



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. xcvi.

An Act to amend an Act for making a Canal from *Counter's Bridge*, on the Road from *London* to *Hammersmith*, to the River *Thames*, in the County of *Middlesex*; and to enable the *Kensington Canal Company* to raise a further Sum of Money for the Completion of the said Canal. [26th *May* 1826.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for widening, deepening, enlarging, and making navigable a certain Creek called Counter's Creek from or from near Counter's Bridge, on the Road from London to Hammersmith, to the River Thames, in the County of Middlesex, and for maintaining the same*; whereby certain Persons were incorporated by the Name and Style of The *Kensington Canal Company*, with Powers to make the said Canal and other Works in manner therein set forth, and to raise and contribute or borrow certain Sums of Money for that Purpose: And whereas the said Company have proceeded to carry the said Act into execution, but in consequence of its having been deemed advisable to make the said Canal of greater Width than was originally intended, and from other Circumstances, it has been found that the Money which the said Company was authorized to raise by the said recited Act will be inadequate for the Purposes thereof and of this Act, and that the said

[*Local.*] 5 G. 4. c. 65.

Former Act
extended to
this.

Company will be unable to continue their Operations, or to complete the said Canal, unless empowered to raise a further Sum of Money: And whereas the said Company are advised that it will be expedient to slope the Banks of the said Canal on the whole of the Eastern Side thereof, and that it may be found necessary also to slope the Banks of the said Canal on the whole or some Parts of the Western Side thereof; but the same 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 Powers, Provisions, and Authorities therein contained (except in so far as the same or any of them are hereby altered, enlarged, or repealed), shall have full Effect and Operation, and be applicable and applied to this Act, in the same Manner as if the same had been repeated and re-enacted in the Body of this Act, and that the said recited Act and this Act shall be construed as One Act.

Power to
slope the
Banks of the
Canal.

II. And be it further enacted, That it shall and may be lawful to and for the said Canal Company, and they are hereby authorized and empowered, from and after the passing of this Act, by themselves, or by their Deputies, Agents, Officers, Workmen, and Servants, to slope the Banks of the said Canal on the whole of the Eastern and Western Sides thereof, or on such Part or Parts thereof respectively as by the said Company shall be deemed advisable, making Compensation, in the Manner directed by the said recited Act, to the Owners and Occupiers for such Land and Ground as shall be required for the Purposes thereof.

Map and
Book of
Reference to
remain with
Clerk of the
Peace.

III. And whereas a Map or Plan describing the Line of the Lands and Grounds in which the Slopes of the said Banks are respectively to be made, together with a Book of Reference thereto containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Estates, Lands, and Grounds, have been deposited at the Office of the Clerk of the Peace for the said County of *Middlesex*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner therein shall have Liberty to inspect, peruse, and make Extracts from and Copies thereof at seasonable Times, on Payment of One Shilling for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first, and paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

No Advan-
tage to be
taken of any
Error or
Omission in
the said Book
of Reference.

IV. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company, or any Interruption be given to the making of the said Works hereby authorized to be made, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting in and for the said County

County of *Middlesex*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Canal Company, or any Person or Persons, to take, use, injure, or damage any Land or Ground for the Purpose of sloping the said Banks, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except such as are specified and contained in the Schedule to this Act annexed.

Land, &c. not to be taken without Consent, except in Schedule.

VI. And be it further enacted, That the Owners and Occupiers of Lands on either the Eastern or Western Side of the said Canal shall have and be vested with the same Rights and Interests in any new Banks which may be made in pursuance of this Act as such Owners and Occupiers now have in the existing Banks of the said Canal; and that all Powers and Privileges given to or provided for the Owners and Occupiers of Estates by or through which the said Canal should be made or pass by the said recited Act, or otherwise incident to the said Estates, shall be and remain in full Force and Effect: Provided that nothing herein contained shall extend or be construed to extend to prevent the said Company from making, repairing, and keeping in order the said Banks as Occasion shall require.

Owners and Occupiers of Land on the Sides of the Canal to have the same Rights in the new Banks as in the present Banks.

VII. Provided also, and be it further enacted, That nothing in this Act or the said recited Act contained shall extend to authorize and empower the said Canal Company to take or use any of the Lands on either the Eastern or Western Side of the said Canal, otherwise than for the Purpose of sloping the Banks thereof, without the Consent in Writing of the respective Owners and Occupiers thereof.

Company not empowered to take any Lands otherwise than for sloping the Banks.

VIII. Provided always, and be it further enacted, That in sloping so much of the Western Side of the said Canal as abuts upon any Lands or Grounds now occupied by or in the Possession of the Imperial Gas Light and Coke Company, it shall not be lawful for the said Canal Company to proceed in any other Manner than according to a certain Specification and Plan already prepared and signed by *Robert Langford* and *John Wilks*, and deposited with the Clerk of the Peace for the County of *Middlesex*, unless with the Approbation of the said Imperial Gas Light and Coke Company and the Freeholder for the Time being of the said Lands or Grounds.

Regulation as to the sloping of the Banks abutting on Lands of the Imperial Gas Company.

IX. And to the end that the said Company may be enabled to carry on and complete the said Undertaking, be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise any further Sum or Sums of Money not exceeding in the whole the Sum of Thirty thousand Pounds, to be laid out and applied to the Purposes of the said Undertaking in the Manner directed by the said recited Act and this Act; and that such Sum or Sums shall and may be raised in such and the like Manner and Form in all respects, and by all or any of the Ways and Means, by which the said Company were authorized and empowered by the said first-recited Act to raise the additional Sum of Five thousand Pounds therein mentioned; and

Company authorized to raise a further Sum of 30,000*l.*

and that towards raising the said Sum of Thirty thousand Pounds any Member or Members of the said Company shall and may in the first place, at his, her, or their Discretion, subscribe and become a Proprietor or Proprietors of any such additional Shares; and in case the said Sum hereby authorized to be raised, or any Part thereof, shall not be raised and contributed among the original Members of the said Company for the Space of Three Months after the passing of this Act, the said Sum hereby authorized to be raised, or any Part thereof, shall and may be raised by the Admission of new Subscribers; and every such new Subscriber (if any) shall become a Proprietor in the said Navigation and Undertaking, and shall be entitled to the same Powers, Privileges, and Advantages, and shall be also subject and liable to the same Restrictions, Penalties, and Forfeitures, as the Proprietors of the additional Shares created by virtue of the Power for that Purpose contained in the said recited Act are thereby entitled or made subject or liable to.

Extending
the Time for
completing
the Canal.

X. And be it further enacted, That the Term allowed by the said recited Act for the Completion of the said Canal shall be extended to the Term of Three Years, to be computed from the passing of this Act.

Damages and
Charges in
case of Dis-
pute to be
settled by
Justices.

XI. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences in the said Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner by the said Act directed for the levying of any Penalties or Forfeitures.

In case of
Nonpayment
of Compens-
ation, &c.

XII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the said Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of the said Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any
Overplus

Overplus shall remain after Payment of such Sum or Sums of Money and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of the said Act or this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

XIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said Act or this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to commit the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

XIV. And whereas by reason of taking down Houses and Buildings, and making Alterations, in pursuance of the said Act, there may be Deficiencies in the Assessments for Land Tax in the several Parishes therein mentioned; be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised and possessed of the Premises charged with the Land Tax, and until the Works by the said Act authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said Parish or Parishes, out of the Monies to arise by virtue of the said Act and this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes by reason or means of taking down or using for the Purposes of the said Act any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing the said Act; and the Treasurer, Collector, or Receiver to be appointed under the said Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments.

Provision for Deficiencies of Land Tax in the Parishes herein described.

XV. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Saving the Powers of the Commissioners of Sewers.

Not to prejudice Rights of the Imperial Gas Light Company.

1 & 2 G. 4. c. 117.

4 G. 4. c. 95.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, to injure, prejudice, diminish, alter, take away, or affect any of the Rights, Privileges, Property, or Works of the Imperial Gas Light and Coke Company, which hath been established under and by virtue of Two several Acts passed in the First and Second and Fourth Years of the Reign of His present Majesty, one whereof is intituled *An Act to establish an additional Company for lighting certain Parts of the Metropolis and Parts adjacent with Gas*, and the other of which Acts is intituled *An Act to alter, amend, and enlarge the Powers of an Act of His present Majesty's Reign, intituled 'An Act to establish an additional Company for lighting certain Parts of the Metropolis and Parts adjacent with Gas,'* except as the same may be affected by the Provisions herein-before contained.

Expences of Act.

XVII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act shall and may be defrayed by and out of the Monies to be received by virtue of the said recited Act or this Act.

Public Act.

XVIII. 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.

The SCHEDULE to which this Act refers.

Names of Owners or reputed Owners.	Names of Occupiers.	Land or Premises.
<i>Parish of All Saints Fulham.</i>		
Bishop of London - - -	Henry Perrin - - -	Meadow.
Mrs. Ann Edwards - - -	James Trigg - - -	Osier Ground.
Bishop of London - - -	James Trigg - - -	Osier Ground.
Late Thomas Andrews and } Mrs. Ann Mist - - - }	William Culver - - -	Market Garden.
Mrs. Ann Mist - - -	Imperial Gas Light Company - - -	Gas Works.
Same and William Howard - - -	- - -	Waste Ground.
Stephen Moore - - -	William Howard - - -	Waste Ground.
William Howard - - -	Mrs. Boyce - - -	Houses.
John Norton - - -	Samuel Gower Poole - - -	Malthouse.
Mr. Kean - - -	James Poupart - - -	Market Garden.
Mr. Stunt - - -		
Robert Gunter, Esq. - - -	Robert Gunter, Esq. - - -	Same.
Same - - -	Same - - -	Garden.
Same - - -	Same - - -	Grazing Land.
Sir John Scott Lillie - - -	Sir John Scott Lillie - - -	Meadow.
James Scott, Esq. - - -	Richard Baker, John Stanley, William Simmons, William Evans, Thomas Langston, Henry Stiles, Richard Castle, Thomas Russell, Sarah Smith, George Basset, Esquire, and William Robert Hutchinson, Esquire - - -	Garden Ground, with Houses and Cottages on Part thereof.
Robert Gunter, Esq. - - -	Thomas Evans - - -	Market Garden.
James Scott, Esq. - - -	James and William Willis - - -	Same and Houses.
William Jones, Esq. - - -	Himself - - -	Meadow.
James and John Lee - - -	Themselves - - -	Nursery Ground.
<i>Parish of Saint Luke's Chelsea.</i>		
Joseph Brown, Esq. - - -	Himself - - -	Meadow.
Kensington Canal Company - - -	Themselves - - -	Same.
The Right Honourable Earl } Cadogan - - - }	Thomas Adams - - -	Market Garden.
Same - - -	Messieurs Tuck and Dowley - - -	{ Waste Ground, Warehouse, and House.
William Hamilton, Esq. - - -	Himself - - -	{ Garden Meadow, with Houses thereon.
<i>Parish of Saint Mary Abbott's Kensington.</i>		
Samuel Poupart - - -	Himself - - -	Garden.
The Right Honourable Lord } Kensington - - - }	Himself and Mr. Hutchins - - -	Meadow.
The Kensington Canal Company - - -	Themselves - - -	Same.

