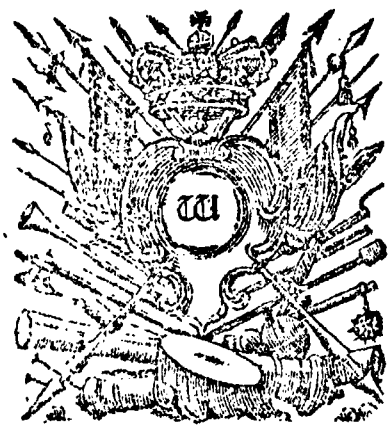
Anno tricesimo tertio

Georgii II. Regis.

An Act for extending and continuing the Navigation of the River *Wey*, otherwise *Wye*, in the County of *Surry*, to the Town of *Godalming*, in the said County.



WHEREAS by an Act of Parliament passed in the Twenty second and Twenty third Years of the Reign of King Charles the Second, intituled, An Act for settling and preserving the Navigation of the River *Wey*, in the County of *Surry*, reciting, That by Occasion of a pretended Act made in June, in the Year of our Lord One thousand six hundred and fifty one, for making navigable the River Wye, alias Wey, in the County of Surry, great Sums of Money had been expended, as well about enlarging the said River, as also cutting new Channels, erecting Flood-gates, and making Wharfs, and otherwise, in making the said River navigable from Guildford to the River Thames; which Work was very beneficial to the Publick; and that many Suits and Controversies had arisen concerning the Propriety and Ownership of the said River, and the Navigation thereon, and the Lands through which the same was cut or did run, and touching the sharing and dividing the Profits thereof, it was enacted, That the said River Wye, alias Wey, extending from Guildford to the River of Thames, as the same then did run, partly through the old and partly through the new Channels and Cuts, cut for the Passage thereof, should be, and was thereby declared to be, to all Intents and Purposes, a navigable River, for Navigation

Preamble, reciting Act 22 & 23 *Car.* II.

Navigation and Passage of Boats, Barges, Lighters, and other Vessels, and that the same should be so continued a navigable River for ever: And whereas in pursuance of the said recited Acts, the said River hath been made and continued navigable for Boats, Barges, Lighters, and other Vessels, from Guildford to the River of Thames, which hath been found very beneficial to the Publick: And whereas the extending and continuing a Navigation up the said River Wey, otherwise Wye, from the Place at or near the Town of Guildford, to which the same is at present navigable, to the Town of Godalming, in the said County of Surry, will be of general Utility: Wherefore, may it please your most Excellent 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 Right Honourable Arthur Onslow, Speaker of the House of Commons; the Right Honourable Percy Earl of Thomond, in the Kingdom of Ireland; the Right Honourable George Viscount Middleton, in the Kingdom of Ireland; the Right Honourable John Viscount Ligonier, in the Kingdom of Ireland; the Right Honourable Frederick Lord Baltimore, in the Kingdom of Ireland; the Right Honourable Henry Bilson Legge, the Right Honourable Edward Boscawen, the Honourable Thomas King, the Honourable Anthony Browne, the Honourable William Bouverie, Sir Anthony Thomas Abdy, Sir Nicholas Hacket Carew, Sir Kenrick Clayton, Sir John Elwill, Sir John Evelyn, Sir Thomas Frederick, Sir Francis Vincent, Sir William Peer Williams, Sir John Peachy, Sir John Shelly, Baronets; Sir William Moreton, Sir Charles Vernon, Knights; Thomas Broderick, Thomas Budgen, Peter Burrell, John Butler, Edward Broderick, Walter Bartelot, Henry Cliffe, Humphrey Cotes, Esquires; Charman Gentleman, Solomon Dayrolles, Vigerus Edwards, Thomas Elder, Edward Garthwaite, William Gill, William Man Godschall, Henry Streater Gill, William Green, John Garthwaite, Henry Hill, Thomas Orby Hunter, Esquires; John Haines Gentleman, Israel Jalabert, John Jolliffe, Luther, Thomas More Molyneux, William Mitford, Fletcher Norton, General Oglethorpe, George Onslow, Denzill Onslow, Middleton Onslow, Lieutenant General Richard Onslow, Colonel George Onslow, John Paye, Thomas Pelham, John Page, James Peachey, William Peachey, Henry Roker, Charles Searle, John Shrubb, Thomas Smith, George Sturt, Lee Steers, John Shelley, Edward Turnour, Nicholas Turner, Esquires; George

Commissioners Names.

True Gentleman, John Vincent of Beech-hill, Philip Carteret Webb senior, George Woodroffe, Philip Carteret Webb junior, Esquires; Robert Mitchell M. D. the Mayor of the Town of Guildford for the time being, and those who have served the Office of Mayor for the time being, the High Steward of the Town of Guildford for the time being, the Recorder of the Town of Guildford for the time being, John Shotter Town Clerk of Guildford, and the Town Clerk for the time being, the Reverend Charles Burdett Rector of the United Parishes of The Holy Trinity and Saint Mary's in Guildford, and the Rector of those Parishes for the time being; the Reverend Edward Clark, the Reverend John Dennis, the Reverend Edward Eliot, the Reverend Hilman, the Reverend Thomas Gawton Vicar of Godalming, and the Vicar of Godalming for the time being, the Reverend Horton, the Reverend George Holmes, Thomas Lowe Rector of the Parish of Saint Nicholas in Guildford, and the Rector of that Parish for the time being, the Reverend Samuel Mayonett, the Reverend Thomas Newhouse, the Reverend Phipps, the Reverend Thomas Saunders, the Reverend Henry Strudwick, the Reverend Richard Yalden, William Arnold, Henry Ayling, John Bullen, John Butcher, Richard Billinghurst, Richard Baxter, John Street of Burtley, William Billinghurst, John Butler of Bramshott, George Barrett, William Bishop of Frensham, Richard Clifton, John Chatfield, John Chalcroft, George Chitty, William Chitty, John Chitty, John Chandler of Witley, Richard Chandler, John Charman, John Collins of Headley, Thomas Chandler, John Evelyn Esquire, John Eives, John Enticknap, Francis Eliot, Richard Eliot, Edward Fawkes, John Ford junior, John Fielder, Richard Ford, Ralph Ford, John Garman, Peter Green, Gibbons, William Haydon, William Hammond, William Hogsflesh, Richard Heather, Thomas Heather, Thomas Hall, John Heath, John Hollis of Lodsworth, Huggins, James Hunt, Doctor Jacobs, Benjamin Kidd, John King, Caleb Lee, William Longman, William Mabbott Esquire, John Mabank, John Martyr, Stephen Mills, John Momer, Philip Mayhew, John March, John Manwaring, George Osbourn, George Otway, John Paine, Henry Page, Peachy, Edward Pritchard, Thomas Peace, Henry Prewett, John Prewett, John Puttock, Joseph Patrick senior, William Sadler, William Shaw, Roger Shotter, William Shotter, Richard Sparkes, John Sparkes, John Stilwell, James Stilwell, John Stilwell of Mousell, James Shrubb, John Snashall, Thomas Strovold, William Sandham, John Bonham Smith, John Shakelford, John Shurlock, Richard Sparkes,

Sparkes, James Smallpiece, William Smith, Abraham Toft, John Tuesley, John Valler, Edward Upfold, John Vincent of Stoke, Tempest Wight, John Woods, Thomas Woods, John Woods of Bramshott, John Woods of Chiddingfold, William Yalden of Newhouse the elder, John Yalden, John Yalden junior, Gentlemen; Henry Cliffe, the Reverend John Fulham Archdeacon of Llandaff, the Reverend Cornelius Jeale Clerk, Henry Austen, Robert Austen, William Horsenell, Thomas Mildred, Richard Street, William Bray, John Chandler, Francis Skurray, John Leech, Gentlemen; and

Their Power.

their Successors, shall be, and are hereby appointed Commissioners for extending and continuing the Navigation of the said River, from the Wharf commonly called The Town Wharf, below Guildford Bridge (to which Place the said River is at present navigable) to the Town of Godalming aforesaid: And the said Persons so appointed Commissioners, or such Person or Persons as they, or any Seven or more of them, shall, by Writing or Writings under their Hands and Seals, nominate or appoint their Agents, Officers, Workmen, and Servants, shall be, and are hereby impowered and authorized to make and keep navigable and passable for Barges, Boats, Lighters, and other Vessels, the said River, within the Limits aforesaid; and for that Purpose to cleanse, scour, open, deepen, enlarge, or streighten the same; and to cut, dig, or raise the Banks thereof; and to make such new Cuts, Canals, Trenches, or Passages, for Water, in, upon, or through the Lands or Grounds adjoining, or within the Distance of Six hundred Yards from the said River, as they the said Commissioners, or any Seven or more of them, shall think proper, for effecting the Purposes of this Act; be it the Ground or Soil of the King's most Excellent Majesty, His Heirs or Successors, or of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever; and also to dig up, cut, remove, and take away all Trees, Roots, Beds of Gravel or Sand, or any other Obstructions or Impediments whatsoever, which may any way hinder or prevent the said intended Navigation, either in sailing, haling, or towing of Boats, Barges, Lighters, or Vessels, with Oxen, Horses, or otherwise, so as to make and maintain an effectual and proper Navigation in all Places for Vessels drawing Three Feet and One Inch Water; and also to build, erect, set up, and make, over or in the said River, within the Limits aforesaid, and the new Cuts, Canals, Trenches, and Passages for Water afore mentioned, or upon the Lands adjoining or near to the same, or any of them, such and so many Bridges, Sluices, Locks, Weirs,

Pens

Pens for Water, Stanks, Dams, Quays, Winches, and other Engines, Posts and Stoops, Landing-Places, Wharfs, Weighing-beams, Warehouses for the Purposes of making and preserving the Navigation only, and other Works and Conveniencies, as and where the said Commissioners, or any Seven or more of them, shall think fit; and, from time to time, as often as shall be thought proper and convenient, to alter, repair, increase, enlarge, and amend, the same; and also to make, amend, widen, turn, alter, or enlarge, any Ways or Passages, within the Distance of Six hundred Yards from such Part of the said River as is hereby intended to be made navigable, for the carrying and conveying of Goods, Commodities, or other Things, to or from the said River, and the new Cuts, Canals, Trenches, and Passages for Water, herein before mentioned; and also to carry and convey in, over, and upon, any Lands or Grounds, not being a Garden, Orchard, Yard, Park, or Paddock, Plantation or Nursery for Trees, all Sorts of Materials for making, perfecting, improving, and finishing the said Works and Navigation, and for altering, repairing, and maintaining the same; and also to lay, work, and manufacture, the said Materials on the Ground (except as aforesaid) near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, or done; and also to amend, alter, or heighten, any Bridge or Bridges, as may any wise hinder or obstruct the said intended Navigation; and also to get, dig, take, and carry away, Soil, Chalk, Clay, Gravel, or Stone, proper or requisite and convenient for making, carrying on, altering, and continuing, the said Works and Undertakings, in or from any Ground of any Person or Persons adjoining or lying contiguous to the said River, or the new Cuts, Canals, Trenches, or Passages for Water, not being the Ground whereon any House stands, or an Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House; and also to make, set out, appoint, maintain, and keep, Towing-paths, Banks, and Ways, convenient for towing and drawing with Oxen, Horses, or otherwise, of Boats, Barges, Lighters, and other Vessels, passing in, through, and upon, the said River, or the Cuts and Canals hereby intended to be made navigable, as the said Commissioners, or any Seven or more of them, shall think convenient; and also to do and perform all other Works, Matters, and Things, which the said Commissioners, or any Seven or more of them, shall judge necessary or proper for carrying on, completing, and maintaining, the said intended

tended Navigation, and for executing the Purposes of this Act; they the said Commissioners doing as little Damage as may be to and upon the Premisses, and first giving Satisfaction to the Owners and Occupiers of, and Persons interested in, any Mills, Weirs, Lands, Tenements, or Hereditaments respectively, for any Damage that may happen or be occasioned to such Mills, Weirs, Lands, Tenements, or Hereditaments, for or on account of the said intended Navigation, as the said Commissioners or their Successors, or any Seven or more of them, shall, for that Purpose, order, adjudge, direct, or appoint, according to the Tenor and true Meaning of this Act.

Commissioners impowered to purchase Lands, and incapacitated Persons to treat.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall be, and are hereby impowered to agree with the Owners or Proprietors of, and Persons interested in, any Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Seven or more of them, shall judge necessary or proper to be cut, digged, altered, removed, or used, for the Purposes of this Act, or for the Recompence to be made to such Owners or Proprietors, and Persons interested, for the Damage they may sustain, by the Execution of any of the Powers of this Act: And it shall be lawful for all Bodies Politick, Corporate, and Collegiate, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for and in Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, or Femes Covert, and to and for all and every other Person and Persons whatsoever, who are or shall be seised or possessed of, or interested in, any such Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, at the Option of the said Commissioners, or any Seven or more of them, either to demise or lease the same, or any Part thereof, for any Term or Number of Years, at a certain yearly Rent, or otherwise to sell and convey the Inheritance in Fee-simple of all or any such Messuages, Mills, Weirs, Lands, or Hereditaments, unto the said Commissioners, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall nominate and appoint, or to agree with the said Commissioners, or any Seven or more of them, for any Recompence to be made for the Damage which may be done to any such Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act: And that all such Contracts, Agreements, Bargains, Sales, Leases, and Conveyances, shall be good and valid in the Law, to all

Intents and Purposes, not only to convey all the Estate, Right, Title, and Interest, of the Person and Persons conveying, but also to convey all the Estate, Right, Title, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and all claiming, or to claim, by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing, to the contrary thereof in any wise notwithstanding: And that all Persons so agreeing, demising, leasing, or conveying, as aforesaid, are and shall be indemnified for what they shall do, by virtue and in pursuance of this Act: And the said Commissioners, or any Seven or more of them, may also adjust what Proportion of the annual Rent, or Sum in Gross, so agreed to be paid, shall be allowed to any Tenant, or other Person, having a particular Estate, Term, or Interest, in any of the Premisses: And that all such Leases, Sales, and Conveyances, so to be made as aforesaid, shall be inrolled by the Clerk of the Peace for the said County of Surry; and true Copies of the same, without Stamps, signed by the Clerk of the Peace for the time being, shall be deemed and taken to be good Evidence thereof, in all Courts whatsoever.

Provided always, That nothing herein contained shall extend, or be construed to extend, to impower the said Commissioners to purchase or take any Lease of the Mills, commonly called Guildford Town Mills. Proviso.

And it is hereby further enacted, That if any such Bodies Politick, Corporate, or Collegiate, or any Person or Persons whatsoever, shall, for the Space of Thirty Days next after Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to such Person or Persons respectively, or to the Tenant or Tenants in Possession of the Mills, Weirs, Lands, Tenements, or Hereditaments, intended to be cut, digged, altered, removed, or used as aforesaid, or left at the Dwelling-house or Houses, or Place or Places of Abode, of such principal Officer or Officers, or such Person or Persons, or of such Tenant or Tenants as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Commissioners, or any Seven or more of them, or, by reason of Absence, shall be prevented from treating, touching the Matters aforesaid (except such Absence shall be occasioned by his or their necessary Attendance upon either House or Parliament) then, and in every such Case, the said Commissioners, Upon Refusal to treat,

sioners, or any Seven or more of them, shall and may, and they are hereby authorized and impowered, from time to time, to issue out their Warrant or Warrants, under their Hands and Seals, to be directed to the Sheriff of the County of Surry for the time being; or in case such Sheriff shall happen to be interested in the Matter in Question, or any ways related to any of the Parties interested or concerned therein, then to One of the Coroners of the said County; commanding such Sheriff or Coroner respectively, to impanel, summon, and return a Jury, and the said Sheriff or Coroner respectively, to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impanel, summon, and return, a Jury, of Twenty four able and sufficient Men, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at Westminster, to appear before the said Commissioners, or any Seven or more of them, at such Time and Place as by such Warrant or Warrants shall be directed and appointed, not being less than Ten Days after such Warrant shall be served upon the said Sheriff or Coroner respectively, or more than Twenty Days after such Service, upon Pain to forfeit for every Default for not making such Return, Twenty Pounds, to be sued for and recovered in the Manner herein after directed; and also to return in Issues upon every Person so impanelled and returned, not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which shall be levied upon the Goods and Chattles of the Person not appearing as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Seven or more of them: And in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner shall return other honest and indifferent Men, of the Standers-by, or that can be speedily procured, to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen: And the said Commissioners, or any Seven or more of them, are hereby impowered and required, by Warrant or Warrants, under their Hands and Seals, from time to time, as Occasion shall require, to summon, and call before them, all and every such Person and Persons as shall be thought proper or necessary to be examined as Witnesses by the said Commissioners, or any Seven or more of them, or any of the Parties interested, touching the Matters in Question: and the said Commissioners, or any

Sheriff or Coroner to impanel and return a Jury, to appear before the Commissioners at the Time and Place appointed.

Issues to be returned and levied upon Jurors not appearing.

Sheriff or Coroner to return a Tales Circumstantibus.

Commissioners may summon Witnesses to appear before them,

any Seven or more of them, shall and may, in case they think the same proper, or shall be required so to do by any Person or Persons interested, order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Question; which Jury, upon their Oath, to be administered by the said Commissioners, or any Two or more of them (and which Oath, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Two or more of them, are hereby impowered to administer) shall inquire of, assess, and ascertain, such Damages and Recompence as they shall adjudge fit, to be awarded to the Owners and Occupiers of, and Persons interested respectively in, any such Mills, Weirs, Lands, Tenements, or Hereditaments, or any Part thereof; and the said Commissioners, or any Seven or more of them, shall give Judgement for such Damages and Recompence so to be assessed by such Jury; which said Verdict, and the Judgement thereupon declared or pronounced by the said Commissioners, or any Seven or more of them, and the Value and Recompence so assessed (Notice in Writing being first given, as aforesaid, of their Meeting, at least Fourteen Days before such Meeting, to the Parties concerned, or left at their Dwelling Houses, or usual Places of Abode, or with the Tenant or Occupier of the Premisses, or left at his or her usual Place of Abode) shall be binding and conclusive, to all Intents and Purposes, against all and every Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Estate, Right, Title, or Interest, in the same Mills, Weirs, Lands, Tenements, or Hereditaments, or any thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politick, Corporate, and Collegiate, Infants, Ideots, Lunaticks, Femes Covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under, him, her, or them, or any of them.

and may order the Jury to view.

Jury to assess Damages;

and Commissioners to give Judgement finally.

Provided always, and be it further enacted, That the said Commissioners, and each of them, before he or they take upon him or themselves the Execution of any of the Powers or Authorities hereby given to him or them (other than administering the Oath following to one another, which they hereby respectively have Power to administer to one another) shall take the following Oath; videlicet,

I *A. B.*

Commissioners Oath.

I *A. B.* shall and will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities, as a Commissioner appointed in pursuance of an Act made in the Thirty third Year of the Reign of His Majesty King *George* the Second, intituled, *An Act for extending and continuing the Navigation of the River* Wey, *otherwise* Wye, *in the County of* Surry, *to the Town of* Godalming *in the said County.*

So help me God.

Which Oath the said Commissioners, or any Two or more of them, are hereby authorized and impowered to administer, at their First Meeting, or at any subsequent Meetings, in pursuance of this Act.

Witnesses not appearing or refusing to be sworn,

Provided also, and be it enacted by the Authority aforesaid, That if any Person or Persons, summoned as aforesaid to give Evidence, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in the Warrant or Warrants granted by the said Commissioners, or any Seven or more of them, for that Purpose; or, appearing, shall refuse to be sworn or examined by, or give Evidence before, the said Commissioners; or if any Person, summoned as a Juryman as aforesaid, shall, after his Appearance, refuse to be sworn, or, being so sworn, refuse to give, or not give, his Verdict, or in any other Manner wilfully neglect his Duty in the Premisses, contrary to the true Intent and Meaning of this Act, every Person so offending, having no reasonable Excuse, to be allowed by the said Commissioners, or any Seven or more of them, shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds, to be levied upon the Goods and Chattles of the Person or Persons so offending, by Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or any Seven or more of them, by Distress and Sale of the Offender's Goods, returning the Overplus to the Owner thereof, after such Penalty, and the Charges of such Distress and Sale, are deducted.

and Jurymen refusing to be sworn or give a Verdict, to be fined by the Commissioners.

Commissioners Decrees to be filed with the Clerk of the Peace, &c.

And it is hereby further enacted by the Authority aforesaid, That the said Verdicts and Judgements shall be set down in Writing, without any Stamps thereupon, under the Hands and Seals of the Commissioners acting in the Premisses, or any Seven or more of them, and be kept amongst the Records and Writings of the Quarter Sessions of the Peace for the time being of the said County; and

and the same, or true Copies thereof, without Stamps, shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis, at all convenient Times, and may take Copies thereof, without Stamps, paying for every Copy, not exceeding One hundred Words, the Sum of Six Pence; and so proportionably for any greater or lesser Number of Words.

Satisfaction being made or tendered, the Commissioners may enter and proceed in the Works.

And it is hereby further enacted, That upon Payment of the Sum or Sums so agreed on, contracted for, or assessed and adjudged for Damages, as aforesaid, to the Parties concerned, or for the Purchase of any such Lands, Tenements, or Hereditaments, or legal Tender thereof made to them respectively (which Sum or Sums of Money the said Commissioners, or any Seven or more of them, are hereby authorized to pay, out of the Monies to be raised by virtue of this Act) or, in case any such Parties cannot be met with, or shall refuse to accept the same; then, upon Payment of such Sum into the Hands of such Person or Persons as the said Commissioners, or any Seven or more of them, shall, under their Hands, in Writing, appoint, for the Use of the Parties interested as aforesaid, it shall and may be lawful to and for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon, remove, dig, cut, or use, such or so much of the said Lands, Tenements, or Hereditaments, for which such Satisfaction shall have been contracted for, agreed on, assessed, or decreed, as aforesaid, and thereon to make, erect, and do, any Works, Matters, or Things, for the effecting and carrying on the said intended Navigation, and for the supporting and maintaining the same, or for executing any of the Powers of this Act, as the said Commissioners, or any Seven or more of them, shall think requisite: And this Act shall be sufficient to indemnify as well the said Commissioners, as all Persons employed or authorized by them, against the said Owners, Occupiers, or other Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons, to all Intents and Purposes whatsoever.

Commissioners may take a Survey without previous Satisfaction made.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, without any previous Payment, or Tender of Recompence, to enter upon, and take a Survey and Level of, and to mark out, any Lands, Tenements, or

Hereditaments, which they the said Commissioners, or any Nine or more of them, shall think necessary to be used for any of the Purposes of this Act, doing thereby as little Damage as may be, and giving Forty eight Hours Notice as aforesaid, at the least, of such Entry, to the respective Owners or Occupiers of such Lands, Tenements, or Hereditaments, and making Satisfaction, as soon as may be, for all Damages which shall be thereby occasioned, in case such Damages exceed the Sum of Six Pence.

Satisfaction for future Damages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, Bodies Politick, Corporate, or Collegiate, at any Time after the said Commissioners, or any Person or Persons employed or authorized by them, shall have begun to carry this Act into Execution, for making the said Part of the said River navigable, or shall have completed the same, shall happen to sustain any Damages or Injury in his, her, or their Lands, Grounds, Fences, Mills, Weirs, Bridges, or Tenements, by any Act, Neglect, or Default, of the said Commissioners, or of their Agents, Workmen, or Servants, or by reason of any Alteration which shall be made by them, or any or either of them, on the said River, Cuts, Canals, or Works, to be made by virtue of this Act, for which they shall have had no Recompence or Satisfaction, or for which no Recompence or Satisfaction is hereby otherwise provided; then, and in every such Case, if the said Commissioners, or any Seven or more of them, and the Parties by whom such Damages shall be sustained, shall not agree touching such Damages, the said Commissioners, or any Seven or more of them, shall inquire of and ascertain such Damages, by a Jury to be impanelled and returned as aforesaid, and give Judgement for the Party or Parties aggrieved, and record the same accordingly, in the very same Manner and Form as the Damages and Recompences are hereby appointed to be assessed and adjudged for any Lands, Tenements, Hereditaments, Mills, Weirs, and Premisses, which shall in any ways be made use of, cut, or damnified, in making navigable the said River, as aforesaid: And in case the said Commissioners, or any Seven or more of them, shall not (being thereunto required) satisfy and recompense such Damage or Injury, as shall be so assessed and settled as aforesaid, within Twenty Days after such Request made, it shall and may be lawful for the Person or Persons aggrieved, to appoint One or more Person or Persons to receive the Rates and Duties to arise by virtue of this Act, and thereout to pay all such Damages so to be assessed and settled as aforesaid; and the Money to be received

ceived by such Receiver or Receivers, shall, and is hereby declared to be, as so much Money received to the Use of such Person or Persons receiving Damage or Injury as aforesaid, in Order and Course successively, as such Determinations shall be in Priority of Time; and after such Damages, so settled and assessed as aforesaid, shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes last-mentioned, shall cease and determine; any thing herein contained to the contrary notwithstanding.

Commissioners to pay Costs, if Jury give larger Damages than offered.

And be it further enacted by the Authority aforesaid, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on the Behalf of the said Commissioners, or any Seven or more of them, before the summoning of any such Jury, for or in respect of any such Mills, Weirs, Lands, Tenements, Hereditaments, or Damages as aforesaid, that then all the Expences of summoning and maintaining such Jury, and the Witnesses, and of taking such Inquest, shall be defrayed by the said Commissioners, or any Seven or more of them, out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more or a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, or any Seven or more of them, then, and in every such Case, such Expences (to be settled by any Two of his Majesty's Justices of the Peace for the said County of Surry) shall be defrayed by the Owners of, or Persons interested in, the Mills, Weirs, Lands, Tenements, or Hereditaments, in Question; and the Expences, so settled and ascertained, shall be deducted and taken out of the Monies so assessed and adjudged, and the Payment or Tender of the Remainder of such Monies, shall be deemed, within the Intent and Meaning of this Act, to be a full Satisfaction for such Lands, Tenements, Hereditaments, or Damages, respectively.

Upon the Death or Refusal to act of Commissioners, others to be chosen.

And be it further enacted by the Authority aforesaid, That when any of the said Commissioners shall die, or refuse to act, then, and so often as it shall so happen, any Seven or more of the surviving or remaining Commissioners may appoint a Meeting of Commissioners at the Towns of Guildford or Godalming, for the Election of One or more new Commissioner or Commissioners, as the Case shall require, to supply the Place or Places of the Person or Persons so dying, or refusing to act, and shall give Notice of the Time and Place of such Meeting or Meetings, by affixing Notices in Writing upon the Market-houses in the Towns of Guildford and Godalming, in the

the said County of Surry, Fourteen Days before the Time of such Meeting: And in case there shall be Eleven or more of the said Commissioners assembled together, at the Time and Place to be appointed for such Meeting, they shall and may proceed to elect One or more new Commissioner or Commissioners, in lieu of such of the said Commissioners as shall be dead, or refuse to act; and the Person or Persons who shall be so chosen and appointed, by the major Part of the said Commissioners then present, by an Instrument in Writing, under their Hands, shall from thenceforth be, and act as, a Commissioner or Commissioners, and shall have the same Power and Authority, in all Things relating to the Execution of this Act, as if he or they had been expressly named in, and appointed by, this Act.

Qualification of Commissioners.

And be it further enacted by the Authority aforesaid, That no Person shall sit or act as a Commissioner in any Case where he shall be in any wise directly or indirectly interested or concerned in the Matter or Matters in Question, or be qualified or capable of acting as a Commissioner by virtue of this Act, who shall not be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear yearly Value of One hundred Pounds beyond Reprizes; or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Three thousand Pounds, after Payment of all his just Debts: And unless the Person claiming to have One hundred Pounds a Year, or Three thousand Pounds Personal Estate alone, or Real and Personal Estate together, shall, being thereunto required, by any Two or more of the acting Commissioners, take and subscribe the Oath following, before any Two or more of the said Commissioners (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Execution of this Act; which Oath shall be in the Words, or to the Effect, following; that is to say,

I *A. B.* do swear, That I truly and *bona fide* am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the clear yearly Value of One hundred Pounds; or possessed of, or intitled unto, a Personal Estate alone,

alone, or Real and Personal Estate together, to the Amount or Value of Three thousand Pounds.

So help me God.

And in case any Person shall sit or act, being so interested, or if any Person who shall be deemed unqualified, or made incapable, for the Causes aforesaid, shall nevertheless presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered with Full Costs of Suit, by any Person or Persons who shall sue or prosecute for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed: And upon any such Suit or Prosecution, the Proof of such Qualification shall lie upon, and be made out by, every such Commissioner so to be sued or prosecuted. Penalty on acting not being qualified.

And it is hereby further enacted, That it shall and may be lawful to and for the said Commissioners, or such Person or Persons as they, or any Nine or more of them, by Writing under their Hands, shall nominate and appoint for that Purpose, from time to time, and at all Times hereafter, and at such Place or Places as the said Commissioners, or any Nine or more of them, shall appoint for that Purpose, to ask, demand, recover, and receive, such Sum and Sums of Money, Rates, and Duties, for the Passage of Boats, Barges, Lighters, and other Vessels, upon the said River, Cuts, and Canals, hereby intended to be made navigable, as shall be, from time to time, ascertained and settled by the said Commissioners, or any Nine or more of them, not exceeding the several Rates and Duties herein after-mentioned; that is to say, Commissioners may appoint Toll-gatherers.

The Tolls.

For every Ton or Load, accounting Twenty hundred to a Ton or Load, of Timber, Coyn, Meal, Flour, and other Goods, Wares, Merchandizes, and Commodities whatsoever (except Chalk, Woollen Rags, and other Kinds of Manure) carried or conveyed upon the said River, Cuts, and Canals, hereby intended to be made navigable, from Godalming to Guildford, or any Distance lower down the said River, than the Wharf intended to be made at or near Stone Bridge Brook, or from Guildford to Godalming, or any Distance higher up the said River than the said intended Wharf at or near Stone Bridge Brook, the Sum of One Shilling and Nine Pence.

And for every Ton or Load of Chalk, Woollen Rags, or other Kind of Manure, carried and conveyed as aforesaid, the Sum of Nine Pence.

And for every Chaldron of Coals, accounting Thirty six Bushels to the Chaldron, carried and conveyed as aforesaid, the Sum of One Shilling and Six Pence; and for every Ton or Load of Timber, Corn, Meal, Flour, and other Goods, Wares, Merchandizes, and Commodities whatsoever (except Chalk, Woollen Rags, and other Kinds of Manure) carried or conveyed upon the said Part of the said River, Cuts, and Canals, hereby intended to be made navigable between Godalming and the said intended Wharf at Stone Bridge Brook, or between Guildford and the said Wharf, the Sum of One Shilling and Six Pence.

And for every Ton or Load of Chalk, Woollen Rags, or other Kind of Manure, carried and conveyed as aforesaid, the Sum of Six Pence.

And for every Chaldron of Coals, accounting Thirty six Bushels to the Chaldron, carried and conveyed as aforesaid, the Sum of One Shilling and Three Pence; and so in Proportion for any greater or lesser Quantity of the Goods and Commodities aforesaid.

And in case of Refusal, Neglect, or Denial of Payment, on Demand, of such Rates and Duties, Sum or Sums of Money, as shall be, from time to time, appointed by the said Commissioners, or any Nine or more of them, to be paid as aforesaid, or any Part thereof, the said Commissioners, or any Five or more of them, in the Name of their Treasurer or Clerk, shall or may sue for the same, by Action of Debt, or upon the Case, in any Court of Record, or it shall be lawful for the Collector or Collectors of such Rates and Duties, to stop, seize, and detain, any Goods or Vessels, for which the same ought to be paid, until he or they shall be satisfied and paid the same.

Tolls may be levied by Distress.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That all such Rates and Duties are hereby vested in the said Commissioners, and shall be applied in the first Place, in discharging the Expences incurred in, and in relation to, the obtaining of this Act, and afterwards, for making, continuing, completing, and maintaining the said Navigation, and carrying this Act and the several Provisions, Powers, and Authorities, herein contained, into effectual Execution, and to no other Use or Purpose whatsoever.

Manure exempted from Tolls.

Provided always, and it is hereby enacted and declared, That no Rates or Duties shall be due, paid, or demanded, for Chalk, or any Kind of Manure, navigated, carried, or conveyed, upon the said River, Cuts, and

Canals,

Canals, hereby intended to be made navigable, to be spent or used in manuring any Land or Ground, lying within the Distance of Two hundred Yards from the said River, Cuts, or Canals, hereby intended to be made navigable; any thing herein contained to the contrary thereof in any wise notwithstanding.

Commissioners may appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall, by Writing under their Hands, from time to time, appoint such Person or Persons as they shall think fit, to be Collector or Collectors of the Rates and Duties hereby granted, or authorized to be taken, and also a Treasurer or Treasurers to receive all Monies arising by virtue of this Act (such Treasurers and Collectors giving Security to the Satisfaction of the said Commissioners, or any Seven or more of them, for the due Execution of their respective Offices) And such Collector or Collectors, and all other Persons who shall receive any Money by virtue of this Act, shall, from time to time, pay over all the Monies so collected or received, into the Hands of the said Treasurer or Treasurers, at such Times, and in such Manner, as the said Commissioners, or any Seven or more of them, shall direct and appoint: And the said Commissioners, or any Seven or more of them, may also appoint a Clerk or Clerks, and such other Officers as they shall think fit to employ in the Execution of this Act; and may allow to such Treasurers, Collectors, Clerks, and other Officers, such Salaries or Recompence, out of the Monies to be raised by virtue of this Act, as they the said Commissioners, or any Seven or more of them, shall think reasonable; and all such Officers shall be, from time to time, removable at the Will and Pleasure of the said Commissioners, or any Seven or more of them: And that the said Commissioners, or any Seven or more of them, shall and may, from time to time, and at such Times as they shall think proper, summon before them, and, if they think fit, examine upon Oath (which Oath any Two of the said Commissioners are hereby impowered to administer) all or any of the said Treasurers, Collectors, Clerks, and all other Officers and Persons employed in, or intrusted with, the Receipt or Expenditure of all or any of the Monies to be raised by virtue of this Act; and every such Treasurer, Collector, Clerk, and other Officer and Person employed or intrusted as aforesaid, is hereby required to render to the said Commissioners, or any Seven or more of them, a true, exact, and perfect Account in Writing, of all and every Sum and Sums of Money, so by him

Tolls may be levied by Deputies.

who are to account upon Application for the Tolls.

Masters exempted from Tolls.

him respectively received or expended as aforesaid; and in case any or either of such Treasurers, Collectors, Clerks, or other Officers or Persons so employed or intrusted, shall be found in Arrear, or refuse to account, or to pay the Money due upon the Balance of such Account, according to the Orders and Directions of the said Commissioners, or any Seven or more of them, it shall and may be lawful for the said Commissioners, or any Five or more of them, by Warrant or Warrants under their Hands and Seals, to levy by Distress and Sale of the Goods and Chattles of the Person or Persons so found in Arrear, or refusing to account, or to pay the Money due upon the Balance of such Account, such Sum or Sums of Money as he or they shall be required to account for, or as shall be found due upon the Balance of his or their Account or Accounts; and for want of sufficient Distress, it shall be lawful for any One or more Justice or Justices of the Peace for the County of Surry, upon Complaint made to him or them by the said Commissioners, or any Two or more of them, by Warrant or Warrants under his or their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County, Division, or Place, wherein such Offender or Offenders shall then be or reside, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands, to the said Commissioners, or any Seven or more of them, or according to their Appointment, or shall have compounded for the same, and paid such Composition Monies; which Composition the said Commissioners, or any Seven or more of them, are hereby impowered to make; or such Commissioners, or any Seven or more of them, may and are hereby impowered to bring, or cause to be brought, any Action or Actions, in their own Names, or in the Name of any One or more of them, in any of His Majesty's Courts of Record at Westminster, against any such Officer or Person so refusing, neglecting, or making Default, as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Officer or other Person respectively.

Officers refusing to account, &c. may be committed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Seven or more of them, at any Meeting to be had in pursuance of this Act, from time to time, to assign over the Rates and Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates and Duties) as a

Commissioners may borrow Money on the Credit of the Tolls.

Security for any Sum or Sums of Money to be borrowed, with Interest, not exceeding Five Pounds per Centum per Annum, to such Person or Persons as shall advance the same, or their Trustee or Trustees, by the following Words of Assignment, under their Hands, or by any other Words for that Purpose:

BY virtue of an Act made in the Thirty third Year of the Reign of His Majesty King *George* the Second, intituled, *An Act for extending and continuing the Navigation of the River* Wey, *otherwise* Wye, *in the County of* Surry, *to the Town of* Godalming, *in the said County*; We of the Commissioners, do assign unto *A. B.* his Executors, Administrators, or Assigns, in Consideration of the Sum of from this Day of , in the Year of our Lord , until the said Sum of with Interest, at the Rate of *per Centum per Annum*, shall be repaid, such Proportion of all the Rates and Duties arising by virtue of the said Act, as the said Sum of shall bear to the whole Sum advanced on the Credit of the same.

And all and every Person or Persons to whom the said Commissioners, or any Nine or more of them, shall at any Time make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Rates and Duties, according to the respective Sums in such Assignments mentioned to be advanced, to secure the Repayment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever: And the Money so borrowed shall be applied, in the First Place, in discharging the Expences incurred in, and in relation to, the obtaining this Act; and afterwards, in such Manner as the Rates and Duties are directed to be applied, and to no other Use or Purpose: And an Entry or Memorial of every such Assignment, containing the Date, Names of the Parties, and Sums of Money, shall be made in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Commissioners; which said Book or Books shall and may be perused, at all seasonable Times, by all Persons whomsoever, without Fee or Reward; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to

Application of Money borrowed.

Assignments may be transferred.

any Person or Persons whatsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

I Do transfer this Assignment, with all my Right and Title to the Principal, hereby secured, and to all the Interest now due, to *C. D.* his Executors, Administrators, or Assigns. Dated this Day of

A. B.

Witness *G. H.*

Which said Transfer or Assignment shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Commissioners, or any Seven or more of them, shall appoint, not exceeding the Sum of One Shilling: And after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignees may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby secured, or any Part thereof.

When Monies borrowed are paid off, &c. Tolls to be reduced.

And it is hereby further enacted by the Authority aforesaid, That when and so often as the Rates and Duties hereby granted, shall amount to more Money than will be sufficient to pay and keep down the Interest of the Money to be borrowed in pursuance of this Act, and of all Expences in supporting and maintaining the said intended Navigation, then, and so often as it shall so happen, the said Commissioners shall cause such Overplus Money to be applied in Discharge of the Money to be lent on the Security of this Act; and thereupon shall also cause the Rates and Duties hereby granted, to be reduced in Proportion thereto; but nevertheless, the said Commissioners, or any Nine or more of them, shall and may, when necessary, raise again the said Rates and Duties, so that the same do not exceed the Rates and Duties hereby granted.

Navigation to be free.

And it is hereby further enacted by the Authority aforesaid, That when and so soon as the said River, and the said Cuts and Canals hereby intended to be made navigable,

gable, shall be made navigable, then, and from thenceforth, the said Part of the said River, Cuts, and Canals, hereby intended to be made navigable, shall be a free Navigation: And that all the King's Leige People whatsoever shall and may have, and lawfully enjoy, free Passage, along, in, through, and upon, the said River, Cuts, and Canals, with and for Barges, Boats, Lighters, and other Vessels, drawing not more than Three Feet and One Inch Water; and also the Use of the Towing or Haling-paths, and all other necessary and convenient Liberties for navigating the same, without any Let, Hindrance, or Obstruction, from any Person or Persons whatsoever; subject nevertheless to the Payment of such Rates and Duties as, by the Tenor and true Meaning of this Act, are or ought to be paid to the said Commissioners, or such Person or Persons as they, or any Nine or more of them, shall appoint to collect the same.

Duties exempted from Taxes.

And be it further enacted and declared, That the said Rates and Duties shall, at all Times hereafter, be exempted from the Payment of any Taxes, Rates, Assessments, or Impositions whatsoever; any Law or Statute to the contrary notwithstanding.

Penalty for not shutting Lock-gates, &c.

And it is hereby further declared and enacted by the Authority aforesaid, That if any Boatman, or Person having the Care of, or passing with, any Boat, Barge, Lighter, or other Vessel, through any Lock upon the said Part of the said River hereby intended to be made navigable, or any of the Cuts or Canals cut out of the same, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Barge, Lighter, or Vessel, to pass through any such Lock, and shall not in coming down the said River, Cuts, or Canals, or any of them, shut the lower Gates of such Lock before he or they shall draw the Cloughs of the upper Gate thereof, and after he or they shall have brought his or their Boat, Barge, Lighter, or Vessel, into the said Lock, shall not shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; or, in going up the said River, Cuts, or Canals, or any of them, shall not, as soon as he or they shall have passed with his or their Boat, Barge, Lighter, or Vessel, out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat, Barge, Lighter, or Vessel, within Four hundred Yards of the said Lock coming down the said River, Cuts, or Canals, or any of them; or if any Person or Persons shall open any Gate or Gates in the Haling-ways for the passing of Men or Horses haling any Boat, Barge, Lighter, or other Vessel,

Vessel, up or down the said Part of the said River, Cuts, or Canals, hereby intended to be made navigable, and shall not shut such Gate or Gates after the said Men or Horses shall have passed through the same; every Person offending in any of the Particulars aforesaid, and being convicted thereof before any Justice of the Peace for the said County of Surry, upon Oath of any One or more Witness or Witnesses, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings, One Moiety whereof shall be paid to the Informer or Informers; and, in Default of Payment of such Penalty, the Person or Persons so offending shall, by Warrant of such Justice of the Peace, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice of the Peace shall direct, not exceeding Two Months.

Owners or Masters of Vessels answerable for the Crews, &c.

And be it further enacted by the Authority aforesaid, That the Owner or Master of any Boat, Barge, Lighter, or Vessel, shall be and is hereby made answerable for any Damage or Mischief that shall be done by such Boat, Barge, Lighter, or Vessel, or by any of the Crew, Bargemen, Boatmen, Lightermen, or Watermen, belonging to any such Boat, Lighter, Barge, or Vessel, to any of the Weirs, Locks, Dams, Bridges, or other Works, which shall be made or maintained by virtue of this Act, or for any Damage or Trespass done to the Owner or Occupier of any Mill, Lands, Grounds, Fences, or Tenements, upon, or adjoining to, the said Part of the said River, Cuts, or Canals, hereby intended to be made navigable, or any of them, or by drawing or leaving running any Clough or Cloughs in any of the said Locks or Cuts, when such Boat, Barge, Lighter, or Vessel, shall have passed through the same, contrary to the Tenor, Purport, and true Meaning of this Act: And such Owner or Master of any such Boat, Barge, Lighter, or Vessel, shall and may be sued for the same, as if such Trespass or Damage had been done or committed by himself: And if such Master or Person, having the Charge of, or belonging to, any such Boat, Barge, Lighter, or Vessel, shall be found guilty, or Judgement shall be given against him upon Demurrer, or by Default, the Plaintiff or Plaintiffs shall not only recover his or their Damages sustained thereby, but also his, her, or their Double Costs of Suit.

Name of the Owner to be set on every Vessel, and Penalty if not done.

And be it further enacted by the Authority aforesaid, That every Owner, Master, or Person, having the Charge of any such Boat, Barge, Lighter, or other Vessel, shall cause the Name of the Owner to be put in large white Capital

Capital Letters, in some conspicuous Place on each of the Outsides of every such Boat, Barge, Lighter, or other Vessel, higher than the same shall sink into the Water when loaded: And if the Owner, Master, or Person, having the Charge of any such Boat, Barge, Lighter, or other Vessel, shall not at all Times have the Owner's Name put on the Outsides of his Boat, Barge, Lighter, or other Vessel, as aforesaid, every such Master, Owner, or Person having the Charge thereof, shall, for every such Neglect or Default, forfeit and pay the Sum of Five Pounds.

Managers of Boats, &c. obstructing the Passage, how punishable.

And be it further enacted, That if any Person having the Care or Management of any Boat, Barge, Lighter, or other Vessel, shall put or lay such Boat, Barge, Lighter, or Vessel, in any Part of the said Part of the said River, Cuts, or Canals, hereby intended to be made navigable, or any of them, so as to obstruct the Passage of any other Boat, Barge, Lighter, or Vessel, or hinder the Opening or Shutting of any of the said Locks, and shall not immediately, upon Request made, remove such Boat, Barge, Lighter, or other Vessel, he shall, for every such Offence, forfeit the Sum of Five Shillings for every Hour such Boat, Barge, Lighter, or Vessel, shall continue to obstruct such Passage, or prevent the Opening or Shutting of any Lock, as aforesaid: And it shall be lawful for the Agents or Servants of the said Commissioners, or any of them, to cause any such Boat, Barge, Lighter, or Vessel, to be unloaded, if necessary, and to be removed in such Manner as shall be proper for avoiding any Obstruction in the Navigation, and in the Use of such Locks, and to detain such Boat, Barge, Lighter, or Vessel, and the Loading thereof, or any Part of such Loading, until such Forfeiture, and the Charges occasioned by such Removal, are discharged, paid, and satisfied.

Boats, &c. sunk, to be weighed up by the Owners immediately.

And be it further enacted by the Authority aforesaid, That if any Boat, Barge, Lighter, or other Vessel, shall happen to be sunk in the said Part of the said River, Cuts, or Canals, hereby intended to be made navigable, or any of them; and that the Owner, or Person having the Charge, Command, or Rule thereof, do not, without Loss of Time, weigh or draw up the same again, and hale the same out of the Way of other Vessels passing and repassing upon the said intended Navigation, it shall and may be lawful to and for the Agents or Servants of the said Commissioners, to cause such Boat, Barge, Lighter, or other Vessel, to be weighed or drawn up, and to detain and keep the same until Payment be made of all Expences occasioned thereby; and if Payment be not made in Twenty one Days after such Boat, Barge, Lighter,

or other Vessel, be drawn up; then, and in such Case, it shall and may be lawful to and for such Agents or Servants to cause Sale to be made thereof for reimbursing the said Expences or other incident Charges; returning the Overplus (if any be) to the Owner or Master of the said Boat, Barge, Lighter, or Vessel.

Power to measure Boats, &c.

And be it further enacted by the Authority aforesaid, That the said Agents and Servants shall and may, and they are hereby authorized and impowered to measure all and every or any of the said Boats, Barges, Lighters, or Vessels, when empty, by putting Weights into the same for that Purpose; and to set Figures or Marks at each End of every such Boat, Barge, Lighter, or Vessel, on the Outside, shewing how much or how far every Ton Weight of Loading, which shall be put into such Boat, Barge, Lighter, or Vessel, will sink the same into the Water; and from time to time may re-measure every such Boat, Barge, Lighter, or Vessel, when empty, and mark again such Boat, Barge, Lighter, or Vessel, as aforesaid: And if the Owner or Owners, Master or Masters, Person or Persons, having the Charge of any such Boat, Barge, Lighter, or Vessel, shall refuse, hinder, or obstruct, the Weighing, Measuring, or Marking of any such Boat, Barge, Lighter, or Vessel, as aforesaid; every Person so refusing, hindering, or obstructing, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds: And if any such Owner or Owners, Master or Masters, Person or Persons, shall alter, deface, remove, erase, or destroy, any such Mark or Marks, Figure or Figures, or shall suffer the same to be altered, defaced, removed, erased, or destroyed; every such Owner or Owners, Master or Masters, or Person or Persons, so offending, shall forfeit and pay, for every such Offence, the Sum of Five Pounds.

Penalty on Person refusing.

And, for preventing the throwing down or damaging any of the Works which shall be erected or made in pursuance of this Act, be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously break, throw down, damage, or destroy, any Banks, Locks, Weirs, or other Works, to be erected or made for the Purposes aforesaid, whereby the Water shall be so much spent and wasted, as thereby to hinder, or prevent the said intended Navigation, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent, the carrying on, completing, supporting, and maintaining, the said intended Navigation, such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Courts by and before whom

Persons damaging the Works how to be punished.

such Person or Persons shall be tried, shall and hereby have Power and Authority to transport any such Felon for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Penalty on Persons maliciously or wantonly drawing up Cloughs, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall maliciously or wantonly open, or cause to be opened, any Lock or Clough belonging to the said Navigation, or leave any of the Cloughs running, after any Boat, Barge, Lighter, or other Vessel, shall have passed any Lock belonging to the said intended Navigation; or if any Person or Persons shall draw, or cause to be drawn, any Clough or Cloughs in the Lock-gates in the said Part of the said River, Cuts, and Canals, hereby intended to be made navigable, or any of them, so as to mis-spend or waste the Water of the said River, Cuts, or Canals, or any of them, to the Prejudice of the said intended Navigation; every such Person or Persons offending in any of the said Particulars, and being thereof convicted, before One or more Justice or Justices of the Peace for the said County, by the Oath of One or more Witness or Witnesses, shall forfeit and pay the Sum of Forty Shillings; and in Default of Payment thereof, the Person or Persons offending shall, by Warrant or Warrants of such Justice or Justices, be sent to the House of Correction, there to be kept to hard Labour, for such Time as such Justice or Justices shall direct, not exceeding Two Months.

Penalty on Millers refusing to draw up Cloughs, &c. on Satisfaction tendered.

And be it further enacted by the Authority aforesaid, That if the Owner, Occupier, or Miller, of Guildford Town Mills, or the Owner, Occupier, or Miller, of Catshull Mills, do or shall, upon Request made, and reasonable Notice given, and upon Payment or Tender of such Recompence or Satisfaction as is herein after-mentioned, to him or them made, by the said Commissioners, or any Three or more of them, or any Person or Persons employed as their Surveyor or Agent, neglect or refuse either to draw up or open, or to shut or put down, all or any One of the Clough or Cloughs of any Sluice or Sluices belonging to such Mills respectively, which shall be necessary to be opened or shut respectively, for making, effecting, or continuing, the said intended Navigation, and the Works requisite for that Purpose, and for altering and repairing the same, every Person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds: And the Owner or Occupier of Guildford Town Mills shall and may lawfully demand, have, and receive, and there-

shall

shall become due and payable to him or them, as a Recompence and Compensation for such drawing up or opening, or putting down or shutting, of all or any of such Clough or Cloughs as belong to Guildford Town Mills, the Sums of Money following; that is to say, For every Hour not exceeding Six, the Sum of Two Shillings and Six Pence; and for any Time not less than an Hour, to be paid as for a whole Hour; and for any Time more than Six Hours, and not exceeding Twenty four Hours, the Sum of One Pound and Five Shillings: And the Owner or Occupier of Catshull Mills shall and may lawfully demand, have, and receive, and there shall become due and payable to him or them, as a Recompence and Compensation for such drawing up or opening, or putting down or shutting, of all or any of such Clough or Cloughs as belong to Catshull Mills, the Sums of Money following; that is to say, For every Hour not exceeding Six, the Sum of Two Shillings; and for any Time less than an Hour, to be paid as for a whole Hour; and for any Time more than Six Hours, and not exceeding Twenty four Hours, the Sum of One Pound and One Shilling; but such Payments to be made only when all or any of such Clough or Cloughs shall be drawn up or opened, or put down or shut, for the Purposes aforesaid.

And whereas the Water-works for supplying the Town of Guldeford, in the County of Surry, with Water, are worked by a Wheel in One of the Conduits belonging to the Mills called Guldeford Town Mills, and which does not move any of the Works in the said Mill: And whereas there is a Wheel belonging to the said Mill, in the same Conduit, fixed above the said Water-work Wheel: And whereas the said Town Mills, by reason of the said intended Navigation, may be often prevented from working, and at the same Time the Water-work Wheel could work, were some of the Floats of the Wheel above it, belonging to the said Mill, taken off, and thereby the Town be supplied with Water; Now, to the Intent the said Water-works may be hindered working as little as possible, be it enacted by the Authority aforesaid, That whenever the said Mills shall be stopped, by reason of the said intended Navigation, or otherwise, that the Owners, Tenants, or Occupiers, of the said Mills, for the time being, shall take off from the said Wheel, being in the Conduit with the Water-work Wheel, so many of the Floats thereof as shall be necessary to permit the Stream of Water in the said Conduit to come freely to the said Water-work Wheel to turn the same.

Regulation with respect to *Guildford* Water-works.

And

No Lock to be erected below *Guildford* Mill.

And be it enacted by the Authority aforesaid, That it shall not be lawful for the said Commissioners, appointed or to be appointed by virtue of this Act, to erect any Lock or Pen for Water on the said Part of the said River hereby intended to be made navigable, below the Mill called Guildford Town Mill, except for the temporary Purpose of making and repairing Guildford Town Bridge, or any of the Works to be erected or made in pursuance of this Act.

No Vessel having more than 28 Pounds of Gunpowder, to lie within Half a Mile of *Guildford*.

And be it enacted by the Authority aforesaid, That no Barge, Boat, or Vessel, having on board more than Twenty eight Pounds Weight of Gunpowder, shall stop or lie on any Part of the said River, hereby intended to be made navigable, within Half a Mile of any Part of the said Town of Guldeford, under Pain of forfeiting Five Pounds for every such Offence; to be recovered in the same Manner as other Penalties of that Value in this Act are directed to be recovered.

Penalty on Millers obstructing Navigation.

And it is hereby also enacted and declared, That if any Owner, Occupier, or Miller, of any Mill or Mills within the Limits of the said intended Navigation, or other Person employed by him, her, or them, shall, in the Judgement and Opinion of any Seven or more of the Commissioners, wittingly or wilfully do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby, or by Means whereof, the said intended Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause, to be allowed by the said Commissioners, or any Seven or more of them, for so doing; every such Owner, Occupier, or Miller, or other Person whatever, shall, for every such Act, Matter, or Thing, forfeit and pay such Sum and Sums of Money as the said Commissioners, or any Seven or more of them, shall order, decree, or award, not exceeding the Sum of Forty Shillings for each Offence.

Penalty for stanging of Wheels.

And it is hereby further enacted, That if any Owner or Occupier, or Miller of any Mill, within the Limits of the said intended Navigation, shall stop or stang, or cause to be stopped or stanged, any Wheel or Wheels of any such Mill, or shall open, or cause to be opened, any waste Water-gate or Clough belonging to any such Mill, so as to let the Water pass or run waste through the Sluices or Flood-gates of such Mill or Mills while the Wheel is not working, and thereby obstruct or prevent the Passage of Boats, Barges, Lighters, or other Vessels, up or down the said Part of the said River, Cuts, and Canals, hereby intended to be made navigable, or any

of them; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds.

Masters of Vessels to give an Account of their Loading.

And, for the more easy collecting the Rates and Duties hereby made payable, be it further enacted by the Authority aforesaid, That every Master, or other Person, having the Command of any Boat, Barge, Lighter, or other Vessel, passing on the said Part of the said River, or the Cuts or Canals intended to be made navigable as aforesaid, shall make and give a just, true, and perfect Report or Account in Writing, signed by himself, unto such Person or Persons as shall, from time to time, be nominated and appointed by the said Commissioners, or any Seven or more of them, for that Purpose, or to collect such Rates and Duties as aforesaid, and at such Place or Places as shall be assigned and appointed for the Attendance of such Person or Persons, Collector or Collectors, for that Purpose, of the Quantity, Quality, and Weight of the Goods, Wares, Merchandizes, and other Commodities and Things, which shall be in, or belong to, such Boat, Barge, Lighter, or other Vessel; and also of the Quantity, Quality, or Weight, of such Goods as shall have been discharged or taken out of such Boat, Barge, Lighter, or other Vessel, within the Limits of the said intended Navigation, before their Arrival at the Place where such Account or Report is to be made and given; and in Failure of making or giving such Account or Report, or in case of his or their making or giving a false Account or Report, every such Master, or other Person, having the Command of such Boat, Barge, Lighter, or other Vessel, shall forfeit and pay the Sum of Five Pounds for every such Offence.

on Penalty of 5*l.*

Power to Collector to weigh, measure, or gauge Goods in Dispute.

And be it also further enacted by the Authority aforesaid, That if any Dispute or Difference shall arise between the Collectors of the Rates and Duties made payable by this Act, and the Owner, Master, or Person having Charge of any Boat, Barge, Lighter, or other Vessel, or the Owner of any Goods, Wares, and Merchandizes, or other Things chargeable with, or liable to, the Payment of any of the said Rates and Duties, concerning the Weight and Quantity of the same, it shall and may be lawful to and for such Collector to stop and detain any such Boat, Barge, Lighter, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandizes, or other Things, as shall be in any Vessel or Vessels where and when any Dispute shall arise: And in case such Goods, Wares, and Merchandizes, or other Things, shall, upon such weighing, measuring, or gauging, appear

to be as much in Weight or Quantity as, or of greater Weight or Quantity than, such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with, or liable to the Payment of, as much Money as, or more than, was demanded by the Collector before the weighing, measuring, or gauging, of such Goods, Wares, and Merchandizes, or other Things; then, and in such Case, the Master or Owner of such Boat, Barge, Lighter, or other Vessel, or the Owners of such Goods, Wares, and Merchandizes, so weighed, measured, or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging: All which said Costs and Charges, upon Refusal of Payment thereof, on Demand, shall and may be recovered, as the Rates and Duties made payable in and by this present Act are appointed to be recovered: But in case such Goods, Wares, and Merchandizes, or other Things, shall, upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof; then, and in such Case, such Collector shall pay the Costs and Charges of such measuring, weighing, or gauging; and shall also pay to the Master, Owner, or Person having Charge of such Boat, Barge, Lighter, or other Vessel, or to the Owner or Owners of such Goods, Wares, and Merchandizes, One Shilling for every Hour that such Boat, Barge, Lighter, or other Vessel, shall be detained, by Occasion of such weighing, measuring, or gauging; and so in Proportion for any greater or less Time than an Hour: And in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattles of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the said County of Surry, rendering the Overplus (if any be) to the Owner or Owners thereof, after such Distress and Sale made, and the Costs and Charges thereof are paid and satisfied.

Commissioners to make Bridges, Gates, and Stiles, &c. where needful, and Bridges, over the River at Fords.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, at any publick Meeting for that Purpose to be appointed (Notice in Writing, signed by the Clerk to the said Commissioners, of such Meeting having been affixed upon the Market-houses of Guildford and Godalming aforesaid, Ten Days at least before such Meeting) shall and may cause to be had, set up, and, from time to time, maintained and kept in Repair, convenient Gates, Bridges, Passages, and Stiles, in and over all the Ditches

Ditches and Fences in the Towing-paths, Haling-paths, and Ways, to be set out for the Purposes of this Act, where the same shall respectively be wanting; and are hereby also impowered and required to make sufficient Bridges, with proper Battlements, or Posts and Rails, on each Side, over the new Cuts, Canals, Trenches, and Passages for Water, where necessary, for the Use of the Occupiers of the Lands, Tenements, and Hereditaments, thereunto adjoining, to make them convenient Passages to come to and from their Lands, for the Use and Occupation of the same; and also, that if the said Commissioners, or any Seven or more of them, shall find it necessary to deepen or widen the said Part of the said River, hereby intended to be made navigable, in any Part or Parts thereof, where there now are common or usual Fords or Highways for Passengers on Foot, or for Carts and other Carriages, through the same, so as such Fords or Highways shall be thereby rendered impassable or dangerous, then, and in such Case, the said Commissioners, or any Seven or more of them, shall first cause a sufficient Bridge or Bridges to be erected, or such other Conveniencies, as the said Commissioners, or any Seven or more of them, shall adjudge proper, where such Fords or Highways now are, or as near thereto as conveniently may be; and shall, from time to time, maintain and keep the said Bridges or Conveniencies in Repair, for the Convenience of all Persons having Occasion to pass over the same.

Commissioners to repair and alter *Guildford Bridge.*

And whereas it may be necessary, for the making and preserving the said intended Navigation, to deepen the said Part of the said River, at or near Guildford Bridge, where there now is a common Ford or Highway through the same, leading into the Town of Guildford; be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, before they begin to deepen the said Part of the said River, at or near the Place aforesaid, shall, out of the Monies to be raised by virtue of and in pursuance of this Act, cause the said Bridge, commonly called Guildford Town Bridge, to be well and sufficiently repaired, widened, and altered, with Stone or Brick, and other proper Materials, so that the said Bridge, when so repaired, widened, and altered, shall be of the Width of Twenty one Feet at the least, in the Clear, between the Parapet Walls: And the said Commissioners, or any Nine or more of them, shall also cause a Parapet Wall of Stone or Brick, Three Feet high at the least, and Fourteen Inches thick, to be erected and built on each Side of the Top of the said Bridge;

and

and shall also cause all such other Alterations and Repairs to be had, made, and done, to the said Bridge, as aforesaid, as shall be necessary or proper for making the said Bridge, at all Times thereafter, a safe, easy, and commodious Passage over the said River, for all Persons, Horses, Carts, and Carriages: And when the said Bridge shall be repaired, widened, and altered, as aforesaid, the same shall be, and is hereby declared to be, from thenceforth, for ever, a common Bridge, to all Intents and Purposes whatsoever; but the said Commissioners, or any Nine or more of them, shall, from time to time, and at all Times thereafter, maintain and keep the said Bridge properly covered with Gravel, or other proper Materials, and in good and sufficient Repair: And shall also cause a sloping Causeway to be made from or near the West End of the said Bridge, to the Highway leading to the Mill Mead, by the Churchyard of the Parish of Saint Nicholas in the said Town, in such Manner as that the said Highway may not be stopped up by the widening of the said Bridge; and also an Arch, if necessary, under the said Causeway for the Passage of the Water from Guild Downs, or any other Place, into the said River; which Arch shall be deemed Part of the said Bridge.

Persons throwing Ballast, &c. into the River, how to be punished.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall throw any Ballast, Gravel, Stones, Rubbish, or Dirt, into any Part of the said River hereby intended to be made navigable, or any Cuts or Canals to be made in pursuance of this Act, every Person so offending, and being convicted thereof, before any Justice of the Peace for the said County, upon the Oath of One or more Witness or Witnesses, shall, by Warrant of the said Justice, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice of the Peace shall direct, not exceeding One Month.

Treasurer or Clerk made liable to an Indictment for Repair of *Guildford* Bridge.

And be it further enacted, That during the Time such Part of the said River shall continue navigable above the said Bridge, the Treasurer or Clerk, to be appointed by the said Commissioners by virtue of this Act, for the time being, in case of any future Defects or Wants of Reparations of the said Bridge, or any Part thereof, shall, from time to time, be liable to an Indictment, or other legal Prosecution, for such Defects or Wants of Repairs, in such and the same Manner as if such Clerk or Treasurer were by Law liable to support and maintain the said Bridge: And that the said Treasurer or Clerk for the time being, in case of such Indictment, or other Prosecution,

being commenced against him, for the Reason aforesaid, shall, and lawfully may, out of the Tolls and Monies to be raised by virtue of this Act, reimburse himself all such Charges and Expences as he may be put unto by reason of such Prosecution, and the Reparation which shall be directed thereupon to be made of the said Bridge.

The Corporation of *Guildford* exempted from the Repair of the Bridge.

And be it enacted by the Authority aforesaid, That the Town or Corporation of Guldeford, in the said County of Surry, or the Parishes within the said Town or Corporation, or any or either of them, shall not at any Time (after the Commissioners nominated and appointed for the carrying this Act into Execution, or that shall hereafter be nominated and appointed by virtue hereof, shall have begun to repair and inlarge the same) be liable to any Indictment or Prosecution for any future Defects or Wants of Reparation of the said Bridge, or any Part thereof, so long as the said River shall be navigable above the said Bridge; nor shall any of the publick Funds or Stocks of the said Town, Corporation, or Parishes, be liable to any such Repairs, but shall be absolutely discharged therefrom.

Persons giving false Evidence, how punished.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who, in any Examination directed to be taken by this Act, shall give false Evidence before the Commissioners appointed, or to be appointed, by virtue of this Act, or before any Justice or Justices of the Peace, shall and may be prosecuted for the same; and such Person or Persons as shall be convicted thereof, shall be subject and liable to the same Punishments and Disqualifications, as any Person or Persons can or may be subject or liable to for wilful or corrupt Perjury, by any of the Laws and Statutes of this Realm.

Commissioners to raise the Banks in proportion to the Height of the Water.

And be it further enacted by the Authority aforesaid, That if the said Commissioners, or any Person or Persons authorized or employed by them, or any Seven or more of them, shall, by making or raising any Weir or Dam, or otherwise, raise the Water of the said River, Cuts, or Canals, or either of them, by this Act to be made navigable, above the antient or usual Height of such Water, whereby the adjacent Lands and Grounds may be more liable to be overflowed or damaged than they have antiently or usually been; then the said Commissioners, or any Seven or more of them, shall and are hereby required to cause the Banks thereof to be proportionably raised and strengthened, so that the new Banks shall be as able and sufficient to contain the Water at such their raised Height, as the old Banks were to contain the Water at their antient and usual Height; and also shall,

from time to time, maintain and repair the said Banks, so to be raised in pursuance of this Act, as often as Occasion shall require.

20 *l.* Penalty for demanding unwarranted Rates and Duties.

And it is hereby further declared and enacted by the Authority aforesaid, That if any Collector or Receiver of the Rates and Duties granted or made payable by this Act, shall, at any Time or Times, directly or indirectly, ask, demand, or receive, as and for such Rates and Duties, any Sum or Sums of Money whatsoever, over and above the Rates and Duties herein before mentioned, or that shall be ascertained by the said Commissioners, or any Nine or more of them, to be received, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered by the Party aggrieved, or any other Person or Persons that will inform or sue for the same.

First Meeting of the Commissioners.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet on the Fourteenth Day after the Day of the passing of this Act, at the House known by the Sign of the King's Arms, now in the Possession of William Bond, in the said Town of Godalming, and shall then proceed to the Execution of this Act: And the said Commissioners, or any Seven or more of them, shall, after the said First Meeting, hold One General Meeting, on the Thursday next before the First Day of July in each Year, in the said Town of Godalming; and the Commissioners, or any Seven or more of them, assembled at such First Meeting, and at every General Meeting, may then, and from time to time afterwards, at any intermediate Times of the Year, adjourn and hold their Meetings at such Place or Places as shall be most convenient for putting in Execution the Powers of this Act; and if, at any Time, a sufficient Number of Commissioners shall not attend to adjourn, then, and in every such Case, and from time to time afterwards, as often as such Case shall so happen, the Meeting appointed to be there held, shall be deemed adjourned till that Day Three Weeks, and be held at the same Place where such Meeting was appointed to be held; but the Clerk or Treasurer to the said Commissioners shall cause Notice in Writing, signed by such Clerk or Treasurer, of all Meetings, to be affixed upon the Market-houses in Guildford and Godalming, Ten Days at least before every such Meeting is held; and, at all their Meetings, the Commissioners shall bear and defray their own Expences; and no Order or Determination of the said Commissioners, or any Seven or more of them, shall be revoked or altered, unless Eleven Commissioners shall be present.

Method of adjourning.

And

Power to make By-laws, and appoint Committees.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, at any of their Meetings, of which Meetings Notice in Writing, signed by the Clerk to the said Commissioners, shall be affixed upon the Market-houses in the Towns of Guildford and Godalming aforesaid, Ten Days, at least, before such Meeting, shall, from time to time, have full Power and Authority, by any Writing or Writings under their Hands and Seals, to make such By-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well governing of the Bargemen, Watermen, and Boatmen, who shall convey Goods on any Part thereof, and to appoint Committees to inspect and settle the Accounts, direct the Works, and controul the Officers and Servants employed in pursuance of this Act; and in such By-laws, Orders, and Constitutions, may impose upon all Persons offending against the same, such Fines and Forfeitures as the said Commissioners, or any Seven or more of them, shall think proper, so as such Fine or Forfeiture shall not exceed the Sum of Forty Shillings on any Person, for any One Offence; which By-laws, Orders, and Constitutions, shall be binding to, and observed by, all Parties, and shall be sufficient to justify all Persons who shall act in pursuance thereof; and such Fines and Forfeitures shall be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; but any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgement, made or given in pursuance of any such By-law, Order, or Constitution, may, within Three Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace, at their General or Quarter Sessions, to be held in and for the said County; who shall, in a summary Way, either hear and determine the said Complaint, at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace, to be held for the said County; and, if they see Cause, may mitigate or alter such Forfeiture or Punishment, and may order any Money to be returned, which shall have been levied in pursuance of such By-law, Order, or Constitution; and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable; but no Justice of the Peace shall act or vote in the Hearing or Determining of any such Complaint, whose Hand and Seal as a Commissioner shall appear to have been set to the

Appeal therefrom.

said

said By-law, Order, or Constitution, which occasioned such Complaint.

Recovery and Disposal of Penalties not provided for.

And it is hereby further enacted and declared, That all the pecuniary Penalties and Forfeitures inflicted and made payable by this Act, except in such Cases wherein it is hereby otherwise ordered, directed, and provided, shall, in all Cases where such Penalties or Forfeitures do not exceed the Sum of Five Pounds, be recovered by Distress and Sale of the Offenders Goods and Chattles, by a Warrant or Warrants, under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said County of Surry: And in case sufficient Distress shall not be found, it shall be lawful for any such Justice or Justices, to commit such Offender or Offenders to the Common Gaol, or House of Correction, there to remain, without Bail or Mainprize, for any Space, not exceeding Three Months, or until such Penalty be paid; and all such Penalties and Forfeitures, or such Parts thereof as are not herein before directed to be applied, shall be paid into the Hands of the Treasurer to the said Commissioners, to be applied for the Purposes of this Act; and that all such Penalties and Forfeitures as exceed the Sum of Five Pounds, shall and may be recovered, with Double Costs of Suit, by any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Persons aggrieved by Order of a Justice, may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That all Persons, who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, upon Account of any Offence committed, or supposed to be committed, against this Act, may appeal to the Justices of the Peace for the said County of Surry, at their next General or Quarter Session; the Person or Persons so appealing giving Security, to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said General or Quarter Session, in case such Order or Judgement shall be affirmed; and the Justices in the said General or Quarter Session are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, and to award such Costs, as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removable by any Writ of Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster,

Proceedings not to be vacated for want of Form.

or elsewhere: And that no Order or other Proceedings, to be had or made by or before any Justice of the Peace, in relation to the Premisses, shall be quashed or vacated for want of Form only.

Accounts to be kept.

And be it further enacted by the Authority aforesaid, That Accounts of all Monies which shall be received and borrowed by virtue of this Act, and of the Expenditure of such Monies respectively, and also of all Debts, Contracts, Orders, and Proceedings of the said Commissioners, or any of them, in Execution of, or relating to, this Act, shall be, from time to time, regularly and fairly entered in Books to be kept for that Purpose: And such Entries, being signed by any Five or more of the Commissioners, or the Clerk to the said Commissioners, shall be deemed Originals, and shall be admitted to be read in Evidence in all Courts whatsoever.

Commissioners in Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That each of the said Commissioners who shall be in the Commission of the Peace for the County of Surry, shall and may, and is hereby impowered, to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner, under and by virtue of this Act.

Navigation not subject to Commissioners of Sewers.

And be it further enacted by the Authority aforesaid, That the said Part of the said River, Cuts, and Canals, hereby intended to be made navigable, shall not be under the Survey or Order of any Commissioners of Sewers, nor subject to a Commission of Sewers, or any Law or Statute made for Sewers; any Law or Statute to the contrary in any wise notwithstanding.

Power reserved to Land-owners to erect Wharfs, &c.

Provided always, and it is hereby declared and enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to obstruct or hinder the Lord or Lords of the Manor or Manors, or the Owner or Owners of any Lands or Grounds lying upon or near the Banks of the said Part of the said River, Cuts, and Canals, hereby intended to be made navigable, from making or erecting any Warehouses, Weighbeams, Cranes, Quays, Landing-places, or Wharfs, upon the Banks of the said Part of the said River or Cuts, in and upon their own Lands, Wastes, or Grounds; so that the erecting or using of such Warehouses, Weighbeams, Cranes, Quays, Landing-places, or Wharfs, do not obstruct or prejudice the said Navigation, or any of the Powers given by this Act.

Power to Land-owners to flood their Meadows.

And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, or take away the Rights or Privileges of any Owners, Possessors, or Occupiers of Lands, Tenements, or Hereditaments, adjoining or lying near to the said

River, Cuts, Canals, Trenches, Passages, Streams, Brooks, or Watercourses, hereby intended to be made navigable, of watering or flooding their Meadows in dry Seasons, or of watering their Cattle, which they had and enjoyed before the passing of this Act, so that such watering or flooding do not obstruct or prejudice the said Navigation, or any of the Powers given by this Act; but if any such Owners, Possessors, or Occupiers, shall receive any Damage or Injury by being prevented therefrom, for or by reason of this Act, that then such Owners, Possessors, or Occupiers, shall receive Satisfaction and Recompence for the same, in the Manner herein before directed, in case they shall be intitled thereto.

Reservation of Rights to Land-holders, Lords of Manors, &c.

Provided always, and it is hereby further declared and enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands or Tenements adjoining to the said Part of the said River and navigable Passages, or any of them, hereby intended to be made navigable, to use any Pleasure-boat or Boats upon the same, without the Hindrance or Interruption of the said Commissioners and their Successors, or any of them, and without paying any of the Rates or Duties aforesaid; so as such Pleasure-boat or Boats is or are not used for carrying of any Goods, Wares, Merchandizes, or other Things, charged or chargeable with any of the Rates and Duties by this Act granted and made payable: And that the Lord or Lords of the respective Manors, or any other Persons whatsoever, shall have full Liberty to fish, fowl, and exercise all such other Royalties, on the said River and navigable Passages, as they are now legally intitled to; any thing herein contained to the contrary notwithstanding.

Exemption from Stamp Duties.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of or only signed by, any Commissioner or Commissioners for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching any Power or Authority hereby vested in such Commissioners, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Warrants how to be directed.

And be it further enacted by the Authority aforesaid, That all and every Warrant or Warrants that shall or may be granted, by any Person or Persons enabled or impowered to grant the same, under or by virtue of this Act,

Act, shall and may be directed to the Constable, Headborough or other Officer of the Township, Parish, or Place, where the Offender or Offenders shall live, reside, or inhabit; which Constable, Headborough, or other Officer, is hereby authorized and required to execute the same.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any thing to be done in pursuance of this Act, or in relation to the Matters herein contained, every such Action and Suit shall be brought and commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Suit shall be so brought or commenced, and not afterwards; and shall be brought, laid, and tried, in the County wherein the Cause of Action shall arise, and not elsewhere: And the Defendant or Defendants, in all such Actions and Suits, may plead the General Issue. General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing was done in pursuance of this Act; and if the same shall appear to have been so done; or if any such Action or Suit shall not be commenced within the Time before limited; or shall be laid or brought in any other County; then, and in either or any of such Cases, the Jury or Juries shall find for the Defendant or Defendants: And if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance, after the Defendant or Defendants shall have appeared; or if, upon any Demurrer or Demurrers, Judgement shall be given for the Defendant or Defendants; then, and in either or any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs; and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his and their Costs, in other Cases by Law: And this Act shall be adjudged and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Treble Costs.

Publick Act.

FINIS.