



ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

Cap. cxxi.

An Act to amend the Acts relating to the *Thames Tunnel Company*, and to extend the Powers thereby given for raising Money for the Completion of the said Tunnel. [28th August 1833.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intitled *An Act for making and maintaining a Tunnel under the River Thames from some Place in the Parish of Saint John of Wapping in the County of Middlesex to the opposite Shore of the said River in the Parish of Saint Mary Rotherhithe in the County of Surrey, with sufficient Approaches thereto*, whereby certain Persons therein named, together with such other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as then were or thereafter should become possessed of any Share or Shares in the Undertaking therein mentioned, or had agreed to subscribe to the same, and their respective Successors, Executors, Administrators, and Assigns, being a Proprietor or Proprietors of any Share or Shares in the Tunnel thereby authorized to be made, were incorporated for the Purposes therein mentioned by the Name and Style of "*The Thames Tunnel Company*," and were authorized to raise among themselves, for the Purpose of making and maintaining the said Tunnel, a Sum not exceeding Two hundred thousand Pounds, to be divided in Shares

[Local.] 30 D of

5 G. 4. c. 156.

of Fifty Pounds each, and a further Sum of Fifty thousand Pounds, in case the said Sum of Two hundred thousand Pounds should be found insufficient, and it was enacted that the Sum of One hundred and sixty thousand Pounds, which was then considered the probable Amount of the Expences of making the said Tunnel and other Works and Conveniences belonging or requisite thereto, should be subscribed before any of the Powers or Provisions given by that Act should be put in force: And whereas the whole of the said Sum of One hundred and sixty thousand Pounds was subscribed in the Manner required by the said recited Act, but the whole of the said Sum of Two hundred thousand Pounds by the said Act authorized to be raised has not been raised, and no Part of the said Sum of Fifty thousand Pounds has been raised: And whereas another Act was passed in the Ninth Year of the Reign of His said late Majesty, intituled

9 G. 4. c. 63. *An Act for enabling the Thames Tunnel Company to raise a further Sum of Money, and for amending the Act relating to the said Tunnel,* whereby, after reciting (amongst other things) that the said Company had proceeded in the making of the said Tunnel, and had made considerable Progress therein, but the said Sum of One hundred and sixty thousand Pounds being unequal to the Completion thereof, and the said Company not have been able to raise the whole of the said Sum of Two hundred thousand Pounds, or any Part of the said Sum of Fifty thousand Pounds, it was necessary, in order to enable them to complete the said Tunnel, that they should have further Powers of raising Money, it was enacted that it should be lawful for the said *Thames Tunnel Company* to raise, for the Purposes of their said Undertaking, any further Sum of Money beyond the Sums which had been raised or which might be raised under the Authority of the said therein and herein before recited Act, the said further Sum thereby authorized to be raised not exceeding in the whole the Sum of Two hundred thousand Pounds beyond the Sums raised or to be raised under the Authority of the said recited Act, and divers Powers and Authorities are thereby given, and Provisions thereby made, for raising such further Sum of Two hundred thousand Pounds: And whereas no Part of the said further Sum by the said lastly-mentioned Act authorized to be raised hath yet been raised, and for facilitating the raising thereof it is expedient to extend the Powers thereby given for that Purpose, and it is also expedient to alter and amend both of the said Acts: 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 all the Powers, Provisions, Regulations, Directions, Restrictions, Matters, and Things whatsoever contained in the said recited Acts, except so far as the same are hereby expressly altered or repealed, shall be deemed, taken, and construed to extend and operate and be in full Force with respect to all Matters and Things whatsoever which may happen or arise in the Execution of this Act, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in this Act; and the said recited Acts and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be construed as One Act.

Powers of former Acts extended to this Act.

II. And

II. And be it further enacted, That it shall and may be lawful for the Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, when and as they shall think fit so to do, from Time to Time to issue One or more Warrant or Warrants under the Hands of any Three or more of them, authorizing the Commissioners for issuing Exchequer Bills for Public Works (acting in execution of an Act passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, and of the several Acts therein recited, or of any other Act which may be hereafter passed for the Issue of Exchequer Bills for the like Purposes,) to advance to the said *Thames* Tunnel Company in Exchequer Bills, or out of any Monies for the Time being respectively in their Hands or at their Disposal, under the Authority of any of such Acts, or partly in such Bills and partly out of such Monies, such Sum or Sums of Money as shall be specified in such Warrant or Warrants, not exceeding in the whole the Sum of Two hundred and seventy thousand Pounds, (being the Residue of the several Sums authorized to be raised by the said recited Acts of the Fifth and Ninth Years of the Reign of His said late Majesty King *George* the Fourth,) to be applied in carrying on and completing the said Tunnel, and in making Roads thereto and Communications therewith, and for the Purchase of Premises, and for defraying the Expences incident to the said Undertaking, upon the Security of an Assignment or Assignments of the said Undertaking, and of all Works and Property belonging or which may at any Time hereafter belong thereto, and of all Tolls and Receipts payable or which shall at any Time hereafter become payable in respect thereof, without requiring any personal or other Security for the Sum or Sums of Money so authorized to be advanced as aforesaid, and without the Subscribers to the said Undertaking or any of them being liable for the Repayment of such Advance or Advances, or for the Completion of the said Undertaking, beyond the Amount of his or her Subscription or Subscriptions for the Time being remaining unpaid; and the said Commissioners for the Issue of Exchequer Bills shall and may and they are hereby authorized and required (upon Receipt of such Warrant or Warrants, and after the Execution of such Assignment or Assignments by the said Company, in such Manner and Form as the said Commissioners shall direct,) to advance to the said Company in manner aforesaid the Sum or Sums of Money in the Warrant and Assignment for the Time being respectively mentioned, without requiring any other Security whatsoever save such Assignment or Assignments; and in such Assignment or Assignments the said Company shall covenant, undertake, and agree, for themselves and their Successors, with and to the said Commissioners for the Issue of Exchequer Bills, or as they may direct, to render a yearly Account of the Profit and Produce of the said Undertaking to the Secretary for the Time being of the said Commissioners, or otherwise, as they may direct, and also to pay the Amount of such Produce, or so much thereof as the said Lords Commissioners of His Majesty's Treasury by the said Warrant or Warrants shall direct, in each and every Year from and after the Dates of the Assignments respectively (after deducting all necessary Expences for managing and carrying on the said Undertaking) to the said Commissioners, or as they may direct,

Commission-
ers for Issue
of Exchequer
Bills may
advance
Monies.

direct, until the whole of any Advance or Advances which may be made by the said Commissioners as aforesaid shall be fully paid and satisfied, together with Interest thereon, to be fixed by the said Warrant or Warrants of the said Lords Commissioners of His Majesty's Treasury; any thing in the said Acts herein-before recited or referred to, or any of them, and this Act, to the contrary in anywise notwithstanding.

Proprietors not liable for such Advances beyond the Amount of their Subscription.

III. And be it further enacted, That no Proprietor of any Share or Shares in the said Undertaking shall be liable in respect of any Sum or Sums which may be advanced in pursuance or under the Authority of any such Warrant or Warrants, or the Interest thereon, or to any Call for Money for the Completion of the said Undertaking, beyond the Amount of the Subscription for the Time being remaining unpaid for or in respect of the Share or Shares he or she may be Proprietor of.

Venue in legal Proceedings.

IV. And be it further enacted, That in all legal Proceedings relating to any Acts or Offences done or committed within the said Tunnel, or within any Part or Parts thereof, situate, lying, and being under the said River *Thames*, wherein it is or may be by Law necessary to mention the Name of any Parish, Township, Ville, or District by way of Venue, it shall be sufficient to mention the said Parish of *Saint Mary Rotherhithe* if the Matter of such Proceedings be tried or determined in the County of *Surrey*, and the said Parish of *Saint John of Wapping* if the Matter of such Proceedings be tried or determined in the County of *Middlesex*.

Time limited by former Act for purchasing Premises and opening Tunnel, repealed.

V. And be it further enacted, That so much of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth as declares, that if the Directors of the said Company shall not within the Space of Five Years next after the passing of that Act agree for or cause to be valued, as in the Act therein recited is mentioned, and purchase, the Houses, Buildings, Lands, Tenements, and Hereditaments particularly mentioned in the Schedule to such recited Act annexed, then and from thenceforth the Powers to them by such recited Act granted for such Purpose shall cease, determine, and be utterly void and of no effect; and also so much of the said Act of the Ninth Year of the Reign of His said late Majesty *George* the Fourth as declares, that if the said Company shall not within Seven Years from and after the passing of that Act open a Tunnel under the said River *Thames* passable for Foot Passengers, then and from thenceforth all and singular the Powers and Authorities vested in them by the said therein-recited Act and by that Act shall cease, determine, and be void, shall be and the same are hereby repealed.

Premises to be purchased within Three Years from the passing of this Act.

VI. And be it further enacted, That if the said Directors shall not within the Space of Three Years next after the passing of this Act agree for or cause to be valued, as in the said firstly herein-before recited Act is mentioned, and purchase, the Houses, Buildings, Lands, Tenements, and Hereditaments particularly mentioned in the Schedule to the same Act annexed, then and from thenceforth the Powers

Powers to them by the same Act granted for such Purpose shall cease, determine, and be utterly void and of no effect; and that if the said Company shall not within Ten Years from and after the passing of this Act open a Tunnel under the said River *Thames* passable for Foot Passengers, then and from thenceforth all and singular the Powers and Authorities vested in them by the said several herein-before recited Acts and this Act, except as to the Sale of their Property, Estate, and Effects, and the Application of the Monies arising from such Sale, shall cease, determine, and be void.

Tunnel to be opened within Ten Years.

VII. Provided nevertheless, and be it further enacted, That if the said Directors shall not during the said Term of Three Years purchase the said Houses, Buildings, Lands, Tenements, and Hereditaments mentioned in the said Schedule, it shall and may be lawful to and for the said Directors, at any Time or Times thereafter, with the Consent of the Parties interested in such Houses, Buildings, Lands, Tenements, and Hereditaments, to purchase the same, or such Part or Parts thereof respectively as they shall not have purchased within the said Term of Three Years; and as they shall find necessary for forming the said Tunnel, and the Accesses or Avenues communicating therewith, and other the Matters and Things required in the Execution of the Powers by the said recited Acts and this Act granted.

Directors may purchase Premises after Three Years, with Consent of the Parties interested.

VIII. And be it further enacted, That the Receipt of the Treasurer for the Time being of the said Company, countersigned by the Chairman of the Directors of the said Company for the Time being, shall be an effectual Discharge to the Purchaser of any of the Estate, Property, or Effects of the said Company which may be sold under or in pursuance of any of the Powers and Provisions given or contained in either of the said recited Acts or this Act for the Money in such Receipt expressed to be received; and that no Purchaser taking such Receipt shall be obliged to see to the Application or be in anywise answerable or accountable for the Loss, Misapplication, or Non-application of the Money in such Receipt expressed to be received, or of any Part thereof.

Receipt of Treasurer, countersigned by Chairman, to be a sufficient Discharge to Purchasers.

IX. And be it further enacted, That all such Parts of the Estate, Property, and Effects of the said Company as shall at any Time be sold under or by virtue of the Power for that Purpose given by the said secondly herein-before recited Act, or for the Purpose of satisfying any Mortgage, Annuity, or other Charge affecting the same respectively, shall, immediately upon any such Sale and for ever thereafter, be absolutely freed and discharged from all Claims and Demands of all Persons in respect of or in relation to any Share or Shares in the said Undertaking, or the Monies arising from any such Sale; and when and so soon as the whole of the Estate, Property, and Effects of the said Company shall have been sold under or by virtue of such Power, or for the Purpose aforesaid, all and singular the Shares then subsisting in the said Undertaking shall thereupon become and be absolutely extinguished and of no effect whatever: Provided nevertheless, that notwithstanding the Ex-

Property of the Company sold to pay Mortgages, &c. to be discharged from all Claims.

When all the Property is sold, Shares to be extinguished.

New Shares may be created and disposed of.

Persons entitled to newly-created Shares may be elected Directors and Auditors, and may make Contracts.

guishment of such Shares it shall be lawful for any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, who may be willing so to do, to raise and contribute amongst themselves, or by creating and disposing of new Shares in the said Undertaking, in such Ways as are mentioned in either of the said recited Acts, so much of the said Sums of Money by either of those Acts authorized to be raised as may not have been raised previous to such Extinguishment of Shares as last aforesaid; and the Proprietors of or Persons taking such newly-created Shares shall continue and be in all respects a Body Corporate under the same Name, and with, under, and subject to such of the Powers, Provisions, Regulations, Directions, Restrictions, Matters, and Things contained in the said recited Acts and this Act, as shall not then have been repealed or altered, (subject and without Prejudice to the Rights and Interests of the Purchaser or Purchasers of the Estate, Property, and Effects of the said Company,) and shall nominate and elect Persons possessing or being entitled to not less than Ten of such newly-created Shares to be Directors and Auditors, in the Manner and subject to the Regulations and Directions contained in the said firstly-recited Act, or as near thereto as may be; and the Persons so elected shall be invested with the same Powers and Authorities, and perform the same Duties, as are given and imposed upon the Directors and Auditors of the said Company by either of the said recited Acts or this Act; and it shall be lawful for the Directors of the said Company, after the Creation of such new Shares, to enter into, make, and execute any Contract or Contracts as to them shall seem meet with the Purchaser or Purchasers of the Estate, Property, and Effects of the said Company so sold as aforesaid for the Repurchase thereof, or for the carrying on and completing the said Tunnel and Works by the said firstly-recited Act authorized to be made, and to proceed with and complete the same respectively.

Repealing Clause as to Appointment of Chairman at every Meeting.

X. And be it further enacted, That so much of the said firstly herein-before recited Act as enacts that at every Meeting of the said Directors a Chairman should be chosen by and out of the said Directors, who in case of an Equality of Votes upon any Question which might be agitated at such Meeting of the said Directors should have the decisive or casting Vote, be and the same is hereby repealed.

Chairman to be appointed annually.

XI. And be it further enacted, That it shall be lawful for the Directors for the Time being of the said Company, at their First Meeting after the passing of this Act or at any subsequent Meeting, to nominate and choose one of the Directors to be their Chairman to preside at their Meetings; and the Director so chosen to be Chairman shall continue in Office as such for One Year after his Election (except in case of his Death, or Refusal to act, or ceasing to be qualified to be a Director, according to the Provisions of the said firstly-recited Act, or of his being removed or displaced from being a Director, under any of the Provisions of the same Act, previously to the Expiration of such Year); and at the Expiration of such Year and of every succeeding Year the Director chosen for Chairman for the preceding Year shall go out of Office and cease to

be Chairman, and a Chairman shall again be nominated and chosen from among the Directors for the Time being of the said Company, to continue in Office as Chairman for One Year from the Time of his Election, except in the Cases aforesaid : Provided nevertheless, that any such Chairman so going out of Office shall be eligible to be again Chairman for the succeeding Year.

XII. Provided always, and be it further enacted, That until a Chairman of the said Directors shall be nominated and chosen to continue in Office for One Year in manner aforesaid, and also at every Meeting of the Directors at which the Chairman so nominated and chosen shall not attend, or which may be held while the Office of annual Chairman shall be vacant, a Chairman shall be chosen at every such Meeting from among the Directors present, who shall preside on that Occasion.

Until a Chairman is chosen for the Year, one to be chosen at every Meeting.

XIII. Provided also, and be it further enacted, That in case any Director chosen for an annual Chairman as aforesaid shall die, or refuse to act, or cease to be qualified to be a Director as required by the said firstly-recited Act, or be removed or displaced from being a Director under any of the Provisions of the same Act, it shall be lawful for the Directors for the Time being to nominate and choose another of their Body to be the Chairman at their Meetings ; and the Director so chosen shall continue in Office as Chairman for the Remainder only of the Year for which his Predecessor was appointed, but shall nevertheless be eligible as Chairman for any succeeding Year or Years.

In case of Chairman dying, Directors to choose another.

XIV. And be it further enacted, That the Person presiding as Chairman at any Meeting of the Directors of the said Company shall not only vote as a Director of the said Company upon any Question which may be agitated at such Meeting, but in case of an Equality of Votes shall have the decisive or casting Vote.

Chairman may vote as a Director, and have the casting Vote.

XV. And be it further enacted, That the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act shall be paid by the Directors of the said Company out of the Joint Fund and Monies of the said Company.

Expences of Act.

XVI. 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.

Public Act

