1777 8. Ch. 75

Basingstoke Canal.
18 Geo III. c 75.

ANNO DECIMO OCTAVO

Georgii III. Regis.

CAP. LXXV.

An Act for making a Navigable Canal from the Town of *Basingstoke*, in the County of *Southampton*, to communicate with the River *Wey*, in the Parish of *Chertsey*, in the County of *Surrey*; and to the South-east Side of the Turnpike Road in the Parish of *Turgis*, in the said County of *Southampton*.

1777-8.

WHEREAS the making a Navigable Canal from the Town of Basingstoke, in the County of Southampton, through or near the several Parishes, Hamlets, or Places of Basingstoke, Eastrop, Basing, Maplederwell, Andwell, Nately, Skewers, Newnham, Rotherwick, Hartley-westpall, Turgis, Heckfield, Grewell, Odiham, Winchfield, Dogmersfield, Crondall, Yately, Aldershott, Ash, Purbright, Woking, Horsell, Preamble.

PRICE 1s 6d

Horsell, and Chertsey, to communicate with the River Wey, in the Parish of Chertsey, in the County of Surrey, and from the South-east Side of the Turnpike Road in the said Parish of Turgis, over or near Turgis-green, and through the said Parish of Hartley-westpall, to communicate with the said Canal at a Farm called Hull's Farm, in the said Parish of Hartley-westpall, will tend to improve the Lands and Estates within the said Counties, and will be of publick Utility: And whereas the several Persons herein-after particularly named are desirous, at their own proper Costs and Charges, to make and complete such Navigable Canal as aforesaid, in case they shall be authorized so to do by Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, the Right Honourable the Earl of Northington, the Right Honourable the Earl of Dartmouth, the Right Honourable the Earl of Portsmouth, the Right Honourable Lord Rivers, the Mayor of Basingstoke for the Time being for the Corporation of Basingstoke, Alexander Baxter, Thomas Lobb Chute, Esquires, John Covey, John Davies, Philip Dehany Esquire, Anthony Demeazy, Duncan D. D. General Grant, Thomas Hall junior Esquire, Thomas Hasker, Thomas Hack, William Holden, Thomas Leech, John Lyford, Robert Mackreth Esquire, Francis Martelli, Thomas May, Joseph Portall Esquire, John Ring, William Ring, Thomas Robins, Salter Clerk, Thomas Sheppard D. D. Samuel Shipton, Thomas Stockwell Clerk, Webb Clerk, Henry Wilmot Esquire, and Richard Wright, their several and respective Executors, Administrators, and Assigns, together with such Person and Persons as they, or the major Part of them, at any General Meeting assembled, shall nominate and appoint, under their Hands and Seals, are and shall be united into a Company, for the better carrying on, making, completing, and maintaining, the said Navigable

Names of Proprietors;

who are incorporated.

through the Lands and Grounds of or belonging to the King's Majesty, His Heirs or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever, to enter, and to bore, dig, cut, trench, sough, remove, and lay, Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things (except as herein-after is excepted) which may be dug or got in the making thereof, or which may hinder, prevent, or obstruct, the making, using, completing, extending, and maintaining the said Canal, and for making, using, completing, extending, and maintaining such Trenches, Passages, Gutters, and Watercourses as shall be necessary and proper to convey Water to and from the said Canal, according to the true Intent and Meaning of this Act; and also to make, build, erect, and set up, in or upon the said Canal, or upon the respective Lands adjoining or near the same such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing-places, Weigh-beams, Cranes, and other Works, Ways, Roads, and Conveniences, as and where the said Company of Proprietors, their Successors and Assigns, shall think requisite and convenient for the Purposes of the said Navigation, and also from Time to Time to turn, alter, repair, and amend the same; and to make, widen, and enlarge any Bridges, Ways, Roads, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, and other Conveniences, as well for the carrying and conveying Goods, Commodities, and other Things, to and from the said Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging, the said Works of and belonging to the said Navigation, and also to place, lay, work, and manufacture the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall and are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter or turn, any Roads, Fences, or Passages, over, under, through, or along the Side of the said Canal, or the

and to build Bridges, Tunnels, Sluices, *etc.*

gable Canal, according to the Rules, Orders, and Directions, herein-after expressed and laid down, and shall for that Purpose be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Basingstoke* Canal Navigation, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase Lands to them, their Successors and Assigns, for the Use of the said Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain: And the said Company of Proprietors, their Successors and Assigns, shall be, and they are hereby authorized and empowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make and complete a Canal, navigable and passable at all Times for Boats, Barges, and other Vessels, from a certain Meadow called Cooper's Meadow, adjoining to the said Town of Basingstoke, in the County of Southampton, through or near the several Parishes, Hamlets, and Places herein-before mentioned, to communicate with the River Wey, in the Parish of Chertsey, in the said County of Surrey, and also from the South-east Side of the said Turnpike Road in the Parish of Turgis, to communicate with the said Canal at Hull's Farm aforesaid, in such Course and Direction as the same are delineated in the Map or Plan herein-after mentioned, or within One hundred Yards of the same, and to supply the said Canal whilst the same shall be making, and when made, with Water from all such Springs as shall be found in making the said Canal, and also from such Rivers, Brooks, Streams, Watercourses, and Springs, as shall be found within the Distance of Twelve hundred Yards from any Part of the said Canal, (save and except from such Springs, Brooks, Streams, and Watercourses, as herein-after are excepted, running into the River Loddon, and supplying the same); and also to make such Reservoirs as shall be necessary for the Purposes of the said Canal, within the Distance above mentioned, for the more conveniently supplying the said Canal with Water; and for that Purpose, in, upon, and through

Their Title.

Company of Proprietors impowered to make a Navigable Canal from *Basingstoke* to the River *Wey*;

Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set up, and appoint such Towing-paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels, passing in, through, or upon the said Canal, as they the said Company of Proprietors, their Successors and Assigns, shall think convenient; and also to dig, take, and carry away, any Soil, Clay, Gravel, or Stone, proper, requisite, or convenient for carrying on and continuing the said Works and Undertakings, in or from any Ground or Grounds of any Person or Persons adjoining or lying contiguous thereto; and to construct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing the said Canal, and Towing-paths on the Sides thereof; and also to construct, erect, make, and do all other Matters and Things which they shall think necessary and convenient for the making, effecting, extending, preserving, improving, completing, and using the said Navigation, in pursuance of, and according to the true Meaning of this Act; they the said Company of Proprietors, their Successors and Assigns, doing as little Damage as may be in the Premises, and making Satisfaction in Manner herein-after mentioned to the Owners and Proprietors of such Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers, respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Successors and Assigns, their Agents, Officers, Workmen, and Servants, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted.

and to dig Gravel, Clay, and other Materials,

and make Towing-paths.

Satisfaction to be made for Damages.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorise the said Company of Proprietors, their

Canal may be carried through any Land, which, on *Jan.* 1, 1777, was not a Garden, *etc.*

their Succeſſors and Aſſigns, or any Perſon or Perſons employed by them, to exerciſe any of the Powers hereby given, upon, through, or over any Land or Ground whatſoever, which, on the Firſt Day of January, One thouſand ſeven hundred and ſeventy-ſeven, was a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or Lawn incloſed and adjoining to a Manſion-houſe, or through or over any Garden or Yard, other than Gardens and Yards belonging to any Cottages or Tenements under the yearly Value of Five Pounds.

Power to enter upon Lands to take Levels, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Agents, Workmen, Officers, and Servants of the ſaid Company of Proprietors, their Succeſſors and Aſſigns, from Time to Time, and at all Times hereafter, to enter upon the Lands or Grounds of the ſeveral Perſons, Bodies Politick, Corporate, or Collegiate, through which the ſaid Canal and other Works is and are intended to be made, in order to ſurvey and take Levels of the ſame, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary or proper for the making ſuch Canal and other Works and Conveniencies aforeſaid, ſuch Agents, Officers, Workmen, or Servants, making Satisfaction for the Damage they ſhall do thereby, to the Occupiers of ſuch Lands or Grounds for the Time being, in caſe the ſame exceeds the Sum of One Shilling.

Width of the Ground to be taken for the Canal, *etc.* limited.

Provided always, and be it enacted by the Authority aforeſaid, That the Lands or Grounds to be taken or uſed for the ſaid Canal and Towing-paths, and the Ditches, Drains, and Fences to ſeparate ſuch Towing-paths from the adjoining Lands and Grounds, ſhall not exceed Thirty Yards in Breadth, (except in ſuch Places where the ſaid Canal ſhall reſpectively be raiſed higher, or cut above Five Feet deeper, than the preſent Surface of the Land or Ground, and alſo in ſuch Places where it ſhall be judged neceſſary for Boats, Barges, and other Veſſels, to turn, lie, or paſs each other, or where any Crane may be erected; nor One hundred Yards in Breadth in any of the ſaid reſpective Places); nor ſhall any Land or Ground be ſet out, aſcertained, contracted for, and ſold,

for the Purposes of making any navigable Cut, Trench, or Sluice, to convey Timber, Grain, Flour, Goods, or other Things, to or from the said Canal, without the Consent of the Owner or Owners of the said Lands respectively, under his or their Hands, in Writing, first had and obtained; any Thing herein contained to the contrary notwithstanding.

Owners of Lands, who are under Incapacities, impowered to sell and convey the same.

And whereas there may be some Persons, or Bodies, who may be incapable by Law to treat and contract for the Sale of such Lands and Premises as may be wanted for the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes-covert, or other Person or Persons; and to and for all Femes-covert who are or shall be seised, possessed, or interested in their own Right; and to and for every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any Lands, Grounds, and Premises, which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey unto the said Company of Proprietors, their Successors and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands, Grounds, or Premises, which shall from Time to Time be so set out and ascertained, either in Consideration of a Sum of Money to be paid in Gross, or of an annual Rent or Payment to be charged and secured as herein-after mentioned; and where, by making the said Canal, the Property of any Land-owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and for such Bodies Politick, Corporate, and Collegiate, and other such Land-owners, and all other Land-owners under any such

such Disability as aforesaid, by and with the Consent of the Commissioners to be appointed as herein-after mentioned, or any Seven or more of them, to be testified by any Writing or Writings, to be by them sealed and delivered in the Presence of, and attested by Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange, in lieu of other Lands, all or any Part of such Lands, Grounds, or Premises, through which the said Canal shall be made, to any Person or Persons whomsoever, for such Price or Prices, in Money, or other Equivalent, as to the said Commissioners, or any Seven or more of them, shall seem reasonable; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in the Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue of or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land-owners), so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors and Assigns, be inrolled by the Clerk of the Peace for the County wherein such Lands, Grounds, or Premises, shall be situate respectively; and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrollment shall be paid, to the said Clerk of the Peace, the Sum of Two-pence for every Two hundred Words, and so in Proportion for any greater or less Number of Words, and no more.

Sales and Conveyances to be valid.

Conveyances to be inrolled.

Copyhold Lands to be surrendered.

Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands, Grounds, or Premises, which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands, Grounds, or Premises, are

held,

held, according to the Custom of the said Manors respectively; and shall remain and continue subject to such and the same Fines, Rents, and Services, as are due, payable, or of Right accustomed, in such and the same Manner as if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Commissioners appointed to settle Differences respecting the Value of the Lands, or the Damages to be sustained.

And whereas Differences may arise between the said Company of Proprietors, and the several Owners of, and Persons interested in, any Lands, Grounds, Tenements, Hereditaments, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made, to them respectively; be it therefore further enacted, That Sir William Abdy, John Ardley, Joseph Alcock, William Alcock, John Alcock, Edward Acton Clerk, George Austin Clerk, William Atwood, Robert Allen, Francis Annesley, John Alexander, Stephen Barbut Esquire, the Honourable Philip Bouverie, the Honourable William Henry Bouverie, Thomas Baker, William Baker, Barrow, Joseph Batten, John Bradley Clerk, Blair of Whitchurch Clerk, Nathaniel Bever, Wither Bramstone of Hall, Lovelace Bigg, Richard Brickenden of Malshanger, William Bishop, William Billinghurst Clerk, Edward Bever, Thomas Bennet, William Brambly, Andrew Bristow, Thomas Buddle, Richard Burleigh Clerk, William Budd, the Reverend Bund, the Reverend Bromhead, Francis Bartholomew, Thomas Leigh Bennet, Henry Brumbridge, Bartholomew Brumbridge, Daniel Blake, Martin Beauchamp, Joseph Beauchamp, William Beauchamp, Joseph Broome, John Chandler, the Right Honourable Henry Frederick Carteret, the Reverend Edward Cooper Clerk, Sir John Mordaunt Cope Baronet, Sir Robert Clayton Baronet, William Chute, William Courtney Clerk, Chrus Chitty, Charles Clarke, Sir Philip Jennings Clerke Baronet, John Cooke, William Crump, Richard Corbett, Edward Cooper Clerk, James Cooper, Robert Cleeve, John Chase, Richard Clark, William Collier, Collier of Hill-place, Richard Chitty, Edward Chitty, Charles Phillip Jennings Clerke, John

Dodd, Solomon Dayrolles, Dixon D. D. Thomas Diggle, William Dean Clerk, William Dowden, Richard Drinkwater, Richard Dicker, William Dicker, William Dundas, Richard Edmead, Joseph Edmead, John Edmead, Ekins Clerk, Sidney Evelyn, William Evelyn, John Evans Clerk, Christopher Fox Clerk, General Fawcet, William Fawcett, Thomas Fothergill, Sir John Griffin Griffin K. B. Sir Henry Gough Baronet, Ambrose Goddard, Edward Goddard, William Goring, Tudor Griffiths, William Woodroffe Guidot, William Garret, Peter Morris Goddard Clerk, George Green, George Woodward Grove, Thomas Gale, William Gill, Henry Streate Gill, George Green junior, Sir Abraham Hume Baronet, William Hussey, Hambleton, Thomas Hall senior, John Harwood senior, John Harwood junior, William Haydon senior, William Haydon junior, Hinton Clerk, John Hasker, John Potter Harris, John Henshaw, Benjamin Hill Clerk, Richard Herne, Henry Hunter, Thomas Hodgson, John Hammond, the Honourable Thomas Howard, John Harris, Edward Honer, Joshua Iremonger, Jervoise Clarke Jervoise, James Jackson Clerk, John Jennings, Daniel Jackson, John Jackson, Thomas Jackman, the Reverend William Robert Jones Clerk, John Jennings of Basing, Thomas Knight, Thomas Knight junior, Robert Kingsmill, the Honourable Peter King, the Honourable Thomas King, John Kirkby, John Knight, John Knowles, Sir James Long Baronet, Benjamin Lethieullier, Henry Bilson Legge, Bennet Langton, John Limbrey, Brian Limbrey, Lockman D. D. Edward Lane, William Longman, Lee of Alton, John Lovett, the Reverend James Liptrott Clerk, Richard Lipscombe, John Living, James Living, the Right Honourable Lord Milsington, the Right Honourable Lord Middleton, Sir Joseph Mawbey Baronet, Sir Thomas Miller Baronet, John Martyn senior, John Martyn junior, Henry Maxwell, March, Thomas Mill, John Mount, Joseph Mabberly, Thomas Morse, William Moth, John May, Richard Mason, William May, John Mawbey, Joseph Mawbey, Erasmus Mawbey, Thomas Mawbey, Robert Mackason, Richard Mapletoft, Timothy Markham,

ham, Thomas Milliſt, the Reverend Merriſt, John Milliſt, the Right Honourable Sir Fletcher Norton Speaker of the Honourable Houſe of Commons, William Norton, Capel Norton, Fletcher Norton, Edward Norton, John Norris, William Newman, William Moore Newnham, Thomas Obourn Clerk, Arthur Onſlow, the Honourable Thomas Onſlow, the Honourable Edward Onſlow, George Onſlow of Ockham, the Reverend Arthur Onſlow, Captain Richard Onſlow, Mydelton Onſlow, George Walton Onſlow, General Pitt, the Honourable George Pitt, George Pawlett, Charles Pawlett Clerk, Charles Penruddocke, Henry Portall, Samuel Prince Clerk, James Pinnock Clerk, Robert Preſton, Powis Clerk, George Parker, Richard Piercy, Thomas Parker, William Piercy, Thomas Prior, Robert Palmer, Henry Portſmouth, Joſeph Parfett, George Penton, Sir Robert Rich Baronet, Joſeph Richmond D. D. Richard Ruſſell LL. D. Montagu Ruſh Clerk, John Rogers, John Ricketts, James Rodney, Sir Paulett St. John Baronet, Sir Henry Paulett St. John Knight, Sir Charles Sheffield Baronet, Sir Thomas Sewell, Thomas Sewell, Robert Sewell, Simeon Stuart, Godyer St. John, Richard Smith, Sir Simeon Stuart Baronet, the Reverend Scourfield, Henry Paulett St. John, Horace St. Paul, Francis Shaw, James Scawen, John Skurray, General Smith, Peter Searle, John Swarbrick, Thomas Limbrey Sclater, William St. John Clerk, Ellis St. John Clerk, Thomas Stockwell junior Clerk, Richard Street, Edward Stans, James Sharpe, Thomas Stubbs, Richard Skeat, Sharp of Blackwater, Henry Skeat, Richard Soper, William Sainſbury, Robert Shurlock, Richard Sumner, William Shotter, John Stevens, Samuel Sparſhatt, John Sparſhatt, George Stubbs junior, the Right Honourable Thomas Townſhend, Sir Henry Titchburn Baronet, Thomas Terry, Robert Thiſtlethwayte, William Parker Terry, John Tulleken, Peter Tahourdin Clerk, Robert Thomas Clerk, John Frederick Toll Clerk, James Threlkeld, Simon Thorowgood, John Papillon Twiſden, Richard Wapſtott, the Dean of Wincheſter for the Time being, Sir Richard Worſley Baronet, the Honourable Valentine Wilmot, the Warden of

Winchester College for the Time being, Joseph Warton D. D. Wadham Wyndham, Hiliar Wyndham, Edward Meux Worsley, Peckham Williams, John Williams, George Woodroffe, William Wither, Thomas Wither, Richard Willis Clerk, George Watkins Clerk, Thomas Windover, Joseph Warton Clerk, Thomas Wayne, and the Reverend Doctor Waters, shall be, and they are hereby appointed Commissioners for the settling, determining, and adjusting, all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors, their Successors and Assigns, or any of them, and the several Proprietors of, and Persons interested in, any Lands, Grounds, Tenements, Hereditaments, or Waters, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners, or any Seven or more of them, are hereby impowered, by Writing under their Hands and Seals, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company of Proprietors, their Successors, and Assigns, either by an annual Rent or Payment, or by a Sum of Money in gross, to and at the Election of such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively, who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid, for making the said Canal, or any Part thereof, and other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be, at any Time or Times whatsoever, sustained by such Bodies Politick, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of, or interested in, any Lands, Grounds, Tenements, or Hereditaments, for or by Reason of the making, repairing, or maintaining the said Canal, Fences, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid; or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Canal, Trenches, or Sluices, or over or

through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given, for conveying and communicating Water to or from the said Canal; or by not cleansing the said Watercourses, Trenches, or Passages; or by turning or diverting any Streams or Brooks into the same; or by Reason or Means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Agents, Workmen, or Servants, in case such Price or Value, Damage or Recompence, respectively, cannot be settled, adjusted, and agreed, by and between the said Company of Proprietors, their Successors and Assigns, or their Agent or Agents for the Time being, and such Proprietors of, and Persons interested in, the said Lands and Grounds as aforesaid: And if the said Company of Proprietors, their Successors and Assigns, for and on the Part and Behalf of themselves, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons, so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or any Seven or more of them, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements, Hereditaments, or Premises, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors and Assigns, or by Reason of Absence shall be prevented from treating, or through Disability, by Nonage, Coverture,

If any of the Parties are dissatisfied with the Determination of the Commissioners, then the Value of the Lands, and the Damages, to be ascertained by a Jury.

verture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for making and completing the said Navigation, and other Works aforesaid, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim; then, and in every such Case, the said Commissioners, or any Seven or more of them, shall, and they are hereby impowered and required, from Time to Time, to issue a Warrant or Warrants under their Hands and Seals, to the Sheriff or Sheriffs of the County of Southampton or Surrey, for the Time being, respectively, in which the Matter or Matters shall arise, or, in case such Sheriff or Sheriffs, his or their Under Sheriff or Under Sheriffs, respectively, or either or any of them, shall be interested in the Matter or Matters in Question, then to the Coroner or Coroners of the said Counties respectively, not interested as aforesaid, requiring such Sheriff or Coroner, respectively, to impannel, summon, and return, a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws 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 in such Warrant or Warrants shall be appointed, not being less than Nine nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Sheriffs, Coroner or Coroners, respectively; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array: And the said Commissioners, or any Seven or more of them, may order and authorise the said Jury, or any Six or more of them, to view the Place or Places, or Matter in Controversy; which Jury (upon their Oaths,

How the Jury shall be summoned.

Jurors may be challenged.

to be administered by the said Commissioners, or any Seven or more of them, and those Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Seven or more of them, are hereby impowered to administer) shall inquire of, assess, and ascertain, the Sum or Sums of Money, or annual Rent, to be paid for the Purchase of such Lands, Tenements, Hereditaments, or Premises, or the Recompence to be made for the Damages that may or shall be so sustained as aforesaid; and the said Commissioners, or any Seven or more of them, shall give Judgement for such Purchase Monies, Rent, or Recompence so to be assessed by such Juries: Which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Seven or more of them, shall be binding and conclusive, to all Intents and Purposes, against the King's Majesty, his Heirs and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all other Persons whomsoever: Provided always, That Notice of the Time and Place of making such Inquiry and Assessment by a Jury as aforesaid, shall be given to, or left at the usual Place of Abode of, the Party or Parties interested in, or the Tenant or Occupier of the Premises, at least Fourteen Days before such Inquiry or Assessment.

Verdict of the Jury, and Judgement thereupon, to be final.

Previous Notice to be given.

Provided always, and be it enacted by the Authority aforesaid, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing, refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence, shall not appear, or appearing, refuse to be sworn or examined, or to give Evidence; every Person so offending respectively, 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 Five

Penalty on Sheriff, Coroner, Jurors, *etc.* making Default.

Pounds, to be levied, by virtue of any Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Seven or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus to the Owner thereof, after such Penalty, and the Charges of such Distress and Sale, shall be deducted.

By whom the Expences of the Jury shall be paid.

And be it further enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Tenements, Hereditaments, or Premises, or for any Damage done to any Lands, Grounds, Hereditaments, Premises, or Property of any Person or Persons whomsoever, than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors and Assigns, or than had been determined or assessed by the said Commissioners, or any Seven or more of them, that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, or any Seven or more of them, and be defrayed by the said Company of Proprietors, their Successors and Assigns; but if any Verdict or Assessment shall be given or made for no more, or a less Sum, than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors and Assigns, or than had been determined or assessed by the said Commissioners, or any Seven or more of them, as aforesaid, then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, or any Seven or more of them, and be borne or paid by the Person or Persons with whom the said Company of Proprietors, their Successors and Assigns, shall have such Controversy or Dispute; and such Expences, so settled and ascertained, shall be deducted and taken out of the Monies so assessed and adjudged, and such Deduction shall be deemed and taken as Payment of so much thereof.

Party requesting the Jury, to give Security for prosecuting the Complaint.

Provided always, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their

their Warrant or Warrants for the summoning such Jury, enter into a Bond, with Two sufficient Sureties, to the Treasurer for the Time being to the said Company of Proprietors, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more, or a less Sum, than had been offered by or on Behalf of the said Company of Proprietors, their Successors and Assigns, or than had been affected by the said Commissioners, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Tenements, Hereditaments, Premises, or Damages, as aforesaid.

Commissioners not to receive any Complaint, unless Application be first made to the Proprietors.

And be it further enacted, That the said Commissioners shall not be obliged to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, by virtue of this Act, unless Application hath been or shall be made, in relation thereto, by or on the Behalf of such Person or Persons, to the said Company of Proprietors, their Successors and Assigns, or to their known Agent or Agents, or to some Collector or Collectors of the Tolls arising from the said Navigation, in the County where the Cause of Complaint shall arise, within the Space of Six Calendar Months next after the Time that such Injury or Damage, or supposed Injury or Damage, shall have been sustained, or the doing or committing thereof shall have ceased.

How Persons giving false Evidence, shall be punished.

And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the said Commissioners, or any Seven or more of them, or before any Justice or Justices of the Peace, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be

subject to, for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Upon Payment or Tender of the Money agreed for, the Company of Proprietors may take Possession of Lands, *etc.*

And be it further enacted, That upon Payment of such Sum or Sums of Money, or annual Rent, as shall be contracted or agreed for between the Parties, or adjusted or determined by the said Commissioners, or any Seven or more of them, or assessed by such Juries, in Manner respectively as aforesaid, for the Purchase of any such Lands, Tenements, Hereditaments, or Premises, as aforesaid, to the Proprietors thereof, or other Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietor or Proprietors, or other Person or Persons, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed, or if he, she, or they, cannot be found, or shall refuse to accept such Money or Rent, upon Payment thereof to such Person or Persons as the said Commissioners, or any Seven or more of them, shall by Writing under their Hands appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, that then it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, their Agents, Officers, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough, and remove, Earth, Stones, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the making, using, maintaining, and repairing the said Canal, and Towing-paths on the Sides thereof, in or upon such Lands, Tenements, Hereditaments, or Premises, for which such Satisfaction shall be agreed for, determined, or assessed as aforesaid,

and erect any Works thereon.

and thereupon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said Company of Proprietors, their Successors and Assigns, shall think requisite, and to have, use, and enjoy the Premises, to and for their own Use and Benefit, for the Purposes of the said Navigation,

discharged of all Rights and Claims whatsoever thereon; and this Act shall be sufficient to indemnify, as well the said Commissioners as the said Company of Proprietors, their Successors and Assigns, their Agents, Officers, Workmen, and Servants, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Determinations of the Commissioners or Jury to be recorded by the Clerk of the Peace;

And be it further enacted, That all Determinations of the said Commissioners, or any Seven or more of them, which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, being first signed by Seven or more of the said Commissioners who shall be present at the taking of such Verdicts and pronouncing such Judgements respectively, shall be transmitted to, and kept by, the Clerk of the Peace for the County wherein such Determinations and Verdicts shall respectively be given, amongst the Records of the Quarter Sessions of the Peace for the County where such respective Determinations and Verdicts shall be given, and shall be deemed to be Records of the said Quarter Sessions, to all Intents and Purposes; and the same, or true Copies thereof, or of any Part or Parts thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrollments of such Contracts, Agreements, Sales, and Conveyances, as are herein-before mentioned, paying for each Inspection the Sum of One Shilling; and to take Copies thereof, or of any Part or Parts thereof, without Stamps, paying for every Copy after the Rate of Two-pence for every Two hundred Words; and immediately on Payment, or Tender of such Purchase Money or annual Rent as aforesaid, and Entry of such Determinations, Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Juries, all the Estate, Right, Title, Interest, Use, Trust, Inheritance, Property, Claim, and Demand, in Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of the said Lands, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors, their Successors and Assigns, and

and may be given in Evidence.

Lands vested in the Company of Proprietors.

they shall respectively be deemed, in Law, to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment was made, but also shall extend to, and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, Contingent Remainders, Springing Uses, Executory Devises, and all other Uses, Trusts, and Estates whatsoever.

The Purchase Money for Lands in Settlement, if above the Sum of 20 *l.* to be laid out in purchase of others to the same Uses;

And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes-covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Grounds are limited in strict Settlement, for the Purchase of any Lands, Tenements, Hereditaments, or Premises aforesaid, shall, in case the same exceeds the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, seised of Lands, Tenements, Hereditaments, or Premises, so limited in strict Settlement, be laid out as soon as conveniently may be in the Purchase of Lands, Tenements, and Hereditaments in Fee-simple, and conveyed to, or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or to and for such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders,

ders, and Contingencies, as the Lands, Tenements, Hereditaments, or Premises, for or in respect whereof such Purchase Money or Monies shall be so paid as aforesaid, were limited, settled, and assured, at the Times such Purchase Monies were so agreed for, ascertained, or assessed, respectively, as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land-owners as aforesaid, to be made at the Expence of the said Company of Proprietors, their Successors and Assigns; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the publick Funds, or on Government or real Securities, in the Names of Two or more Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Seven or more of them; and the Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively as would, for the Time being, be entitled to the Rents and Profits of such Lands, Tenements, Hereditaments, and Premises so to be purchased, in case the same were purchased and settled, pursuant to the true Intent and Meaning of this Act.

and until such Purchase, to be placed in the Funds.

And be it further enacted, That the said Commissioners, or any Seven or more of them, may, and are hereby impowered to settle what Shares and Proportions of the Purchase Monies, or Recompence for Damages, which shall be so agreed for between the said Company of Proprietors, their Successors and Assigns, or determined and adjusted by the said Commissioners, or any Seven or more of them, or assessed by the said Juries in Manner respectively as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective

Commissioners to determine what Share of the Purchase Money shall be paid to Persons having particular Interests.

Interests therein, except in such Cases where the same are herein directed to be laid out and invested in the Purchase of other Lands, Tenements, Hereditaments, or Premises.

How Purchase Money may be recovered from the Company of Proprietors.

And be it further enacted by the Authority aforesaid, That in Default of Payment of such Sum or Sums of Money, at such Times and in such Manner as shall be assessed and awarded to be paid by the said Company of Proprietors, their Successors and Assigns, for Damages of any Kind, by virtue of this Act, by the said Commissioners, or any Seven or more of them, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to appoint One or more Person or Persons to receive the Rates or Duties by this Act imposed, and thereout, in the First Place, to pay all such Damages so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment; and the Money so to be received by such Person or Persons shall, and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be intitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determinations shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise, such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed and awarded, which shall not be paid according to the Judgement of the said Commissioners, or any Seven or more them, as aforesaid, by Action at Law, in any of his Majesty's Courts of Record at Westminster, against the said Company of Proprietors, their Successors and Assigns, to recover the same, with full Costs of Suit.

If Damages and Costs are not paid in Four Months, they may be levied by Distress.

Provided always, That in case the Damages and Costs provided to be satisfied out of the Rates or Duties arising by the said Navigation, shall not be paid and satisfied within the Space of Four Calendar Months next after the same shall have been so determined or assessed as aforesaid,

said, that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, upon Complaint made to them, by or on Behalf of the Person or Persons sustaining such Damages, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff or Sheriffs of the Counties of Southampton and Surrey respectively (as the Case shall be), authorising and impowering such Sheriff or Sheriffs to levy and raise the Damages so to be determined and assessed, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, their Successors and Assigns, together with such reasonable Charges as the said Commissioners, or any Seven or more of them, shall in such Warrant direct and appoint.

Annual Rents charged upon the Rates.

And be it further enacted, That all and every such yearly Rents or Sums as shall be agreed upon or settled and ascertained as aforesaid, shall be charged and chargeable on the Rates or Duties arising by virtue of this Act, and shall be paid by the said Company of Proprietors, their Successors and Assigns, as the same shall become due and payable; and in case of Nonpayment thereof within Twenty-one Days next after the same shall become due, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, by Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Rates or Duties hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; or otherwise, the said yearly Rents or Sums may be sued for and recovered, with Costs, by Action of Debt, in any of His Majesty's Courts of Record at Westminster, or, at the Election of the Parties entitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, their Successors and Assigns, in such Manner as the Law directs in Cases of Distress for Rent, but so, nevertheless, that the Goods or Chattels of no other

Method of Recovery thereof.

Person or Persons than the said Company of Proprietors, their Successors and Assigns, shall be seized or detained by virtue of the Power hereby given.

The Canal to be carried through only certain Parts of the Estates of Mr. *Ashe* and Mr. *Penruddocke*, unless they consent.

Provided always nevertheless, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Company of Proprietors, their Successors or Assigns, Agents, Servants, or Workmen, to make the said Canal, Towing-paths, Banks, Back Drain or Drains, or any other Work or Works whatsoever, for the Purposes of the said Navigation, in, upon, through, or over any Part of the Estate or Lands of William A'Court Ashe and Charles Penruddocke, Esquires, situate, lying, and being in the Township or Parish of Woking aforesaid, save and except the Northern Side of a certain Field or Close called Lower Spinners, and the Western Side of a certain other Field or Close called Shepherds Field, both which Fields or Closes are in the Tenure or Occupation of John Garment, as Tenant thereof to the said William A'Court Ashe and Charles Penruddocke; and that One convenient Bridge of Communication, for Carriages and Cattle to pass, for the private Use of the said William A'Court Ashe and Charles Penruddocke, their Heirs and Assigns, shall be made and maintained across the said Canal, in the said Estate or Lands of the said William A'Court Ashe and Charles Penruddocke (if the said Canal be cut through the same), at the Expence of the said Company of Proprietors, their Successors or Assigns, where the said William A'Court Ashe and Charles Penruddocke, their Heirs or Assigns, shall desire or require the same; and also that One other convenient Bridge of Communication, for Carriages and Cattle to pass and repass, shall be made and maintained by the said Company of Proprietors, their Successors and Assigns, across the said Canal, on that Part of Woking Heath or Common which is opposite to a Farm-house in the Tenure or Occupation of the said John Garment, and in such Situation and Place as the said William A'Court Ashe and Charles Penruddocke, their Heirs or Assigns, shall direct or require.

Bridges to be built across the Canal.

And

A Bridge to be made over *Tundry-pond*, in *Dogmersfield park*;

And whereas, by the making the said intended Navigation through the Park of Sir Henry Paulet St. John Knight, called Dogmersfield-park, in the Course delineated by the said Map or Plan, the Passage for Carriages to and from his Capital House, within the said Park, will be obstructed, unless a Bridge shall be made over Part of a Pond called Tundry-pond, within his said Park; be it therefore further enacted, That the said Company of Proprietors, their Successors and Assigns, shall, at their own proper Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, a Bridge over a Part of the said Pond, in Dogmersfield-park aforesaid, convenient and proper for the Passage of Horses, Cattle, and Carriages.

and Bridges across the Canal, along the Roads made by *Solomon Dayrolles* Esquire, near *Henley-park*.

And whereas Solomon Dayrolles of Henley-park, in the said County of Surrey, Esquire, hath at his own Expence made a commodious Carriage Road from Henley-park aforesaid to the Town of Farnborough, in the said County of Southampton, and also another Carriage Road branching out of the said Road, and leading to Frimley, in the said County of Surrey, both which Roads will be intersected by the intended Canal; be it therefore enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, shall, and are hereby required, at their own proper Costs and Charges, to make proper, convenient, and safe Carriage Bridges along the said Roads, over the said Canal, and at all Times thereafter to keep the said Bridges in good and sufficient Repair.

Nothing shall be done to prejudice Mr. *Dayrolles*'s Ponds or Mills.

And, in order to prevent any of the Water which feeds certain Ponds in the Parish of Purbright, belonging to the said Solomon Dayrolles, from being diverted from their usual Course; be it enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, shall, and are hereby required to cause proper Trunks or Culverts to be erected and made on the North Side of certain Ponds in the Parish of Purbright, in the said County of Surrey, belonging to the said Solomon Dayrolles, so as that the Waters which feed the said Ponds may not be obstructed from running freely

freely into the same; and that all the Water which shall run over the Tumbling-bay to be erected at the Lock nearest the Pond called the Lodge-pond, belonging to the said Solomon Dayrolles, and shall not be wanted to supply some other Lock or Locks upon the said Canal, shall, at the Expence of the said Company of Proprietors, their Successors and Assigns, be conveyed into the said Lodge-pond; and that no Works whatsoever shall be erected or made by the said Company of Proprietors, their Successors or Assigns, so as to reduce the Head of the Waters in the said Ponds, or in any other Manner prejudice the said Ponds, or the Mills below the same, which Mills also belong to the said Solomon Dayrolles; any Thing in this Act to the contrary hereof notwithstanding.

Certain Brooks and Streams running into the River *Loddon* not to be diverted.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise or impower the said Company of Proprietors, their Successors or Assigns, to take, divert, or use, for the Purpose of the said Canal, any Water out of the River Loddon, or out of any of the Brooks or Streams of Water herein-after mentioned; (that is to say) The Brook or Stream called Newram's-water, in the Parish of Basing; the Brook or Stream called Maplederwell-water, in the Parish of Maplederwell; the Brook or Stream called Deepford, in the Parish of Odiham; and the Brook or Stream called Shire-stream, which last-mentioned Brook or Stream divides the said Counties of Southampton and Surrey; or out of any other Brook or Stream between Basingstoke and Odiham, (all which said Brooks or Streams now run into the said River Loddon, and the Loss or Want whereof may prejudice or affect some Mill or Mills upon the said River Loddon); but that the whole Body of Water arising or coming, or to arise or come, from the said several Brooks or Streams, shall from Time to Time, and at all Times hereafter, be permitted to run freely into the said River Loddon, in as full and ample Manner, to all Intents

and Purpoſes, as the ſame would have done if this Act had not been made.

Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to enable the ſaid Company of Proprietors, their Succeſſors or Aſſigns, at any Time or Times hereafter, to divert or turn from the ſaid River Wey, above Newhaw Lock, any of the Rivers, Brooks, Streams, Watercourſes, or Springs, which now ſupply the ſaid River Wey above the ſaid Lock. Water not to be diverted to the Prejudice of the *Wey* Navigation.

And whereas the Right Honourable George Lord Onſlow and Cranley now is ſeiſed in his Demeſne as of Fee, or of ſome other good Eſtate of Inheritance, of and in a certain Toll or Duty of Four-pence for every Ton, Chaldron, or Load of Timber, or other Goods, navigated on Part of the ſaid River Wey, which Toll or Duty now produces the Sum of Two hundred and ſeventy-ſix Pounds per Annum; and it is probable, that when the ſaid intended Canal ſhall be made, the Produce of the ſaid Toll or Duty may be thereby leſſened; and it hath been agreed between the ſaid Lord Onſlow and Cranley, and the ſaid Company of Proprietors, that the ſaid Lord Onſlow and Cranley, and his Heirs, ſhall be indemnified for all Loſs and Diminution which may happen to the ſaid Toll or Duty by Means or on account of the ſaid intended Navigation; be it therefore enacted, That the ſaid Company of Proprietors, their Succeſſors or Aſſigns, ſhall, ſo long as the Navigation upon the ſaid River Wey ſhall be kept free and open for the Paſſage of Boats, Barges, and other Veſſels thereupon, pay, or cauſe to be paid, to the ſaid Lord Onſlow and Cranley, his Heirs and Aſſigns, by equal half-yearly Payments, within One Month next after Lady-day and Michaelmas-day in each Year, ſo much Money as the Toll or Duty to be received by the ſaid Lord Onſlow and Cranley, his Heirs and Aſſigns, for Goods navigated on the ſaid Part of the ſaid River Wey, ſhall fall ſhort of the Sum of One hundred and thirty-eight Pounds in the preceding half-year, from Lady-day to Michaelmas-day, or from Michaelmas-day to Lady-day; the Firſt of ſuch Clauſe to indemnify Lord *Onſlow* from any Loſs in his Tolls;

Payments to be made within One Month after the Michaelmas-day or Lady-day which shall happen next after the said Navigable Canal shall be completed, from the Farm called Oak's Farm, in the Parish of Woking aforesaid, now in the Occupation of John Garment, unto the Mouth or Outlet thereof, communicating with the said River Wey, and so on from Time to Time by half-yearly Payments as aforesaid.

provided such Loss be occasioned by Means of the Canal.

Provided nevertheless, and it is hereby declared, That the said Company of Proprietors, their Successors or Assigns, shall not be answerable for any Diminution of the Produce of the said Toll or Duty, which may be occasioned by any other Cause or Causes than those arising from the said intended Navigation; and if any

How the Damages are to be ascertained.

Dispute or Controversy shall at any Time arise about the Sum so to be paid half-yearly as aforesaid, the same shall be settled and adjusted by Two indifferent Persons, One to be named by the said Lord Onslow and Cranley, his Heirs or Assigns, and the other by the said Company of Proprietors, their Successors or Assigns; and in case such Persons shall not agree, the same shall be settled and adjusted by the said Commissioners, or any Seven or more of them, at some Meeting to be held for that Purpose; and in order thereto the said Commissioners, or any Seven or more of them, may, and are hereby authorised and impowered, if they think fit, to examine any of the Agents, Officers, or Servants of the Trustees or Proprietors of the Navigation of the River Wey, their Heirs, Successors, or Assigns, upon Oath, touching the Matters in Dispute, (which Oath any One of the said Commissioners is hereby authorised to administer); and when any Demand shall be made by the said Lord Onslow and Cranley, his Heirs or Assigns, upon the said Company of Proprietors, their Successors or Assigns, for any such Loss or Diminution as aforesaid, the said Lord Onslow and Cranley, his Heirs and Assigns, shall permit the said Company of Proprietors, their Successors or Assigns, or their Clerk or Treasurer, previous to the Payment of such Loss or Diminution, to inspect the Books and Accounts relating to the said Toll or Duty,

and to take Extracts therefrom, if they shall think proper, without Fee or Reward.

Company of Proprietors not to divert any Water which usually supplies Lord *Onslow*'s Ponds.

Provided also, That nothing in this Act contained shall authorize or impower the said Company of Proprietors, their Successors or Assigns, Servants, Agents, or Workmen, to alter the Course of, or in any Manner to divert, any of the Springs, Streams, or Falls of Water, that usually have been or now are the Feeders of any Ponds in any of the Wastes belonging to any of the Manors which now are the Property of or belonging to the said Lord Onslow and Cranley; but the said Springs, Streams, and Falls of Water shall, notwithstanding any Act to be done by the said Company of Proprietors, their Successors or Assigns, Servants, Agents, or Workmen, still continue to run, to supply and feed the said Ponds, in such and the same ample and beneficial Manner as they now do, or would have done if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Persons wilfully destroying the Works to be punished as Felons.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Banks or Fences; or shall break, damage, or destroy, any Towing-paths or Works belonging to the said Canal or Locks; or shall hinder, turn, or divert, any Stream of Water from feeding the Canal or Locks, or other Works, to be erected or made by virtue of this Act; such Person or Persons shall be subject and liable to such Punishments as Persons convicted of Felony are (by the Laws in being) subject and liable to.

Penalty on obstructing the Navigation.

And be it further enacted, That if any Person or Persons shall wilfully and maliciously do any Hurt or Mischief to, or obstruct, hinder, or prevent the carrying on, completing, supporting, or maintaining, the said Navigation, or any Works hereby authorized to be made, every Person so offending shall forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, or shall be committed to the House of Correction for the County where the Offence shall be committed, for any Time

Time not exceeding One Calendar Month, at the Discretion of the Justice or Justices before whom such Defender shall be convicted.

Clause for securing Coals, Iron-stone, &c. to the Owners of the Lands where found;

And be it further enacted by the Authority aforesaid, That all Coals, Iron-stone, Salt Rock, and other Minerals, which shall be found and dug up in making, carrying on, and completing the said Canal, or any other of the Works hereby authorized to be made, carried on, and completed, shall be laid upon the Surface of the Lands, in some convenient Place near the said Works, at the Expence of the said Company of Proprietors, their Successors and Assigns; and it shall and may be lawful to and for the Person or Persons respectively, in whose Lands or Grounds the said Coals, Iron-stone, Salt Rock, and other Minerals, shall be found and dug up, to take, carry away, and dispose of the same, to and for his and their own Use and Benefit; and that it shall and may be

who may cut Soughs, &c. to unwater the same;

lawful to and for the Owner or Owners, Proprietor or Proprietors, of any such Mines, Salt Rock, or Minerals, which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Soughs, Drain or Drains, to unwater the remaining Part of such Mines, Salt Rock, or Minerals, and to discharge the Water arising and flowing from the same into such Tunnel or Aqueduct; but such Settling-places shall be made by such Owners or Proprietors, at convenient Distances, in such Soughs or Drains, as shall be approved and directed by the said Company of Proprietors, their Successors and Assigns, or their principal Engineer for the Time being, and cleansed as often as shall be necessary, at the Expence of the Person or Persons making the same, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct; and such Parts of all such Soughs and Drains as shall be under or within the Distance of Twenty Yards from such Tunnel or Aqueduct, on either Side thereof, shall not exceed Four Feet in Breadth; and that all such Works shall be performed under the Direction and Inspection of the said Company of Proprietors, their Successors and Assigns, or their principal Engineer for the

Time being; and that no Owner or Proprietor of any Mines or Minerals, their Workmen or Servants, or other Person whomsoever, shall, within Twenty Yards of any Tunnel, or under the same, open or carry on any Work for digging, getting, or discovering such Minerals, without the Consent of the said Company of Proprietors, their Successors and Assigns; and that no Water shall be taken, by the working or draining of such Mines, lower than the Level of the Water in the said Canal, by any Works to be made, carried on, or erected, for getting such Coals, Iron-stone, Salt Rock, or Minerals, within Twenty Yards of the said Tunnel or Aqueduct, unless such Water shall be returned into the Navigation within such Tunnel or Aqueduct.

but not work any Mines within a certain Distance of any Tunnels, without Consent of the Company of Proprietors.

And be it further enacted by the Authority aforesaid, That no Owner or Proprietor, Owners or Proprietors, of any Mines or Minerals, their Workmen or Servants, or other Person whomsoever, shall on any Account whatever open, dig, sink, or carry on, any Work for the getting of Coal, Peat, Chalk, Lime-stone, Iron-stone, or Mineral, within the Distance of Twenty Yards from the said Canal; nor shall any Coals, Peat, Chalk, or other Mineral, be got under the said Canal, or the Towing-paths thereof, or under any Part or Parts thereof, or within or under any Land or Ground lying within the Distance of Twenty Yards of either Side of the said Canal, on any Account whatsoever, without the Consent of the said Company of Proprietors, their Successors and Assigns, in Writing under their Common Seal, for such Purpose, first had and obtained.

No Mines, &c. to be worked within 20 Yards of the Canal without Consent of Proprietors.

And, for the better discovering such Persons as shall or may open, dig, sink, or carry on, any Work for the getting of Coal, Peat, Chalk, or other Mineral within the Distance aforesaid from the Sides of the said Canal, or the Towing-paths thereto belonging; be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, by themselves, their Agents and Servants, from Time to Time, and at all Times, after the passing of this Act, to enter upon the Lands or Grounds of the

Proprietors may examine whether Mines are worked within 20 Yards of the Canal;

several Persons, Bodies Politick, Corporate, or Collegiate, through or near which the said Canal and other Works hereby authorized to be made shall pass, wherein any Coal Mine or other Mines shall or may be from Time to Time dug or opened, and likewise into such Coal or other Mines to enter, and there to view, search, measure, latch, and use all other Means for the discovering the Distance of the said Canal and Towing-paths from such Part and Parts of the said Mine or Mines as shall or may be from Time to Time at Work, got, or getting, so that the Distance of the nearest Approach of such Coal or other Mine working or getting, to the said Canal and Towing-paths, may be thereby fully ascertained and determined; and in case it shall appear that any Mine or Mines have been worked or got within the Distance aforesaid from the said Canal and Towing-paths, or any other Works hereby authorized to be made, whereby the said Canal or Towing-paths, or other Works, shall or may be endangered, it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, and to and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges, of the Owner or Owners, Proprietor or Proprietors, of such Mine or Mines, to enter into and upon such Mine or Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe, the said Canal, Towing-paths, and other Works; and such Expences, Costs, and Charges, shall be recovered by the said Company of Proprietors, their Successors and Assigns, in such and the same Manner, and when recovered, paid into the Hands of the Treasurer or Receiver for the Time being of the Monies to be raised by virtue of this Act, for such and the same Uses as all Fines and Forfeitures herein-after inflicted by this Act, the recovering and levying of which are not herein particularly directed, are herein-after by virtue of this Act directed to be applied and disposed of.

and in that Case, the Canal to be secured from Damage at the Expence of the Owners of the Mines.

And, to the End that the said Company of Proprietors, their Successors and Assigns, may be further enabled to carry on so useful an Undertaking, be it fur-

Company of Proprietors to contribute 86,000 *l.* to be divided into Shares.

ther enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Canal, and all Roads, and other Ways, Works, and Conveniencies, to the same belonging, or requisite thereto respectively, provided that the said Sum do not exceed the Sum of Eighty-six thousand Pounds, in the Whole, except as herein-after mentioned, and that the same be divided into such Number of Shares as herein-after directed, at a Price not exceeding One hundred Pounds per Share; and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One, or more than Forty Shares, either in his own Name, or in the Name of any other Person or Persons in Trust for him, except the same shall come to him by Will or Act in Law, upon Pain of forfeiting to the said Company of Proprietors all such Shares exceeding Forty Shares, except as herein-after mentioned; and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the First Place, for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other necessary Expences relating thereunto; and all the Residue and Remainder of such Money, for and towards making, completing, and maintaining the said Canal, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

No Proprietor to have less than One nor more than Forty Shares.

Application of the Money.

And be it further enacted, That the said Sum of Eighty-six thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, and by such other Person or Persons who shall or may, at any Time hereafter, become a Subscriber or Subscribers to the said Navigation, shall be divided and distinguished into Eight hundred and sixty equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share; and that the said Eight hundred and sixty

The Money to be divided into 860 Shares.

Shares vested in the Subscribers.

Shares

Shares shall be, and are hereby vested in the said several Subscribers, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the said Shares are hereby declared to be Personal Estate, and transmissable as such, and not of the Nature of real Property: And all Bodies Politick and Corporate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be completed, the entire and net Distribution of One Eight hundred and sixtieth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act, and so in Proportion for any greater Number of Shares, not exceeding Forty Shares (except as herein mentioned) to any One Person as aforesaid; and every Body Corporate or Politick, or Person or Persons, having such Property of One Eight hundred and sixtieth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking, in Manner herein-after enacted, directed, and appointed.

What Proportion of the Profits of the Navigation, each Subscriber will be intitled to.

And be it further enacted, That in case the said Sum of Eighty-six thousand Pounds, herein-before authorised to be raised, shall be found insufficient for the making, completing, and maintaining the said Canal, and other the Works hereby authorised to be made, and all necessary Charges and Expences relating thereunto, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, in Manner and Form aforesaid, any further or other Sums of Money, for making, completing, and maintaining the

Company of Proprietors impowered to raise among themselves a further Sum of 40,000 *l.*;

said Navigation, not exceeding the Sum of Forty thousand Pounds; and towards raising such further or other Sum or Sums, any Member or Members of the said Company of Proprietors shall and may subscribe and become a Proprietor of any Number of Shares, not exceeding Ten Shares, therein, at the Prices aforesaid, although such Member or Members, or those under whom he or they became intitled, was or were originally a Subscriber or Subscribers for Forty Shares of the said Eighty-six thousand Pounds; and every Subscriber towards raising such further or other Sum, shall have a like Vote, by himself or Proxy, in respect of every such Share in the said additional Sum so to be raised, and shall also stand interested in all the Profits and Powers of the said Navigation, proportionably to the Sum he or they may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum or Sums, hereby allowed to be subscribed for and raised, had originally been Part of the said Eighty-six thousand Pounds; any Thing herein contained to the contrary thereof in anywise notwithstanding.

of which, any Proprietor may subscribe for Ten Shares.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said Canal, and all Things necessary for making, completing, and maintaining the same, shall be carrying on, and until the same shall be completed and finished, to pay unto every Body Corporate and Politick, Person or Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums of Money as shall from Time to Time be demanded in respect thereof, towards carrying on and completing the said Navigation, Interest for the same, after the Rate of Five Pounds for every One hundred Pounds, for One Year, from the Time that each of such Sum or Sums shall be so respectively advanced as aforesaid, unless the Majority of

Subscribers to be paid Interest.

the said Proprietors present at a General Meeting shall consent to postpone the Payment thereof.

Every Subscriber for One 86oth Share deemed a Proprietor;

And, to the End that all Matters and Things, touching, concerning, or relating to the carrying on and completing the said Navigation, may be managed and conducted in the most beneficial Manner; be it further enacted, That every Body or Bodies Politick or Corporate, or other Person or Persons, who shall by virtue of this present Act have subscribed or undertaken for One Eight hundred and sixtieth Share of the said Navigation, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly to be held as hereafter appointed, for carrying on the said Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors in the said Navigation), duly constituted under his, her, or their Hand and Seal, or Hands and Seals; and such Vote or Votes by Proxy shall be good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Body or Bodies Corporate or Politick, Person or Persons, who shall have more than One such Share, and not exceeding Forty Shares, except as herein-before excepted, shall have Liberty, by him, her, or themselves, or by his, her, or their Proxies, being Proprietors as aforesaid, regularly constituted as aforesaid, to give One Vote for each such Share of One hundred Pounds, for which he, she, or they shall be a Subscriber, or become a Proprietor, as aforesaid; and whatever Question, Election of proper Officers, or other Matters or Things, shall be proposed, discussed, or considered, at any publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share; provided that no Person shall give or deliver more Proxies than for Five absent Proprietors.

and may vote by Proxy;

and shall be intitled to give One Vote for every 100l. subscribed.

General Meetings of the Company of Proprietors.

And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act may be the more regularly and methodically carried into Execution,

Execution, be it further enacted, That the First General Assembly or Meeting of the said Company of Proprietors, for putting this Act into Execution, shall be held at the Crown Inn in Basingstoke, upon the First Monday in the Month of June next ensuing, and the Second General Meeting upon the First Monday in the Month of November then next following, at such Place as the said Company of Proprietors, or Seven of them, at their said First Meeting, shall appoint; and the like General Assemblies or Meetings shall be held annually, on the like Days and Months in every Year, for the future; at which said First Meeting the Proprietors assembled, together with such Proxies as shall be then present, shall chuse Twenty Persons, who are, for the Time being, Proprietors of Three or more Shares in the said Navigation, which Persons, so chosen, shall be a Committee to manage the Affairs of the said Company of Proprietors, in such Manner as is herein-after directed, and as shall, from Time to Time, be ordered by such General Assemblies as aforesaid; but if at any Time it shall appear to any Nine or more of such Proprietors, that, for the more effectually putting this Act in Execution, a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Nine or more of them to cause Notice thereof to be given in the Reading and Southampton Newspapers, and in such other Manner as the said Company of Proprietors, their Successors and Assigns, shall at any General Meeting direct or appoint, declaring in such Notice the Place where, and the Time when, such Meeting is to be held, the same not being less than Ten Days after such Notice given, and likewise specifying in every such Notice the Reason and Intention of such Meetings respectively; and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given them, with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, at such Meetings assembled (such major Part not having, either as Principals or Proxies, less than Two hundred Shares) shall be as valid,

Committee to be appointed.

Power to hold Special Meetings.

valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein-before appointed.

Committees to be subject to the Controul of the General Meetings of the Company.

Provided always, That such Committee shall, from Time to Time, be subject to the Examination and Controul of the said General Assembly, or other Meetings of the said Company of Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions, in and about the Premises, as they shall from Time to Time receive from the said Company of Proprietors at any such General Assembly or other Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Books of Accounts to be locked up.

And be it further enacted, That the Book and Books, in which all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of Proprietors, their Successors and Assigns, shall, from Time to Time, direct; and the Key or Keys thereof, the Committee for the Time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to such Book and Books, for his, her, or their Inspection.

On Failure of a sufficient Number at the General Assembly, no Committee shall be appointed, but another Meeting held for that Purpose.

Provided always, That if at any such General Assembly there shall not be Persons present who have Two hundred such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but in such Case there shall be a new Assembly of the Proprietors of the said Navigation, at the same Place, upon that Day Three Weeks following; and such Choice shall be then made of Persons to be of the Committee, as ought to have been made on the Day herein-before appointed, had there then been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee shall have the same Power which they would have had, and continue in such Offices until such Time as they would have done, had they been chosen on the same Day herein-before appointed;

pointed; and that in case of Failure of the Meeting of the Persons having Two hundred Votes as Principals or Proxies at such First Meeting, the whole Number of Principals who shall not be present at such Second Meeting, by him, her, or themselves, or by his, her, or their Proxies, shall forfeit to the said Company of Proprietors, their Successors and Assigns, for every such Share which he, she, or they shall then have in the said Navigation and Undertaking, the Sum of Ten Shillings for each Share in the said Undertaking, to be stopped out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen. Penalty on Proprietors not attending the Second Meeting.

And be it further enacted, That every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money laid out and disbursed on account of the said Navigation, with the Receiver or Receivers, or other Officer or Officers to be by them appointed, or any other Person or Persons whomsoever, employed by, or concerned for or under them, in and about the aforesaid Navigation; and for that Purpose shall have Power to adjourn themselves over, from Time to Time, and from Place to Place, as shall be thought convenient by the Persons intitled to a Majority of Votes in Manner aforesaid; and every General Assembly, or such Committee, met together by the Authority of this Act, shall have Power, from Time to Time, to make such Call or Calls of Money from the said Company of Proprietors, to defray the Expences of, or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls be made but at the Distance of Three Calendar Months at the least from each other; which Money so called for shall be paid to such Person or Persons, and in such Manner, as the said General Assembly or Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next Annual or other General Assembly to be holden in Manner as aforesaid, have full General Assembly to audit and settle the Accounts.

General Assembly and Committees impowered to make Calls.

Committees to manage the Affairs of the Company.

Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertakings, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee together assembled, such Majority not being less than Five; and every Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Two Calendar Months Notice at least shall be given, by publishing the same in the Reading and Southampton Newspapers, and in such other Manner as the said Company of Proprietors, their Successors or Assigns, shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Assembly or Committee, he, she, or they so neglecting or refusing shall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, and their respective Share and Shares, Parts, and Interests, in the said Navigation, Undertaking, and Premises: And in case such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they so neglecting shall forfeit his, her, and their respective Share and Shares, Parts, and Interests, in the said Navigation, Undertaking, and Premises, and all the Profit and Benefit thereof; all which Forfeitures shall go to the rest of the Proprietors in the said Navigation, in

Proprietors to pay the Calls at the Time required, under a Penalty for Default;

and if not paid within Two Calendar Months, then to forfeit their respective Shares.

Trust for the Benefit of each of the Proprietors, in Proportion to their respective Interest in the said Undertaking: Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, their Successors or Assigns, who shall meet within Six Calendar Months next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor and Proprietors so forfeiting, against all Actions, Suits, or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement, betwixt such Proprietor or Proprietors so forfeiting and the rest of the said Company of Proprietors, with regard to carrying on the said intended Navigation.

No Forfeiture of a Share to take Place unless declared at a General Assembly within Six Calendar Months, *etc.*

And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall always have Power and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any Officer or Officers under them, and to revoke, alter, amend, or change, any of the Rules and Directions herein-before prescribed and laid down, with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet, (the Method of calling General Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted); and shall have Power to make such new Rules, Bye-laws, and Orders, for the good Government of the said Company of Proprietors, for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well-governing of the Bargemen, Watermen, Boatmen, and others, who shall carry any Goods, Wares, and Merchandizes upon any Part of the said Canal, and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such new Rules, Bye-laws, or Orders, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence; such Fines or Forfeitures to be recovered

General Assembly impowered to remove any of the Committee, and any of their Officers, and to revoke or alter any Rules, Directions, *etc.*

Power to make Bye-laws.

recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye-laws, and Orders, being put into Writing, under the Common Seal of the said Company of Proprietors, their Successors and Assigns, shall be binding to and observed by all Parties, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same.

Executors, Administrators, Guardians, *etc.* liable to pay the Calls.

Provided always, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share, which he, she, or they shall have been possessed of or intitled to, without having made Provision by Will, or otherwise, how such Share and Shares shall be disposed of, and the Money paid in upon Calls for the future, then, and in such Case the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Committee or Committees, Guardian or Guardians, of any Infant, or other Person or Persons whomsoever, entitled to the Estate or Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, and other Persons whomsoever, for paying any Sum or Sums of Money, when called for as aforesaid, to complete any such Subscription; and

In case of Deficiency of Assetts, any other Persons may become Proprietors of the Shares, on paying the Money advanced thereon.

if any such Owner deceased, shall not have left Assetts sufficient, or in case the Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be, and are hereby impowered, authorised, and required, to admit any other Person or Persons to be a Proprietor or Proprietors of the Share and Shares of such Owner deceased, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians, of any Infant, or others, entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner, in his or her Life-time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such

other Sum or Sums of Money as the same can be sold for.

Proprietors enabled to sell or dispose of their Shares, *etc.*

And be it further enacted, That it shall and may be lawful to and for any of the said Company of Proprietors, their Successors and Assigns, from Time to Time, to sell and dispose of any Share or Shares he, she, or they shall and may be entitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale, and Conveyance, made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or their Clerk for the Time being, to be filed and kept for the Use of the said Company of Proprietors, their Successors and Assigns; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his Share paid unto him, her, or them, or any Vote as Proprietor or Proprietors.

After a Call is made, no Person to sell till such Call be paid.

And be it further enacted, That after any Call of such Monies shall be made by a General Assembly, or such Committee as aforesaid, no Person or Persons shall sell or transfer any Share which he, she, or they shall then have in the said Undertaking, until the Monies called for, upon their respective Share or Shares so to be sold, shall be paid, upon the Penalty of forfeiting his, her, or their respective Shares of the said Undertaking, to the said Company of Proprietors, their Successors and Assigns, in Trust for the Benefit of the rest of the said Proprietors, unless the Person or Persons who shall be

Vendor or Vendors shall, at the Time of such Transfer, pay the Money called for, upon each Share so transferred, to the Treasurer of the said Company of Proprietors; such Forfeiture, nevertheless, to be notified and declared at a General Assembly, in Manner above directed.

And be it further enacted, That the Conveyance for the Sale of the said Shares shall be in the following Form; (to wit):

Form of the Conveyance of Shares.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, and transfer, to the said *C. D.* his Executors, Administrators, and Assigns, One or more Share or Shares (*as the Case is*) of the Undertaking of the *Basingstoke* Canal Navigation, to hold to him the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same immediately before the Execution hereof: And I the said *C. D.* do hereby agree to accept of the said One or more Share or Shares of the said Undertaking, subject to the same Rules, Orders, and Conditions.

Witness our Hands and Seals, the Day of in the Year of our Lord

Company of Proprietors not to begin any of the Works till 86,000*l.* be subscribed;

Provided always, and be it further enacted and declared by the Authority aforesaid, That the said Company of Proprietors, their Successors or Assigns, or their Deputies, Agents, Officers, Workmen, or Servants, shall not begin to cut or make the said Canal, or any of the Works authorised to be made by virtue of this Act, (except the making and providing of Bricks and Stone), until the full Sum of Eighty-six thousand Pounds shall be actually subscribed and engaged to be paid, for and towards making and completing the said Canal, and until Ten per Centum of the said Sum shall have been actually paid into the Hands of the Treasurer to the said Company of Proprietors; any Thing contained in this Act to the contrary hereof notwithstanding.

and 10 *per Cent.* paid to the Treasurer.

A Clerk to be appointed;

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their

Successors and Assigns, or the major Part of them, at any General Meeting assembled, and they are hereby authorised and required, from Time to Time, to nominate and appoint, by Writing under their Hands, a Person to be their Clerk; who shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Navigation, and of the several Persons who shall, from Time to Time, become Owners of, or entitled to, any Share and Shares of and in the said Navigation and Undertaking, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, their Successors and Assigns, by virtue of and under the Authority of this Act; and that each of the said Proprietors, Land-owners, and other Persons interested or concerned in, or affected by, the said Navigation, shall and may, at all convenient Times, have Recourse to, and peruse and inspect the same, and also peruse and inspect the Book or Books to be kept by the Clerk to be appointed by the said Commissioners, gratis, and may demand and have Copies of the said Books and Proceedings, or any Part thereof, paying for such Copies Two-pence for every Two hundred Words; and if the said Clerks shall refuse to permit any such Person or Persons, so interested as aforesaid, to inspect or peruse such Books, or refuse to make any such Copy or Copies as aforesaid, every such Clerk shall, for every such Offence, pay and forfeit the Sum of Five Pounds.

who shall enter the Names of the Proprietors, and also their Proceedings.

And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose; and such Entries, being signed by such Number of the said Commissioners, respectively, as are empowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and admitted as Evidence in all Courts whatsoever; and the said Commissioners, or any Seven or more of them, may, and are hereby required, at a Meeting to be held by them at the Crown Inn in Basingstoke aforesaid, appoint, out of Three

Proceedings of the Commissioners to be entered.

The Commissioners may appoint a Clerk.

Persons

Persons to be nominated by the said Company of Proprietors, their Successors and Assigns, such One of the said Three Persons as they the said Commissioners shall think proper, to be their Clerk, and from Time to Time remove such Clerk, and on such Removal, or in case such Clerk shall die, or quit the Service of the said Commissioners, to appoint another in his Stead, out of Three Persons to be nominated as aforesaid; which Clerk shall be paid, for his Care and Trouble in the Execution of such Office, by the said Company of Proprietors, their Successors and Assigns.

Rates granted to the Company of Proprietors.

And be it further enacted by the Authority aforesaid, That in Consideration of the great Charges and Expences which the said Company of Proprietors, their Successors and Assigns, will be at in making, maintaining, and supplying, the said Canal with Water, and in making and maintaining all other Works hereby authorised to be made and erected, it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage for all Coal, Stones, Timber, Corn, Grain, Malt, Meal, Flour, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed, upon or through the said Canal, such Rates and Duties as the said Company of Proprietors, their Successors and Assigns, shall think fit, not exceeding the Sum of Two-pence per Mile for every Ton of Coal, Stone, Timber, Corn, Grain, Malt, Meal, Flour, and all other Goods, Wares, Merchandize, and Commodities, which shall be navigated, carried, or conveyed, upon or through the said Canal, and so in Proportion for any greater or less Quantity than a Ton; which said Rates or Duties shall be paid to such Person or Persons, at such Place or Places near to the said Canal, in such Manner, and under such Regulations, as the said Company of Proprietors, their Successors and Assigns, shall direct and appoint: And in case of Denial or Neglect of Payment of any such Rates or Duties, or any

Method of recovering the Rates.

Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors, their Successors and Assigns, may sue for the same, by Action of Debt, or upon the Case, in any Court of Record; or the Person or Persons to whom the said Rates or Duties ought to have been paid may, and he and they is and are hereby authorised and impowered to seize such Boat, Barge, or Vessel, or Goods, for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with all reasonable Charges of such Seizure and Distress; and if such Distress shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Exemptions from Payment of Rates.

Provided always, and be it further enacted, That Lime, Lime-stones, Paving-stones, Chalk, Dung, Soil, Marl, and other Manure for Land, shall not pay more than One Half of the Rates or Duties before mentioned; and that Gravel, Sand, and all other Materials for making and repairing of Roads (except Paving-stones), shall not, nor shall any of them, be charged with or liable to pay any of the Rates or Duties authorised to be taken by this Act, for being carried upon the said Canal, Trenches, Sluices, or Passages, or any Part thereof, but shall be free and exempted from the same, so that the Things hereby exempted from the Payment of such Rates or Duties do not pass through any Lock authorised to be made by virtue of this Act, but at such Times as and when the Water shall flow over or through the Gage, Paddle, or Mitch of such Lock; and also that such Person and Persons who shall own, or be concerned or employed in carrying, Paving-stones, Gravel, Sand, or other Materials for the Repair of Roads, or any Dung, Soil, Marl, or other Manure for Land (except Lime, Lime-stone, and Chalk), shall have free Liberty to make use of the Towing-paths, Wharfs, or Quays, belonging to the said Company of Proprietors, their Successors and Assigns, such Person or Persons not suffering such Paving-stones, Gravel, Sand, or other Materials

for repairing Roads, or any Dung, Soil, Marl, or other Manure, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, or conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Canal, or any Part thereof, by the loading, unloading, or discharging any Boats or other Vessels; which Recompence and Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Seven or more of them.

Additional Rates for certain Things remaining on the Wharfs longer than 24 Hours.

And be it further enacted by the Authority aforesaid, That if any Iron, Iron-stone, Coals, Chalk, Timber, Lime for the Improvement of Lands or Grounds, or other Goods whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belonging to the said Company of Proprietors, their Successors and Assigns, for above the Space of Twenty-four Hours, then and in such Case the said Company of Proprietors, their Successors and Assigns, shall be entitled to and receive such Allowance, over and above the Rates of Tonnage herein-before limited, as shall be agreed upon between the said Company of Proprietors, their Successors and Assigns, or their Agent or Agents, and the Owner or Owners of such Coals, Iron, Iron-stone, Chalk, Timber, Lime, or other Goods, or (in case of any Difference concerning the same) as shall be ascertained by the said Commissioners, or any Seven or more of them.

Masters of Vessels to give an Account thereof, and of their Lading;

And, for the more easy collecting the said Rates or Duties hereby granted, be it further enacted by the Authority aforesaid, That the Masters, Owners, and Managers of every Boat, Barge, and other Vessel, navigating upon the said Canal, or on any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat, Barge, or other Vessel, to the Collectors of the said Rates or Duties, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat, Barge, or other Vessel, from whence brought, and where they

they intend to land the same; but if the Goods contained in such Boat, Barge, or other Vessel, shall be liable to the Payment of different Rates or Duties, then such Master, Owner, or Person, shall specify the Quantities liable to the Payment of each distinct Rate or Duty; and in case they neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in that Account, they shall forfeit and pay to the said Company of Proprietors, their Successors and Assigns, the several Sums or Penalties following; (that is to say) If the said Master, Owner, Manager, or Person having the Rule or Command of any such Boat, Barge, or other Vessel, navigating upon the said Canal, shall refuse to give such Account as herein-before directed, he or they shall forfeit and pay to the said Company of Proprietors, their Successors and Assigns, the Sum of Ten Shillings for every Ton of Goods which shall be in such Boat or Vessel respectively, of which such Account shall be so refused to be given; and in case they shall give a false Account, that then and in such Case he or they shall forfeit and pay to the said Company of Proprietors, their Successors and Assigns, the Sum of Twenty Shillings for each and every Ton exceeding the Number of Tons mentioned and contained in such Account so delivered and given in pursuant to the Directions of this Act, and also the like Sum of Twenty Shillings for every Ton which shall be delivered at any other Place or Places than what shall be mentioned in the said Account in Writing so to be delivered in as aforesaid, over and above the respective Rates or Duties they are obliged to pay for the same; and in case of Neglect, Refusal, or Denial of Payment, on Demand made, of such Forfeiture or Forfeitures before mentioned, or any Part thereof, to the said Company of Proprietors, their Successors and Assigns, that then and in every such Case the same shall be recovered and levied in such Manner, and by such Methods, as the said Rates and Duties hereby granted are herein-before directed and appointed to be recovered and levied.

Penalty on Refusal.

Penalty on giving a false Account.

And,

What shall be deemed a Ton of Timber.

And, for the better ascertaining the Tonnage of Timber and Wood to be charged with the Payment of such Rates and Duties as aforesaid; be it further enacted and declared, That Twenty-six Feet of round, or Forty Feet of square Oak, Ash, or Elm Timber, or Fifty Feet of Fir or Deal-balk, Poplar, and other Wood, shall be deemed, rated, and estimated as and for One Ton Weight.

Vessels may be weighed or measured, in case of any Difference respecting the Rates.

And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties and the Master or Person having the Charge of any Boat, Barge, or Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Weight and Quantity of the same, it shall and may be lawful for any such Collector to stop and detain any such Boat, Barge, or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandizes as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Boat, Barge, or Vessel, affirmed the same to be, then the Master, Owner, or Person so affirming, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the said Rates or Duties are hereby appointed to be recovered and levied; but if such Goods, Wares, and Merchandize, shall appear to be of the same, or less Weight or Quantity than the Master, Owner, or Person, so declared the same to be, then the said Collector or Collectors shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandize, such Damages as shall appear to the said Commissioners, or any Seven or more of them, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same

By whom the Expences of such weighing and measuring shall be paid.

shall be recovered from the Company of Proprietors, their Successors or Assigns, by Action of Debt, in any of his Majesty's Courts of Record.

The Canal, and the Roads and Ways, open and free to all Persons on paying the Rates.

And be it further enacted by the Authority aforesaid, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the Private Roads and Ways (except the Towing-paths) for the Purpose of conveying Coal, Stone, Timber, Corn, Grain, Malt, Meal, Flour, and other Goods, Wares, Merchandizes, and Commodities whatsoever, to or from the said Canal, Trenches, or Passages; and also to navigate upon the said Canal, or the Trenches, Sluices, or Passages, with any Boats, Barges, or other Vessels, not exceeding Thirteen Feet in Breadth, and Seventy-two Feet in Length, for the Purpose of conveying any such Goods, Wares, Merchandizes, Commodities, Matters, and Things aforesaid; and to use the said Wharfs or Quays for loading and unloading Coal, Stone, Timber, Corn, Grain, Malt, Meal, Flour, and other Goods, Wares, Merchandize, and Commodities, and the said Towing-paths, for haling and drawing such Boats, Barges, and Vessels, upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, their Successors and Assigns, not exceeding the Rates or Duties herein-before mentioned.

Dimensions of the Vessels.

No Vessel under 15 Tons to pass through the Locks without Consent of Proprietors.

Provided always, and be it further enacted, That no Boat, Barge, or other Vessel, of less Burthen than Fifteen Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, their Successors or Assigns, or their principal Agent, for the Time being, in Writing, first had and obtained.

Clause respecting Passage Boats, *etc.*

And be it enacted, That no common Passage Boat shall be subject or liable to the Payment of any greater or other Rates than in Proportion to the Tonnage; and that all Passage Boats, empty Boats, and Pleasure Boats, shall pay Sixpence, and no more, for each Time they shall pass through any of the said Locks: Provided always, That no common Passage Boat, empty Boat, or Pleasure Boat, shall be permitted to pass through any

of the said Locks, without the Consent of the said Company of Proprietors, except at such Times as the Water shall flow over the Waste or Wear of any such Lock or Locks.

The Canal not to be carried on the West Side of *Tylney-hall* Park, without the Consent of Lord *Tylney*.

And whereas it was originally intended that the Course of such Part of the said Canal as leads from a certain Place in the said Parish of Odiham, marked in the said Map or Plan with the Letter I, to a certain Place in the said Parish of Nately, marked in the said Map or Plan with the Letter K, should be carried on the East Side of Tylney-hall Park, the Seat of the Right Honourable John Earl Tylney in the Kingdom of Ireland, through Hull's Farm aforesaid, and along the West Side of the said Park, according to a Line described in the said Map or Plan; and Surveys and Estimates were made and taken accordingly; and the Rates or Duties necessary to be received by the said Company of Proprietors, in order to enable them to carry the said Canal in that Line, was estimated at One Penny Halfpenny per Mile, for every Ton of such Goods and Commodities as aforesaid which should be navigated or conveyed thereon: And whereas it having been represented to the said Company of Proprietors, on Behalf of the said Earl, that the making the said Canal on the West Side of the said Park might be attended with Inconvenience to the Estate of the said Earl, the said Company of Proprietors caused new Surveys and Estimates to be made and taken, whereby it appears, that by cutting a subterraneous Passage or Tunnel of about One thousand one hundred Yards, through a certain Hill near Grewell aforesaid, called Grewell-hill, the said Canal may be made from the said Letter I, to the said Letter K, without going on the West Side of Tylney-hall Park aforesaid; but that the making the said Canal through Grewell-hill aforesaid will be attended with a much greater Expence than if the same was made in the Line or Course first proposed, and the Rates or Duties of Two-pence per Ton, herein-before granted, have been deemed necessary to enable the said Company of Proprietors to complete the said Canal in that Line; be it therefore enacted by the Authority aforesaid, That the

the said Company of Proprietors, their Successors or Assigns, shall, and are hereby required, by virtue of the several Powers and Authorities herein contained, and by all other necessary and convenient Ways and Means, to make, or cause the said Canal from the said Letter I, to the said Letter K, to be made and carried through Grewell-hill as aforesaid, unless the said Earl, or the Owner or Owners of Tylney-hall Park aforesaid for the Time being, shall, by Writing under his or their Hand and Seal or Hands and Seals, consent that the said Canal shall be made in the Line or Course so first proposed, on the West Side of Tylney-hall Park, as aforesaid.

In case the Canal shall be made on the West Side of *Tylney-hall* Park, no greater Toll to be taken than One Penny Halfpenny *per* Mile for a Ton.

Provided nevertheless, and be it enacted and declared by the Authority aforesaid, That in case the said Earl Tylney, or the Owner of Tylney-hall Park aforesaid for the Time being, shall consent, in Manner aforesaid, that the said Canal shall be made on the West Side of Tylney-hall Park, in the Line first proposed, that then it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, to make the said Canal in that Line, instead of carrying the same through Grewell-hill aforesaid; and in case the said Canal shall be made on the West Side of Tylney-hall Park aforesaid, in the Line first proposed, it shall not be lawful for the said Company of Proprietors, their Successors or Assigns, to receive any greater Rates or Duties as Tonnage than One Penny Halfpenny per Mile, for every Ton of such Coals, Stones, Timber, Corn, Grain, Malt, Meal, Flour, or other Goods, Wares, Merchandizes, and Commodities, which shall be navigated, carried, or conveyed upon the said Canal, and so in Proportion for any greater or less Quantity than a Ton; nor more than half the last-mentioned Rates or Duties for Lime, Limestones, Paving-stones, Chalk, Dung, Soil, Marl, or other Manure for Land, which shall be navigated or conveyed upon the said Canal; which said last-mentioned Rates or Duties shall and may be collected and recovered by such Ways and Means, and in such Manner, as the other Rates or Duties hereby granted can or may be collected and recovered by virtue of this Act; any Power

or Authority hereby given for collecting and receiving any greater Rates or Duties to the contrary notwithstanding.

In case the Canal shall be made through *Grewell-hill*, it may be continued on the East Side of *Tylney-hall* Park to *Turgiss*.

Provided always, and be it further enacted by the Authority aforesaid, That in case the said Canal shall be made and carried through Grewell-hill, as herein-before mentioned, it shall nevertheless be lawful for the said Company of Proprietors, their Successors and Assigns, to continue the said Canal in the Line described in the said Map or Plan, from the Place marked with the said Letter I, as aforesaid, along the East Side of Tylney-hall Park, to the South-east Side of the said Turnpike Road, in the said Parish of Turgiss.

The Canal not to be cut through any Part of Lord *Tylney*'s Estate till a certain Proportion be completed.

Provided always, and be it further enacted and declared by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise or impower the said Company of Proprietors, their Successors or Assigns, or their Agents, Workmen, or Servants, to cut any Part of the said Canal, or make or erect any Works whatsoever upon any of the Lands of the said Earl Tylney, his Heirs or Assigns, between the said Letter I, and the South-east Side of the said Turnpike Road, in the Parish of Turgiss aforesaid, until the said Canal shall be cut from the River Wey to the said Letter I, marked and described in the said Map or Plan as aforesaid.

Proprietors impowered to make Tunnels, Drains, *etc.* for supplying the Canal with Water;

And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, shall, and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Drains, or other Passages, over, under, or into the said Canal, and the said Trenches, Streams, and Watercourses communicating therewith, and Towing-paths on the Sides thereof, of such Depth and Breadth as shall be sufficient, at all Times, to convey the Water from the Lands or Grounds adjoining or lying near to the said Canal, without obstructing or impounding the same; and that all such

Arches, Tunnels, Drains, or other Passages, shall, from Time to Time, be supported, maintained, and kept in good and sufficient Repair, by the said Company of Proprietors, their Successors and Assigns; and if, at any Time or Times, after One Calendar Month's Notice shall be given in Writing, by or on Behalf of any Owner or Occupier, Owners or Occupiers, of the said adjacent Lands, who shall find him, her, or themselves aggrieved by the Obstruction of the said Watercourses, to any One of the said Committee for the Time being, or to some known Agent belonging to the said Company of Proprietors, or to some Collector of the said Rates or Duties, all such Arches, Tunnels, Drains, or other Passages, shall not be made, cleansed, repaired, and maintained, according to the true Intent and Meaning of this Act, it shall and may be lawful for any Person or Persons, having an Order in Writing for that Purpose from any Seven or more of the said Commissioners, from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair, such Arches, Tunnels, Drains, or other Passages; and the reasonable Expences thereof, to be ascertained by the said respective Commissioners, or any Seven or more of them, shall be defrayed by the said Company of Proprietors, their Successors and Assigns; and in case of Neglect or Refusal to satisfy the same, for the Space of One Calendar Month after Demand thereof made upon their Agent or Agents, or upon any Collector of the said Rates or Duties, all such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges, and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

who are to keep them in Repair.

And be it further enacted by the Authority aforesaid, That where, by making the said Navigable Canal, any Cattle which used to depasture in the adjacent Lands or Grounds shall be deprived of their usual Watering-Places, that then and in such Case the said Company of Proprietors, their Successors and Assigns, shall, at their own proper Costs and Charges, set out and provide proper and convenient Places, in the Lands adjoining

Watering-places for Cattle to be preserved.

to the said Navigable Canal, for Cattle to water at, in all such Lands and Grounds where they were heretofore accustomed to drink and water as aforesaid, and to supply the said Watering-places with Water from and out of the said Canal, if necessary.

Towing-paths to be separated and fenced from the adjoining Lands.

And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing-paths on the Side or Sides of the said Canal and Navigable Trenches or Passages, or such Part or Parts thereof as shall be found necessary by the said Commissioners, or any Seven or more of them, from the Lands or Grounds adjoining to such Towing-paths, with a sufficient Post and Rail Hedge, Ditch, Trench, Bank, or other Fence, sufficient to keep in Sheep and other Cattle, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid, and shall maintain and support the same; and also shall, at their own proper Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates, Bridges, and Stiles, in, through, and over, all the Hedges, Ditches, and Fences, to be by them so made on the Sides of such Towing-paths as aforesaid; and also such Bridges, Arches, and Passages, over, under, or through, the said Canal, and the said Trenches, Streams, and Watercourses, and of such Dimensions, and in such Manner, as the said Commissioners, or any Seven or more of them, shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, Hereditaments or Premises, adjoining to such Canal, Trenches, Streams, Watercourses, and Towing-paths, or any of them respectively; and the said Company of Proprietors, their Successors and Assigns, shall not make the said Canal, or any Trench or Watercourse, or any Part thereof, in or across any common Highway, publick Bridle-way, or Foot-path, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges over, or convenient

Convenient Bridges or Arches to be made over the Canal, *etc.*

Passages through, or Arch or Arches under, the said Place or Places where the said Canal, or Trenches, or Watercourses, respectively, shall be intended to be made, for such Road, Way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners, or any Seven or more of them, shall adjudge proper; and all such Gates, Stiles, Bridges, Arches, and Passages so to be made, shall, from Time to Time, be supported, maintained, and kept in sufficient Repair, by and at the Expence of the said Company of Proprietors, their Successors and Assigns.

If the Company of Proprietors shall not make proper Fences, Bridges, *etc.* the Owners of the adjoining Lands may make the same, and recover the Expences from the Company.

And be it further enacted, That in case the said Company of Proprietors, their Successors and Assigns, or their Agents, shall fail or neglect to make, erect, and set up, such Gates, Bridges, and Stiles, in and over the Fences on the Sides of the said Towing-paths, or such Bridges, Arches, and Passages over, under, or through, the said Canal, and the said Trenches, Streams, and Watercourses, as aforesaid; or to make such Watering-places for Cattle as herein-before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto; or from Time to Time to repair, maintain, and support such Bridges, Arches, and Watering-places, when made, erected, and set up, of such Dimensions, and in such Manner, as the said Commissioners, or any Seven or more of them, shall from Time to Time direct or appoint, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or any Seven or more of them; then and in such Case it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Arches, Passages, Watering-places, and other Conveniences aforesaid, as the said Commissioners, or any Seven or more of them, shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors, their Successors and Assigns, as aforesaid, and from Time to Time to repair and support the said Bridges, Arches,

and

and Watering-places, as Occasion shall require, (in case, upon Application to the said Commissioners, after Three Calendar Months previous Notice, to the Treasurer or Clerk to the said Company of Proprietors, of such intended Application, the said Commissioners, or any Seven or more of them, shall authorise and direct such Repairs as aforesaid), and all the reasonable Costs and Charges thereof, respectively, shall be settled and allowed by the said Commissioners, or any Seven or more of them, and shall be repaid to the respective Owners or Occupiers of the said adjacent Lands who shall have so made and erected the said Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies as aforesaid, by the said Company of Proprietors, their Successors and Assigns, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and on Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Seven or more of them, shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, their Successors and Assigns, in or upon the said Canal, or the Wharfs, Quays, or Warehouses adjoining to or near the same, to and for the Use of such Person or Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors, their Successors and Assigns, or to some of their Agents, the Overplus (if any such there be), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, or any Seven or more of them; or otherwise, every or any of the said Owners or Occupiers of Lands, who shall have made, erected, or set up, any such Gates, Stiles, Bridges, Arches, Passages, Watering-places, and other Conveniencies as aforesaid, upon the Failure or Neglect of the said Company of Proprietors, their Successors and Assigns, shall and may have such and the like Remedy against the said Company of Proprie-

tors, their Successors and Assigns, for the Recovery of such Costs and Charges, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act mentioned and directed.

Owners of Lands authorized to alter any such Fences, Bridges, *etc.* at their own Expence, with Consent of the Committee.

Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Grounds, through which the said intended Canal shall be made, do or shall, at any Time or Times thereafter, find, upon Experience, that the several Gates, Stiles, Bridges, Arches, Passages, Watering-places, and other Conveniencies, which the said Commissioners, or any Seven or more of them, shall have limited and directed to be made by the said Company of Proprietors, their Successors and Assigns, in, over, upon, or under the said Canal, or the Towing-paths thereof, are insufficient, either in Number or Situation, for the commodious Use and Occupation of their respective Lands and Grounds, on both Sides, or on either Side of the said Canal, that then, and so often as any such Case shall happen, it shall and may be lawful to and for every or any such Owners or Occupiers of the said Lands or Grounds, for the Time being, with the Consent and Approbation of the said Committee, for the Time being, or the major Part of them, upon Request made to them for that Purpose, or, in case of their Refusal for the Space of Twenty-one Days after such Request, then with the Consent and Approbation of the said Commissioners, or any Seven or more of them, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies, of the same or the like Construction with others made and erected by the said Company of Proprietors, their Successors and Assigns, on, in, over, or near, the said Canal and Towing-paths, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, or Occupation thereof, and to repair and support the same, at their own like Costs and Charges, as Occasion shall require, so as the Navigation of, in, or upon the said Canal be not prevented or obstructed thereby for any longer Space of

Time, or in any other Manner, than the same will necessarily be by any of the other Gates, Stiles, or Bridges, to be made or erected in or over the said Canal and Towing-paths, by the said Company of Proprietors, their Successors and Assigns, as aforesaid, and so as no Damage or Injury be thereby done to any of the Works of the said Navigation.

The Company restrained from erecting any Mills on the Canal, &c.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company of Proprietors, their Successors or Assigns, to erect or build any Mill or Mills upon the said intended Canal hereby authorised to be made, or upon any Lands or Grounds which shall be set out for the Towing-paths, Wharfs, or Quays, on the Sides thereof; or to convert, employ, or use, any Water that shall be brought into, or discharged out of, the said Canal, Trenches, or Sluices, hereby authorised to be made, to or for the Use of any Mill or Mills hereafter to be erected near the same; or to make, erect, or build, any Warehouses, Buildings, Quays, Wharfs, Cranes, or Weigh-beams, within the Distance of One hundred Yards of any Capital or Manor House, or in or upon any Fold, Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed, adjoining to any Mansion House, that were made, planted, inclosed, and enjoyed as such, before the First Day of January, One thousand seven hundred and seventy-eight; or to take down or damage any Dwelling-house or Outhouse, without the Consent of the Proprietor or Proprietors thereof respectively; or to cut down any Timber-wood, Brush-wood, or Under-wood, upon any of the Estates or Land through or into which the said Navigable Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof, respectively, shall be made or carried, (except such Timber-wood, Brush-wood, or Under-wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken or used, for the making the said Navigable Canal, Towing-paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively, as aforesaid); and that the Proprietors

and from erecting any Warehouses, Wharfs, &c. near any capital House, or on any Garden, &c. without Consent of the Owners;

and from cutting down Timber, except within the Line of the Canal.

Proprietors of the respective Lands or Grounds on which such Timber-wood, Brush-wood, or Under-wood, shall grow, at the Time of passing this Act, their Heirs and Assigns, shall have it in their Option to take such Timber-wood, Under-wood, and Brush-wood, respectively, when fallen or cut down by the said Company of Proprietors, their Successors and Assigns, at such Price or Value as the same respectively shall have been estimated to, or purchased by, the said Company of Proprietors, their Successors and Assigns; which Timber-wood, Brush-wood, or Under-wood, so purchased by or for their Use, shall and may be carried to and from any Part of the said Canal, free from all Rates or Duties to be raised and levied by virtue of this Act; but in case the same shall not have been estimated to, or purchased by them upon a Valuation, separate or distinct from the Lands or Grounds upon which the same respectively shall grow, then at such Price or Value as shall be agreed on for that Purpose, between such Proprietors or Owners of Land and the said Company of Proprietors, their Successors and Assigns, or their Agent, or, in case of any Difference in settling or ascertaining the same, then at such Price or Value as the said Commissioners, or any Seven or more of them, shall direct and appoint.

Lords of the Manors, and Owners of Land, not to be restrained from erecting Wharfs, Quays, *etc.* within their Manors or Lands; or from landing Goods thereat.

Provided also, That nothing in this Act contained shall extend or be construed to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds, through which the said Canal shall be made by virtue of this Act, from making, erecting, or using, any Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their own respective proper Lands, Grounds, or Wastes, adjoining or near to the said Canal; or from landing any Goods or Merchandize, or other Things, thereupon, or upon the Banks lying between the same and the said Canal; or from making and using proper and convenient Places for Boats, Barges or other Vessels, to lie in, turn, or pass by each other; so that the making, erecting, or using thereof, respectively, shall and do not obstruct or prejudice the Navigation of the said Canal,

Rates payable for the same vested in the said Lords and Owners.

Canal, or the Towing-paths on the Sides thereof; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses, respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, upon their respective own proper Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates or Duties hereby granted to the said Company of Proprietors, their Successors and Assigns, for Tonnage and Wharfage, shall not be thereby reduced or altered.

If such Lords or Owners shall not (upon receiving proper Notice from the Company of Proprietors) erect sufficient Warehouses, *etc.* the same may be done by the Company, on making Satisfaction.

Provided nevertheless, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months after Notice given in Writing, by or on Behalf of the said Company of Proprietors, their Successors and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes is or are intended to be used by them, for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain in substantial Repair, in the Opinion of the said Commissioners, or any Seven or more of them, proper and sufficient Warehouses and Buildings, agreeable to a Plan or Plans thereof, which is and are hereby required and directed to be delivered to such Lord or Lords, Owner or Owners, at the same Time or Times when such Notice or Notices shall be given as aforesaid, on the respective Part or Parts of the Lands, Grounds, and Wastes comprized or described in such Notice, then and in every such Case the said Company of Proprietors, their Successors and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds or Wastes, for erecting such sufficient Warehouses and Buildings, agreeable to such Plan or Plans so delivered as aforesaid, first making Satisfaction for the same in such Manner as is directed with respect to other Lands

or

or Grounds which shall be taken and used for the like Purposes.

What shall be paid for Wharfage.

And, in order to ascertain the Wharfage which shall be paid for any Goods, Wares, and Merchandizes, to be landed upon, or brought to any Wharf or Quay; be it further enacted by the Authority aforesaid, That no more than the Sum of Three-pence per Ton shall be demanded or taken for Wharfage, by any Person or Persons, Proprietor or Proprietors, Land-owner or Land-owners, who shall or may at any Time hereafter make, erect, or build, any Wharfs or Quays, on any Part of the said intended Canal, by virtue of this Act, unless the Goods, Wares, or Merchandises, which shall be laid thereon, shall remain or continue on such Wharf or Quay for a longer Time than the Space of Six Days; and that it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, to make, erect, repair, and use, any Crane or Cranes, Weighing-machine or Weighing-machines, upon every such Wharf or Quay, for the more convenient loading, unloading, and weighing of any such Coals, or other Goods, in case the Proprietors of such Wharfs or Quays shall refuse to make and erect the same, within Twelve Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, their Successors or Assigns.

Names of the Masters to be painted on the Vessels.

And, for the better regulating the Masters of Boats or Barges, Bargemen, and others employed by or under them respectively, be it further enacted, That every Master or Person having the Rule or Command of any Boat, Barge, or other Vessel, passing on the said Canal, shall cause his Name and Place of Abode to be set in large Capital Letters, painted White, on each of the Outsides of every such Boat, Barge, or other Vessel, higher than the same shall sink into the Water when full loaded, and the progressive Number of his or their Boats or Vessels; and shall also permit and suffer every such Boat, Barge, or other Vessel, to be measured, at the Expence of the said Company of Proprietors, their Successors or Assigns, whenever it shall be required by

Vessels may be measured at any Time, at Expence of the Company.

the said Company of Proprietors, their Successors or Assigns, or such Person or Persons as shall be appointed by them for that Purpose; provided that no such Vessel shall be measured more than Six Times in any One Year; and shall also, at his and their own Expence, fix, or cause to be fixed, on each Side of every such Boat, Barge, or other Vessel, Two Inderes, of Copper, Lead, or other Metal, of such graduated and figured Dimensions of Breadth and Height, and under such Regulations, as the said Company of Proprietors, their Successors and Assigns, shall from Time to Time direct and appoint, so that the true Weight of the Lading of every such Boat, Barge, or other Vessel, may at all Times clearly appear or be ascertained: And every Owner, Master, or other Person having the Rule or Command of any Boat, Barge, or other Vessel, who shall refuse or neglect to put his Name, Place of Abode, and progressive Number of his or their Boats or Vessels, or the Inderes hereinbefore directed, on any such Boat, Barge, or other Vessel, in Manner aforesaid, or shall alter, deface, erase, or destroy, any Letter, Figure, or Inder, describing such Name and Place of Abode, Number of Vessel, and Tonnage therein, as aforesaid, or shall refuse to have his or their Boats, or other Vessels, measured as aforesaid, he or they shall, for every such Offence respectively, forfeit and pay to the said Company of Proprietors, their Successors or Assigns, a Sum not exceeding Five Pounds, nor less than Forty Shillings.

Graduated Figures to be painted on Vessels, denoting their Weight.

Penalty on Masters for Neglect, *etc.*

And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel, navigating within the Limits of the said Navigation, shall be, and is hereby made answerable for any Damage, Spoil, or Mischief, that shall be done by his Boat, Barge, or other Vessel, or by any of the Boatmen, Bargemen, or Watermen, belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near, the said Canal, Trenches, Sluices, and Passages, or by loading or unloading any Boat, Barge, or other Vessel, and for any Trespass or Damage that shall or may be done

Owners of Vessels answerable for Damage done by their Bargemen, *&c.*

dons to the Owners or Proprietors of any Buildings, Erections, Lands, Tenements, Hereditaments, or Premises adjoining to the same, or any of them, other than is authorised by this Act; and the said Master or Owner of such Boat, Barge, or other Vessel, shall and may be sued and prosecuted for the same in any Court of Record whatsoever; and if found guilty, or a Verdict pass against him, or Judgement be given against him upon Demurrer, or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained, with Double Costs of Suit.

Company of Proprietors authorised to make Spaces for Vessels to turn or pass each other.

And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall and may, and they are hereby required, in such Parts of the said Canal, Trenches, or Sluices, as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel, to turn about and lie, or Two Boats, Barges, or other Vessels, to pass each other, to open or cut proper Spaces or Places in the Lands adjoining to the said Canal, Trenches, or Sluices, at convenient Distances from each other, for the turning, lying, and passing of any such Boat, Barge, or Vessel; and that the said Boats, Barges, or other Vessels, sailing, or being haled or navigated upon the said Canal, Trenches, or Sluices, shall, upon meeting any other Boat, Barge, or other Vessel, stop at, or go back to and lie in, the said Spaces or Places, in such Manner as the said Committee, or the major Part of them, under their Hands and Seals, shall direct and appoint.

Penalty on Bargemen suffering the Water to remain in any Lock longer than is necessary;

and on not properly opening and shutting the Gates of the Locks, *etc.*

And be it further enacted, That no Boatman, Bargeman, or his Agents or Servants, navigating any Boat, Barge, or other Vessel, upon the said Canal, and passing with such Boat, Barge, or other Vessel, through any Lock to be made upon the said Canal, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Barge, or other Vessel, to pass through any such Lock; and also that every such Boatman, Bargeman, or other Person as aforesaid, in going down the said Canal, shall shut the Lower Gates of such Lock before he or they shall draw the Cloughs of the Upper

Gates thereof; and after he or they shall have brought his or their Boat, Barge, or other Vessel, into the said Lock, shall shut close the Upper Gates, before he or they shall draw the Cloughs of the Lower Gates thereof; and in going up the said Canal shall, so soon as he or they shall have passed with his or their Boat, Barge, or other 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, or other Vessel in Sight from the said Lock, coming down the said Canal, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, whenever there shall be a Scarcity of Water in the said Canal, the Vessel going up the same, if within Sight from, or within the Distance of Three hundred Yards below, any Lock, shall pass through such Lock before the Boat, Barge, or other Vessel coming down, and then the Boat, Barge, or other Vessel next above, shall come down; and whenever there shall be a Scarcity of Water, if there are more Boats, Barges, or other Vessels, than One, below and above any Lock at the same Time in such dry Seasons, within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for that Purpose), such Boats, Barges, or other Vessels, shall go up and come down at such Lock by Turns as aforesaid, till all the said Boats, Barges, or other Vessels, going up or coming down, shall have passed, by which Means One Lock full of Water may serve Two or more Boats, Barges, or other Vessels: And every Person offending in all or any of the Cases aforesaid, and being convicted thereof before any Justice of the Peace, upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person having the Command of such Boat, Barge, or other Vessel, shall, for every such Offence, respectively forfeit a Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty on Persons wilfully placing their Vessels so as to obstruct

And be it further enacted, That if any Boat, Barge, or other Vessel, shall be placed in any Part of the said Canal, or of any Trench, Sluice, or Passage aforesaid,

so as wilfully to obstruct the Navigation, and the Person having the Care of such Boat, Barge, or other Vessel, shall not, immediately upon Request made, remove the same, he shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings, nor less than Five Shillings, for every Hour such Obstruction shall continue; and it shall be lawful for any of the Agents or Servants of the said Company of Proprietors, their Successors and Assigns, or any of them, to cause any such Boat, Barge, or other Vessel, to be unloaded, if necessary, and to be removed, in such Manner as shall be proper to prevent such Obstruction in the Navigation, and to seize and detain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Boat, Barge, or other Vessel, shall be sunk in the said Canal, or any Trench aforesaid, and the Owner or Owners, Person or Persons, having the Use of such Boat, Barge, or Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for any of the Agents or Servants of the said Company of Proprietors, their Successors and Assigns, or any of them, to cause such Boat, Barge, or other Vessel, to be weighed or drawn up, and to detain and keep the same, until Payment be made of all the Expences necessarily occasioned thereby, or any wise relating thereto.

the Navigation.

Vessels sunk may be weighed by the Company, at the Expence of the Owners.

And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, or load any Boat, Barge, or other Vessel, with Timber, so that the same shall lie over the Sides of such Boat, Barge, or other Vessel, so laden, or shall overload any Boat, Barge, or other Vessel, navigating in or upon the said Canal, Trenches, Sluices, or Passages, and when so overloaded shall put such Boat, Barge, or other Vessel, into the said Canal, Trenches, Sluices, or Passages, so as to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not, immediately upon Notice given to the Owner or Owners, Person or Persons having the Care of such Boat, Barge, or other Vessel,

Penalty on Persons obstructing the Navigation by floating Timber, or over-loading Vessels, &c.

so obstructing the Passage as aforesaid, hale such Boat, Barge, or other Vessel, back into such Place or Places as shall be proper, or made for Boats, Barges, or other Vessels, to pass each other, every such Owner or Owners, Person or Persons, floating such Timber, or having the Care of such Boat, Barge, or other Vessel, shall forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds, nor less than Fifty Shillings, to the said Company of Proprietors, their Successors and Assigns, to be laid out and employed towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

and on Persons throwing Rubbish into the Canal.

And be it further enacted, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Canal, or any Trenches or Watercourses to be made or maintained by virtue of this Act, every such Person shall, for every such Offence, forfeit a Sum not exceeding Five Pounds, nor less than Twenty Shillings.

The Canal not to be under the Controul of the Commissioners of Sewers.

Provided always, That the said Canal, or any Works whatsoever to be made by virtue of the Powers granted by this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers, any Law or Statute relating thereto to the contrary notwithstanding.

Penalty on Bargemen having on Board Guns, &c. to take or destroy any Fish or Game;

And be it further enacted, That if any Person or Persons navigating or working, or being on board any Boat, Barge, or other Vessel upon the said Canal (not being qualified by Law so to do) shall carry with him or them, or have on board any Boat, Barge, or other Vessel, any Fishing-net, Gun, Engine, or other Instrument for taking or destroying, and with an Intent to take and destroy, Fish or Game, such Person or Persons, being thereof lawfully convicted, by his own Confession, or the Oath of One or more credible Witness or Witnesses, before One or more of his Majesty's Justices of the Peace for the County where the Fact shall happen, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and in case any Master, or other Person having

having the Command of any Boat, Barge, or other Vessel, shall knowingly suffer or permit any Person or Persons (not being duly authorised so to do) to have, carry on board, or make use of, any Fishing-net, Gun, Engine, or other Instrument for taking or destroying Fish or Game, and being thereof convicted as aforesaid before One or more Justice or Justices of the Peace for the County where the Fact shall happen, shall, for every such Offence, forfeit and pay the Sum of Five Pounds. and on the Master permitting the same.

Provided always, and be it further enacted and declared, That all Boats, Barges, and other Vessels, using the said Canal Navigation, shall, when upon the River Wey, be subject to the like Regulations as any other Boats, Barges, or Vessels, using the Navigation of the River Wey. Proviso relating to the River *Wey*.

And whereas divers Levels and Surveys have been taken, to ascertain the Practicability of making the said Canal, and a Map or Plan, with proper References thereto, have been made in consequence thereof, and the same have been produced to the Committees of both Houses of Parliament, to whom the Consideration of this present Act was referred, in order to shew the Line or Course of the said Canal; be it therefore further enacted by the Authority aforesaid, That there shall be Three Parts made of the said Map or Plan, and References, which shall be certified by the Right Honourable the Speaker of the Honourable House of Commons, and severally deposited with the Clerk of the Peace for the said County of Southampton, the Clerk of the Peace for the said County of Surrey, and with the Clerk to the said Company of Proprietors, to which all Persons shall have Liberty to resort, and examine and make Extracts or Copies thereof, as Occasion shall require; and the said Maps or Plans, and References, so certified, or true Copies thereof, shall be, and are hereby declared to be, good Evidence, in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Twenty-one Days Notice to him given for that Purpose, shall, and is hereby required, from Time to Time, to produce the said Map or Plan, Three Parts of a Map or Plan, with proper References, to be signed by the Speaker of the House of Commons. With what Persons they shall be deposited.

before the said Commissioners, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence.

Proprietors shall not deviate from the Line laid down in the Plan, without Consent of Landowners or the Commissioners;

And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall, and they are hereby authorised and required to make the said Canal in such Course and Direction as the same is delineated and set forth in the said Map or Plan, or within One hundreds Yards thereof, and shall not deviate more than One hundred Yards therefrom, nor cut, carry, and convey the same into, through, across, under, or over any other Part or Parts of the several Estates, Lands, and Grounds, now or late belonging, or reputed to belong, to such Person and Persons, and such Roads, Rivers, and Brooks respectively, than are mentioned in the References to the said Map or Plan, save in such Instances only as are particularly provided for in this Act, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, and Grounds, do or shall respectively belong, or without an Order of the said Commissioners, or any Seven or more of them, at some Meeting to be held for that Purpose, of which Five Days Notice in Writing, signed by the Clerk for the Time being to the said Company of Proprietors, their Successors and Assigns, specifying the Deviation desired to be made, shall be given to the Owner or Owners of such Lands or Grounds; and if at the Time mentioned in such Notice, the said Commissioners, or any Seven or more of them, shall think it reasonable that such Deviation therein mentioned ought to be made, it shall and may be lawful for them to make such Order in the Premises as to them shall seem proper; and the said Company of Proprietors, their Successors and Assigns, shall and may make the said Canal in the Manner mentioned in such Order.

except in certain Cases.

Provided always, and be it further enacted and declared, That the said Company of Proprietors, their Successors and Assigns, shall and may make the said Canal into, through, across, or over, the Estates, Lands, or Grounds,

of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds, such Deviations aforesaid shall extend, although their Names are not mentioned in the Reference to the said Map or Plan; or into the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear, to the Satisfaction of the said Commissioners, or any Seven or more of them, and be by them certified under their Hands, to be by Mistake omitted in the said Reference, or that, instead thereof, the Name or Names of some other Person or Persons, to whom such last-mentioned Estates, Lands, and Grounds, do not belong, have or hath been inserted in such Reference; any Thing herein-before contained to the contrary in any-wise notwithstanding.

The Line of the Canal in *Dogmersfield-park* not to be deviated from, without Sir *Henry St. John*'s Consent.

Provided also, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Commissioners, or the said Company of Proprietors, their Successors or Assigns, Agents, Servants, or Workmen, to alter or vary the Course of the said intended Canal within the said Park called Dogmersfield-park, or within One Quarter of a Mile of the said Park, from the Line laid down in the Map or Plan referred to in and by this Act, without the Licence and Consent of the said Sir Henry Paulet St. John, his Heirs or Assigns, first had and obtained in Writing for that Purpose, and then only agreeable to the Line expressed in such Writing or Consent.

The Company may make Branches from the Canal to Lime-kilns, *etc.* with Consent of the Land-owners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, to make any navigable Branch or Branches from the said Canal, over any Common or Waste Land, with the Consent of the Lord of the Manor; and also over any inclosed Lands or Grounds, with the Consent of the Owners thereof to communicate with any Quarry or Pit of Stone, Limestone, Chalk, Chalkstone, Marl, Gravel, Sand, and Peat, being within the Distance of Five Miles from the said Canal; any Thing in this Act to the contrary hereof notwithstanding: Which said Branch or Branches shall

 nevertheless

nevertheless be made under, and subject to all such Regulations and Restrictions as are directed and provided with respect to the other Parts of the said Canal; and such Branch or Branches, when the same shall be made and completed, shall be deemed Part of the said Canal; and the said Company of Proprietors, their Successors and Assigns, may, and are hereby authorized and impowered to receive and take the like Rates or Duties, and no other, upon the said Branch or Branches, as are authorized by this Act to be taken upon the said Canal.

Proprietors of the *Wey* Navigation shall receive Tonnage of 1 *s.* only, for Boats, between the Canal and the *Thames*.

And whereas the Junction of the intended Canal with the River Wey will be of great Benefit to the Trustees or Proprietors of the Navigation of that River, and in Consideration thereof, and in order to encourage the making the said Canal, the said Trustees or Proprietors of the Navigation of the River Wey are willing and desirous that the said Canal should join and communicate with the said River Wey at a Place situate above Newhaw Lock, as delineated and described in the Map or Plan referred to by this Act, and that they will permit and suffer all Boats, Barges, and other Vessels, navigating and using the said Canal, to pass and repass, upon such Part of the said River Wey only as lies between the said intended Junction and the River Thames, upon Payment of One Shilling per Ton, as a Toll, Rate, or Duty, instead of the full Tolls, Rates, or Duties now authorized to be taken on the said River; be it therefore enacted by the Authority aforesaid, That all Owners, or Persons having the Care or Conduct of any Boats, Barges, or other Vessels, laden with Coals, Stones, Timber, Corn, Grain, Malt, Meal, Flour, or any other Goods, Wares, Merchandizes, or Commodities whatsoever, having passed, or which shall pass upon the said Canal, or any Part thereof, and which shall have either taken up or discharged, or shall be passing to take up or discharge, their Loading upon or on the Side of the said Canal, shall have free Liberty to navigate and use any Part of the said River Wey, from the said Canal to the said River Thames, upon Payment of One Shilling and no more, for every Ton of such Loading as aforesaid, in lieu of the

full Tolls, Rates, or Duties, authorized to be taken upon such Part of the said River Wey as aforesaid, and so in Proportion for every greater or lesser Quantity than a Ton; and the said Toll, Rate, or Duty, of One Shilling per Ton, of the several Articles herein-before mentioned, shall and may, in Default of Payment, be recovered by the same Ways and Means, and in such and the like Manner, as any other Tolls, Rates, or Duties, payable upon any Part of the said River Wey can or may be recovered by Law: Provided always, that nothing herein-before contained shall authorize any such Boats, Barges, or other Vessels, to be navigated upon any Part of the said River Wey above the Junction with the said Canal, unless the Persons navigating the same shall pay the full Tolls they would have been liable to pay if this Act had not been made.

The *Wey* Proprietors to keep their Locks 81 Feet long and 14 Feet wide, and in good Repair.

And be it further enacted by the Authority aforesaid, That the Trustees or Proprietors of the Navigation of the said River Wey, their Heirs, Successors, and Assigns, shall, and are hereby required to cause all the present Locks upon the said River Wey, between the Communication thereof with the said Canal, above Newhaw Lock aforesaid, and the River Thames, and also all future Locks which may be erected thereon, to be made and continued full Eighty-one Feet long in the clear, between the upper and lower Gate Posts, and Fourteen Feet wide in the Clear thereof; and the said Trustees or Proprietors of the Navigation of the River Wey, their Heirs, Successors, or Assigns, shall, and are hereby also required, from Time to Time, to cause all Locks, Banks, Towing-paths, and other Works, of or belonging to the Navigation of the said River Wey, between the Communication thereof with the said Canal as aforesaid and the River Thames, to be kept in good and sufficient Repair; and in case the said Trustees or Proprietors of the Navigation of the River Wey, their Heirs, Successors, or Assigns, shall neglect or refuse to cause such Repairs to be made and done, for the Space of One Calendar Month after Notice given to their Clerk or Treasurer, by the Clerk or Treasurer to the said Company of Proprietors,

of

of such Repairs being wanted, it shall be lawful for the said Company of Proprietors, their Successors or Assigns, by their Workmen, Agents, or Servants, to cause such Repairs to be made and done, and all Expences attending the same shall be borne and paid by the said Trustees or Proprietors of the Navigation of the River Wey, their Heirs, Successors, or Assigns; and in Default of Payment of any such Expences, for the Space of Ten Days after the same shall be demanded of the Clerk or Treasurer to the said Trustees or Proprietors of the Navigation of the River Wey, then the said Company of Proprietors shall be at Liberty to deduct and retain the same out of the Tolls, Rates, or Duties, payable by the said Company of Proprietors, for navigating any Boats, Barges, or other Vessels, on the said River Wey.

When Commissioners die, or refuse to act, new ones to be chosen.

And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it enacted by the Authority aforesaid, That when any Commissioner hereby appointed, or to be elected in Manner herein-after mentioned, shall die, or refuse to act, the surviving or remaining Commissioners, or any Seven or more of them, shall, and they are hereby empowered, from Time to Time, by Writing under their Hands and Seals, to elect and appoint, in the Place of every such Commissioner, some other Person, qualified as herein-after mentioned; and all such Commissioners so elected and appointed shall, from the Time of their Appointments, have the like Authority, in all Things relating to the Execution of this Act, as if they had been herein expressly named and appointed Commissioners; but Notice of the Time and Place of Meeting for the Appointment of every such Commissioner shall be given in some publick Newspaper, or in such other Manner as the said Commissioners, or any Seven or more of them, shall direct, Fourteen Days at the least before such Meeting, and the Intention to proceed to such Election shall be expressed in such Notice.

Qualification of Commissioners.

Provided always, That no Person shall be capable of acting as a Commissioner in any Case where he shall be any ways interested or concerned in the Matter in Question; nor shall any Commissioner be qualified or capable

capable of acting in the Execution of this Act, unless he shall be seised, in his own Right, or in the Right of his Wife (and not as a Mortgagee or Mortgagees), at the Time of such his acting, of an Estate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, or shall be possessed of a Personal Estate to the Amount of Three thousand Pounds, (unless he shall be eldest Son or Heir-apparent of a Peer of this Realm, or of a Person qualified to be elected and serve as a Knight of a Shire within that Part of Great Britain called England); and if any Person hereby disqualified, or made incapable to act, shall nevertheless presume to act as a Commissioner, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person who will sue for the same, to be recovered, with full Costs of Suit, by Action at Law, in any of His Majesty's Courts of Record at Westminster, in which Action no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act; and no Person shall act as a Commissioner, otherwise than in administering the following Oath, until he shall have taken and subscribed the Oath following, before any Seven or more of the said Commissioners, who are hereby authorized and impowered to administer the same; videlicet:

Penalty on acting if not qualified.

Commissioners to be sworn.

I *A. B.* do swear, That I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Judgement, execute the Powers and Authorities vested in me as a Commissioner, by an Act, made in the Eighteenth Year of the Reign of His Majesty King *George* the Third, *for making a navigable Canal from the Town of* Basingstoke, *in the County of* Southampton, *to communicate with the River* Wey, *in the Parish of* Chertsey, *in the County of* Surrey; *and to the South East Side of the Turn-*

The Oath.

pike Road in the Parish of Turgis, *in the said County of* Southampton.

So help me GOD.

Notice to be given of the Commissioners Meetings.

And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had, for putting in Execution any of the Powers or Authorities vested in them by virtue of this Act, nor any Order, Direction, or Appointment of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, shall be binding and effectual, unless previous Notice of every such intended Meeting shall be first given and inserted in some publick Newspaper, and in such other Manner as the said Company of Proprietors, their Successors or Assigns, shall at any General Meeting direct or appoint, at least Seven Days before such intended Meeting of the said Commissioners, for any of the Purposes herein contained, every such Notice to specify the Time and Place of such Meeting or Meetings respectively, and the several Matters and Things then and there proposed to be done; and that every Meeting of the said Commissioners by virtue of this Act shall be publick, and that the Majority of the said Commissioners then present at every such Meeting (such Majority not being less than Seven in Number) shall have Power and Authority to execute the Powers hereby vested in the said Commissioners, but not otherwise; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Commissioners may act as Justices.

Provided nevertheless, That such of the said Commissioners who are or may be Justices of the Peace for the said Counties of Southampton and Surrey, or either of them, may act as Justices of the Peace in the Execution of this Act, within their respective Counties, notwithstanding their being Commissioners.

No Commissioner to hold any Place of Profit under this Act.

And be it further enacted, That if any Person appointed or to be appointed a Commissioner by virtue of this Act, shall have or accept of any Place of Profit arising out of the Monies to be raised and collected as aforesaid, such Person shall, from and after his accepting, and during

the

the Time of his holding and enjoying such Place of Profit, and also every Person during the Time of his being a Proprietor in the said Navigation, or concerned in Interest in any Contract or Bargain made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act.

Commissioners to hold Special General Meetings, if required by the Company of Proprietors, or by any Owners of Lands.

And be it further enacted, That upon Application to be made by the said Company of Proprietors, their Successors and Assigns, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended navigable Canal, or any of the Works necessary or relating thereto, or any of them, unto the Commissioners appointed by and for the Purposes of this Act, or any Seven or more of them, requesting or desiring them to appoint a General Meeting of the Commissioners, the Commissioners so requested or applied to, or any Seven or more of them, may and shall, and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice in Manner aforesaid of a General Meeting, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered, and required, to assemble at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby given to and vested in them, in Execution; and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled, or any Seven or more of them, shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and in such Case the Clerk of the said Commissioners shall and may, by publick Notice to be given in the Manner aforesaid, appoint the said Commissioners to meet at the

Adjournment of Meetings of Commissioners.

House where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the Commissioners was appointed to be held.

Commissioners may hold Special Meetings for ascertaining Damages.

Provided always, and be it further enacted, That it shall and may be lawful for any Seven or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mentioned in such Notices, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Places of holding the Commissioners Meetings.

Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, or Difference between the said Company of Proprietors, their Successors and Assigns, and any other Person or Persons, shall be held at some Place within the County where such Complaint or Dispute arises, and within Five Miles of some Part of the said Canal; and

All Business at Meetings to be determined by a Majority.

that no Order or Determination shall be made unless the Majority of such Commissioners present at such respective Meetings shall concur therein, such Majority not being less than the respective Numbers authorized to make such Orders or Determinations.

Saving the Rights of Lords of Manors, and Owners of Lands.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to defeat, prejudice, or affect the Rights of the Trustees and Proprietors of the said River Wey, or the Right of any Lord or Lords of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, to the Mines, Minerals, or Quarries, lying or being within or under the Lands or Grounds to be set out or made Use of for the Purposes of this Act; but all such Mines, Minerals,

and Quarries, are hereby reserved to such Lord or Lords of such Manor or Manors, and to such Owner or Owners respectively, their Heirs or Assigns; and that it shall and may be lawful to and for the Lord or Lords of such Manor or Manors, and such Owner or Owners of such Lands or Grounds, respectively, to carry away, to his or their own Use, from any such Mines or Quarries, any Ore, Minerals, or Stones, which may be dug or gotten in the same, provided no Injury or Prejudice be done to the said Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Levels, Passages, Watercourses, or other the Conveniencies made or erected for the Purposes of the said Navigation; and the said Lord and Lords, or Owner and Owners of all and every Manor and Manors, shall have and be entitled to the sole, several, and exclusive Right of Fishery of and in so much of the said Canal, Trenches, and Sluices, as shall be made over or through the Common or Waste Lands within his or their Manor or Manors respectively, and also in, over, or through any other Lands or Grounds lying within any such Manor or Manors wherein such Lord or Lords, or Owner or Owners, now hath or have, or is or are entitled to the Right of Fishery in the Pits, Ponds, and Waters, now being in such last-mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Canal shall be made, shall also have and be entitled to the like sole, several, and exclusive Right of Fishery, of and in so much of the said Canal, Trenches, and Sluices, as shall be made in, over, or through, his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery, the said Canal, Trenches, and Sluices, and the Towing-paths, Banks, or other Works or Conveniencies, hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal, Trenches, or Sluices, and so as the said Company of Proprietors, their Successors and Assigns, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by Reason of the

taking or destroying of any Fish in the said Canal, Trenches, or Sluices, which shall be taken, killed, or destroyed, through or by Means of the letting off Water out of the said Canal, Trenches, or Sluices, for or upon Account of any Repairs or Works to be done in or about the same; and it shall and may be lawful for the Lord or Lords of such Manor or Manors, and the Owner or Owners of such Lands or Grounds (being qualified by Law so to do), to take and kill Game upon so much of the said Canal, Trenches, Sluices, Towing-paths, and other the Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid; any Thing herein contained to the contrary notwithstanding.

Company of Proprietors not impowered to make any Erections or Buildings other than for the Purpose of the Navigation.

And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to impower the said Company of Proprietors, their Successors or Assigns, to erect any Houses, or other Buildings, except such Warehouses, Watch-houses, or other Works, as shall be necessary for making, using, preserving, and maintaining the said Navigation, upon any of the Lands or Grounds which shall be set out and ascertained for the said Canal, or the Towing-paths, Wharfs, Quays, or other Conveniencies, for the Use of the said Navigation, or to plant any Trees on such Lands or Grounds, unless they shall first obtain the Consent of the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of the setting out the same, his, her, or their Heirs or Assigns, under his, her, or their Hand and Seal, or Hands and Seals, respectively; and that in case any House or other Building (except as aforesaid) shall be erected, or any Trees shall be planted, upon any such Lands or Grounds, without such Consent as aforesaid, it shall and may be lawful to and for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of the setting out the same as aforesaid, his, her, or their Heirs or Assigns, to take or pull down, and remove, such Houses and other Buildings, and to cut down and carry away such Trees,

without being guilty of any Treſpaſs, or liable to any Action or Proſecution for ſo doing.

Owners of Lands may uſe Pleaſure Boats, free of Duty.

And be it further enacted, That it ſhall and may be lawful for the Owners and Occupiers of any Lands or Grounds adjoining to the ſaid Canal, to uſe upon the ſaid Canal any Pleaſure Boat or Boats, or any other Boat or Boats, for the Purpoſe of Husbandry only, or for conveying Cattle from one Farm, or Part of a Farm or Lands, to any other Farm or Lands of the ſame Owner or Occupier, without Interruption from the ſaid Company of Proprietors, their Succeſſors or Aſſigns, Agent or Agents, and without paying any Rate or Duty for the ſame; and ſo as ſuch Boat or Boats be not above Seven Feet in Breadth, and do not paſs through any Lock to be made on the ſaid Navigation, without the Conſent of the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or be employed for carrying any Goods, Wares, or Merchandize to Market, or for Sale, or any Perſon or Perſons for Hire; and ſo as the ſame ſhall not obſtruct or prejudice the ſaid Navigation, or the Towing-paths, or obſtruct any Boats paſſing upon the ſaid Navigation liable to pay the Rates or Duties aforeſaid; and the Owner of all ſuch Pleaſure Boats, or other Boats, ſhall, in his own Lands or Grounds, make convenient Places for ſuch Boats to lie in, and ſhall not ſuffer them to be moored or remain upon the ſaid Canal.

Lands in Poſſeſſion of the Company, not made uſe of for Five Years, &c. ſhall be re-conveyed to the former Owners.

And be it further enacted by the Authority aforeſaid, That if the ſaid Company of Proprietors, their Succeſſors or Aſſigns, ſhall be in Poſſeſſion of any Lands or Grounds, by virtue of this Act, for the Space of Five Years, without making the ſaid Canal through the ſame, or if the ſaid Canal ſhall be made and completed, and afterwards diſcontinued or diſuſed, for the Space of Five Years, then, and in either of the ſaid Caſes, from and immediately after the Expiration of the ſaid Five Years without making, or Five Years after diſuſing, the ſaid Navigation, as aforeſaid, the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall convey all their Right, Property, and Intereſt in or to ſuch Lands

or Grounds respectively, unto the several and respective Persons, or Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors, their Successors or Assigns, became seised of the same, in case they, or any of them, shall think fit to become Purchasers thereof, and to pay such valuable Consideration for the said Lands and Grounds, to the said Company of Proprietors, their Successors or Assigns, as the said Commissioners, or any Seven or more of them, shall adjudge reasonable; and, in case any Difference shall happen in ascertaining thereof by the said Commissioners, then as any Jury, to be impannelled in the Manner herein-before directed, shall ascertain or award to be paid for the same, so that such Consideration to be ascertained by such Commissioners, or to be awarded by such Jury, so to be impannelled as aforesaid, do not exceed the Sum or Sums of Money first paid by the said Company of Proprietors, their Successors or Assigns, for the Purchase of such Lands or Grounds: And in case the said Company of Proprietors, their Successors or Assigns, upon the Payment or Tender of such valuable Consideration as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid, then and in such Case such Lands or Grounds, upon Tender of such Consideration as aforesaid to the said Company of Proprietors, their Successors or Assigns, shall revert to and be thenceforth vested in the said several and respective Person or Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors, or Assigns; and in case an annual Rent shall have been paid for the said Lands and Grounds to be taken in Manner aforesaid for the Use of the said Navigation, then such Rents shall cease and determine, and such Sum or Sums of Money shall be paid for Damages done to the said Lands or Grounds by the said Company of Proprietors, their Successors or Assigns, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds shall be re-conveyed or revert as aforesaid, as

How the Value thereof shall be ascertained.

the said Commissioners, or Jury, respectively, shall ascertain or award; such Sum or Sums of Money, in Default of Payment at the Time to be fixed by such Commissioners or Jury, respectively, to be recovered in such Manner as any other Damages are to be recovered by virtue of this Act.

Writings exempt from Stamp-duty.

Provided always, and be it further enacted, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hands and Seals of any Justices of the Peace, or of the said Commissioners, or of any of them, or any other Person or Persons whomsoever, or any Transfer of any Share or Shares, or other Writing whatsoever, made in pursuance of the Powers given in and by this present Act, shall be charged or chargeable with any Stamp or Duty whatsoever; and that no Proceeding to be had or taken in pursuance of this Act, shall be quashed or vacated for Want of Form.

Proceedings not to be quashed for Want of Form.

The Canal to be measured, and Stones set up, in order to ascertain the Rates.

And be it further enacted, That the said Canal shall be measured, and Stones or Posts erected on the Sides thereof, at a Quarter of a Mile Distance from each other; and that all Goods, Wares, and Merchandizes, which are made liable to the several Rates or Duties hereby imposed, that shall be navigated, carried, or conveyed, upon the said Canal up to or past any of the said Stones or Posts so to be erected, shall be charged with and pay the said Rates and Duties for One Quarter of a Mile, for every Stone they shall so pass by, in Proportion to the Rates herein-before granted; and that Five-score and twelve Pounds Avoirdupoise shall be deemed and taken as and for One Hundred Weight, for the Purposes of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or which shall be inflicted by virtue of any Rules, Bye-laws, Orders, or Constitutions, to be made by the said Company of Proprietors, their Successors and Assigns, by the Authority of this Act, of which when produced the said Justices of the said Counties of Southampton and Surrey is and are hereby required to take Notice, (the levying and recovering

bering of which said Fines, Penalties, and Forfeitures, are not herein-before particularly directed), shall be levied by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace of the said County of Southampton or Surrey, (which said Justice or Justices is and are hereby authorised, within the Limits of their respective Jurisdictions, to hear and examine Witnesses upon Oath, and determine the same, and may, according to his or their Discretion, mitigate any Fine, Penalty, or Forfeiture herein-before allowed to be mitigated); and all such respective Fines, Penalties, and Forfeitures, by this Act imposed and inflicted, or authorised to be imposed and inflicted, the Application whereof is not herein-before particularly directed, shall be paid into the Hands of the Treasurer or Receiver of the said Rates or Duties, and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

Distress not to be deemed unlawful for Want of Form.

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining, be deemed a Trespasser ab initio on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, in an Action upon the Case; and that all and every Person or Persons who shall think himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye-law, or Constitution of the said Company of Proprietors, their Successors and Assigns, or by the Order or Determination of any Justice or Justices of the Peace, or by the Order or Determination of any of the said Commissioners, may, within Six Calendar Months after such Order shall have been

Persons aggrieved may appeal to the Quarter Sessions.

made or given, complain to the Justices of the Peace, at their next General or Quarter Sessions to be held in and for the County where the Cause of Appeal shall arise, and not elsewhere; who shall in a summary Way either hear and determine the said Complaint at such General or Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for the said County, and, if they see Cause, may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall think reasonable.

If Subscribers neglect to pay their Subscriptions,

And be it further enacted, That the several and respective Persons who have subscribed, or shall subscribe and engage to advance, any Money for and towards making and maintaining the said Canal, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed and engaged to be advanced, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, their Successors or Assigns, or the said Committee, under and by virtue of the Powers and Directions of this Act; and in case such Person or Persons shall neglect or refuse to pay the Monies by him, her, or them subscribed and engaged to be advanced as aforesaid, or the Parts or Proportions thereof so called for, at the Time and in Manner required for that Purpose, it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to sue for and recover the same in any Court of Law or Equity.

they may be sued.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons, for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions, herein-before given and granted, every such Action, Suit, or Information, shall be brought,

brought or commenced within Six Calendar Months next after the Fact committed; or, in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and shall be laid or brought in the County where the Matters in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information, shall
General Issue. and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information, shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have
Treble Costs. Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be allowed in all Courts whatsoever as a publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

FINIS.