the said Cities of *London* and *Westminster*, and elsewhere within the Limits of the Bills of Mortality, who shall be called "The Proprietors of the *London* District;" and the other of the said Four Classes shall comprehend all the Residue of the said Proprietors, who shall be called "The Proprietors of the Eastern District;" and that a General Meeting of the Proprietors of the said *London* District shall be held once in every Year from and after the passing of this Act, upon the first *Tuesday* in the Month of *July*, at the Hour of Eleven of the Clock in the Forenoon, at the *City of London Tavern* in *Bishopgate Street* in the City of *London*, or at such other Place in the said City of *London* as shall have been fixed on for that Purpose at the preceding General Meeting of the said *London* District; and that at every such General Meeting the said Proprietors of the *London* District, or such of them as shall be then present, together with such Proxies as shall be present, shall elect and make Choice of Three Persons out of the said Proprietors of the said *London* District, who shall each be possessed of Fifteen Shares in the said Undertaking at the least, and shall be otherwise so qualified as in and by the said several recited Acts or any of them is required in that Behalf, to be Members of the said Committee of Management to manage the Affairs and Business of the said Company in the Manner by the said several recited Acts and this Act, or any of them, directed, for the Space of One Year then next ensuing, and until Three other Persons, qualified in like Manner, shall be elected in their Stead, pursuant to the Directions of this Act.

Regulating the Election of the other Members of the Committee.

VII. And be it further enacted, That at every General Meeting to be held by the said Proprietors of the Western, *Wiltshire*, and Eastern Districts respectively, upon the said first *Tuesday* in *July* in every Year from and after the passing of this Act, the Proprietors of the said *Wiltshire* and Eastern Districts respectively shall elect and make Choice, not of Seven Persons each as heretofore, but of Six Persons only, in respect of each of the said *Wiltshire* and Eastern Districts, out of the Proprietors of the said *Wiltshire* and Eastern Districts respectively, qualified as in the said recited Acts is mentioned, to be Members of the said Committee in manner aforesaid; and the Proprietors of the said Western District shall elect and make Choice, not of Ten Persons as heretofore, but of Nine Persons only, out of the said Proprietors of the said Western District, qualified as in the said recited Acts is mentioned, to be Members of the said Committee in manner aforesaid.

Places of holding Special Meetings of Proprietors extended.

VIII. And whereas it is in and by the said first-recited Act enacted, that it shall be lawful for the said Committee of Management to call Special Meetings of the Proprietors at large in such Cases and in such Manner as is therein

therein mentioned, the Place where the same shall be held being somewhere within Ten Miles of the Line of the said Navigation: And whereas it is in and by the said recited Act of the said Forty-first Year of the Reign of His present Majesty provided that Special Meetings of the Proprietors at large shall and may be called in manner therein mentioned, at the Requisition in Writing of the Proprietors of One thousand new Shares or more in the said Undertaking, held at any Place within Twenty Miles of any Part of the said Canal: And whereas it may be convenient to hold Special Meetings of the said Proprietors within the Cities of *London* or *Westminster*; be it therefore enacted, That from and after the passing of this Act Special Meetings of the said Proprietors, to be convened in manner in the said recited Acts or any of them mentioned, shall and may be lawfully holden at any Place within the Cities of *London* and *Westminster*, or either of them, or within Twenty Miles of the said Canal.

IX. And be it further enacted, That at all Special Meetings of Proprietors to be held for the Purposes of this Act the Determination of Three Parts in Four of the Votes, according to the Number of Votes in Person and by Proxy which the Persons attending any such Meeting shall have a Right to give and shall give, shall be and is hereby made necessary in order to be binding and conclusive upon the rest of the Proprietors; and such Determination so made shall be binding and conclusive upon the rest of the Proprietors, and shall be observed and acted upon accordingly.

X. And be it further enacted, That from and after the passing of this Act, at every Annual Meeting of Proprietors for the Election of a Treasurer or Treasurers to the said Company of Proprietors, Three Persons out of the Proprietors at large shall be appointed to act as Auditors to the said Company, for the Purpose of examining and auditing the Accounts of the said Company for the Year ensuing, who shall examine the same accordingly, and make a Report in Writing thereon, to the next Annual Meeting of Proprietors to be held for the Election of Treasurer; and such Auditors shall be paid all reasonable Expences to be incurred by them, and to be allowed by the Committee of Management.

XI. And whereas in and by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty, it is enacted, that for the better ascertaining and more easy collecting the Tolls, Rates, or Duties thereby granted, the Master, Owner, or other Person having the Care of every Boat, Barge, or other Vessel navigating upon the Canal and Cuts therein mentioned or any Part thereof respectively, shall from Time to Time give in a true and just Account in Writing, in manner therein mentioned, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandizes, and Commodities contained in every such Boat, Barge, or other Vessel, and of the Place from whence brought and where intended to be landed or carried, and also of the Quantities, Qualities, and Weight of such Goods, Wares, Merchandizes, or Commodities as shall have been discharged or taken out of such Boat, Barge, or other Vessel within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and that if the Goods, Wares, Merchandizes, or Commodities on board any such Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of such Rate; and in

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case

The Determination of Three Parts in Four of Special Meetings shall be conclusive.
Auditors to be appointed.
Penalty on Persons giving false Invoices, &c.

case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading, to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors the Sum of Forty Shillings for every such Offence, over and above the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandizes, or Commodities : And whereas the said Penalty of Forty Shillings has been found insufficient to prevent Frauds upon the said Company in the several Matters aforesaid ; be it therefore further enacted, That from and immediately after the passing of this Act every such Master, Owner, or other Person who shall so neglect or refuse to give such Account as aforesaid in manner in the said last-recited Act mentioned, or shall refuse to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account as aforesaid, shall forfeit and pay to the said Company of Proprietors, in lieu and stead of the said Sum of Forty Shillings, the Sum of Ten Pounds for every such Offence, over and above the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandizes, or Commodities, and, in case of Nonpayment thereof upon Demand, the same shall be recovered in such and the like Manner as the said Sum of Forty Shillings could or might have been recovered by virtue of the said recited Acts or any of them.

Expences of
the Act.

XII. And be it further enacted, That all the Costs and Expences of or incident to the applying for, obtaining, and passing this Act shall be borne, paid, and defrayed by the said Company of Proprietors out of any Money received or to be received by virtue of the said recited Acts and of this Act, or either of them.

Public Act.

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.

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