ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XC.

An Act for making a Navigable Canal from the River *Kennet*, at or near the Town of *Newbury*, in the County of *Berks*, to the River *Avon*, at or near the City of *Bath*; and alſo certain Navigable Cuts therein deſcribed. [17th *April* 1794.]

WHEREAS the making and maintaining of a Navigable Canal for Boats, Barges, and other Veſſels, from the River *Kennet*, at or near the Town of *Newbury*, in the County of *Berks*, to the River *Avon*, at or near the City of *Bath*, and alſo certain Navigable Cuts herein-after deſcribed, will greatly facilitate, and render more convenient and leſs expenſive than at preſent, the Conveyance of all Kinds of Commodities, not only to and from the ſeveral Towns and Places near the Lines of ſuch Canal and Cuts, but alſo to and from the Ports of *London* and *Briſtol*, and will be of great publick Utility; but ſuch Canal and Cuts cannot be made without the Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable the Earl of *Aileſbury*, *Henry Allen*, *Chriſtopher Allſup*, *Nathan Atherton*, *John Awdry*, Preamble.

Awdry, Joſeph Andrews, Benjamin Atkinſon, John Adamſon, Thomas Andrews, Iſaac Amos, Edward Aſh, Henry Greſley Atwood, J William Ariel, John Ambroſe, Thomas Andrews, John Ames, Levi Ames, Iſaac Amos, Benjamin Webb Anſtie, George Edward Allen, John Baverſtock, James Baverſtock, John Biſhop ſenior, *Edward Brown, John Brinſden, Thomas Brown, Richard Bladen, Thomas Broxholm, Daniel Bailey, Robert Bill, Joſiah Bernard, Joſeph Bodman, Moſes Burch, Francis Bear, James Blake, Charles Bill, Samuel Bowden, William Batterſby, Joſeph Bonbonous, Thomas Batchelor, John Britten Bence, Thomas Booth, Richard Bright, William Bulgin, James Brown, George Buſh, George Buſh, Iſaac Bence, Robert Bigg, John Innis Baker, Shurmur Bath, Richard Birch, Samuel Brice, Edward Brice* junior, *Henry Bright, Benjamin Biggs, Thomas Bowdich, Worthington Brice, Edward Bulmer, Charles Bartlett, Benjamin Bundy, William Brewer, Edward Bird, Hawkins Bird, William Ball, Tobias Baylis, Paul Birt, William Brice, Samuel Baker, William Baker, James Bennett, William Brodrip, John Bangley, Hellicar* and *Bally, Lowbridge Bright, Jeremy Baker, Henry Bengough, Mary Beck, Robert Buſh, Benjamin Baugh, Robert Bruce, John Bowſher, John Bolland, Daniel Burchall Bayley, Henry Francis Brooke, Henry Brooke, Benjamin Bickley, Samuel Paul Bamford, Thomas Baſkerville, John Billingſley, Edmund Broderip, John Bettington, James Brown, John Brickwood, William Budd, Nehemiah Bartley* junior, *J B Bence, Richard Bullevant, William Broom, James Broom, Hichin Bould, George Buſh, Daniel Baynton, Charles Burton, Thomas Bryne, Edward Bailey,* Reverend *Joſeph Baylis,* the Right Honourable the Earl of *Carnarvon,* the Right Honourable Lord *Craven, John Crook,* Corporation of *Chippenham, Thomas Crook, George Church, Mary Clark, Robert Coſter, William Coxhead, Thomas Cole, Iſaac Cox, John Chubb, Joſeph Maſon Cox, Stephen Cave, William Cave, John Cave, John Cave* junior, *William Cave* junior, *Robert Coleman, Thomas Clifford, John Croſs, John Cook, Thomas Cook, B Freeman Coleman, Samuel Cox, Peter Cox, Richard Cartwright, Robert Caſtle, Michael Caſtle, Thomas Caſtle, Andrew Carrick, Thomas Culliford, A P Collings, Benjamin Cookworthy, Frederic Cookworthy, M C Clayfield, Edward Rolle Clayfield, Edward Cropper, Thomas Coulſtring, William Coathupe, James Carrick, William Chapman, James Carrick* junior, *Joſeph Cottle, Thomas Carter, William Carden, Robert Claxton, Thomas Coates, John Caſtleman, William Court, William Clark, Henry Cooke, Iſaac Cooke, Matthew Coates, John Coates, William Coates, Thomas Corſer, Ann Cooke, William Cuthbert, John Cannings, John Clark, Waſtell Cliffe, Thomas Clark, Peter Cliffold, Richard Cartwright, George Auguſtus Child, John Cook, Robert Clark, John Chidgey, Thomas Curtis, Robert Clare, James Corfield, Lewis Chiffence, Charles Dundas, Henry Durbin, William Dyer, Robert Dyer, William Delpratt, Thomas Davis, Richard Hart Davis, William Dighton, William Dyer, Joſeph Davis, John Daubeny, Thomas Davidſon, David Davies, James Dowell, William Dowell, John Dowell, Bartholomew Doyle, William Daunt, Henry George Davis, William Davies, John Davis, John Dowell, Maurice Davies, John Davis, Martha Dodſon, Michael Dodſon, Charles Davis, Eſmead Eddridge, William Eſſington, John Elmſley, John Eames, Thomas Eagles, David Evans, Richard Elliſon, Philip Elliott, Preſton Edgar, Richard Errington, James Ewer, John Prior Eſtlin, Samuel C Edwards, William Elton, Harry Elderton, John Edye, Joſeph Edye, William Eyles, Richard Edkins, James Edgell, John Eveleigh, Thomas Edkins, Thomas Eſtcourt,* Reverend *Charles Francis, Joſeph Furnell, John French, John Figgins, Samuel Fripp, William Fuidge, John Fry, Joſeph Storrs Fry,*

Fry, Thomas Frampton, Jacob Frampton, John Frampton, John Farquhar-son, George Franklyn, Philip Furſe, James Fowler, George Franklyn junior, *James Ford, William Fiſher, Robert Fletcher, Charles Fox, Thomas Fiſher, Edward Long Fox, Samuel Fielding, Paul Farr, Patrick Forehan, Edmund Fry, John Fitzherbert, John Foſter,* Reverend *Robert Foſter, Hannah Frances Ford, Robert Fitzherbert, Thomas Fydell, Perry Fitzherbert, John Fargus, Henry Fiſher, Richard Francis, John Fiſher, Charles Fiſher, William Furnell, William Bennet Garlicke,* Reverend *Thomas Greenwood, Mary Grand, Mary Godfrey, William Gundry, Joſiah Greethead, Thomas Granger, Samuel Gomond, Nathaniel Gifford, George Gay, Charles Granger, Philip Griffiths, William Green, Joel Gardiner, Joel Gardiner* junior, *George Godwin, Edmund Griffith, William Greaves, Thomas Griffiths, Thomas Gadd, James Garſed, Joſeph Gurney, Thomas Greſley, George Gee, Francis Gold, John Greſley, John Gordon* junior, *Schaw Groſſett, Harry Gandy, James George, Philip George, William Gibbons, Ralph Hale Gaby, John Gaisford, James Gent, Samuel Grimes, Philip* and *James George, Benjamin Greenwood, William Griffiths, John Gill, Ambroſe Goddard, John Walker Heneage, John Heath,* Reverend *Francis Henchman, Richard Hope, Joſeph Hancock, Benjamin Hancock, Elizabeth Hawkes, Charles Higham, James Higham, Ralph Hale,* Reverend *Nathaniel Hume, Thomas Heath, John Hammond, John Hamblin, John Harris* junior, *William Hare, William Hare* junior, *James Haſſelden, Richard Highatt, William Holder, Jeremiah Hill* ſenior, *Charles Hill, Henry Hale, Providence Hanſard, Thomas Hooper, William Hooper, William Hunt, John Hurle, William Hurle, Samuel Hall, John Harris, Edward Harford, George Harris, Richard Hale, Thomas Hale, Charles Harris, Wintour Harris, Thomas Haſſell, Samuel Harford, Francis Harris, Thomas Holmes, Thomas Hanmer, John Harris, Joſeph Harford, John Haythorne, Thomas Hellicar, Thomas Naſh Haynes, John Hodgetts, Joſeph Hellicar, John Helton, Iſaac Hancock, Edward Harwood, John Scandarett Harford, Benjamin Hughes, Joſeph Heath, John Hellicar, Paty* and *Howe, John Hill, Joſeph Hall, John Henſley, John Hart, Thomas Hill, Richard Hewlett, William Hughes, Thomas Hawkeſworth, Benjamin Hobhouſe, Joſeph Hawkeſwell, Jeremiah Hill* junior, *Thomas Harris, Julius Hardy, Edward Herbert, George Harris, Thomas Heywood,* Reverend *John Manning Hazeland, J W Hucklebridge, Thomas Hoare, Stephen Hillman, Walter Jenkins, Joſeph Jenkins, William Robert James, William Jones, John Jarrett, Walter Jacks, Samuel Johnſon, William Jones, John Jeffery, William Inman, James Jones, Iſaac James, L J Jardine, Thomas Jones, William Pear Jillard, John Jones* junior, *James James, Joſeph Jekyll, John Jelly, Robert Jeſſe, Edward Jones, Robert Jeffery, John James, John Jones, Thomas Jefferys, Thomas Knight, Anthony Kington, James King, John Herman Kater, James Hanſard Keene, Ambroſe G King, John King, Henry King, George King, Thomas Kift, Thomas King, George Eveleigh Kiddell, Charles Kelſon, Daniel Mayo Keele, Peter Kempſon,* the Moſt Honourable the Marquis of *Lanſdown, William Lewis, Criſpianus Load Lazarus, B Larwill, Henry Lane, William Lloyd, Edmund Ludlow, Iſaac Leonard, Solomon Leonard, John Lean, Godfrey Lowe, John Lury, William Peter Lunell, John Lewis, Mary Load, Charles Lloyd, Robert Saint John Lucas, John Lewis, Peter Lilly, James Leman, Thomas Curtis Leman, Thomas Lewis, Richard Langford, John Loader, John Lea, Robert Langley, John Lee, Edmund Luty, John Lewty, Thomas Lampard, Henry Lambden, John Linden, William Ludlow, James Lewis, Thomas Whitaker Leydard,* his Grace the Duke of *Marlborough, Henry Mortimer, Nathaniel Merriman, John Matravers, Henry Merewether, John Merewether, Joſeph Mighell,* Corpo-

ration of *Marlborough*, Reverend *George Mawſon*, Reverend *John Meyler*, *Seymour Mundy*, *John Morgan*, *Thomas Morgan*, *John Maddick*, *William Morgan*, *John Morgan*, *John Maxſe*, *John Moore*, *Thomas Mills*, *Joſeph Maurice*, *John Mallard*, *William Moore*, *William Matthews*, *James Morgan*, *Robert Moody*, *Robert Moody* junior, *James Marſhall*, *Abraham Allen Miles*, *William Money*, *William Meyler*, *James Maze*, *Maſterman* and Company, *Edward Horlock Mortimer*, *Charles Mayo*, *Thomas Michell*, *John Morgan*, *James Morgan*, *John Merewether*, *Philip Maſey*, *Benjamin Moxham*, *Edward Horlock Mortimer*, *James Mylne*, *Samuel Neate*, *Alexander Newman*, *Stephen Pullen New*, *Richard Neale*, *Richard Nelmes*, *James Norton*, *John Noble*, *John Newall*, *John Naiſh*, *Thomas Nalder*, *Alexander Newman*, *John Nickleſs*, *John Neate*, *Francis Naſh*, *Henry Overend*, *Lionel Oliver*, *Simon Oliver*, *Thomas Ormerod*, *John Owens*, *John Pearce*, *Francis Page*, *Daniel Perkins*, *D B Payne*, *Edward Philips*, *John Pinkerton*, *Martha Price*, *Thomas Perrin*, *John Pearce*, *William Pike*, *Richard Pearſon*, *James Perry* junior, *William Parſons*, *John Parſons*, *Peter D Peaſe*, *Arthur Palmer* junior, *John Percival*, *John Prideaux*, *Francis Prideaux*, *Andrew Pope*, *Edward Plumley*, *Henry Pater*, *Charles Pearce*, *Richard Plaiſter*, *William Perry*, *Thomas Prichard* junior, *Samuel Pounſberry*, *Richard Popham*, *William Paty*, *William Parſons*, *John Protheroe*, *Thomas Protheroe*, *Philip Protheroe*, *William Pine*, *William Pine* junior, *James Punter*, *Thorn* and *Prideaux*, *John Perry*, *Charles Phillott*, *Eliezar Pickwick*, *William Phillips*, *Caleb Hillier Parry*, *Samborne Palmer*, *Thomas Parſit*, *Richard Perkins*, *John Plura*, *Charles Pierrepont*, *Iſaac Pickering*, *Thomas Price*, *Henry Phillott*, *William Percival*, *Benjamin Pearkes*, *Thomas Perrin*, *Francis Probart*, *John Paull*, *Robert Phippen*, *Dod Perkins*, *William Paul*, *Joſeph Penny*, *Frederick Page*, the Right Honourable the Earl of *Radnor*, *William Read*, *William Rawlins*, *Jacob Selwood Riddle*, *Jacob Wilcox Ricketts*, *Richard Ricketts*, *James Room*, *John Rudhall*, *John Read*, *Samuel Rooks*, *William Roberts*, *George Rogers*, *Thomas Rutter*, *Thomas Robins*, *Thomas Rich*, *William Racſter*, *Thomas Roberts*, *Charles Ridout*, *John Roach* junior, *John Roach* ſenior, *James Ruſſell*, *Archibald Robe*, *Robert Roſſer*, *Thomas Ransford*, *Elizabeth Ritchie*, *Hugh Percy Ridpath*, *George Robinſon* ſenior, *Thomas Randall*, *George Robinſon* junior, *Henry Read*, *Julius Samuel Rich*, *James Randolph*, *Samuel Richards*, *John Roach*, *John Ricketts*, *James Rees*, *Thomas Rigge*, College of *Saint John*, *Cambridge*, *Elizabeth Smith*, *John Savory* junior, *Richard Singer*, *Robert Sadler*, *William Savory*, *John Simmonds*, *William Smith*, *J Smith*, *John Shipton*, *William Stephens* junior, *Henry Smith*, *John Savery*, *Butler Symmonds*, *Joſeph Shapland*, *Peregrine Stockdale*, *Robert Smith*, *Robert Smith* junior, *William Stevens*, *John Sangar*, *Robert Suple*, *Francis Smith*, *Walter Swayne*, *Samuel Shedden*, *James Sevier*, *William Stevens*, *John Stevens*, *William Smith*, *Thomas Salmon*, *William Skinner*, *Edward Shiercliff*, *Joſeph Smith*, *Thomas Stock*, *William Spiring*, *Michael Smith*, *N D Southall*, *Thomas Saunders*, *John Snook*, *William Snook*, *James Smith*, *Emanuel Shears*, *Gilbert Slater*, *Thomas Smith*, *Edward Savage*, *Jane Studley*, *Orton Smith*, *Thomas Sanders* junior, Reverend *William Smith*, *John Stiff*, *Benjamin Saliſbury*, *Matthew Loder Smith*, *James Sutton*, *James Sution*, *Edward Sealy*, *John Sealey*, *Joſeph Smith*, *James Stansfield*, *Samuel Sayce*, *John Sayce*, *John Stockwell*, *William Stride*, *Thomas Stroud*, *William Salmon*, *Peter Sherſton*, *Thomas Spanton*, *Matthew Saunders*, *Abraham Seward*, *William Salmon*, Reverend *Joſeph Townſend*, *George Taylor*, *William Taylor*,

lor, Philip Dobell Tuckett, Thomas Tipton, John Tuckett, Robert Tripp, George Thorn, Sidenham Teaſt, Joſeph Toye, Henry Toye, Thomas Thompſon, James M'Tagart, Nathaniel Troughton, Arthur Tozer, John Tanner, John Thomas, George Hayward Tugwell, Richard Townſend, William Tyler, John Thompſon, John Tratt, William Tanner, Timothy Thomas, John Tyler, Townſend Uſher, Joſeph Uſher, John Uſher, Thomas Vincent, Samuel Viveaſh, Thomas Viner, T G Vaughan, James Vaughan, Richard Vaughan, Richard Vaughan junior, *William Vernam, John Viel, Elias Vanderhorſt, Lovelace Bigg Weather, John Wentworth, William Weſtmacott, Noah Webb, Anthony Woodroffe, Edward Weſtall, Thomas Watſon, Alline Wayte, Elizabeth Whale, Walter Waiſtfield, Thomas Winwood, Thomas Wright, John Wright, George Wilkins, Thomas Wiltſhire, Edward Roland Williams, Nathaniel Watts, Richard Cooke Winpenny, George Withy* junior, *Francis Weaver, Robert Watkins, Robert Watſon, John Wadham* junior, *Rice Waſborough, John Waſborough, Thomas Wornell, William Wenſley, William Wanklyn, John Wall, John Wait, William Wait, John Winpenny, Joſeph Winpenny, Nathan Windey* junior, *James Weeks* ſenior, *James Weeks* junior, *Fane Wooddeſon, William Watts, Samuel Whitty, Daniel Wait* junior, *Thomas Williams, Matthew Wright, William Ruſſell Watts, John Waring, Daniel Wait* ſenior, *John Weeks, James Williams, John Wadham* junior, *Samuel Worrall, Samuel Worrall* junior, *Samuel Ward, Henry Overton Wills, George Watſon* junior, *Stephen Wentworth, William Winter, John Winter, Thomas Winter,* Reverend *James Wood, Thomas Webb, Thomas Willetts, Sargion Witton, Thomas Wyatt, R Welch, John Wait, George Worrall, William Yarworth,* and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, or ſuch of them as ſhall from Time to Time be poſſeſſed of any Share or Shares in the Navigation and Undertaking hereby authorized to be made and carried on, and alſo ſuch other Perſon or Perſons as ſhall from Time to Time be poſſeſſed of any Share or Shares therein, ſhall be and they are hereby accordingly united into a Company for the carrying on, making, completing, and maintaining, of the ſaid Canal and Cuts, for the Paſſage of Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions hereinafter contained, and ſhall for that Purpoſe be One Body Politick and Corporate by the Name of *The Company of Proprietors of the Kennet and Avon Canal Navigation*; and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued; and ſhall alſo have full Power and Authority to purchaſe Lands, Tenements, or Hereditaments, to them, their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking, and alſo to ſell and diſpoſe of any of the Lands, Tenements, or Hereditaments, to be purchaſed by them, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby accordingly fully authorized and empowered, from and after the paſſing of this Act, by themſelves, or by their Deputies, Agents, Officers, Workmen, or Servants, to make and keep navigable and paſſable for Boats, Barges, and other Veſſels, a Canal from the preſent Navigable Part of the River *Kennet*, at or near the Town of *Newbury*, in the County of *Berks*, through or near the Towns of *Hungerford*, *Great Bedwin*, *Devizes*, *Trowbridge*, and *Bradford*, to the preſent Navigable Part of the River *Avon*, at or near the City of *Bath*, and a Navigable Cut from the ſame at or near a Place called *Foxhanger*, (near *Marſh Barn*), in the Pariſh of *Rowd*, in the County of *Wilts*, to the Town of

Proprietors united into a Company,

and declared to be a Body Politick and Corporate.

with Power to purchaſe Lands.

The Company empowered to make the propoſed Canal.

of *Calne*, in the ſame County, and alſo a Navigable Cut from ſuch laſt-mentioned Cut to the Town of *Chippenham*, in the ſame County; and to ſupply the ſaid Canal and Cuts reſpectively whilſt the ſame ſhall be making, and at all Times for ever after the ſame ſhall be made, with Water from all ſuch Springs as ſhall be found in making the ſame, and from all Rivers, Springs, Brooks, Streams, and Watercourſes whatſoever which are or ſhall be found within the Diſtance of Two thouſand Yards from any Part of the ſaid Canal and Cuts reſpectively, and alſo from any Reſervoir or Reſervoirs, belonging thereto, to be made as after mentioned, and for that Purpoſe to cleanſe, ſcour, deepen, enlarge, or ſtraighten, any ſuch Rivers, Brooks, Streams, or Watercourſes, or any others which may come or be brought into the ſame reſpectively, and alſo to make One or more Reſervoir or Reſervoirs for the Purpoſe of ſupplying the ſaid Canal and Cuts, or any Part thereof, with Water; and to make ſuch and ſo many Feeders and Aqueducts, and to make, erect, and ſet up, ſuch and ſo many Weirs, Steam Engines, and other Machines, with proper Shafts and Tunnels thereto, for ſupplying the ſaid Canal and Cuts and Reſervoirs with Water, and for conveying Water from any ſuch Reſervoir or Reſervoirs to the ſaid Canal and Cuts, or any Part thereof reſpectively, or for any other Purpoſe neceſſary for the better making and maintaining of ſuch Canal and Cuts reſpectively, as they the ſaid Company of Proprietors ſhall from Time to Time think proper and expedient; and for the ſeveral Purpoſes aforeſaid, to enter into and upon the Lands and Grounds of or belonging to any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, whatſoever, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Part or Parts thereof as they the ſaid Company of Proprietors ſhall think neceſſary and proper for the making, completing, maintaining, improving and uſing of the ſaid Canal and Cuts, and the other Works and Conveniencies hereby authorized to be made, and there to bore, dig, cut, trench, and ſough, and alſo to remove, carry away, and take any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatſoever, which ſhall or may be dug or got in the making, or which may hinder, prevent, or obſtruct the making, carrying on, maintaining, or repairing, the ſaid Canal and Cuts, Reſervoirs, and other Works reſpectively, or of ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes, as ſhall or may be neceſſary and proper to convey Water to or from the ſaid Canal and Cuts and Reſervoirs reſpectively, 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 and Cuts reſpectively, or in or upon the Lands adjoining or near thereto reſpectively, ſuch and ſo many Bridges, Tunnels, Soughs, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Reſervoirs, Drains, Wharfs, Quays, Toll-houſes, Warehouſes, Watch-houſes, Landing Places, Weighing Beams, Cranes, Dry Docks, Fire Engines, and other Machines, Ways, Roads, and Conveniencies, as and where they the ſaid Company of Proprietors ſhall think requiſite and convenient, and from Time to Time to alter, repair, and amend or diſcontinue the ſame, or any of them, as ſhall be thought expedient and uſeful for the Purpoſes of the ſaid intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandizes, and other Things to and from the ſaid Canal and Cuts reſpectively, and for

General Power for effecting the Purpoſes aforeſaid.

for the carrying and conveying of all manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, amending, widening, or enlarging, of the ſaid Canal and Cuts, and other Works reſpectively; and to place, lay, work, or manufacture, any Materials on the Lands or Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall be carrying on; and alſo from Time to Time to make, maintain, repair and alter, any Fences, Roads, or Paſſages over, under, or through, the ſaid Canal and Cuts reſpectively, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourſes, and Sluices, which ſhall communicate therewith reſpectively; and alſo to make, ſet out, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, for the towing, haling, or drawing of Boats, Barges, or other Veſſels, paſſing upon the ſaid Canal and Cuts reſpectively, with Men, Horſes, or otherwiſe, and ſuch convenient Places for Boats, Barges, and other Veſſels, to turn, lie, or paſs each other in, as the ſaid Company of Proprietors ſhall think proper and expedient; and alſo to dig, take, and carry away, any Soil, Clay, Gravel, Sand, Chalk, Flint, or Stone, which ſhall be proper, requiſite, and convenient, for the carrying on, repairing, and maintaining, of the ſeveral Works aforeſaid, or any of them, in or from the Grounds of any Perſon or Perſons adjoining or lying contiguous thereunto, or within the Diſtance of Two thouſand Yards thereof; and alſo to conſtruct, erect, ſet up, make, and do, all or any other Works, Matters, and Things whatſoever, which they ſhall think requiſite and neceſſary, or convenient, for the making, carrying on, completing, repairing, improving, maintaining, and uſing, of the ſaid Canal and Cuts reſpectively, in purſuance and within the true Intent and Meaning of this Act, they the ſaid Company of Proprietors, and their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and repairing ſuch Damage as ſhall be deemed practicable, and be directed by the Commiſſioners herein after appointed, and from Time to Time making Satisfaction, in the Manner herein-after mentioned, to the Owners or Proprietors of, or the Perſons intereſted in, the Lands, Grounds, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall or may be taken, uſed, removed, diverted, or prejudiced, for the Purpoſes aforeſaid, for all Damages to be by them reſpectively ſuſtained by Means or in conſequence of the Execution of the Powers hereby given.

Power to make Inclined Planes, &c.

II. And be it further enacted, That if the ſaid Company of Proprietors ſhall deem it expedient that Boats, Barges, or other Veſſels, ſhould be conveyed over or along any Part or Parts of the Line herein-after directed to be purſued in making the ſaid Canal and Cuts reſpectively, by Rollers, Inclined Planes, or in any other Manner than by Means of Locks or Sluices, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors to cauſe any Rollers, Inclined Planes, or other Works, to be made for that Purpoſe, at ſuch Parts or Places in the ſaid Line as they ſhall think proper, and the ſame ſhall be conſidered to be Part of the ſaid Works hereby authorized to be made, in like Manner, and to all Intents and Purpoſes, as if ſuch Parts or Places were made navigable.

No Reſervoir or Engine to be erected below *Great Bedwin*.

III. Provided alſo, and be it enacted, That no Reſervoir, or Steam or other Engine, ſhall be made or erected below *Great Bedwin*, for the Purpoſe of ſupplying the ſaid intended Canal with Water.

Reſtriction as to Mrs. *Popham*'s and Mrs. *Shaw*'s Lands, and getting Stone in Mr. *Allen*'s Lands.

IV. Provided always, and be it further enacted, That the ſeveral Powers and Authorities herein contained, or any of them, ſhall not extend to or over the Lands or Grounds belonging to *Dorothy Popham* Widow, which lie and are ſituated on the North Side of the preſent Turnpike Road between *Newbury* and *Froxfield*, without the Conſent of the ſaid *Dorothy Popham*, her Heirs or Aſſigns, or to or over the Lands and Grounds of *Ann Shaw* Widow, which lie and are ſituated on the South Side of the publick Road or Highway between *Hungerford* and *Kintbury*, in the County of *Berks*, on the South Side of the ſaid intended Canal, without the Conſent of the ſaid *Ann Shaw*, her Heirs or Aſſigns, nor to empower the ſaid Company of Proprietors to get Stone (except what ſhall be neceſſarily cut through by the making the ſaid Canal) upon the Eſtate of *George Edward Allen* Eſquire, without the Conſent of the ſaid *George Edward Allen*, his Heirs or Aſſigns.

But Houſes or Buildings, Gardens, Parks, &c. not to be taken or injured;

V. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to take or cut down any Timber or other Trees whatſoever, (except ſuch as ſhall be in the immediate Line of the ſaid Canal and Cuts reſpectively, or of the Towing Paths and Banks belonging thereto, or as ſhall, in any Manner, obſtruct the Navigation in the ſaid Canal and Cuts reſpectively), nor to take, uſe, injure, or damage, any Houſe or other Building, or any Ground which, upon the Firſt Day of *January* One thouſand ſeven hundred and ninety-four, was the Scite of any Houſe or other Building, or a Garden, Orchard, Yard, Park, or planted Walk, or Avenue to a Houſe, or a Lawn, or Pleaſure Ground, incloſed or adjoining to a Dwelling Houſe, or any Wharf or Wharfs now in the Occupation of the Proprietors of the preſent navigable Parts of the Rivers *Kennet* and *Avon*, or their reſpective Tenants, without the Conſent of the reſpective Owners and Occupiers thereof, other than and except ſuch as are ſpecified in the Schedule hereunto annexed, and alſo except ſo much and ſuch Parts of the Outbuildings, Yards, Gardens, and Lands, adjoining the River *Avon*, on the South-eaſt Side thereof, except the Garden and Buildings belonging to *Alexander Luders* Eſquire, in the Pariſhes of *Bathwick*, and *Lincombe* and *Widcombe*, as ſhall be neceſſary for a Towing Path.

except certain Gardens, &c. particularly ſpecified.

No Water to be taken from certain Brooks.

VI. Provided alſo, and be it further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, under any Pretence whatever, to take or uſe, or ſuffer to be taken or uſed, into or for the Purpoſes of the ſaid Canal, or to flow or run into any Reſervoir or Reſervoirs, or other Works, of or for the Uſe of the ſame Canal, (except Water for puddling whilſt the ſaid Canal is making), the Rivers, Rivulets, Brooks, Streams, or Watercourſes, flowing or running between the Village of *Wootton Rivers*, in the County of *Wilts*, and the Town of *Devizes*, in the ſame County, or any of them, or any Part thereof, or any Feeders flowing into or ſupplying the ſame, (ſave and except the Stream between *Wootton Rivers* and *New Mill*, and alſo ſave and except, during the

the Times herein-after mentioned, the Stream at *Horton*, and the Stream called *Spaniels Brook*, in the Pariſh of *Biſhop Cannings*), or any Part of the Stream which the ſaid Canal is intended to croſs at *Bulkington*, or the River *Biſs* near *Trowbridge*, or the Springs or Streams of Water which riſe in the Pariſhes of *Bathhampton*, *Bathwick*, *Lincombe* and *Widcombe*, and *Walcot*, in the County of *Somerſet*, or any of them, or in the City of *Bath*, or any Part of the Stream which runs through the Village of *Froxfield*, or any Part of the Water between *Oakhill Mill* and the Town of *Hungerford*, or more out of the *Bodwin* Stream than One Third Part of the Quantity of Water which paſſes at *Oakhill Mill*, or to divert the Courſe of the ſaid Rivers, Rivulets, Brooks, Streams, Watercourſes, or Feeders, or any of them, ſave and except as before and after mentioned; but that in all Caſes where the ſaid Canal ſhall be carried acroſs the ſaid Rivers, Rivulets, Brooks, Streams, Watercourſes, and Feeders, or any of them, the ſaid Company of Proprietors ſhall, at their own Expence, make, and for ever afterwards maintain and keep in good and perfect Repair, proper and ſufficient Culverts, Tunnels, Trenches, and Drains, for carrying or conveying ſuch Rivers, Rivulets, Brooks, Streams, Watercourſes, and Feeders reſpectively, except as aforeſaid, under or by the Side of the ſaid Canal, ſo that the Whole of the ſame may reſpectively be conducted to and run and flow in their reſpective uſual and ordinary Courſe, without any Loſs or Diminution whatſoever.

Further Reſtrictions as to taking Water.

VI. And be it further enacted and declared, That the ſaid Company of Proprietors ſhall not, under any Pretence whatever, take or uſe, or ſuffer to be taken or uſed, any Water into or for the ſaid Canal, or to flow or run into any Reſervoir or Reſervoirs, or other Works, of or for the Uſe of the ſaid Canal, from or out of the ſaid excepted Streams at *Horton*, and the Stream called *Spaniels Brook*, or either of them, or from or out of any Feeders flowing into or ſupplying the ſame, or divert the Courſe of the ſame Streams or Feeders, at any other Time or Times, Seaſon or Seaſons, than from the Fifteenth Day of *March* to the Seventh Day of *April*, and from the Firſt to the laſt Day of *June*, and from the Tenth Day of *Auguſt* to the laſt Day of *October* incluſively, in each and every Year, but that where the ſaid Canal ſhall be carried acroſs all and every the ſaid laſt mentioned Streams and Feeders, or any of them, the ſaid Company of Proprietors ſhall, at their own Expence make, and for ever afterwards maintain and keep in good and perfect Repair, proper and ſufficient Culverts, Tunnels, Stop Gates, Trenches, and Drains, or uſe other effectual Means for carrying and conveying the ſame reſpectively under or by the Side of the ſaid Canal, at all other Times and Seaſons whatſoever than thoſe before particularly mentioned and ſpecified, ſo that the Whole of the ſame Water, Streams, and Feeders, and every Part thereof, ſhall and may reſpectively be conveyed into, and run and flow, at all ſuch other Times and Seaſons, in their reſpective uſual and ordinary Courſe, without any Loſs or Diminution whatſoever.

Manner of carrying off the Waſte Water at the Head Level.

VIII. Provided always, and it is further enacted and declared, That the ſaid Company of Proprietors ſhall ſo execute the Head Level of the ſaid Canal, and erect the Waſte Weirs thereon in ſuch Manner, that One full Moiety or Half Part, as nearly as poſſible, of all the Waſte Water which ſhall flow or run from the ſaid Head Level over the Waſte Weirs, ſhall run and flow Eaſtward down the *Bedwin Vale* at *Crofton*; and the other full Moiety or Half Part, as nearly as poſſible, of ſuch Waſte Water, ſhall

run

run and flow Weſtward, over a Waſte Weir or Weirs to be erected as near the Watercourſe or Stream at *Horton* as may be, ſo that the ſame laſt mentioned Moiety or Half Part of the ſaid Waſte Water ſhall be, by the ſaid Company, conducted and flow into the ſaid Watercourſe at *Horton*, and that the ſame may run and flow down the *Bourn* to *Saliſbury*, in the ſame Manner as the Streams at *Horton* now run and flow.

Water ſecured to Mrs. *Popham*'s Lands.

IX. Provided always, and be it further enacted, That if the ſaid Company of Proprietors ſhall, by virtue of this Act, become Purchaſers of the ſaid Mill called *Oakhill Mill*, either for a Sum in Groſs, or for a net Annual Rent, then, and in ſuch Caſe, the remaining Two Third Parts of the Water running through or by the ſaid Mill, and by this Act reſerved for the Uſe of the ſaid Mill, and other Purpoſes, ſhall be ſo diverted and turned from Time to Time, at the Expence of the ſaid Company of Proprietors, as that the Meadows belonging to Miſtreſs *Dorothy Popham*, called *Mill Mead*, *Long Mead*, and *Hinde Mead*, near to the ſaid Mill, and a ſmall Meadow, alſo belonging to the ſaid *Dorothy Popham*, lying on the Eaſt Side of, and adjoining or near adjoining to, the ſaid Mill, may be effectually ſupplied with Water for watering the ſame, in preference to the working of the ſaid Mill.

Manner of aſcertaining the Quantity of Water to be taken from *Oakhill Mill* Stream.

X. And be it further enacted, That before any Water ſhall be taken into or for the Uſe of the ſaid Canal from the Stream which paſſes at *Oakhill Mill* aforeſaid, and for preventing the ſaid Company of Proprietors from taking more than One Third Part thereof, as herein-before is directed, One or more proper and ſufficient Gauge or Gauges ſhall be erected and made, at or near *Oakhill Mill* aforeſaid, and for ever afterwards maintained and ſupported by and at the Expence of the ſaid Company of Proprietors, of ſuch Size, Conſtruction, and Dimenſions, and to be guarded and protected in ſuch Manner as Two Engineers, to be for that Purpoſe nominated and appointed within the Space of Sixteen Months next after the paſſing of this Act, One of them by the ſaid Company of Proprietors, by Writing under their Common Seal, and the other of them by the ſaid *Dorothy Popham*, her Heirs or Aſſigns, by Writing under her or their Hand and Seal, or Hands and Seals, ſhall, within Three Months next after ſuch Nomination or Appointment ſhall be made, aſcertain and determine; but which Gauge or Gauges ſhall be ſo conſtructed as at all Times to admit One Third Part, and no more, of the Quantity of Water which paſſes at *Oakhill Mill* aforeſaid, to be taken into and for the Uſe of the ſaid Canal, and the other Two Third Parts thereof, and more, if more can be ſpared from the ſaid Canal, to run and flow in its ordinary and uſual Courſe for the Uſe of the ſaid *Oakhill Mill* and Water Meadows belonging to the ſaid *Dorothy Popham*; and if the Two Engineers to be appointed as aforeſaid ſhall not agree in Opinion touching the Size, Conſtruction, or Dimenſions, of ſuch Gauge or Gauges, or the Means of guarding and protecting the ſame, then the ſaid Engineers ſhall, and they are hereby required forthwith to refer the Matter in Difference between them to ſome other Engineer, to be by them appointed for that Purpoſe, previous to their proceeding in any of the Matters aforeſaid, which Engineer ſo by them to be appointed ſhall, and is hereby required to ſettle and determine ſuch Matter in Difference within One Month next after the ſame ſhall be ſo referred to him; and that a Certificate ſhall be made and ſigned by the ſaid

ſaid Engineers or Engineer, particularly deſcribing ſuch Gauge or Gauges, and the Plan, Nature, Size, Conſtruction, and Dimenſions of the ſame, and ſuch Certificate ſhall be recorded with the Clerk of the Peace of the ſaid County of *Wilts*, and the ſame, or a true Copy thereof, ſhall at all Times be admitted as Evidence; and that all Expences attending the Appointment and Attendance of ſuch Engineers or Engineer, and of their Proceedings and Determination in the Matters aforeſaid, ſhall be paid and defrayed by the ſaid Company of Proprietors.

Reſtriction as to the Water of the *Kennet*.

XI. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize the ſaid Company of Proprietors to divert or uſe, for the Purpoſes of the ſaid intended Canal, any more of the Waters of the River *Kennet*, or any of the Streams, Brooks, or Watercourſes, flowing into the ſame, or communicating therewith, than ſo much as is herein before ſpecified and allowed to be taken by the ſaid Company of Proprietors, at or above *Oakhill Mill*.

The Canal to croſs the *Kennet* ſo as to occaſion as little Injury to the Mills as may be.

XII. Provided always, and be it further enacted, That if the ſaid Canal in croſſing cannot be carried over the River *Kennet* by Aqueducts, it ſhall be executed under the Directions of *Charles Dundas* Eſquire, *James King* Gentleman, and the Engineer employed by the ſaid Company, in ſuch Manner as that no more Water ſhall be taken from any Part of the ſaid River than ſhall fall into it from the ſaid Canal, and ſo that the ſeveral Mills on the ſaid River may receive as little Injury and Loſs of Water as poſſible; and if either the ſaid *Charles Dundas* or *James King* ſhall die before or refuſe to act in giving ſuch Directions as aforeſaid, within One Month after a Requeſt for that Purpoſe made by any of the Parties intereſted, then a Perſon ſhall be appointed in his Stead by His Majeſty's Juſtices of the Peace for the County of *Berks*, at their Firſt or ſome future General Quarter Seſſions of the Peace next after ſuch Death or Refuſal, and ſo as often as the Caſe may happen.

Reſervoir to be made for ſupplying *Devizes*.

XIII. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, within the Space of One Year next after the ſaid Canal ſhall be navigable at or near the Borough of *Devizes*, at their own Coſts, to erect and make a good, ſufficient, and ſubſtantial Reſervoir at or near the ſaid Borough, ſufficient to hold One Quarter of a Lock-full of Water at leaſt, and of ſufficient Height that the Water may run thereout through Pipes into the Streets and Lanes of and within the ſaid Borough of *Devizes*, with a ſufficient Pump to raiſe the Water from the Canal into the ſaid Reſervoir, and that the Mayor and Burgeſſes of the ſaid Borough of *Devizes* ſhall for ever thereafter, at their own Coſts and Charges, keep ſuch Reſervoir and Pump in Repair; and that it ſhall and may be lawful for the ſaid Mayor and Burgeſſes to direct that ſo much Water ſhould once a Day, but not oftener, be raiſed out of the ſaid Canal as will fill ſuch Reſervoir, and to cauſe ſo much of the ſaid Water to be carried away, by Pipes or otherwiſe, as ſhall be neceſſary for the Uſe of the Inhabitants of the Town of *Devizes*, without any Interruption by the ſaid Company of Proprietors, or their Agents or

Servants, provided that no wilful Waste of Water be made, nor more taken in any One Day than the Quantity herein ſpecified.

Plans and Books of Reference depoſited with the Clerks of the Peace to remain in their Cuſtody.

XIV. And whereas Maps or Plans, deſcribing the Lines of the ſaid Canal and Cuts, and the Lands through which the ſame are to be carried, together with Books of Reference, containing Liſts of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, have been depoſited at the Offices of the Clerks of the Peace for the reſpective Counties of *Berks*, *Wilts*, and *Somerſet*; be it therefore further enacted, That the ſaid Maps or Plans, and Books of Reference, ſhall remain in the Cuſtody of the reſpective Clerks of the Peace for the ſaid Counties, to the End that all Perſons may, at any ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every Two hundred Words of ſuch Copies or Extracts of the ſaid Books of Reference; and that the ſaid Company of Proprietors in making the ſaid Canal and Cuts ſhall not deviate more than One hundred Yards from the Lines or Courſes thereof deſcribed in the ſaid Maps or Plans, nor ſhall any ſuch Deviation be made into or carried through the Lands of any Perſon not named in the ſaid Books of Reference, without the Conſent in Writing of ſuch Perſon: Provided always, that no Advantage ſhall be taken of or againſt the ſaid Company of Proprietors, or any Interruption be given to the making of the ſaid Canal and Cuts, or any of them, on Account of any Error or Omiſſion in the ſaid Books of Reference, in caſe it ſhall appear to any Five or more of the Commiſſioners appointed by this Act, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Courſe of the Canal in Lord *Craven's* Lands.

XV. Provided always, and be it enacted, That the Line of that Part of the ſaid Canal which is intended to paſs through the Pariſh of *Hampſted Marſhall*, ſhall paſs on the Lands of the Right Honourable Lord *Craven*, on the North Side of the River *Kennet*, which runs through *Hampſted Marſhall Park*, and not exceeding One hundred Yards on the Outſide of the Park Pales.

Courſe of the Canal in the Lands of Mrs. *Shaw* and Mr. *Craven*.

XVI. Provided alſo, and be it further enacted, That the ſaid Canal ſhall be carried from and out of the Line laid down in the Plan of the ſaid Canal, in a Cloſe belonging to *Ann Shaw* Widow, called *Long Meadow*, over and acroſs the Water Meadow called *Arch Meadow*, belonging to the ſaid *Ann Shaw*, unto the North-eaſt Side of the ſaid Water Meadow, and from thence upon and along the North-eaſt Side of the Meadows of the ſaid *Ann Shaw*, and the South-weſt Side of the Meadows belonging to the Reverend *John Craven*, unto the South-weſt Corner of the ſaid *Ann Shaw*'s Meadow called *The Moores*, and from thence acroſs the ſame, and the Land of the ſaid *John Craven*, and ſhall rejoin the Line laid down in the ſaid Plan in the Cloſe of *Thomas Ward*, all in the ſaid Pariſh of *Kintbury*, unleſs the ſaid *Ann Shaw*, her Heirs and Aſſigns, ſhall, by any Notice in Writing under her or their Hand or Hands, to be delivered to the principal Clerk of the ſaid Company of Proprietors, within Six Months next after the paſſing of this Act, expreſs her Wiſh and Deſire that the Line of the ſaid Canal ſhould be varied in the Pariſh of

of *Kintbury*, in ſuch Manner as the ſame is now laid down in the Plan of the ſaid Canal.

Courſe of the Canal in Mrs. *Popham's* Lands.

XVII. Provided alſo, and be it enacted, That the ſaid Canal ſhall be carried on the Lands of *Dorothy Popham* Widow, between *Oakhill Marſh* and *Hopgraſs Marſh*, along the North Side of, and as nearly as may be adjoining to, but not through any Part of the Water Meadows belonging to the ſaid *Dorothy Popham*.

Courſe of the Canal in the Lands of *St. John's* College.

XVIII. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors, in making the ſaid Canal through the Lands of the Maſter, Fellows, and Scholars, of *Saint John's* College, in the Univerſity of *Cambridge*, in the Pariſh of *Wootton Rivers*, ſhall make and carry the ſame on the Lands of the ſaid Maſter, Fellows, and Scholars, through and along the South or Lower Side of the Meadow called *Broad Meadow*, to *Wootton Rivers* Bridge, and from thence in a ſtraight Line down the Grounds called *Upper Moore* and *Tenants Moore*, as near the South Side thereof as can be, conſiſtently with keeping the Line of the ſaid Canal ſtraight; and that the ſaid Canal ſhall croſs *Tenants Moore*, from the North-weſt Corner of the Field called *South Field*, to the South-eaſt Corner of the Field called *Loſtcombe Field*, and ſhall be carried from thence along the South Side of *Loſtcombe Field* and *Nicholas Field*; and that the ſaid Canal ſhall not be made or carried in any other Line or Courſe, through the ſaid Lands of the ſaid Maſter, Fellows, and Sholars, of *Saint John's* College, *Cambridge*, nor be in any reſpect varied therefrom, without the Conſent of the ſaid Maſter, Fellows, and Scholars, under their Common Seal, for that Purpoſe firſt had and obtained; and that the ſaid Company of Proprietors ſhall fence the Towing Path through *Wootton Rivers* Pariſh with Quick Fences, and preſerve the ſame.

Courſe of the Canal in Mr. *Pierrepont's* Lands.

XIX. Provided alſo, and be it further enacted, That the ſaid Canal ſhall be carried through the Eſtate of *Charles Pierrepont* Eſquire, at *Paxcroft*, along the Courſe of the private Road Way near to and parallel with the Line laid down in the ſaid Map or Plan.

Courſe of the Canal in Mr. *Allen's* Eſtate.

XX. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby authorized and required to vary the Line or Courſe of the ſaid Canal, laid down in the ſaid Map or Plan, through the Lands or Grounds of *George Edward Allen* Eſquire, and to carry the ſaid Canal from the Line at preſent laid down in the ſaid Map or Plan, into the Meadow called *Broad Mead*, belonging to the ſaid *George Edward Allen*, at or near the Eaſt Corner of the ſame Meadow, and along by the North Hedge or Boundary thereof, and from thence acroſs the River *Avon* into the Pariſh of *Bath Eaſton*, on the North and Weſt Sides of *Bath Eaſton* Mill, through the Lands belonging to the Reverend *Davis* and *James Biſhop*, until it ſhall come between *Bath Eaſton* Mill and the Ferry, and there fall into the ſaid River; and alſo to carry or make the Towing Path along the *Bath Eaſton* Side of the ſaid River, from the Place where the ſaid Canal ſhall be brought into the ſame, as far as the North-eaſt Corner of a Mead belonging to *William Clark* Eſquire, and from thence acroſs the ſaid River to a Mead called *Alderbed Mead*, belonging to the ſaid *George Edward Allen*; and that the ſaid Company of Proprietors ſhall, at their own Expence, erect and make,

make, and for ever afterwards maintain and keep in good Repair, for the Convenience and Accommodation of the ſaid *George Edward Allen*, his Heirs or Aſſigns, a proper Carriage Bridge acroſs the ſaid River, at or near the Place where the Canal ſhall be carried acroſs the ſame, of ſuch Structure and Dimenſions, and with ſuch proper and ſufficient Ways and Roads to and from the ſame, as *Elbro Woodcock*, of *Lincoln's Inn*, in the County of *Middleſex*, Eſquire, ſhall, by any Inſtrument in Writing under his Hand and Seal, award and direct, or, in caſe of his Death, without making ſuch Award, by the Award of ſuch other Perſon as ſhall be agreed upon between the ſaid Company of Proprietors and the ſaid *George Edward Allen*, his Heirs or Aſſigns, and if they cannot agree reſpecting the ſame, then as the ſaid Commiſſioners ſhall direct and appoint.

The Compenſation for Lands and Damages in Mr *Allen's* Eſtate to be aſcertained by Mr. *Woodcock*.

XXI. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall make ſuch Compenſation for the Land or Ground of the ſaid *George Edward Allen*, which ſhall be taken and uſed by the ſaid Company for the Purpoſes of the ſaid Navigation, and alſo ſuch Compenſation for all Damages to be done by them to the ſaid *George Edward Allen*, his Heirs or Aſſigns, or his or their Tenant or Tenants, in carrying the Powers given by this Act into Execution, as the ſaid *Elbro Woodcock* ſhall from Time to Time award and direct, ſo that ſuch Award be from Time to Time made in Writing under his Hand and Seal, and be delivered to the principal Clerk to the ſaid Company of Proprietors within One Calendar Month next after ſuch Land or Ground ſhall be ſet out and aſcertained by the ſaid Company, in order to be taken and uſed by them for the Purpoſes aforeſaid, and ſuch Damages ſhall be done reſpectively; but if ſuch Award of the ſaid *Elbro Woodcock* ſhall not be delivered to the principal Clerk to the ſaid Company within the Time aforeſaid, then ſuch Compenſations reſpectively ſhall be fixed and aſcertained (in caſe of any Difference about the ſame) by the ſaid Commiſſioners, or a Jury or Arbitrators, in ſuch and the ſame Manner as herein-before directed with reſpect to other Lands or Hereditaments to be taken or uſed for the Purpoſes of this Act.

Company to erect a Dwelling Houſe, &c. at *Bath Eaſton* Mill, before they cut through Mr. *Biſhop's* Lands.

XXII. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, before they ſhall proceed to cut through any Part of the Lands of and belonging to the ſaid *James Biſhop*, ſituate in the ſaid Pariſh of *Bath Eaſton*, at their own Expence, to erect and build, and completely finiſh, a new Houſe at *Bath Eaſton* aforeſaid, fit and convenient for the Reſidence of the Tenant or Tenants, Occupier or Occupiers of the ſaid Mill, and his, her, or their Family, upon ſuch Part of the Land belonging to the ſaid *James Biſhop* as he the ſaid *James Biſhop*, his Heirs or Aſſigns, ſhall direct or appoint, by any Writing within One Month after the ſame ſhall be demanded by the principal Clerk to the ſaid Company of Proprietors, which Houſe ſhall be full as ſpacious, and ſhall contain as many Rooms, Offices, and Conveniencies, as the Houſe adjoining to the ſaid Mill, now in the Occupation of *William Emmerſon*, as Tenant to the ſaid *James Biſhop*, doth, and the ſame when finiſhed ſhall be properly bounded in; and alſo, that the ſaid Company of Proprietors ſhall erect and ſet up, and for ever afterwards ſupport and maintain in good Repair, a Carriage Bridge acroſs the ſaid Canal at the ſaid Mill, of ſufficient Width to admit

admit a loaded Waggon to paſs to and from the ſaid Mill; and alſo that in caſe the Waggon Houſe, Stable, or other Buildings or Erections, appertaining to the ſaid Mill, ſhall be taken down or otherwiſe injured by the ſaid Company of Proprietors, in making and executing the ſaid Canal, then the ſaid Company of Proprietors ſhall make and erect other Buildings inſtead thereof, of equal Dimenſions and Convenience on ſome other Part or Parts of the ſaid Lands of the ſaid *James Biſhop*.

Nothing to be done in the Lands of *Oriel* College without Conſent.

XXIII. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend to authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make any Cut or Canal, or any Towing Path or Bank, or other Work, or cut, lop, or ſhroud, any Tree, Shrub, or Plant, or commit any Treſpaſs, or do any Injury, upon the Lands belonging to the Provoſt and Fellows of *Oriel* College, in the Univerſity of *Oxford*, and now in Leaſe to *William Clark* Eſquire, in the Pariſh of *Swainſwick*, in the County of *Somerſet*, without the Conſent of the ſaid Provoſt and Fellows, and of the ſaid *William Clark* Eſquire, his Executors, Adminiſtrators, or Aſſigns; nor upon any Meſſuages, Gardens, Lands, or Grounds, adjoining and lying on the North, North-weſt, and Weſt Sides of the River *Avon*, in the Pariſh of *Walcot*, and in the City of *Bath*, or either of them, except as herein-after is mentioned, without the Conſent in Writing of the reſpective Owners and Occupiers thereof.

Courſe of the Towing Path in *Bath Hampton*, *Bathwick*, and *Lincombe*.

XXIV. Provided alſo, and be it further enacted, That the Towing Path adjoining the ſaid River ſhall be carried from the Meadow, called *Alderbed Meadow*, belonging to *George Edward Allen* Eſquire, in the Pariſh of *Bath Hampton*, on the Eaſt Side of the ſaid River, through the Pariſhes of *Bathwick*, and *Lincombe*, and *Widcombe*, until it comes to the Garden of *Alexander Luders* Eſquire, in the ſaid Pariſh of *Lincombe* and *Widcombe*, and ſhall then be carried acroſs the ſaid River into the Garden belonging to *Charles Pierrepont* Eſquire, and be carried through and by the Side of the ſaid Garden next adjoining to the ſaid River, and from thence by the South Side of an Inn, called *The Full Moon*, adjoining the ſaid River, unto the old Bridge in the ſaid City of *Bath*; and that the ſaid Towing Path between the Houſes immediately above the new Bridge and the ſaid River, ſhall be made on a Platform on the Side of the ſaid River.

Protection of Lady *Bath*'s Wharf.

XXV. Provided always, and be it enacted, That the Lock which is intended to be made in or near the Weir of *Bathwick* Mill, below the new Bridge at *Bath*, in the Occupation of *Samuel Falkner*, and the Towing Path and Bridge to be there uſed, ſhall be ſo conſtructed as not to injure or obſtruct the free landing of Timber, Goods, Wares, and Merchandize, at the Wharf belonging to the Baroneſs of *Bath*, and near to the ſaid Mill Weir.

Width of the Canal and Towing Path.

XXVI. And be it further enacted, That the Lands or Grounds to be taken or uſed for the ſaid Canal and Cuts reſpectively, and the Towing Paths, Banks, and Side Drains thereof reſpectively, and the Ditches and Fences for ſeparating ſuch Towing Paths, Banks, and Side Drains, from the adjoining Lands, ſhall not exceed Thirty Yards in Breadth, meaſured

meaſured horizontally, except in ſuch Places where any Dock, Baſon, or Reſervoir, ſhall be made, or where the ſaid Canal and Cuts reſpectively ſhall be raiſed higher or cut more than Six Feet deeper than the preſent Surface of the Land, and except in ſuch Places where it ſhall be judged neceſſary for Boats, Barges, and other Veſſels, to turn, lie, or paſs each other in, or where any Warehouſe, Crane, or Weighing Beam ſhall be erected, or where any Wharf ſhall be made for the landing or Delivery of any Goods, Wares, or Merchandizes, which ſhall be carried or conveyed on the ſaid Canal and Cuts reſpectively, nor more than One hundred Yards in Breadth in any Place, except where the ſaid Canal and Cuts reſpectively ſhall paſs through or over any Common or Waſte Lands, or where the Owner or Owners of any Lands or Grounds through which the ſaid Canal and Cuts will paſs, ſhall deſire to have the ſame made wider at his, her, or their own Expence, in that Part of his, her, or their Lands or Grounds reſpectively through which the ſame will paſs.

Where Roads are injured, others to be made.

XXVII. Provided always, and be it further enacted, That in all Caſes where, in Exerciſe of the Powers hereby given, any Part of any Carriage or Horſe Road or Foot Way, either publick or private, ſhall be found neceſſary to be cut through or taken, or ſo much injured as to be impaſſable or inconvenient for Travellers or Carriages, or the Perſons entitled to the Uſe thereof, the ſaid Company of Proprietors ſhall, at their own Expence, before any ſuch Road or Way ſhall be cut through, taken, or injured, as aforeſaid, cauſe a good and ſufficient Carriage or Horſe Road or Foot Way (as the Caſe may require) to be ſet out and made inſtead thereof, as convenient for Paſſengers and Carriages as the Road to be cut through, taken, or injured, as aforeſaid, or as nearly ſo as Circumſtances will permit, and ſhall cauſe the ſame to be put in good and ſubſtantial Order and Condition.

Pieces of Land cut off being leſs than One Acre, or leſs than 50 Yards in Breadth, ſhall be purchaſed by the Company if required.

XXVIII. And be it further enacted, That if in making the ſaid Canal and Cuts reſpectively, any Pieces or Parcels of Ground ſhall be cut through and divided, ſo that what ſhall be left on each or either Side of the ſaid Canal and Cuts reſpectively ſhall be leſs than One Acre in Quantity, or leſs than Fifty Yards in Breadth throughout the whole Length thereof, and if the Owner or Owners of any ſuch Pieces or Parcels of Ground ſhall not have any other Land or Ground adjoining or contiguous to what ſhall be ſo left on each or either Side of the ſaid Canal or Cuts reſpectively, then, and in every ſuch Caſe, the ſaid Company of Proprietors ſhall alſo take and purchaſe the Piece or Parcel, or Pieces or Parcels of Ground ſo to be left on each or either Side of the ſaid Canal and Cuts reſpectively, being leſs than an Acre in Quantity, or leſs than Fifty Yards in Breadth throughout the whole Length thereof as aforeſaid, and ſhall pay for the ſame after the ſame Rate, and in the ſame Manner, as they ſhall pay for the Land or Ground adjoining thereto, which ſhall be taken and uſed for making the ſaid Canal and Cuts reſpectively, provided the Owner or Owners, or the Perſon or Perſons entitled to the Poſſeſſion, or to the Rents and Profits of ſuch ſmall Pieces or Parcels of Ground reſpectively, ſhall require the ſaid Company of Proprietors to take and purchaſe the ſame, but not otherwiſe.

XXIX. And

Bodies Politick and Corporate, Tenants for Life, and other incapacitated Perſons, empowered to ſell and convey Lands for the Purpoſes aforeſaid;

XXIX. And be it further enacted, That after any Lands, Tenements, Grounds, or Hereditaments, ſhall be ſet out and aſcertained as aforeſaid, for the making the ſaid Canal and Cuts reſpectively, or any Wharfs or other Works or Conveniencies hereby authorized to be made, it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Eſtate or Intereſt, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for Charities or other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves and their reſpective Heirs and Succeſſors, but alſo for and on the Behalf of the Perſon or Perſons entitled in Reverſion, Remainder, or Expectancy, after them, if incapacitated, and for and on Behalf of their reſpective Wives and Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed, or intereſted in their own Right, and alſo to and for all and every other Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed, or intereſted of or in any Lands, Tenements, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid, or which are by this Act directed to be taken and purchaſed by the ſaid Company of Proprietors, or any Part thereof reſpectively, to treat and agree for the abſolute Sale of, and accordingly to ſell and convey unto the ſaid Company of Proprietors, all or any Part or Parts of the Lands, Tenements, Grounds, or other Hereditaments, (whether the ſame ſhall be Freehold, Copyhold, or Leaſehold), which ſhall from Time to Time be ſo ſet out and aſcertained as aforeſaid, or which are by this Act directed to be taken and purchaſed by the ſaid Company of Proprietors, either in Conſideration of a Sum of Money at once to be paid for the ſame, or of an Annual Rent or Payment to be charged and ſecured as herein-after is mentioned, at the Election of ſuch Vender or Venders, Perſon or Perſons, who ſhall be ſo entitled or intereſted as aforeſaid; and if it ſhall happen that by making the ſaid Canal and Cuts reſpectively, or any Aqueduct for the Conveyance of Water thereto or therefrom, the Lands, Tenements, Grounds, or Hereditaments of any Perſon or Perſons ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall and may be lawful to and for all ſuch Bodies Politick, Corporate, or Collegiate, Corporations, and all and every ſuch other Perſon and Perſons as aforeſaid, being ſeiſed, poſſeſſed, or intereſted of or in the ſame in Manner aforeſaid, (by and with the Conſent of the Commiſſioners herein-after appointed, to be teſtified by any Writing or Writings under their Hands and Seals, and atteſted by Two or more credible Witneſſes), to contract for, ſell, and diſpoſe of, or to convey in Exchange for or in Lieu of other Lands or Hereditaments, all or any Part or Parts of ſuch Lands, Tenements, Grounds, or Hereditaments, (whether Freehold, Copyhold, or Leaſehold), as ſhall be ſo ſeparated into ſmall Parcels as aforeſaid, either unto the ſaid Company of Proprietors, or unto any other Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or for ſuch Equivalent in Lands or Hereditaments, or by Way of Annual Rent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Abſtract of Title Deeds, Exchanges, Conveyances, and Aſſurances, as ſhall be made and executed for the Purpoſes aforeſaid, and all Matters and Things relating thereto, ſhall be made

and, with Conſent of Commiſſioners, to ſell or exchange any Lands which may be ſo ſeparated as to render the Occupation thereof inconvenient.

made and done at the Expence of the ſaid Company of Proprietors, and ſhall be valid and effectual in the Law, to all Intents and Purpoſes whatſoever, ſuch Conveyances and Aſſurances being reſpectively made according to the Form herein-after mentioned, or as near thereto as Circumſtances will permit, any Law, Statute, Cuſtom, or Uſage, to the contrary notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and other Perſons ſo conveying or exchanging as aforeſaid, are hereby indemnified on Account or in reſpect of any ſuch Sale or Exchange which he, ſhe, or they, or any of them, ſhall reſpectively make by virtue or in purſuance of this Act.

Lands taken or uſed by the Company, how to be conveyed.

XXX. And be it further enacted, That all Lands, Tenements, Grounds, and Hereditaments, (whether Freehold, Copyhold, or Leaſehold), which ſhall be ſo ſet out and aſcertained as aforeſaid, or which ſhall be taken and purchaſed by the ſaid Company of Proprietors purſuant to any Directions of this Act, ſhall and may be conveyed and aſſured by the Perſon or Perſons by this Act authorized and empowered to convey the ſame, or by the Perſon or Perſons already by Law enabled and competent ſo to do, unto the ſaid Company of Proprietors, by a Deed in Writing in the Form or to the Effect following; (that is to ſay),

Form of Conveyance.

'KNOW all Men by theſe Preſents, That I *A. B.* of in Conſideration of the Sum of to me paid, [*or*, in Conſideration of the Annual Rent of to me to be from henceforth yielded and paid by Two equal Half-yearly Payments], by the Company of Proprietors of the *Kennet* and *Avon* Canal Navigation, do hereby, in purſuance of [*or*, by force and virtue of the Power in that Behalf contained in] an Act of Parliament made in the Thirty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, [*inſert the Title of the Act*], grant, bargain, ſell, releaſe, and convey, [*or*, bargain, ſell, and aſſign, or ſurrender, *if Leaſehold or Copyhold*], unto the ſaid Company of Proprietors, all [*here inſert the proper Deſcription of the Lands or Hereditaments intended to be conveyed*] and all my Eſtate and Intereſt therein, to hold unto and to the Uſe of the ſaid Company of Proprietors for ever, [*or, if Leaſehold, Copyhold, or for any partial or qualified Eſtate or Intereſt, ſpecifying the Term, Eſtate, or Intereſt intended to be conveyed*], according to the true Intent and Meaning of the ſaid Act of Parliament, [*making the neceſſary Variations, according to the Circumſtances of every particular Caſe*]. In Witneſs whereof, I have hereunto ſet my Hand and Seal the Day of in the Year of our Lord

Lands ſold to or exchanged with other Perſons, how to be conveyed.

And that all Conveyances and Aſſurances to be made to any other Perſon or Perſons beſides the ſaid Company of Proprietors, for effecting and completing any Sale or Exchange of any Lands, Grounds, or Hereditaments, purſuant to and within the Intent and Meaning of this Act, ſhall and may be made by a Deed in Writing, in ſuch or the like Form as is before preſcribed for Conveyances to the ſaid Company of Proprietors, or as near thereto as Circumſtances will permit; and that all ſuch Conveyances and Aſſurances as aforeſaid to the ſaid Company, or to any other Perſon or Perſons, in purſuance of this Act, ſhall be good, valid,

and effectual in the Law to all Intents and Purpoſes, and ſhall be a complete Bar of all Eſtates Tail, and other Eſtates, Rights, Titles, Truſts, and Intereſts whatſoever, in Poſſeſſion, Reverſion, Remainder, or Expectancy, without any Bargain and Sale for a Year, Livery of Seiſin, or Inrollment, and without any Fine, Recovery, or Surrender of the Freehold or Copyhold Hereditaments to be therein reſpectively comprized.

Commiſſioners appointed for ſettling Differences between the Company and private Individuals whoſe Property may be affected or damaged.

XXXI. And whereas Differences may ariſe between the ſaid Company of Proprietors, and the Owners of, or Perſons intereſted in, the Lands, Grounds, Tenements, Waters, or Hereditaments, which ſhall or may be taken, uſed, affected, damaged, or prejudiced, in purſuance or Execution of the Powers hereby granted, touching the Purchaſe Money or Recompence to be paid or made for the ſame; be it therefore further enacted, That every Perſon ſeiſed or entitled in his own Right, or in Right of his Wife, (but not as Mortgagee), at the Time of his acting, of or to any Freehold or Copyhold Eſtate or Eſtates, or both, in the ſaid Counties of *Berks*, *Wilts*, and *Somerſet*, or any of them, of the clear Yearly Value of One hundred Pounds; and alſo every Perſon reſiding in the ſaid Counties, or any of them, and within Twenty Miles of the Line of the ſaid intended Canal and Cuts reſpectively, and having a Perſonal Eſtate, or a Real and Perſonal Eſtate together, of the Value of Three thouſand Pounds, ſhall be and is hereby appointed a Commiſſioner for ſettling, determining, and adjuſting, all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Proprietors of and Perſons intereſted in any Lands, Grounds, Tenements, Waters, or other Hereditaments, that ſhall or may be taken, uſed, affected, damaged, or prejudiced, in purſuance or Execution of any of the Powers hereby granted, and for other the Purpoſes in this Act mentioned.

Qualification of Commiſſioners.

XXXII. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in the Execution of this Act, who ſhall be Owner or Occupier of any Land intended to be purchaſed in order to be cut through in making the ſaid Canal or Cuts, in any Caſe reſpecting the Purchaſe of ſuch Lands, or who ſhall not be reſident in the County wherein the Matter in Queſtion (if local) or ſome Part thereof, is ſituated, nor in any Caſe during the Time of his holding any Place of Profit under the ſaid Company of Proprietors, nor during the Time of his being a Proprietor in the ſaid intended Navigation, nor in any other Caſe where he ſhall be in anywiſe intereſted or concerned in the Matter in Queſtion; and alſo that no Perſon ſhall act as a Commiſſioner in the Execution of this Act, otherwiſe than in adminiſtering an Oath or Affirmation to the Effect following, until he ſhall have taken and ſubſcribed ſuch Oath or Affirmation before any One or more of the ſaid Commiſſioners, who is and are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

Oath to be taken by Commiſſioners.

'I *A. B.* do ſwear [*or*, *being One of the People called* Quakers, do ſolemnly affirm] that I am truly and *bona fide* in the actual Poſſeſſion or Enjoyment of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, or both, of the clear Yearly Value of One hundred Pounds above all Reprizes, [*or*, poſſeſſed of or entitled

'to a Perſonal Eſtate, or a Real and Perſonal Eſtate together, to the 'Amount or Value of Three thouſand Pounds], and that I will, with-'out Favour or Affection, truly and impartially, according to the beſt 'of my Skill and Knowledge, execute and perform the Powers and Au-'thorities veſted in me as a Commiſſioner, by an Act made in the Thirty-'fourth Year of the Reign of His Majeſty King *George* the Third, 'intituled, [*inſert the Title of the Act.*]'

And that no Perſon ſhall act as a Commiſſioner at any Meeting of Commiſſioners (other than and except at the Firſt Meeting to be held by virtue of this Act, and at any Adjournment thereof to be held within One Calendar Month of ſuch Firſt Meeting) unleſs he ſhall have taken the ſaid Oath at ſome other Meeting One Calendar Month at leaſt previouſly to the Time of his claiming to act as ſuch Commiſſioner; and if any Perſon, not being qualified as herein-before is mentioned, or hereby made incapable to act as a Commiſſioner, ſhall nevertheleſs preſume to act as ſuch in the Execution of the Powers hereby given, or any of them, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds to the ſaid Company of Proprietors, to be recovered, with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of the Powers given by this Act.

Penalty on Perſons acting as Commiſſioners not being duly qualified.

XXXIII. Provided always nevertheleſs, That it ſhall be lawful for any of the ſaid Commiſſioners who are or ſhall be in the Commiſſion of the Peace for the ſaid Counties of *Wilts*, *Berks*, and *Somerſet*, or any of them, to act as Juſtices of the Peace in or relating to the Execution of this Act, notwithſtanding their being Commiſſioners.

Commiſſioners may nevertheleſs act as Juſtices of the Peace.

XXXIV. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting for the Purpoſes of this Act at *The Devizes*, in the County of *Wilts*, at ſuch Time as they ſhall be thereunto required, by Notice to be given in ſome Newſpaper publiſhed or circulated in each of the Counties of *Berks*, *Wilts*, and *Somerſet*, by Order of the Committee of Management, to be appointed as herein-after mentioned, at their Firſt Meeting; and the ſaid Commiſſioners may afterwards meet from Time to Time, by Adjournment or otherwiſe, as they ſhall think neceſſary or proper; but no Meeting whatever (except adjourned Meetings) of the ſaid Commiſſioners, ſhall at any Time be had (except in ſuch Caſes as are herein-after otherwiſe ordered and provided for) unleſs Fourteen Days previous Notice at leaſt of the Time, Place, and Purpoſe, of ſuch intended Meeting ſhall be given and inſerted in ſome Newſpaper publiſhed or circulated in the County wherein ſuch Meeting is intended to be held; and that every Meeting of the ſaid Commiſſioners by virtue of this Act ſhall be publick; and that no Act, Order, or Proceeding, of the ſaid Commiſſioners, or any of them, in or relating to any of the Matters or Things hereby meant to be ſubmitted to their Deciſion and Determination (except in ſuch Caſes as are hereby otherwiſe ordered and provided for) ſhall be valid, unleſs the ſame ſhall be done or made at a Meeting to be held in

Meetings of Commiſſioners to be publick, and Notice thereof to be given.

in purſuance of this Act, and of the Directions herein contained; and that all and ſingular the Powers and Authorities hereby given to or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by the Majority of the Commiſſioners aſſembled at ſuch Meetings reſpectively, the whole Number preſent at ſuch Meetings reſpectively not being leſs than Five; and at every ſuch Meeting One of the Commiſſioners preſent ſhall be appointed Preſident or Chairman, who, in caſe of an equal Diviſion of Voices, ſhall have the deciſive or caſting Vote.

Commiſſioners Powers not to be executed by leſs than Five.

XXXV. And be it further enacted, That upon Requiſition to be made by the ſaid Committee of Management, or upon Application by any Three Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments to be affected by the ſaid Canal and Cuts reſpectively, or any other of the Works hereby authorized to be made or carried on, unto the Clerk to the Company of Proprietors, to appoint a General Meeting of the ſaid Commiſſioners, the ſaid Clerk ſhall, and is hereby required, within Seven Days after ſuch Requiſition or Application made to him, to give publick Notice, in Manner aforeſaid, of a General Meeting of the ſaid Commiſſioners to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fourteen Days, nor more than Twenty-one Days from the Day on which ſuch Requiſition or Application ſhall be made as aforeſaid; and the ſaid Commiſſioners are hereby authorized and required to aſſemble at the Time and Place ſo to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and veſted in them, into Execution, notwithſtanding any previous Adjournment of the ſaid Commiſſioners; and in caſe the Buſineſs to be tranſacted at any Meeting of the ſaid Commiſſioners to be held in purſuance of this Act ſhall not be concluded and finiſhed on or within the Day mentioned in ſuch Notice, then the Commiſſioners preſent at ſuch Meeting ſhall and may adjourn themſelves, and afterwards meet at ſuch Time and Place as they ſhall think proper and expedient; and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be 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, and from Time to Time as often as the ſame ſhall happen, the Clerk to the ſaid Commiſſioners for the Time being ſhall and may, by publick Notice to be given in the Manner aforeſaid, appoint the ſaid Commiſſioners to meet at the Place where a Meeting of the ſaid Commiſſioners was laſt appointed to be held on that Day Three Weeks next after the Day laſt appointed for ſuch Meeting.

General Meetings of Commiſſioners how to be called.

XXXVI. Provided alſo, That every Meeting of the ſaid Commiſſioners for the hearing and determining of any Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company of Proprietors, and any other Perſon or Perſons, ſhall be held at ſome Place within Ten Miles of the Place where or reſpecting which ſuch Complaint, Diſpute, or Difference ſhall ariſe; and that no Buſineſs ſhall commence, at any Meeting of the ſaid Commiſſioners, before Ten of the Clock in the Forenoon, or after Three of the Clock in the Afternoon.

Meetings of the Commiſſioners for determining Diſputes to be held within 10 Miles of the Place in Diſpute.

XXXVII. And

Commiſſioners to determine what Money or Annual Rent the Company ſhall pay for the Purchaſe of Lands, and what Sums they ſhall pay for Damages.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners aſſembled at a Meeting to be held in the Manner herein-before directed, and they are hereby fully authorized and empowered, by Writing under their Hands, except in ſuch Caſes as are hereinafter otherwiſe provided for, (with the Conſent of the Parties concerned), to determine and adjuſt, from Time to Time, what Sum or Sums of Money ought in their Opinion to be paid by the ſaid Company of Proprietors, either by an Annual Rent or Payment, or by a Sum in Groſs, to and at the Election of any Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, who ſhall be entitled thereto, or intereſted therein, for the abſolute Purchaſe of any Lands, Tenements, Grounds, or Hereditaments, which ſhall be ſet out and aſcertained, or be intended to be taken or uſed as aforeſaid, for making the ſaid Canal and Cuts, or the Towing Paths thereto, or any Part thereof reſpectively, or for other the Purpoſes herein mentioned, or which ſhall be taken by the ſaid Company of Proprietors purſuant to any of the Directions of this Act; and alſo to determine and adjuſt what other ſeparate and diſtinct Sum or Sums of Money ought, in the Opinion of them the ſaid Commiſſioners, to be paid by the ſaid Company of Proprietors as a Recompence for any Damages which ſhall or may at any Time or Times be ſuſtained by any Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, being Owners of or intereſted in any Lands, Grounds, Tenements, Waters, or Hereditaments, for or by Reaſon of the ſevering or dividing the ſame, or by Reaſon of the making, repairing, or maintaining, of the ſaid Canal, Cuts, and Towing Paths, or any of the Reſervoirs, Aqueducts, Feeders, Drains, Back Drains, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Sluices, or other Works hereby authorized to be made or carried on and maintained, or by Reaſon or Means of the flowing, leaking, or oozing, of the Water over or through the Banks of the ſaid Canal, Cuts, Reſervoirs, Aqueducts, Feeders, Drains, Trenches, Paſſages, Gutters, and Sluices, or any of them, or of the ſupplying the ſame, or any of them, with Water, or by not cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning or diverting any Streams or Brooks into the ſame, or any of them, or by Reaſon or Means of the Execution of any of the Powers hereby given to the ſaid Company of Proprietors, their Agents, Workmen, or Servants, in caſe ſuch Annual Rent, or Sum in Groſs, or ſuch Damages and Recompence reſpectively, cannot be ſettled, adjuſted, and agreed upon, by and between the ſaid Company of Proprietors and the Owners of or Perſons intereſted in ſuch Lands, Grounds, Tenements, Waters, or Hereditaments, as aforeſaid.

If the Parties refuſe to ſubmit to Determination of Commiſſioners, a Jury may be ſummoned to ſettle the Recompence or Damages.

XXXVIII. And be it further enacted, That if the ſaid Company of Proprietors, or their Committee of Management for the Time being, or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, for and on the Behalf of himſelf, herſelf, or themſelves, or for and on the Behalf of their reſpective Ceſtuique Truſts, or of the Perſon or Perſons entitled in Remainder after them as aforeſaid, ſhall refuſe to ſubmit ſuch Compenſation or Recompence as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination reſpecting the ſame, and of ſuch Diſſatisfaction ſhall, within Twenty-one Days

Days next after such Determination, give Notice to the Commissioners making such Determination, or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof, such Purchase Money or Annual Rent, or such Recompence as shall be so adjusted and determined to be paid as aforesaid, or shall, for the Space of Twenty Days next after Notice in Writing shall be given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, or other Person or Persons respectively, or left at his, her, or their usual or last Place or Places of Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Grounds, Tenements, or Hereditaments respectively as aforesaid, neglect or refuse to treat, or shall not agree with the said Company of Proprietors concerning the same, or shall by Reason of Absence be prevented from treating, or shall by reason of Nonage, or other Impediment not provided for by this Act, be incapable of treating or making such Agreements as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Canal, Cuts, and other the Works aforesaid, then, and in any or either of the said several Cases, the said Commissioners assembled at a Meeting to be held in the Manner herein-before mentioned, are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the County wherein such Lands, Grounds, Tenements, or Hereditaments as aforesaid are situated, or in which the Matter or Question in Dispute shall arise, or in case such Sheriff, or his Under Sheriff, shall happen to be One of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to any One of the Coroners of the same County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner, or other Person, to impannel, summon, and return, and the said Sheriff or Coroner, or other Person, is hereby accordingly authorized, empowered, and required to impannel, summon, and return, a Jury of Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the said Commissioners, or such of them as shall be assembled 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 or Warrants shall be served upon the said Sheriff, Coroner, or other Person as aforesaid; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner, or other Person, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Three or more of them, although not assembled at such Meeting as aforesaid, are hereby empowered also to summon and call before them and before the said Jury, all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the

Witnesses may be summoned.

Matters in Queſtion; and the ſaid Commiſſioners ſhall and may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places or Matter in Controverſy; and ſuch Jury, upon their Oaths, (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter), ſhall enquire of, aſſeſs, and aſcertain, the Sum or Sums of Money, or Annual Rent or Rents to be paid for the Purchaſe of ſuch Lands, Grounds, Tenements, or Hereditaments as aforeſaid, and alſo what other ſeparate and diſtinct Sum or Sums of Money ſhall be paid by Way of Recompence for the Damages which ſhall or may be ſo ſuſtained as aforeſaid, and the ſaid Commiſſioners ſo to be aſſembled ſhall accordingly give Judgement for ſuch Purchaſe Money, Rent, or Recompence, as ſhall be aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgement to be thereupon pronounced as aforeſaid, ſhall be binding and concluſive to all Intents and Purpoſes againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever.

Penalty upon Sheriffs, Jurymen, and Witneſſes making Default.

XXXIX. And be it further enacted, That if any ſuch Sheriff or his Deputy, or any ſuch Coroner, or other Perſon herein-before authorized and directed to act in the Stead of ſuch Sheriff, ſhall make Default in the Premiſes, he ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; and if any Perſon ſo to be ſummoned and returned upon any ſuch Jury as aforeſaid, ſhall not appear, or appearing ſhall 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 to be ſummoned to give Evidence as aforeſaid ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, then and in ſuch Caſe every Perſon ſo offending, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the Party in whoſe Behalf ſuch Perſon was ſo ſummoned, to be levied, by virtue of any Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering to him or them the Overplus of the Money thereby produced, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, ſhall be deducted.

Jury to be under ſame Regulations as Juries at *Weſtminſter*.

Perſons giving falſe Evidence may be indicted for Perjury.

XL. And be it further enacted, That every ſuch Jury and Juryman, as aforeſaid, ſhall be liable and ſubject to the ſame Regulations, Pains, and Penalties, as if ſuch Jury or Juryman had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts of Record at *Weſtminſter*; and 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 before any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject and liable to the ſame Pains and Penalties as Perſons guilty of wilful and corrupt Perjury are by the Laws in being ſubject and liable to.

Purchaſe Money and Damages may, in certain Caſes, be aſcertained by a Trial at Law.

XLI. Provided always, and be it further enacted, That if the ſaid Company of Proprietors, or any other Perſon or Perſons ſhall refuſe to ſubmit to, or ſhall be diſſatisfied with, any Determination or Determinations of the ſaid Commiſſioners, in any Caſe where the Sum tendered or awarded

awarded ſhall amount to One hundred Pounds or upwards, it ſhall and may be lawful to and for the ſaid Company of Proprietors, or ſuch other Perſon or Perſons, ſo refuſing or being diſſatisfied with ſuch Determination or Determinations as aforeſaid, to try the Matter in Diſpute or Difference by an Action or Actions, or a Feigned Iſſue or Feigned Iſſues, in any of His Majeſty's Courts of Record at *Weſtminſter*, ſuch Iſſue or Iſſues to be ſettled, if the Parties diſagree, by the proper Officer of the Court in which ſuch Action or Actions ſhall be brought, and in every ſuch Action the Party or Parties diſſatisfied ſhall be Plaintiff, and the other Party or Parties ſhall be Defendant; provided that ſuch Action or Actions ſhall be brought within One Month next after ſuch Refuſal to ſubmit, or Notice of Diſſatisfaction, and be tried at the Firſt Aſſizes to be afterwards held in and for the County in which ſuch Matter in Difference or Diſpute ſhall ariſe, in caſe ſuch Refuſal or Notice of Diſſatisfaction ſhall be given or made Ten Weeks previous to ſuch Aſſizes, but in caſe ſuch Refuſal or Notice of Diſſatisfaction ſhall not be given or made Ten Weeks previous to ſuch Aſſizes, then at the Second Aſſizes to be held in and for the ſaid County, after ſuch Refuſal or Notice of Diſſatisfaction.

Lands may be entered before Trial had.

XLII. Provided always, and be it further enacted, That in caſe any Owner or Owners, Occupier or Occupiers, of any Lands, Tenements, or Hereditaments, that may be wanted for the Purpoſes of this Act, ſhall be deſirous of trying any Matter in Diſpute or Difference as aforeſaid, by an Action or Actions on a Feigned Iſſue, in order that the ſaid Company of Proprietors may not be impeded or delayed in the Proſecution of the ſaid Undertaking by ſuch Means, it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Agents, Servants, or Workmen, and they are hereby empowered to enter upon ſuch Lands, Tenements, or Hereditaments reſpectively, and to proceed in making and forming the ſaid Canal and Works, on the ſaid Company of Proprietors entering into and giving Security to the Owner or Owners, or Occupier or Occupiers, of ſuch Lands, Tenements, or Hereditaments, to the Satisfaction of the ſaid Commiſſioners, for the Payment of ſuch Sum or Sums of Money as may be awarded to ſuch Perſon or Perſons reſpectively, by the Jury or Juries to be impannelled for the Trial of ſuch Action or Actions.

Expences of Commiſſioners and Jury; by whom to be borne.

XLIII. And be it further enacted, That where the Determination of the Commiſſioners, to be made as aforeſaid, ſhall be acquieſced in by both Parties concerned, then and in ſuch Caſe, if the Determination ſhall be made for more Money to be paid as a Recompence or Satisfaction for any Lands, Grounds, Hereditaments, or Property, or for any Damage which may be done to any Lands, Grounds, Hereditaments, or Property whatſoever, than ſhall have been previouſly offered or tendered by or on the Behalf of the ſaid Company of Proprietors, or if no ſuch Recompence or Satisfaction ſhall have been offered or tendered by them, or on their Behalf, to the Perſon or Perſons competent to accept and take the ſame, all the Expences of the calling and meeting of ſuch Commiſſioners ſhall be defrayed by the ſaid Company; but if the Determination ſhall not be made for more Money than ſhall have been previouſly offered or tendered by the ſaid Company as aforeſaid, the Expences of calling and meeting of ſuch Commiſſioners, or ſo much thereof as the ſaid Commiſſioners

ſioners ſhall judge reaſonable or proper, ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company ſhall have had ſuch Controverſy or Diſpute; and where either of the Parties concerned ſhall refuſe to ſubmit any ſuch Matter as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination therein, and give immediate Notice of ſuch Diſſatisfaction as aforeſaid, then, and in every ſuch Caſe, if the Verdict of the Jury ſhall be given for more Money to be paid as a Recompence or Satisfaction as aforeſaid, than ſhall have been previouſly offered or tendered by or on the Behalf of the ſaid Company, or determined by the ſaid Commiſſioners, as the Caſe ſhall be, or if no ſuch Recompence or Satisfaction ſhall have been tendered by them, or on their Behalf, to the Perſon or Perſons competent to accept and take the ſame, all the Expences of the calling and meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking the Inqueſt, ſhall be defrayed by the ſaid Company; but if the Verdict of the Jury ſhall not be given for more Money than ſhall have been previouſly offered or tendered by the ſaid Company as aforeſaid, or determined by the ſaid Commiſſioners, as the Caſe ſhall be, the Expences of the calling and meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking the Inqueſt, or ſo much thereof as the ſaid Commiſſioners ſhall judge reaſonable and proper, ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company ſhall have had ſuch Controverſy or Diſpute; and all ſuch Expences as aforeſaid ſhall be ſettled by the ſaid Commiſſioners preſent at ſuch Meetings reſpectively; and in all Caſes where the Whole of ſuch Expences ſhall not be directed by the ſaid Commiſſioners to be paid by ſuch Perſon or Perſons as aforeſaid, the Remainder ſhall be paid by the ſaid Company of Proprietors; and the Expences which are hereinbefore directed to be paid by the Perſon or Perſons with whom the ſaid Company ſhall have had any Controverſy or Diſpute, ſhall and may be deducted out of the Money to be determined or adjudged to be paid to ſuch Perſon or Perſons as aforeſaid, as ſo much Money advanced to and for his, her, or their Uſe, and the Payment, or Tender of the Remainder of the Money ſo to be determined or adjudged, ſhall be deemed and taken to all Intents and Purpoſes whatſoever, to be a good Payment or Tender in Satisfaction of the Whole thereof.

Perſons requeſting a Jury to enter into a Bond to proſecute, &c.

XLIV. And be it further enacted, That all and every Perſon and Perſons with whom the ſaid Company ſhall have ſuch Controverſy or Diſpute as aforeſaid, and who ſhall refuſe to ſubmit any ſuch Matter as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination thereof, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury, firſt enter into a Bond to the Treaſurer or Treaſurers to the ſaid Company for the Time being, in the Penalty of Fifty Pounds, or in ſuch other Penalty as the ſaid Commiſſioners ſhall appoint, not exceeding the Sum of One hundred Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Expences of the calling and meeting of ſuch Commiſſioners, of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe ſuch Coſts and Expences ſhall fall upon him, her, or them, to be paid, according to the true Intent and Meaning of the Clauſe next herein-before contained.

XLV. And

XLV. And be it further enacted, That the ſaid Commiſſioners, or any of them, ſhall not be obliged by virtue of this Act 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 as aforeſaid, unleſs Application ſhall have been made in relation thereto by or on Behalf of ſuch Perſon or Perſons to the ſaid Company of Proprietors, or to their principal Clerk, Treaſurer or Treaſurers, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Notice of Injury or Damage to be given to the Company before Complaint made to the Commiſſioners.

XLVI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors, for all the Tythes, both Great and Small, of the Lands which ſhall or may be taken or made uſe of by the ſaid Company for the Purpoſes and in purſuance of the Powers of this Act, to the reſpective Perſons entitled, or who would have been entitled to ſuch Tythes in caſe ſuch Lands had not been ſo taken or made uſe of, according to their reſpective Intereſts therein; ſuch Tythes to be eſtimated at the Average Value of Four Years, commencing at *Michaelmas-day* One thouſand ſeven hundred and eighty-nine, ſuch Average Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be aſcertained: Provided always, that the Recompence and Satisfaction to be given by virtue of this Act for all the Glebe Lands and Tythes belonging to Spiritual Perſons ſhall be made to ſuch Perſons by an Annual Rent.

What Satisfaction to be made for Tythes.

XLVII. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book to be kept for that Purpoſe by their Clerk or Clerks, which Book ſhall be provided at the Expence of the ſaid Company of Proprietors, and ſhall be open at all ſeaſonable Times for the Inſpection of any Perſon or Perſons intereſted in the ſaid Proceedings, without Fee or Reward; and ſuch Entries, being ſigned by ſuch Number of the ſaid Commiſſioners as are empowered by this Act to make ſuch Orders, or carry on ſuch Proceedings reſpectively, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence in all Courts whatſoever; and that the ſaid Commiſſioners ſhall appoint ſuch One out of Five Perſons to be nominated for that Purpoſe by the ſaid Company of Proprietors, or their Committee of Management, as they the ſaid Commiſſioners ſhall think proper to be the Clerk to the ſaid Commiſſioners appointed by this Act, and that the ſaid Commiſſioners ſhall and may from Time to Time remove any ſuch Clerk, and on ſuch Removal, or in caſe any ſuch Clerk ſhall die or quit the ſaid Employment, the Committee of Management of the ſaid Company ſhall, within the Space of Fourteen Days after Notice in Writing for that Purpoſe, to be given by any Three or more of the ſaid Commiſſioners to the principal Clerk to the ſaid Company, nominate Five other Perſons, and give Notice thereof unto the ſaid Commiſſioners from whom ſuch Notice in Writing ſhall be received, and the ſaid Commiſſioners ſhall and may appoint One of the ſaid Five laſt-mentioned Perſons to be the Clerk to the ſaid

Proceedings of the Commiſſioners to be entered in a Book.

Clerk to Commiſſioners how to be appointed.

Commiſſioners; and every ſuch Clerk ſhall be paid for his Care, Expence, and Trouble, in the Execution of his Office, by the ſaid Company of Proprietors.

On Payment of Purchaſe Money, or giving Security for Payment of the Annual Rent fixed for Purchaſe of Lands, the Company may enter and proceed with their Works.

XLVIII. And be it further enacted, That, upon Payment of ſuch Sum or Sums of Money in Groſs, or giving Security, which ſhall be approved of by the Commiſſioners for the Payment of ſuch Annual Rent or Rents as ſhall be ſo contracted and agreed for between the Parties, or determined and adjuſted by the ſaid Commiſſioners, or aſſeſſed by a Jury as aforeſaid, for the Purchaſe of any ſuch Lands, Grounds, Tenements, or Hereditaments as aforeſaid, to the Owner or Owners thereof, or other Perſon or Perſons entitled to receive ſuch Money or Rent reſpectively, or upon legal Tender of ſuch Money, or Tender of ſuch Security reſpectively to ſuch Owner or Owners, or other Perſon or Perſons, or to the principal Officer or Officers of any Body Politick, Corporate, or Collegiate, at any Time after ſuch Money or Rent ſhall have been ſo agreed for, determined, or aſſeſſed, or if ſuch Owners or other Perſons cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money, or the Security for ſuch Rent, or in caſe it doth not appear to whom the ſame ought to be paid or given, then upon Payment or Delivery thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners, or the major Part of them, ſhall by Writing under their Hands appoint, for the Uſe of, and to be paid or delivered upon Demand, without Fee or Reward, to ſuch Owners or Perſons reſpectively as aforeſaid, then, and in ſuch Caſe, but not before, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Servants, and Workmen, immediately to enter into and upon ſuch Lands, Grounds, Tenements, or Hereditaments reſpectively, and to dig, cut, trench, ſough, and remove Earth, Stones, Rubbiſh, Trees, Roots of Trees, and other Obſtructions, and do all other Matters and Things neceſſary and proper for the making, uſing, maintaining, and repairing, of the ſaid Canal and Cuts reſpectively, and the Towing Paths on the Sides thereof, and other the Works and Conveniencies aforeſaid, in or upon ſuch Lands, Grounds, Tenements, or Hereditaments reſpectively, and thereupon to make, erect, carry on, complete, repair, and maintain, the ſaid Canal, Cuts, Towing Paths, and other Works and Conveniencies reſpectively, as they the ſaid Company of Proprietors ſhall think fit, and to have, uſe, and enjoy ſuch Lands, Grounds, Tenements, or Hereditaments reſpectively, to and for their own Uſe and Benefit, for the Purpoſes of the ſaid Canal and Cuts reſpectively, and other Works.

Determinations of Commiſſioners and Verdicts of Juries to be recorded, and thereupon the Lands purchaſed to veſt abſolutely in the Company.

XLIX. And be it further enacted, That all Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the Verdicts of the Juries, and the Judgements of the ſaid Commiſſioners thereon as aforeſaid, ſhall, with all convenient Speed, be tranſmitted to, and ſhall be kept by, the Clerk of the Peace for the County or Counties in which the Lands or Hereditaments are ſituated, reſpecting which ſuch Determinations, Verdicts, and Judgements reſpectively, ſhall be made or given, amongſt the Records of the Quarter Seſſions of ſuch County, and ſhall be deemed Records to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have free Liberty to inſpect the ſame, paying for each Inſpection the Sum of One Shilling, and

and alſo to take Copies thereof, paying for each Copy after the Rate of Sixpence for every Two hundred Words; and that immediately after the Payment of ſuch Sum or Sums of Money in Groſs, or the Delivery of ſuch Security for the Payment of ſuch Annual Rent or Rents as aforeſaid, and after ſuch Determinations, Verdicts, and Judgements, of ſuch Commiſſioners and Juries ſhall be tranſmitted to ſuch Clerk of the Peace as aforeſaid, the Lands, Tenements, Grounds, or Hereditaments, ſo purchaſed, and concerning which ſuch Determinations, Verdicts, and Judgements, ſhall be made and given as aforeſaid, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, at Law or in Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured as aforeſaid, in, to, and out of the ſame, and alſo the Fee Simple and Inheritance thereof, ſhall veſt in the ſaid Company of Proprietors, and they ſhall be deemed in Law to be in the actual Poſſeſſion and Seiſin thereof, to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate or Intereſt therein had actually conveyed the ſame to them by any legal Conveyance whatſoever; and ſuch Payment or Security ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to or for whoſe Uſe the ſame ſhall be made or given, but alſo ſhall bar the Dower of the Wife of every ſuch Perſon reſpectively, and all Eſtates Tail, and other Eſtates and Intereſts in Poſſeſſion, Remainder, or otherwiſe, againſt the Iſſue of ſuch Perſon or Perſons, and againſt all Infants, Femes Coverr, and all and every other Perſon and Perſons whomſoever having or claiming any Right, Title, Eſtate, or Intereſt therein, either in Law or Equity.

Purchaſe Money of Lands in certain Caſes to be laid out in other Lands, to be ſettled to ſame Uſes;

L. 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 the Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict Settlement, for the Purchaſe of, or for the Damage to be done to any Lands, Grounds, Tenements, or Hereditaments, for the Purpoſes or by virtue of this Act, (except in ſuch Caſes where Annual Rents ſhall be made payable as aforeſaid), in caſe the ſame ſhall exceed the Sum of Twenty Pounds, ſhall be laid out as ſoon as conveniently may be by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or Committees, or other Truſtees, Perſon or Perſons as aforeſaid, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, which ſhall be conveyed to, or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or ſuch other Perſon or Perſons as aforeſaid, and for ſuch Eſtates, and to, for, upon, and ſubject to, ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands, Grounds, Tenements, or Hereditaments, for or in reſpect whereof ſuch Monies ſhall be paid, were limited, ſettled, and aſſured, to, for, upon, and ſubject to, at the Time ſuch Monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or to, for, upon, and ſubject to, ſuch and ſo many of them as ſhall be then exiſting or capable of taking Effect; ſuch Conveyances and Settlements reſpectively, and all Matters and Things relating to ſuch Purchaſe or Purchaſes,

and till laid out in Lands to be placed out at Intereſt.

chaſes, to be made and done at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies, and alſo ſuch other Sum or Sums of Money to be paid for any ſuch Purchaſe or Damages as aforeſaid, as ſhall not amount to the Sum of Twenty Pounds, ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons as aforeſaid, in ſome of the Publick Stocks or Funds, or on Government or Real Securities, producing an Annual Intereſt, in the Names of Two or more Perſons to be nominated by the Party or Parties intereſted therein, and to be approved of by the ſaid Commiſſioners; and the Intereſt ariſing or to be produced from ſuch Stocks, Funds, or Securities, and alſo the Annual Rent or Rents to be paid for the Purchaſe of, or Damage done to ſuch Lands, Grounds, Tenements, or Hereditaments, for the Purchaſe or Damage whereof a Rent or Rents ſhall have been fixed upon as aforeſaid, ſhall from Time to Time go and belong, and be paid to ſuch Perſon or Perſons reſpectively as would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments reſpectively ſo to be purchaſed or damaged by the ſaid Company of Proprietors as aforeſaid, in caſe ſuch Purchaſe or Damage had not been made or done.

The Intereſt of Monies ſo placed out, and the Annual Rents to be paid for Lands, to go to the Perſons entitled to the Rents of the Lands purchaſed by the Company.

Commiſſioners to ſettle Proportions of Purchaſe Money where different Intereſts.

LI. And be it further enacted, That the ſaid Commiſſioners ſhall and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Money or Compenſation for Damages which ſhall be ſo agreed for, determined, and adjuſted, or aſſeſſed in Manner as aforeſaid, ſhall be allowed to any Tenant or other Perſon or Perſons having a particular Eſtate, Term, or Intereſt in the Premiſes, for ſuch his, her, or their Intereſt or reſpective Intereſts therein.

The Company may pay Purchaſe Monies to Mortgagees of the Lands purchaſed, if required.

LII. Provided always, and be it further enacted, That in caſe any Lands, Tenements, or Hereditaments to be taken and uſed by the ſaid Company of Proprietors for the Purpoſes or purſuant to the Directions of this Act, ſhall happen to be in Mortgage to any Perſon or Perſons, then it ſhall be lawful for the ſaid Company of Proprietors, upon Application being made to them by the Mortgagee or Mortgagees thereof, his, her, or their Executors or Adminiſtrators for that Purpoſe, to pay ſuch Sum or Sums of Money as ſhall have been ſo agreed for, adjuſted, or aſſeſſed as aforeſaid, for the Purchaſe of, or for the Damage done to ſuch Lands, Tenements, or Hereditaments in Mortgage, or the Reſidue of ſuch Sum or Sums, after ſuch Allowance and Payment thereout to any Leſſee or Tenant as aforeſaid, unto ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators, in Part Diſcharge and Satisfaction of the Principal Money due on ſuch Mortgage; Provided always, that upon Receipt of ſuch Sum or Sums, ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, ſhall acknowledge the Receipt thereof by an Indorſement to be made upon the Back of ſuch Mortgage or Mortgages, and to be ſigned by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, in the Preſence of One or more credible Witneſs or Witneſſes, in Satisfaction of ſo much of the Principal Money and Intereſt due upon ſuch Mortgage or Mortgages.

LIII. And

LIII. And be it further enacted, That in Default or Refuſal of Payment by the ſaid Company of Proprietors of ſuch Sum or Sums of Money, and at ſuch Times and in ſuch Manner as ſhall be agreed upon, awarded, or aſſeſſed, as herein-before is mentioned, as a Recompence for any Damages to be done in Exerciſe of the Powers hereby given, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Perſon or Perſons (from whom the ſaid Commiſſioners ſo aſſembled ſhall take a proper Security) to collect and receive the Tolls, Rates, and Duties, by this Act impoſed, or any of them, and thereout in the Firſt Place to pay all ſuch Damages ſo to be agreed upon, awarded, or aſſeſſed as aforeſaid, and the Coſts (if any) occaſioned by ſuch Default or Refuſal of Payment thereof, together with legal Intereſt for the ſame, to be computed from the Time ſuch Damages ſhall be agreed upon, awarded, or aſſeſſed, and alſo the Coſts and Expences of collecting and receiving the ſaid Tolls, Rates, or Duties, and the Perſon or Perſons ſo to be appointed ſhall be deemed a Collector or Collectors of the ſaid Tolls, Rates, and Duties, and ſhall have ſuch and the ſame Powers for collecting the ſame, as if he or they had been appointed for that Purpoſe by the ſaid Company of Proprietors, and the Money ſo to be collected and received by ſuch Perſon or Perſons ſhall be, and is hereby declared to be, as ſo much Money received to and for the Uſe of the Perſon or Perſons who ſhall be entitled to receive ſuch Satisfaction for Damages as aforeſaid, in Order and Courſe reſpectively as ſuch Agreement, Award, or Aſſeſſment, ſhall be in Priority of Time; and after ſuch Damages, Intereſt, and Coſts, ſhall be paid and ſatisfied, the Power and Authority of ſuch Collector or Collectors for the Purpoſes aforeſaid ſhall ceaſe and determine; or otherwiſe, the Party or Parties ſo aggrieved ſhall and may recover ſuch Sum and Sums of Money ſo to be agreed upon, awarded, or aſſeſſed, and which ſhall not be paid as aforeſaid, together with Intereſt and Coſts for the ſame, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the ſaid Company of Proprietors, with full Coſts of Suit; or otherwiſe, it ſhall be lawful for the ſaid Commiſſioners, in caſe ſuch Damages, Intereſt, and Coſts, ſhall not be ſatisfied and paid within the Space of Four Calendar Months after ſuch Damages ſhall be ſo agreed upon, awarded, or aſſeſſed as aforeſaid, on Complaint to them by or on the Behalf of the Perſon or Perſons ſuſtaining ſuch Damages, to iſſue their Warrant under their Hands and Seals to the Sheriff of the County wherein ſuch Damages ſhall be occaſioned, authorizing and requiring him to levy and raiſe ſuch Damages, Intereſts, and Coſts as aforeſaid, by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, together with ſuch reaſonable Charges as the ſaid Commiſſioners ſhall in ſuch Warrant direct and appoint.

Monies to be paid for Damage of any Kind how to be recovered.

LIV. And be it further enacted, That all and every ſuch Annual Rent and Rents as ſhall be agreed on, or ſettled and aſcertained to be paid for any Lands, Grounds, or Hereditaments, or for the Tythes of any Lands, Grounds, or Hereditaments, which ſhall or may be taken for the Purpoſes or purſuant to the Directions of this Act as aforeſaid, ſhall be charged on the Tolls, Rates, or Duties herein-after granted to the ſaid Company of Proprietors, and ſhall be paid by the ſaid Company of Proprietors as the ſame ſhall become due and payable; and in caſe any ſuch

Annual Rents to be paid for Lands, charged on the Toll and Rates, with Powers for recovering the ſame.

Annual Rent or Rents, or any Part thereof, ſhall be in Arrear and unpaid for the Space of Twenty-one Days next after the ſame ſhall reſpectively become due and payable, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Perſon or Perſons, to collect and receive the ſaid Tolls, Rates, or Duties, and to pay the ſame to the Perſon or Perſons to whom ſuch Annual Rent or Rents ſo in Arrear ſhall be due, they the ſaid Commiſſioners taking ſuch Security from every ſuch Collector, for the due and faithful Execution of his Office, as they ſhall judge proper and ſufficient, and the Perſon or Perſons ſo to be appointed ſhall be deemed a Collector or Collectors of the ſaid Tolls, Rates, and Duties, and ſhall have ſuch and the ſame Powers for collecting the ſame as if he or they had been appointed for that Purpoſe by the ſaid Company of Proprietors, and the Power and Authority of every ſuch Collector ſhall continue until ſuch Annual Rent or Rents ſo in Arrear, with the Coſts and Charges of recovering and receiving the ſaid Tolls, Rates, or Duties, ſhall be fully ſatisfied and paid, or the Perſon or Perſons to whom ſuch Annual Rent or Rents ſhall be due, ſhall and may ſue for and recover the ſame, with Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*; or otherwiſe, it ſhall be lawful for ſuch Perſon or Perſons, and he and they is and are hereby empowered to ſeize and diſtrain any Boats, Barges, or Veſſels, or other Goods and Effects of the ſaid Company of Proprietors, which ſhall be found on the ſaid Canal or Cuts reſpectively, or in, upon, or about the Wharfs, Quays, Warehouſes, or other Works belonging to the ſaid Company of Proprietors, and to detain the ſame until Payment of ſuch Rent or Rents, together with the reaſonable Charges attending ſuch Diſtreſs, and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the ſame ſhall be taken, and Notice thereof given in Writing, by affixing ſuch Notice on ſome publick Place at any of the Wharfs, Quays, or Toll Houſes, belonging to the ſaid Company of Proprietors, then ſuch Boats, Barges, or Veſſels, or other Goods or Effects ſo diſtrained, ſhall and may be appraiſed and ſold in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent.

One or more of the Remedies given for recovering of Annual Rents and Sums for Damages may be uſed.

LV. Provided always, and be it further enacted, That the Perſon or Perſons to whom ſuch Annual Rent or Rents, or ſuch Sum or Sums of Money for Damages ſhall be payable as aforeſaid, ſhall and may, for the Recovery thereof, uſe all or any One or more of the Remedies by this Act given or provided for the Recovery of the ſame.

Millers to put up or down Cloughs when required by the Company.

LVI. And be it further enacted, That if any Miller or Owner or Occupier of any Mill or Mills, ſhall at any Time or Times whilſt the ſaid Canal and Cuts reſpectively are making or neceſſarily repairing, neglect or refuſe, for the Space of Twenty-four Hours after Notice ſhall be given by the ſaid Company of Proprietors, or their Committee of Management, or by any Clerk or Agent to the ſaid Company of Proprietors, either to draw and keep up or open, or to ſhut or put down, and keep ſhut or put down, any Clough or Cloughs, or any Sluice or Sluices belonging to ſuch Mill or Mills, and which ſhall be thought neceſſary in the Judgement of any Engineer to the ſaid Company of Proprietors to be opened or ſhut, and kept opened or ſhut reſpectively, for the better making or repairing of the ſaid Canal and Cuts reſpectively, and the Works

Works neceſſary for that Purpoſe, every Perſon ſo offending, and being thereof lawfully convicted, ſhall for every ſuch Offence forfeit and pay the Sum of Ten Pounds; and if the Miller, or Owner or Occupier of any ſuch Mill or Mills, ſhall not think the Satisfaction which may be tendered to him or them by or on the Behalf of the ſaid Company of Proprietors a ſufficient Recompence and Satisfaction for the Stoppage or Hindrance of working of ſuch Mill or Mills, by Means of ſuch drawing up or opening, or putting down or ſhutting, of any Clough or Cloughs, Sluice or Sluices belonging thereto, then and in ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, on Complaint to them made by any ſuch Miller, Owner, or Occupier, to ſettle and aſcertain the Damages ſuſtained by him, and the Recompence to be made for the ſame, or to cauſe ſuch Damages and Recompence to be ſettled and aſcertained by a Jury, in ſuch and the like Manner as other Damages are by this Act directed to be aſcertained.

If Miller be not ſatisfied with Recompence offered by the Company, Commiſſioners to determine the ſame.

LVII. And be it further enacted, That if the Owner or Proprietor of any Water Mill or Water Mills now being upon any Part of the Rivers, Streams, or Brooks of Water, which ſhall be taken, uſed, or diverted, for the Purpoſes of the ſaid intended Navigation, whoſe Mill or Mills may be injured thereby, ſhall chuſe to ſell and diſpoſe of the ſame, and ſhall give Notice in Writing, under his or her Hand, of ſuch his or her Deſire to the ſaid Company of Proprietors, or their principal Clerk, within Twelve Calendar Months next after the ſaid Navigation ſhall be completed, it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required to purchaſe ſuch Mill or Mills, together with the Houſes, Gardens, and Ground, adjoining or belonging thereto, (not exceeding Two Acres of Ground), at the full Worth or Value of the ſame, immediately before the Time of ſuch Injury, either for a Sum of Money in Groſs, or for a Net Annual Rent, at the Option of ſuch Owner or Proprietor, which ſaid Mill or Mills, Houſes, Gardens, and Ground, it ſhall be lawful for the ſaid Company of Proprietors to work and uſe from Time to Time as they may think proper; and if any Diſpute ſhall ariſe about the Price or Rent to be paid for any ſuch Mill or Mills, with the Houſes, Gardens, and Ground thereto belonging, the ſame ſhall be ſettled by the ſaid Commiſſioners, or a Jury, in ſuch or the like Manner as the Value of any other Lands, Grounds, or Hereditaments, to be taken and purchaſed by the ſaid Company, is herein-before directed to be ſettled and aſcertained.

Mills injured by the Navigation to be purchaſed by the Company, if ſo required by the Owners.

LVIII. Provided alſo, and be it further enacted, That no Water ſhall be taken out of the River *Avon*, or out of any Streams, Springs, or Watercourſes, running into or ſupplying the ſame, until the ſaid Company of Proprietors ſhall at their own Expence ſo improve the Conſtruction of the Mills on the ſaid River, as that the ſaid Mills ſhall perform as much Work, and be as uſeful in every Reſpect to the reſpective Proprietors thereof, as they could do, and were, previouſly to the paſſing of this Act, or as near thereto as poſſible, and that if the ſame cannot be ſo fully improved as is hereby intended, the ſaid Commiſſioners, or Jury, or Arbitrators, as the Caſe may be, who are hereby empowered to aſcertain the Amount of Damages and Injury which may be done to Property by the Execution of this Act, ſhall, in eſtimating any Injury done

Protection of the Mills on the *Avon*.

done to such Mills, have Regard to the Nature of the Manufactures connected with the said Mills, and dependant thereon.

Amount of Purchase Money and Damages may be referred to Arbitrators.

LIX. Provided always, and be it further enacted, That if the Owner or Owners of, or any Person or Persons interested in any Lands or other Hereditaments to be taken or purchased by the said Company of Proprietors, or damaged, injured, or affected, by carrying any of the Powers given by this Act into Execution, shall be desirous of submitting any Difference or Dispute which may arise with respect to the Amount of the Purchase Money for the same, or the Compensation to be made for such Damage, or with Respect to the Number and Sufficiency of any Bridges, Roads, Ways, Drains, and Trenches, or any other Matter or Thing whatsoever, which by this Act is submitted, or liable or intented to be submitted to Commissioners or a Jury, to the Determination and Decision of Arbitrators, to be appointed as herein-after mentioned, rather than to the Determination and Decision of the said Commissioners or a Jury, and shall give Notice in Writing of such Desire to the principal Clerk to the said Company of Proprietors within Twenty-one Days after such Difference or Dispute shall arise, then and in such Case the Grounds of such Difference or Dispute shall, within Twenty-one Days next after such Notice shall be given, be reduced into Writing by the principal Clerk to the said Company, and by such Owner or Owners, or other Person or Persons as aforesaid, or some Person on his, her, or their Behalf, and be submitted and referred to the Hearing and Arbitration of Two indifferent Persons, One of them to be appointed by the Committee of Management to be appointed by virtue of this Act, and the other by such Owner or Owners, or other Person or Persons as aforesaid; and in case such Two indifferent Persons shall not agree in determining the Matter so to be submitted and referred to them as aforesaid, the same shall be submitted and referred to the Hearing and Determination of such One indifferent Person as the said Arbitrators shall, before they proceed to any Enquiry therein, for that Purpose nominate and appoint Umpire in the Premises; and the Award, Order, or Determination therein of the said Arbitrators or Umpire, after a Hearing of all Parties concerned, or some Person on their respective Behalf, and examining such Evidence on both Sides, and using such Means as the said Arbitrators or Umpire shall think proper, shall be binding and conclusive to all Intents and Purposes, as well upon the said Company of Proprietors as upon such Owner or Owners, or other Person or Persons as aforesaid, and all other Persons interested, and shall be observed and acted upon accordingly, as fully, and effectually, in all Respects, and the Compensation which shall be thereby awarded to be made by the said Company of Proprietors shall and may be recovered, and shall go, and be paid, applied, and disposed of, and every other Matter and Thing so to be referred to the said Arbitrators or Umpire, shall be done and performed in such and the same Manner, in all Respects, and the Expences thereof shall be borne and paid in the same Manner, either by the Party or Parties on One Side, or by the Parties on both Sides, to be determined by the said Arbitrators or Umpire, as if the Matter or Matters in Question had been determined by the said Commissioners, or a Jury, pursuant to the Directions in that Behalf herein-before contained, and they had made the same Determination as shall have been made by the said Arbitrators or Umpire; so that Twenty-one DaysNotice in Writing be given to the principal Clerk to the

the ſaid Company of Proprietors, and to ſuch Owner or Owners, or other Perſon or Perſons intereſted therein as aforeſaid, of the Time or Times to be appointed by the ſaid Arbitrators or Umpire, for hearing the Matter ſo to be referred to them as aforeſaid, and ſo that the Award of ſuch Arbitrators be made, or a Duplicate thereof, in Writing, under their Hands and Seals, and ready to be delivered to the principal Clerk to the ſaid Company of Proprietors, and ſuch Owner or Owners, or other Perſon or Perſons intereſted as aforeſaid, or ſuch of them reſpectively as ſhall require the ſame, within Two Calendar Months next after ſuch Matter ſhall have been ſo ſubmitted or referred to them; and ſo that the Award of ſuch Umpire (if any) ſhall be made, or a Duplicate thereof, in Writing, under his Hand and Seal, and ready to be delivered as aforeſaid, within Three Calendar Months next after ſuch Submiſſion to the ſaid Arbitrators as aforeſaid; but if ſuch Award of the ſaid Arbitrators or Umpire, as the Caſe may be, ſhall not be ready to be delivered within the reſpective Times aforeſaid, then the Difference or Diſpute, concerning which ſuch Reference ſhall have been made, ſhall be ſettled and determined by the ſaid Commiſſioners, or a Jury, in ſuch and the ſame Manner as it would have been in caſe no Proviſion had been herein contained for ſubmitting the ſame to ſuch Arbitrators or Umpire as aforeſaid.

Amount of Purchaſe Money and Damages of Property in certain Pariſhes may be referred to Mr. *Davis* of *Longleate*.

LX. Provided alſo, and be it further enacted, That if the Owner or Owners of, or any Perſon or Perſons intereſted in any Lands, Meadows, Grounds, Mills, Tenements, Waters, Watercourſes, or Hereditaments, to be purchaſed or taken by the ſaid Company of Proprietors, or which ſhall in anywiſe be damaged or injured by virtue or in Execution of this Act, by the making or maintaining that Part of the ſaid Canal which, by virtue of this Act, is intended to be made in or between the Pariſhes of *Burbage* and *Saint John the Baptiſt*, in *Devizes*, ſhall be deſirous of ſubmitting the Amount or Value of the Purchaſe Money or Compenſation to be made for any ſuch Lands, Meadows, Grounds, Mills, Tenements, Waters, Watercourſes, or Hereditaments, or for any Damage to be done to the ſame, or any Part thereof, or the Number and Sufficiency of any Bridges, Roads, Ways, Drains, and Trenches, or any other Matter or Thing whatſoever, which by this Act is ſubmitted, or intended to be ſubmitted, to the Determination and Deciſion of Commiſſioners, or a Jury, or Arbitrators, to be appointed as herein-before mentioned, to the Determination and Deciſion of Mr. *Thomas Davis* of *Longleate*, in the County of *Wilts*, inſtead of the ſaid Commiſſioners, Jury, or Arbitrators, and ſhall by Notice in Writing ſignify ſuch his, her, or their Deſire to the principal Clerk to the ſaid Company of Proprietors concerning the ſame, then and in every ſuch Caſe the Matter in Queſtion ſhall, within Twenty-one Days next after ſuch Notice ſhall be given, be reduced into Writing, not only by the principal Clerk to the ſaid Company, but alſo by ſuch Owner or Owners, or other Perſon or Perſons as aforeſaid, or ſome Perſon or Perſons on his, her, or their Behalf, and ſhall be ſubmitted and referred to the Determination and Deciſion of the ſaid *Thomas Davis*, and his Award or Determination therein, under his Hand and Seal, (after hearing the Parties concerned, or ſome Perſon on their Behalf, and examining ſuch Evidence, and uſing ſuch Means as he ſhall think proper), ſhall be final, and binding, and concluſive, to all Intents and Purpoſes, as well upon the ſaid Company of

Proprietors, as upon all other Perſons intereſted; and ſhall be obſerved and acted upon accordingly, as fully and effectually, in all Reſpects, and the Compenſation which ſhall be thereby awarded to be made by the ſaid Company of Proprietors ſhall and may be recovered, and ſhall go, and be paid, applied, and diſpoſed of, and every other Matter and Thing ſo to be referred to the ſaid *Thomas Davis* ſhall be done and performed in ſuch and the ſame Manner, in all Reſpects, as if the Matter or Matters in queſtion had been determined by the ſaid Commiſſioners, Jury, or Arbitrators, purſuant to the Directions in that Behalf herein-before mentioned; and all the Coſts, Charges, and Expences, of the ſaid *Thomas Davis* ſhall be paid and defrayed by the ſaid Company of Proprietors: Provided nevertheleſs, that if the Award and Determination of the ſaid *Thomas Davis*, touching any Matter to be referred to him as aforeſaid, ſhall not be made ready to be delivered to the Parties concerned, or ſuch of them as ſhall require the ſame, within Three Months after ſuch Reference to him ſhall be made, then the Amount or Value of ſuch Compenſation, and every ſuch Matter as ſhall be referred to him, ſhall be ſettled and determined by the ſaid Commiſſioners, Jury, or Arbitrators, as aforeſaid, in ſuch and the ſame Manner as if no ſuch Deſire of ſubmitting the ſame to the Determination of the ſaid *Thomas Davis* as aforeſaid had been ſignified.

Canal and Works to be made in Mrs. *Wroughton's* Eſtate, as directed by *Thomas Stanley* Eſquire.

LXI. Provided always, and be it further enacted, That in carrying the ſaid Canal through the Eſtate of *Suſannah Wroughton*, in the Pariſh of *Wilcot*, in the County of *Wilts*, Widow, the ſaid Company of Proprietors ſhall purſue ſuch Line or Courſe for the ſame, and ſhall make or cut the ſaid Canal, and the Towing Paths thereto, and raiſe and ſlope the Banks on the Sides thereof, and erect and make ſuch and ſo many Bridges acroſs the ſame, and of ſuch Structure and Dimenſions, for the better and more convenient Occupation of the Lands to be left on each Side of the ſaid Canal, and ſhall do and perform all other Matters and Things whatſoever, in or about, or in anywiſe neceſſary or relating to the making of the ſaid Canal through the ſame Eſtate, in purſuance of the Powers given by this Act, in ſuch Order, Courſe, and Manner, in all Reſpects, as *Thomas Stanley* Eſquire, of *Crop Hall*, in the County Palatine of *Lancaſter*, ſhall, by any Inſtrument in Writing, under his Hand and Seal, atteſted by One or more Witneſs or Witneſſes, award and direct, ſo that ſuch Award be made and be delivered to the principal Clerk to the ſaid Company of Proprietors, within Six Weeks after ſuch principal Clerk, on Behalf of the ſaid Company, ſhall have applied for and demanded the ſame, by Notice in Writing to be given to the ſaid *Suſannah Wroughton*, her Heirs or Aſſigns, or left at her or their uſual or laſt Place of Abode; and ſo that the ſaid *Thomas Stanley* do not direct the ſaid Company of Proprietors to purſue ſuch Courſe at any greater Diſtance than Eight hundred Yards from the Front of the Manſion Houſe, meaſured in a direct Line through the Avenue there; and that the ſaid Company of Proprietors ſhall not in any Manner proceed to make the ſaid Canal through the ſaid Eſtate of the ſaid *Suſannah Wroughton*, or any Part thereof, without having firſt applied for and demanded, in Manner aforeſaid, the Award of the ſaid *Thomas Stanley* touching the Manner of their proceeding relative thereto, in caſe ſuch Award ſhall not have been delivered to their principal Clerk without ſuch

such Demand; but if such Award shall not be delivered to the principal Clerk to the said Company of Proprietors within Six Weeks after the same shall be demanded in the Manner aforesaid, then the said Company of Proprietors shall be at Liberty to proceed in making the said Canal through the said Estate of the said *Susannah Wroughton*, in such and the same Manner as they might have done under the general Powers and Directions of this Act, in case no particular Clause or Directions had been herein contained respecting the same.

Land of Mr. *Bythesea* to be taken as shall be directed by certain References.

LXII. Provided always, and be it enacted, That nothing in this Act shall extend, or be construed to extend, to empower the said Company of Proprietors to take or use any Part of the Ground or Premises of *Henry Bythesea* Esquire, of *Trowbridge*, except in such Manner, and upon such Terms, as shall be awarded or specified in any Award to be made between the said Company of Proprietors and the said *Henry Bythesea*, by Sir *Benjamin Hammet* of *Lombard Street*, in the City of *London*, Knight, and *John Rennie* of *Stamford Street*, *Blackfryars Road*, in the County of *Surrey*, Esquire; so that such Award be made and executed, and ready to be delivered to the principal Clerk to the said Company, and to the said *Henry Bythesea*, within One Calendar Month after the passing of this Act.

Towing Paths, &c. to be fenced off from adjoining Lands.

LXIII. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canal and Cuts respectively, and the several Trenches, Feeders, and Aqueducts, to be made by virtue of this Act, or such and so many or such Part or Parts of such Trenches, Feeders, and Aqueducts respectively, (in case of any Dispute about the same), as shall by the said Commissioners be thought necessary to be divided and separated from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders, and Aqueducts respectively, with good and sufficient Posts, Rails, Hedges, Ditches, or other Fences, to be set or made on the Lands or Grounds which shall be purchased by, or conveyed to or vested in the said Company of Proprietors as aforesaid, and shall from Time to Time repair, maintain, and support, the said Towing Paths, Posts, Rails, Hedges, Ditches, and Fences, so to be made or set up as aforesaid; and the said Company of Proprietors shall also, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain, support, and keep in good Repair, such and so many convenient Gates and Stiles upon and across the said Towing Paths, and in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid; and also such good and sufficient Fences round the Shafts of Pits that shall be made in any Tunnel or Tunnels of the said Canal; and also such and so many convenient Bridges, Arches, Culverts, Passages, and Roads over, under, or by the Side of, the said Canal and Cuts respectively, and the Feeders, Trenches, and Watercourses, communicating therewith respectively, at such Places, and of such Dimensions, and in such Manner, as the said Commissioners shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same) for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments, adjoining to such Canal and Collateral Cuts, Trenches,

Gates and Stiles to be erected on Towing Paths, &c.;

and Bridges, &c. to be erected by the Company.

Trenches, Feeders, Watercourſes, and Towing Paths reſpectively, and of all Perſons who now have or may hereafter have a Right of Way over or through the Lands or Grounds which ſhall be uſed for making the ſaid Canal and Cuts, Trenches, Feeders, Watercourſes, and Towing Paths, or any of them reſpectively; and that the ſaid Company of Proprietors ſhall not make or carry the ſaid Canal or Cuts, or any Feeder, Trench, or Watercourſe, in or acroſs any Common Highway, publick or Bridle Way or Foot Path, until ſuch Time as they ſhall, at their own proper Charges, have made and perfected ſuch Bridge or Bridges, Arch or Arches, or other convenient Paſſages, over or under the Places where the ſaid Canal and Cuts, Feeders, Trenches, or Watercourſes reſpectively ſhall be intended to be made or carried, and of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall adjudge proper, in caſe of any Diſpute about the ſame; and in caſe it ſhall be found neceſſary for the Purpoſes of the ſaid Navigation to alter or widen any Arch or Arches already exiſting, the ſame ſhall be done at the Expence of the ſaid Company of Proprietors, but ſuch Arch or Arches ſhall always afterwards be repaired and ſupported at the joint and equal Expence of the ſaid Company of Proprietors, and of the Perſon or Perſons who would have been liable to repair the ſame in caſe the ſame had not been ſo altered or widened.

Directions for rebuilding *Newbury Bridge*, if taken down.

LXIV. Provided always, and be it further enacted, That in caſe the ſaid Company of Proprietors ſhall find it neceſſary to take down, alter, or widen, the preſent Brick and Stone Bridge which croſſes the Line of the ſaid Canal at or near the Centre of the Town of *Newbury*, then and in ſuch Caſe the ſaid Company of Proprietors ſhall, at their own Coſts and Charges, within Six Calendar Months next after the ſaid Bridge ſhall be ſo taken down, or be begun to be altered or widened, (but not at any other Time or Seaſon of the Year than between *Lady-day* and *Michaelmas-day*), rebuild the ſame, or ſo much thereof as ſhall be ſo taken down, with good Materials, of the ſame Sort as the preſent Bridge is now compoſed of, and in as good and ſubſtantial a Manner, in all Reſpects, as the ſaid Bridge is now built, and of no greater Height, nor any leſs Breadth between the Stone Balluſtrades, than the preſent Bridge is, and ſhall for Seven Years afterwards ſupport and maintain the ſaid Bridge, or ſo much thereof as ſhall be ſo taken down and rebuilt, in good Repair, except the Road over the ſame; and ſhall and will previous thereto erect a good and ſufficient temporary Bridge, to be uſed whilſt the ſaid new Bridge is in building or remaining unfiniſhed; and in caſe either or any of the Four Turrets or Towers ſtanding at the Corner of or upon the Butments or Foundation of the ſaid Bridge ſhall be taken down or removed by the ſaid Company, an adequate Compenſation ſhall be paid and given for the ſame to the Owners or Proprietors and Occupiers thereof reſpectively, excluſive of the Expence to be incurred in the Rebuilding of the ſaid Bridge, or any Part thereof; and that the Towing Path, if any ſhall be made under the ſaid Bridge, and alſo the ſaid Canal and Works, in the Pariſh of *Newbury*, ſhall be ſo conſtructed as not to pen back or raiſe any Water, to the Injury of the Owners or Occupiers of the Mills near the ſaid Bridge, or the Inhabitants of the ſaid Town of *Newbury*, or any of them; and alſo that the ſaid Company of Proprietors ſhall not, in any

Manner, ſtop up, obſtruct, divert, or turn, the preſent Watercourſes coming from the Streets of *Newbury* into the River *Kennet*, at or near the ſaid Town Bridge.

Company to make certain Bridges in the Eſtate of *Saint John*'s College.

LXV. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, previouſly to their completing the cutting of the ſaid intended Canal through the Eſtate of the ſaid Maſter, Fellows, and Scholars of *Saint John*'s College, *Cambridge*, ſituate in the Pariſh of *Wootton Rivers*, make and erect Two Carriage Bridges, at the leaſt, with raiſed Abutments thereto, acroſs or over ſuch Canal, in ſuch Parts of the ſame Eſtate as the ſaid Maſter, Fellows, and Scholars, ſhall appoint, in caſe the ſaid Maſter, Fellows, and Scholars, ſhall require the ſame; and that the Abutments of ſuch Carriage Bridges ſhall be ſo raiſed, and ſuch Roads made thereto, as to prevent the Aſcent to or Deſcent from ſuch Bridges reſpectively being greater than Three Inches perpendicular to every Yard horizontal, and that ſuch Bridges ſhall for ever afterwards be repaired and kept in Repair by and at the Expence of the ſaid Company.

In caſe of Failure to fence of Towing Paths, and make Bridges, &c. Owners of Lands adjoining may do the ſame at the Company's Expence.

LXVI. And be it further enacted, That in caſe the ſaid Company of Proprietors, or their Agents, ſhall refuſe or neglect to make, erect, and ſet up, ſuch good and ſufficient Poſts, Rails, Hedges, Ditches, or other Fences, for the Purpoſe of ſeparating the ſaid Towing Paths, Trenches, Feeders, and Aqueducts, from the Lands or Grounds adjoining as aforeſaid, or to make, erect, and ſet up, ſuch Gates and Stiles upon and acroſs the ſaid Towing Paths, and in and through the Hedges and Fences to be made on the Sides thereof, and of the ſaid Trenches, Feeders, and Aqueducts as aforeſaid, or ſuch Bridges, Arches, Culverts, Paſſages, and Roads over, under, or by the Side of, the ſaid Canal and Cuts, Feeders, Trenches, and Watercourſes reſpectively as aforeſaid, for the Uſe and Convenience of ſuch Perſons as herein-before mentioned, and of ſuch Dimenſions, and in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time direct and appoint, (in caſe there ſhall be any Diſpute about the ſame), or to repair, maintain, and ſupport ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, or any of them, after the ſame ſhall be made, erected, and ſet up as aforeſaid, for the Space of Three Calendar Months next after the Times to be appointed for thoſe Purpoſes reſpectively by the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall be lawful for every or any of the Owners or Occupiers of the adjacent Lands or Grounds, and every other Perſon and Perſons who ſhall find himſelf, herſelf, or themſelves aggrieved by any ſuch Refuſal or Neglect, to make, erect, and ſet up, ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, as are herein-before directed or appointed to be made, erected, and ſet up, by the ſaid Company of Proprietors as aforeſaid, or to repair, maintain, and ſupport ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, or any of them, from Time to Time, as Occaſion ſhall require, ſo that in making, maintaining, or repairing the ſame reſpectively, the ſaid Canal and Cuts, or the Banks thereof, or any Feeders or Aqueducts belonging thereto, ſhall not be ſtopped or injured for any longer Space of Time, or in any other Manner, than ſhall be neceſſary for the doing thereof; and

all the reaſonable Coſts and Charges thereof (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be repaid to the Perſon or Perſons who ſhall have expended, incurred, or ſuſtained the ſame, by the ſaid Company of Proprietors, within the Space of Twenty Days next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand thereof ſhall have been delivered and made to and from the principal Clerk to the ſaid Company for the Time being; and in Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, 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, which ſhall be found in or upon the ſaid Canal and Cuts, or the Wharfs, Quays, or Warehouſes, belonging to the ſaid Company, to and for the Uſe of the Perſon and Perſons who ſhall have incurred or ſuſtained ſuch Coſts and Charges, rendering to the ſaid Company of Proprietors, or to ſome or One of their Agents or Collectors, the Overplus (if any) after deducting the reaſonable Charges and Expences of making ſuch Diſtreſs and Sale, to be ſettled alſo by the ſaid Commiſſioners; or otherwiſe, the Perſon or Perſons who ſhall have expended, incurred, or ſuſtained, ſuch Coſts and Charges, ſhall and may ſue for and recover the ſame againſt the ſaid Company of Proprietors by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

The Company to make proper Watering Places for Cattle;

LXVII. And be it further enacted, That the ſaid Company of Proprietors ſhall alſo, at their own Coſts and Charges, make, maintain, and ſupport, ſuch proper and convenient Watering Places for Cattle, wherever by Means of the ſaid Canal and Cuts reſpectively, or other Works hereby authorized to be made, Cattle ſhall have been deprived of their ancient or former Watering Places, and ſhall at all Times ſupply the ſame with Water, in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time, in caſe of any Diſpute about the ſame, order and direct; and that the ſaid Company of Proprietors ſhall alſo, wherever the ſaid Canal and Cuts reſpectively, or other Works to be made in purſuance of this Act, ſhall interfere with any Rivers, Brooks, or Streams of Water, now uſed for watering the Farms or Grounds contiguous or adjoining thereto, erect, and make proper and ſufficient Hatches, Water Carriages, and Back Drains, for conveying and ſecuring the Water, not taken by virtue of this Act for ſupplying the ſaid Canal and Cuts reſpectively, in ſuch Manner as the ſaid Commiſſioners (in caſe of any Diſpute about the ſame) ſhall direct, in order that the Enjoyment of ſuch Water may be continued to ſuch Farms or Grounds in as ample and beneficial a Manner as at preſent, or as near thereto as Circumſtances will permit; and in caſe the ſaid Company of Proprietors ſhall refuſe or neglect to make or maintain or ſupport, any ſuch Watering Places as aforeſaid, or to erect and make any ſuch Hatches, Water Carriages, and Back Drains as aforeſaid, for the Space of One Calendar Month next after the Time to be appointed for that Purpoſe by the ſaid Commiſſioners, then, and in every ſuch Caſe, it ſhall be lawful for the Perſon or Perſons who ſhall be damaged or aggrieved by ſuch Refuſal or Neglect, to make, or maintain or ſupport, ſuch Watering Places, and to erect and make ſuch Hatches, Water Carriages, and Back Drains reſpectively, ſo that the ſaid Canal and Cuts reſpectively, or the Banks thereof, or any Feeders or Aqueducts

and to make Hatches, &c. for conveying and ſecuring Water for watering Farms or Grounds.

If Company refuſe or neglect ſo to do, the Land Owners may make ſame at the Company's Expence.

Aqueducts belonging thereto, shall not be thereby stopped or injured for any longer Space of Time, or in any other Manner, than shall be absolutely necessary for the making or doing the same, and all the reasonable Costs and Charges attending the same, (to be settled and allowed by the said Commissioners), shall be repaid to the Person or Persons who shall have expended, incurred, or sustained, such Costs and Charges, by the said Company of Proprietors, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to and from the principal Clerk to the said Company of Proprietors; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the same shall and may be levied or recovered in such and the same Manner as the Costs and Charges herein-before mentioned are directed to be levied or recovered.

Owners and Occupiers of Lands may erect Bridges, &c. at their own Expence, if not satisfied with those erected by the Company as aforesaid.

LXVIII. And be it further enacted, That it shall and may be lawful to and for the Owners or Occupiers of any Lands or Grounds through which the said Canal and Cuts respectively, or any Trenches, Feeders, and Aqueducts, shall be made as aforesaid, or any other Person or Persons having a Right of Way or Passage over such Lands or Grounds, (with the Consent and Approbation of the Committee of Management of the said Company for the Time being, upon Request made to them for that Purpose, or in case of their Refusal to consent thereto for the Space of Twenty Days after such Request, then with the Consent and Approbation of the Commissioners), to make, fix, and erect, at their own proper Costs and Charges, such Gates, Stiles, Bridges, Arches, Culverts, and Passages, Watering Places, Hatches, Water Carriages, and Back Drains, or other Conveniencies, upon, in, over, or near, the said Canal or Cuts, Trenches, Feeders, Aqueducts, and Towing Paths respectively, in such Places and in such Manner as the said Owners or Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation, of the said respective Lands or Grounds, over and besides any such Gates, Stiles, Bridges, Arches, and Passages, Watering Places, Hatches, Water Carriages, Back Drains, or other Conveniencies, as shall have been made or erected by the said Company, and to repair and support the same respectively at their own like Costs and Charges as Occasion shall require, so that the Navigation or Passage of or upon the said Canal and Cuts, Trenches, Feeders, Aqueducts, or Towing Paths respectively, be not thereby prevented or obstructed for any longer Space of Time than as aforesaid, or in any other Manner than shall be absolutely necessary, and so that no Damage or Injury (otherwise than by such Obstructions as aforesaid), be thereby done to any of the Works belonging to the said Company of Proprietors.

The Company to spread abroad and level Clay, Gravel, Rubbish, *etc.* on adjoining Lands, and then cover same with the Soil which shall be first taken off for that Purpose.

LXIX. And be it further enacted, That before any Clay, Gravel, Sand, Rubbish, or other Materials, (except Soil), to be dug up or gotten in the cutting and making, the said Canal and Cuts respectively, and which shall not be used or be intended to be used in or about the same, shall be laid upon any Land adjoining or near thereto, all the Soil of such adjoining Land, to the Depth of Nine Inches at the least, shall be taken off and removed, and the same, together with the Soil which shall in like Manner be taken off and removed from the Land to be used for the said Canal and Cuts respectively, shall be laid in Heaps, distinct

distinct and apart from such Clay, Gravel, Sand, Rubbish, and other Materials, upon some convenient Part or Parts of such adjoining Land, and that the said Clay, Gravel, Sand, Rubbish, and other Materials, (except as aforesaid), shall, as soon as may be, in a proper and husband-like Manner, be spread abroad and levelled upon such Part of such adjoining Land from whence the Soil shall have been so previously taken off and removed as aforesaid, and then the Whole of such Soil as aforesaid shall in like Manner be carried and spread upon and over the Surface of the said levelled Clay, Gravel, Sand, Rubbish, and Materials, so and in such Manner as to render such Land as fit and proper as may be for the Purposes of Vegetation, Culture, and Husbandry; and that such levelling of the said Clay, Gravel, Sand, Rubbish, and Materials, and such carrying and spreading of the said Soil thereon as aforesaid, shall be fully and effectually done and completed, in each and every Close or separate Piece of Ground in or through which the said Canal and Cuts respectively shall be made, within Three Calendar Months next after the same shall be cut and made through such Close or separate Piece of Ground; and that if the said Company of Proprietors, or their Agents or Servants, shall refuse or neglect, within the respective Times aforesaid, to remove and place in Heaps such Soil as aforesaid, or any Part thereof, or to spread abroad and level such Clay, Gravel, Sand, Rubbish, and Materials as aforesaid, or to carry and spread the said Soil thereon in the Manner herein-before specified and directed, then and in every such Case it shall be lawful for the Owner or Owners, Occupier or Occupiers for the Time being, of the Close, Land, or Ground, wherein or whereon the subject Matter of such Refusal or Neglect shall be or arise, and he, she, and they respectively is and are hereby fully empowered to cause the Clay, Gravel, Sand, Rubbish, Materials, and Soil respectively, concerning which such Refusal or Neglect shall be made or arise, to be respectively removed, turned over, separated, levelled, and spread, so and in such Manner as to effect the bringing the Soil to the Surface, and thereby rendering it Land fit and proper for the Purposes aforesaid; and all the reasonable Costs, Charges, and Expences, attending the same, (to be settled and allowed by the said Commissioners), shall be repaid to the Person or Persons who shall have expended, incurred, or sustained the same, by the said Company of Proprietors within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to and from the principal Clerk to the said Company for the Time being; and in Default of Payment of such Costs, Charges, and Expences, within the Time aforesaid, the same shall and may be levied and recovered in such and the same Manner as the Costs and Charges of erecting Bridges, and other Works, by the Owners and Occupiers of Lands, upon the Refusal or Neglect of the said Company to make and erect the same, are herein-before directed or appointed to be levied and recovered.

If Company refuse so to do, the Land *Owners may* do same at the Company's Expence.

LXX. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, well and effectually puddle the Sides of the said Canal and Cuts respectively, at all Places wherever it shall be necessary so to do, so as to prevent as much as possible the Water from oozing through such Sides, to the Detriment and Injury of the Lands or Grounds lying below the said Canal and Cuts respectively; and that the

The Company to puddle the Sides of the Canal, and raise the Banks thereof in *Bathwick*, to prevent Damage by Floods.

the ſaid Company of Proprietors ſhall alſo, at their own Expence, raiſe the Bank of the ſaid Canal through the Pariſh of *Bathwick*, adjoining the River, and effectually puddle the ſame, ſo as to keep out and prevent all Damage ariſing from Floods, as far as may be.

The Company to make Drains, *etc.* to convey Water from adjoining Lands, and keep the ſame clean, *&c.*;

LXXI. And be it further enacted, That the ſaid Company of Proprietors ſhall alſo, at their own proper Coſts and Charges, make or cauſe to be made ſuch Arches, Tunnels, Culverts, Drains, or other Paſſages, over, under, by the Side of, or into, the ſaid Canal and Cuts reſpectively, and the Trenches, Streams, and Watercourſes, communicating therewith, and the Towing Paths on the Sides thereof, of ſuch Depth, Breadth, and Dimenſions, as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining or lying near the ſaid Canal and Cuts reſpectively, without obſtructing or impeding the ſame; and ſhall likewiſe make, or cauſe to be made, ſuch Back Drain or Drains as may be neceſſary, and ſhall be ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid Canal or Cuts to the Prejudice of any of the Lands or Grounds contiguous thereto, and that all ſuch Arches, Tunnels, Culverts, Drains, Back Drains, and other Paſſages, ſhall, from Time to Time, be ſupported, maintained, cleanſed, ſcoured, and kept in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time or Times, after One Calendar Month's Notice ſhall have been given in Writing, by or on the Behalf of the Owner or Occupier, Owners or Occupiers, of the adjacent Lands or Grounds, who ſhall find himſelf, herſelf, or themſelves, aggrieved by the Obſtruction of any ſuch Watercourſes, to the principal Clerk to the ſaid Company of Proprietors for the Time being, the ſaid Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, ſhall not be made, cleanſed, repaired, and maintained, according to the true Intent and Meaning of this Act, then, and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, it ſhall and may be lawful to and for ſuch Owner or Occupier, or Owners or Occupiers, having an Order in Writing for that Purpoſe, from the ſaid Commiſſioners, from Time to Time, to make, cleanſe, ſcour, and repair, ſuch Arches, Tunnels, Culverts, Drains, Back Drains, and other Paſſages, in ſuch Manner as ſhall be found expedient, and the reaſonable Coſts and Charges thereof, (to be aſcertained by the ſaid Commiſſioners), ſhall be defrayed by the ſaid Company of Proprietors, and in caſe of Refuſal or Neglect to defray the ſame for the Space of Twenty Days after Demand thereof made upon their principal Clerk for the Time being, ſuch Coſts and Charges ſhall and may be levied or recovered in ſuch and the ſame Manner as the Coſts and Charges of making and erecting Bridges and other Works by the Owners and Occupiers of Lands, upon the Refuſal or Neglect of the ſaid Company of Proprietors to make and erect the ſame, are herein-before appointed and directed to be levied or recovered: Provided always, that ſuch Owner or Occupier, Owners or Occupiers, of the Lands adjoining or contiguous to the ſaid Canal and Cuts reſpectively, ſhall, at the Time of giving ſuch Notice to the principal Clerk to the ſaid Company as aforeſaid, have his, her, or their own Ditches, Drains, and Watercourſes leading to or from the ſaid Canal or Cuts, or to or from the Trenches, Drains, and Watercourſes, belonging to the ſaid Company, ſufficiently cleanſed and opened to convey the Water to and from the ſame: And provided alſo, that nothing herein contained ſhall extend to enforce the admitting of any Water

and if the Company neglect ſo to do, the Land Owners may do the ſame, at the Expence of the Company.

ter arising from sudden Floods, or Land Floods, into the said Canal or Cuts, which may injure the said Navigation.

The Company may cleanse adjoining Ditches and Drains, at the Expence of the Owners, if neglected by them.

LXXII. And be it further enacted, That if at any Time hereafter the Ditches, Drains, or Watercourses, belonging to the Owner or Occupier of any Lands adjoining or contiguous to the said Canal and Cuts respectively, shall not be sufficiently open for the free Passage of the Water from the Drains, Tunnels, Culverts, and Watercourses, belonging to the said Company of Proprietors, and the same shall not be remedied within One Calendar Month after Notice for that Purpose shall be given to such Owner or Occupier, or left at his or her usual Place of Abode, by the principal Clerk to the said Company of Proprietors, it shall be lawful for the said Company of Proprietors, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time, as often as there shall be Occasion, to order, cause, and procure, such Ditches, Drains, and Watercourses, as aforesaid, to be opened and cleansed in such Manner as may be necessary or expedient, and the reasonable Expences thereof, (to be ascertained and allowed by the said Commissioners), shall be repaid to the said Company of Proprietors by such Owner or Occupier as aforesaid; and in case of Refusal to pay the same for the Space of Twenty Days after Demand thereof, the same shall and may be recovered in such Manner as any Penalties are by this Act directed to be recovered.

For repairing Damages occasioned by Floods, and preventing further Damage from the same.

LXXIII. And whereas it may happen from Floods, or from some unexpected Accidents, that the said Canal or Cuts, or the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, Aqueducts, or other Works belonging to the said Company of Proprietors, may be damaged or destroyed, and the adjacent Lands may thereby likewise be endangered or damaged, and that it may be necessary the same should be immediately repaired or rebuilt to prevent further Damage; be it therefore further enacted, That when and so often as any such Floods or Accidents shall happen, it shall be lawful for the said Company of Proprietors, or their or any of their Servants, Agents, or Workmen, from Time to Time, without any previous Application to the said Commissioners, and without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the said Canal and Cuts, Trenches, Aqueducts, or other Works, or any of them, (not being the Ground whereon any House stands, or a Park, Garden, or Ground planted as a Nursery for Trees, or an Avenue to an House), and to dig for, get, work, take, carry away, and use, all such Stones, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in, such Lands, Grounds, or Hereditaments, or any of them, doing thereby as little Damage as the Nature of the Works will admit of, and making Recompence to the Person or Persons sustaining such Damage, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages which shall or may be done by Means of the digging for, getting, working, taking, carrying away, and using, such Stones, Gravel, and Materials, or any of them; all which Damages, and the Satisfaction and Recompence to be made for the same, shall be adjusted, assessed, ascertained, settled, and determined, by the Ways and Means, and in the Manner herein-before prescribed with respect to any other

other Damages to be done in the Courſe of making and completing the ſaid Canal and Cuts, and other Works.

The Company empowered to raiſe 420,000*l.* among themſelves.

LXXIV. And, to the End that the ſaid Company of Proprietors may be enabled to carry on the ſaid Undertaking, be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, ſuch Sum or Sums of Money as they ſhall think neceſſary for the making, carrying on, and completing of the ſaid Canal and Cuts, Reſervoirs, Aqueducts, Quays, Wharfs, and other Works and Conveniencies hereby authorized to be made, not exceeding in the Whole the Sum of Four hundred and twenty thouſand Pounds, (except as herein-after is mentioned), and that the ſame ſhall be divided into ſuch Number of Parts or Shares as herein-after directed; and that no Perſon ſubſcribing to or becoming a Proprietor in the ſaid Undertaking, ſhall become a Proprietor of leſs than Half a Share, or of more than Fifty 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, Settlement, or Act of Law), upon Pain of forfeiting to the ſaid Company of Proprietors all ſuch Shares exceeding Fifty Shares as aforeſaid; and that the Money ſo to be raiſed as aforeſaid, or a ſufficient Part thereof, ſhall be laid out and applied in the Firſt Place in Payment, Satisfaction, and Diſcharge, of the Coſts, Charges, and Expences, attending the obtaining and paſſing of this Act, and the making the proper Surveys, Plans, and Eſtimates, and the doing and providing of all the Matters and Things preparatory and previous thereto; and that all the Reſidue of ſuch Money ſhall be applied and diſpoſed of for or towards the making, carrying on, completing, and maintaining, of the ſaid Canal, Cuts, and other Works reſpectively, and for other the Purpoſes of this Act.

Application thereof.

The Money to be divided into 5,500 Shares, which may be ſubdivided into Half Shares.

LXXV. And be it further enacted, That the ſaid Sum of Four hundred and twenty thouſand Pounds, or ſuch Part thereof as ſhall be ſo raiſed and contributed as aforeſaid, ſhall be divided into Three thouſand five hundred equal Shares, and that ſuch Shares ſhall be numbered, in regular numerical Progreſſion, and every Share ſhall for ever afterwards be diſtinguiſhed by the Number to be appointed for the ſame; and for the Accommodation of the ſeveral Perſons who have ſubſcribed for Half a Share only in the ſaid Undertaking, a ſufficient Number of the ſaid Three thouſand five hundred Shares ſhall be ſubdivided into Two equal Parts or Shares, and the Two Half Parts or Shares of every Share ſo to be ſubdivided ſhall be further diſtinguiſhed by the Letters A and B reſpectively; and that all ſuch Shares ſhall be deemed Perſonal Eſtate, and be tranſmiſſible as ſuch, and not of the Nature of Real Eſtate; and that the ſaid Three thouſand five hundred Shares ſhall be, and they are hereby veſted in the ſeveral Bodies Politick and Corporate, and other Perſons ſubſcribing for and undertaking to raiſe and contribute the ſame, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, to and for their own reſpective Uſe and Benefit, according and proportionably to the Number of Shares or Half Shares which they ſhall reſpectively ſubſcribe for and undertake to raiſe and contribute; and that all Bodies Politick and Corporate, and other Perſons, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns,

Shares to be Perſonal Eſtate.

who shall subscribe for any Share or Shares, or Half Share or Shares, in the said Undertaking, and pay such Sum or Sums of Money as shall be demanded on Account thereof, (not exceeding in the Whole a proportionable Part of the said Sum of Four hundred and twenty thousand Pounds), towards the carrying on and completing the said Canal and Cuts, and such other Works as aforesaid, shall be entitled to and receive (after the said Navigation shall be completed) a due and just Proportion, according to their respective Number of Shares or Half Shares, (not exceeding Fifty Shares as aforesaid), of the clear Profits and Advantages which shall or may arise and accrue by or from the Rates, Tolls, Duties, and other Monies to be raised, recovered, or received, by virtue of this Act, and shall also from Time to Time bear and pay a like due and just Proportion of the Money wanted for carrying on the said Undertaking in the Manner herein-after directed.

Names of Proprietors, and the Numbers of their Shares, to be entered in a Book, and Tickets with same Numbers delivered to them.

LXXVI. And, for the better securing to the several Subscribers towards the said Undertaking their respective Shares therein, be it further enacted, That the said Company of Proprietors, or their Committee of Management, shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares, or any Half Share or Shares in the said Undertaking, and the Number of Shares or Half Shares to which they shall be respectively entitled, and also the proper Number by which every such Share, and the proper Number and Letter by which every such Half Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the principal Clerk to the said Company of Proprietors, and, after such Entry, to cause the Common Seal of the said Company of Proprietors to be affixed thereto; and shall also cause as many Tickets or Instruments to be prepared as there shall be Whole Shares and Half Shares in the said Undertaking, bearing respectively the same Numbers, and Numbers and Letters, as in the said Book, and the Common Seal of the said Company of Proprietors to be affixed to each such Ticket or Instrument, and thereupon to cause to be delivered to every Subscriber towards the said Undertaking, upon Demand, a Ticket or Tickets, specifying the Share or Shares, Half Share or Half Shares, to which he or she is entitled in the said Undertaking, such Subscriber paying to the Clerk to the said Company Sixpence, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscribers, his or her Executors, Administrators, and Assigns, to the Share or Half Share therein specified; but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Share or Half Share from selling or disposing thereof, or from receiving annually his Share of the Profits of the said Navigation in respect thereof.

If the 420,000 *l.* be not sufficient, the Company may raise 150,000 *l.* more among themselves.

LXXVII. And be it further enacted, That if the said Sum of Four hundred and twenty thousand Pounds herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining, of the said Canal and Cuts, and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then, and in such Case, it shall be lawful for the said Company of Proprietors, after an Order or Resolution for that Purpose shall be made

at

at a Special Meeting of the Proprietors, to be called by the Committee of Management of the ſaid Company of Proprietors, and of which Meeting Fourteen Days previous Notice ſhall have been given in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Berks*, *Wilts*, and *Somerſet*, to contribute among themſelves any further Sum or Sums of Money for the Purpoſes aforeſaid, not exceeding in the Whole the Sum of One hundred and fifty thouſand Pounds; and ſuch further Sum or Sums of Money ſhall, after ſuch Order or Reſolution for that Purpoſe as aforeſaid, be raiſed and contributed by the ſeveral Perſons poſſeſſed of the aforeſaid Three thouſand five hundred Shares in the ſaid Undertaking, according and in Proportion to their reſpective Shares and Intereſts therein, and the ſaid Three thouſand five hundred Shares, and the Owners thereof, ſhall continue to be, in reſpect of ſuch further Sum or Sums of Money, under and ſubject to ſuch and the ſame Calls to be made by the Committee of Management of the ſaid Company of Proprietors, in ſuch and the ſame Proportions, and within ſuch and the ſame Time, and under and ſubject to ſuch and the ſame Regulations, Rules, Orders, Fines, and Forfeitures, as the ſaid Three thouſand five hundred Shares, and the Owners thereof are hereafter made ſubject and liable to, in reſpect of the ſaid Sum of Four hundred and twenty thouſand Pounds, as fully and effectually, to all Intents and Purpoſes, as if ſuch further Sum or Sums of Money had conſtituted Part of the original Sum hereby authorized to be raiſed.

Or they may raiſe the ſaid 150,000 *l.* by Mortgage.

LXXVIII. Provided always, and be it further enacted, That if the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid additional Sum of One hundred and fifty thouſand Pounds, or any Part thereof, by Mortgage of the ſaid Navigation and Undertaking, and ſhall make an Order to enter into a Reſolution to that Effect at a Special Meeting of the ſaid Company of Proprietors for that Purpoſe, to be called by their Committee of Management for the Time being, and of which Meeting Fourteen Days previous Notice ſhall be given in the Manner aforeſaid, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors, purſuant to ſuch Order or Reſolution, to borrow and take up at Intereſt the ſaid Sum of One hundred and fifty thouſand Pounds, or any Part thereof, upon the Credit of the ſaid Navigation and Undertaking, as to them ſhall ſeem meet and convenient; and the ſaid Company of Proprietors are hereby accordingly fully authorized and empowered to grant, aſſign, and make over, by Way of Mortgage, the ſeveral Tolls, Rates, and Duties, granted to them by this Act, or any Part thereof, (the Coſts and Charges of which Aſſignment ſhall be paid out of ſuch Tolls, Rates, and Duties), as a Security for the Sum or Sums of Money ſo to be borrowed, together with Intereſt for the ſame, unto the Perſon or Perſons who ſhall lend and advance ſuch Sum or Sums of Money, or unto his, her, or their, Truſtee or Truſtees; all which Aſſignments or Mortgages ſhall be made by a Deed in Writing, under the Common Seal of the ſaid Company, in the Form or to the Effect following; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act, made in the Thirty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, [*inſert the Title of the Act*], We, the Company of Proprietors of the ſaid Navigation and Undertaking, incorporated by virtue of the ſaid Act, in Conſideration

'ſideration of the Sum of of lawful
'Money of *Great Britain*, to us paid by *A. B.* of
'do hereby bargain, ſell, and aſſign, unto the ſaid *A. B.* his Executors,
'Adminiſtrators, and Aſſigns, the ſaid Navigation and Undertaking,
'and all and ſingular the Tolls, Rates, and Duties granted, or ariſing
'and payable to us by virtue of the ſaid Act, and all the Eſtate, Right,
'Title, and Intereſt, of us the ſaid Company of Proprietors of, in, to,
'or out of the ſame reſpectively, to hold unto the ſaid *A. B.* his Ex-
'ecutors, Adminiſtrators, and Aſſigns, until the ſaid Sum of
' together with Intereſt for the ſame after
'the Rate of *per Centum per Annum* ſhall be fully paid and
'ſatisfied, to him or them. Given under our Common Seal, this
' Day of

No Preference among Mortgagees.

And that all Perſons to whom ſuch Aſſignments or Mortgages ſhall be made, ſhall be equally entitled one with the other to the ſaid Tolls, Rates, Duties, and Premiſes, thereby aſſigned, according and in Proportion to the Sums by them reſpectively lent and advanced on the Credit thereof as aforeſaid, without any Preference by Reaſon of the Priority of Date of any ſuch Aſſignment or Mortgage, or upon any other Account whatſoever; and that the Money ſo to be borrowed as aforeſaid, ſhall be applied and diſpoſed of, for the carrying on, completing, and maintaining, of the ſaid Navigation, and other Works hereby authorized to be made, and for carrying the ſeveral Powers and Authorities hereby given into Execution.

A Memorial of Mortgages to be entered by the Company's Clerk.

LXXIX. And be it further enacted, That an Entry or Memorial of every ſuch Aſſignment or Mortgage as aforeſaid, containing the Date thereof, the Name or Names and Addition of the Party or Parties to whom the ſame ſhall be made, and the Sum thereby ſecured, with the Rate of Intereſt to be paid for the ſame, ſhall be made or entered in a Book to be kept for that Purpoſe by the principal Clerk to the ſaid Company of Proprietors for the Time being, and that ſuch Book ſhall and may be peruſed *gratis*, at all ſeaſonable Times, by any of the Proprietors or Creditors of the ſaid Navigation and Undertaking; and that all and every Perſon and Perſons to whom any ſuch Aſſignment or Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, ſhall and may, from Time to Time, aſſign, transfer, and make over, his, her, or their Right, Title, and Intereſt therein, unto any Perſon or Perſons whomſoever, either by Indorſement thereon or otherwiſe; which Transfer ſhall and may be made by a Deed in Writing in the Form or to the Effect following; (*videlicet*),

Mortgages may be tranſferred.

Form of Tranſfer.

'I *A. B.* in Conſideration of the Sum of
'to me paid by *C. D.* of do hereby tranſfer
'the within Mortgage [*or*, a certain Mortgage made to me by the Com-
'pany of Proprietors of the *Kennet* and *Avon* Canal Navigation, bearing
'Date the Day of] and the Principal Sum
'of thereby ſecured, and the Intereſt now
'due and hereafter to grow due for the ſame, and all my Right and
'Property therein, unto the ſaid *C. D.* his Executors, Adminiſtrators,
'and Aſſigns. In Witneſs whereof I have hereunto ſet my Hand and
'Seal, this Day of

And

And that every ſuch Transfer ſhall, within Thirty Days after the Date thereof, be produced to the principal Clerk to the ſaid Company of Proprietors, who ſhall thereupon cauſe an Entry or Memorial thereof, to the ſame Purport and Effect as herein-before directed with reſpect to the original Aſſignment or Mortgage, to be made or entered in the Book to be kept for entering the Memorials of ſuch original Aſſignments or Mortgages; and that after ſuch Entry ſhall be made, but not before, ſuch Transfer ſhall entitle the Aſſignee or Aſſignees therein named, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the full Benefit of the original Mortgage. Memorials of Transfers to be entered.

LXXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, and they are hereby required, by and out of the Monies to be raiſed as herein-before is mentioned, during the Time the ſaid Canal and Cuts, and other Works, ſhall be carrying on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Politick or Corporate, and all and every other Perſon and Perſons, and their reſpective Succeſſors, Executors, Adminiſtrators, or Aſſigns, who ſhall reſpectively ſubſcribe and advance or pay any Sum or Sums of Money for or towards the carrying on and completing of the ſaid Undertaking, Intereſt for the Sum or Sums of Money ſo to be advanced or paid after the Rate of Five Pounds *per Centum per Annum* from the reſpective Times of advancing and paying the ſame: Provided always, that with reſpect to ſuch Sum or Sums of Money as ſhall be advanced before the Firſt Meeting of the Committee of Management of the ſaid Company of Proprietors, to be appointed as herein-after mentioned, Intereſt ſhall be allowed or paid for the ſame only from the Day of ſuch Meeting. Proprietors to be paid Intereſt on Money advanced till Navigation completed.

LXXXI. Provided always, and be it further enacted, That the Intereſt of the Money which ſhall be borrowed by Mortgage as aforeſaid (if any) ſhall be paid Half Yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends which ſhall become due and payable, by virtue of this Act, to the ſaid Company of Proprietors, or any of them, and ſhall from Time to Time be fully paid and diſcharged, or provided for, before any ſuch Intereſt, or Dividends, due to the ſaid Company of Proprietors, ſhall be paid or made. Intereſt of Mortgages to be firſt paid.

LXXXII. And be it further enacted, That every Body Politick and Corporate, and all and every other Perſon and Perſons, who ſhall by virtue of this Act have ſubſcribed for, or ſhall become entitled to, and be in the actual Poſſeſſion of, One or more Whole Share or Shares, or Two or more Half Shares in the ſaid Navigation and Undertaking, ſhall be deemed a Proprietor for every ſuch Whole Share, and for every ſuch Two Half Shares, and ſhall have a Vote in reſpect of every ſuch Whole Share, and of every ſuch Two Half Shares, at all Meetings of the ſaid Company of Proprietors, to be held in purſuance of this Act, for carrying on the ſaid Undertaking, or relating thereto; and ſuch Vote or Votes ſhall and may, in all Caſes, be given by ſuch Body Politick or Corporate, and other Perſon and Perſons, or by their, his, or her Proxy, duly conſtituted, under the Seal of ſuch Body Politick or Corporate, or the Hand or Hands of ſuch other Perſon or Perſons, or in caſe of the Infancy of any ſuch other Perſon or Perſons, then under the Hand or Hands Proprietors to have a Vote for every Whole Share, and for every Two Half Shares. Votes may be given in Perſon or by Proxy.

Hands of his, her, or their Guardian or Guardians, ſuch Proxy being a Proprietor of One or more Whole Share or Shares in the ſaid Undertaking; and that every ſuch Vote by Proxy ſhall be as good and valid, to all Intents and Purpoſes, as if the Principal or Principals had voted in Perſon, or being an Infant or Infants, had been of full Age; and the Appointment of every ſuch Proxy ſhall and may be made in the Form or to the Effect following; (that is to ſay),

Form of Appointment of Proxy.

'I *A. B.* Proprietor [*or*, We *A. B.* and *C. D.* Guardians of *E. F.* a Proprietor] of Share or Shares, or of Half Shares in the *Kennet* and *Avon* Canal Navigation, do hereby nominate, conſtitute, and appoint *G. H.* to be my [*or* his, *or* her] Proxy in my [*or* his, *or* her] Name, and in my [*or* his, *or* her] Abſence, to vote and give my [*or* his, *or* her] Aſſent or Diſſent to any Buſineſs, Matter, or Thing, relating to the ſaid Navigation and Undertaking, which ſhall be mentioned or propoſed at any Meeting of the Proprietors of the ſaid Navigation, or any Adjournment thereof, in ſuch Manner as he the ſaid *G. H.* ſhall think proper, according to his Opinion and Judgement, for the Benefit of the ſaid Navigation and Undertaking, or any Thing appertaining thereto, until I [*or* we the ſaid *E. F.*] ſhall revoke this Appointment, by Notice in Writing to the principal Clerk to the ſaid Company of Proprietors. In Witneſs whereof I [*or* we] have hereunto ſet my Hand [*or* our Hands] the Day of

All Queſtions to be determined by a Majority;

and a Chairman to be appointed, who ſhall have the caſting Vote.

And that every Queſtion, Matter, and Thing whatſoever, which ſhall be propoſed, diſcuſſed, or conſidered, at any Meeting of Proprietors to be held by virtue or in purſuance of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Whole Share, and One Vote to every Two Half Shares, in the ſaid Undertaking as aforeſaid; and that at every ſuch Meeting One of the Proprietors preſent ſhall be appointed Preſident or Chairman, who ſhall not only have ſuch Vote or Votes as a Proprietor, or as Proxy for any other Perſon or Perſons as aforeſaid, but ſhall alſo, in caſe of an equal Diviſion, have the deciſive or caſting Vote; and if at any Time Two or more Perſons ſhall be propoſed as Preſident or Chairman, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſaid Office.

No Perſon to give more than 50 Votes at Meetings to be held for electing Treaſurer and Committee;

and at other Meetings no Perſon to give more than 10 Votes.

LXXXIII. Provided always nevertheleſs, That no Proprietor, although he may hereafter, by Means of any Will or Settlement, or by Act of Law, become entitled to, and be poſſeſſed of more than Fifty Shares in the ſaid Navigation and Undertaking, ſhall have or give more than Fifty Votes in Perſon, and Fifty Votes by Proxy, at any Meeting of Proprietors to be held in purſuance of this Act, for the Purpoſe of electing a Treaſurer or Treaſurers to the ſaid Company of Proprietors, or for the Purpoſe of electing Members of the Committee of Management hereinafter mentioned; and that no Proprietor, although poſſeſſed of more than Ten Shares in the ſaid Navigation and Undertaking, ſhall have or give more than Ten Votes in Perſon, or more than Five Votes by Proxy, at any Meeting of Proprietors to be held in purſuance of this Act, for any other Purpoſe whatſoever than for electing a Treaſurer or Treaſurers, or Members of the Committee of Management.

LXXXIV. And

LXXXIV. And be it further enacted, That for the better carrying the Purpoſes of this Act into Execution, all the Affairs and Buſineſs of the ſaid Company of Proprietors (except with reſpect to ſuch Matters as are by this Act expreſsly directed to be done at a Meeting or Meetings of the Proprietors at large) ſhall be tranſacted and managed by a Committee of Twenty-four of the ſaid Company of Proprietors, to be elected in the Manner herein-after mentioned, and to be called *The Committee of Management*; and that, for the Purpoſe of electing ſuch Committee, the ſaid Company of Proprietors ſhall be divided or diſtinguiſhed into Three diſtinct Claſſes, One of which Claſſes ſhall comprehend all the Proprietors reſident in the Cities of *Briſtol* and *Bath*, or elſewhere in the Counties of *Somerſet* and *Glouceſter*, who ſhall be called *The Proprietors of the Weſtern Diſtrict*; One other of the ſaid Claſſes ſhall comprehend all the Proprietors reſident in the County of *Wilts*, who ſhall be called *The Proprietors of the Wiltſhire Diſtrict*; and the other of the ſaid Three Claſſes ſhall comprehend all the Proprietors reſident in the County of *Berks* or elſewhere, (except in the ſaid Counties of *Glouceſter*, *Somerſet*, and *Wilts*), who ſhall be called *The Proprietors of the Eaſtern Diſtrict*; and that there ſhall be a General Meeting of the Proprietors of the Weſtern Diſtrict at the *White Lion* Inn, in *Broad Street*, in the City of *Briſtol*, on the Third *Tueſday* after the paſſing of this Act, at Eleven of the Clock in the Forenoon; and a like General Meeting of the Proprietors of the Weſtern Diſtrict ſhall be held Once in every future Year, on the Firſt *Tueſday* in the Month of *July*, at Eleven of the Clock in the Forenoon, at the *White Lion* Inn aforeſaid, or at ſuch other Place in the ſaid City of *Briſtol* as ſhall have been fixed upon for that Purpoſe at the preceding General Meeting; and that at ſuch Firſt General Meeting, and alſo at every ſubſequent General Meeting to be held on the ſaid Firſt *Tueſday* in *July* yearly, the ſaid Proprietors of the Weſtern Diſtrict, or ſuch of them as ſhall be preſent, together with ſuch Proxies as ſhall be preſent, ſhall elect and make Choice of Ten Perſons out of the ſaid Proprietors of the Weſtern Diſtrict, who ſhall be reſpectively Proprietors of Five or more Shares in the ſaid Undertaking, to be Members of the ſaid Committee, to manage the Affairs and Buſineſs of the ſaid Company in the Manner herein-after directed, for the Space of One Year then next enſuing, and until Ten other Perſons, qualified in like Manner, ſhall be elected in their Stead, purſuant to the Directions of this Act; and that there ſhall alſo be a General Meeting of the Proprietors of the *Wiltſhire* Diſtrict at the Town Hall in *Marlborough*, on the Third *Tueſday* after the paſſing of this Act, at Eleven of the Clock in the Forenoon; and a General Meeting of the Proprietors of the *Wiltſhire* Diſtrict ſhall be held Once in every future Year, on the Firſt *Tueſday* in the Month of *July*, at Eleven of the Clock in the Forenoon, at the Town Hall in *Marlborough* aforeſaid, or at ſuch other Place in the ſaid County of *Wilts* as ſhall have been fixed upon for that Purpoſe at the preceding General Meeting; and that at ſuch Firſt Meeting, and alſo at every ſubſequent General Meeting to be held on the ſaid Firſt *Tueſday* in *July* yearly, the ſaid Proprietors of the *Wiltſhire* Diſtrict, or ſuch of them as ſhall be preſent, together with ſuch Proxies as ſhall be preſent, ſhall elect and make Choice of Seven Perſons out of the ſaid Proprietors of the *Wiltſhire* Diſtrict, who ſhall be reſpectively Proprietors of Five or more Shares in the ſaid Undertaking, to be Members of the ſaid Committee, to manage the Affairs and Buſineſs of the ſaid Company in the Manner herein-after directed, for the Space of One Year then next enſuing, and

The Affairs of the Company, except in certain Caſes, to be managed by a Committee.

For electing ſuch Committee, the Proprietors to be divided into Three Claſſes.

Ten Proprietors of the Weſtern Diſtrict to be elected Members of the Committee.

Seven Proprietors of the *Wiltſhire* Diſtrict to be elected Members of the Committee.

General Meetings of the Eastern District when and where to be held;

until Seven other Persons, qualified in like Manner, shall be elected in their Stead, pursuant to the Directions of this Act; and that there shall also be a General Meeting of the Proprietors of the Eastern District at the Town Hall in *Hungerford*, in the said County of *Berks*, on the Third *Tuesday* after the passing of this Act, at Eleven of the Clock in the Forenoon, and a like General Meeting of the Proprietors of the Eastern District shall be held Once in every future Year, on the First *Tuesday* in the Month of *July*, at Eleven of the Clock in the Forenoon, at the Town Hall in *Hungerford* aforesaid, or at such other Place as shall have been fixed upon for that Purpose at the preceding General Meeting; and that at such First General Meeting, and also at every subsequent General Meeting to be held on the said First *Tuesday* in *July* yearly, the said Proprietors of the Eastern District, or such of them as shall be present, together with such Proxies as shall be present, shall elect and make Choice of Seven Persons out of the said Proprietors of the Eastern District, who shall be respectively Proprietors of Five or more Shares in the said Undertaking, to be Members of the said Committee, to manage the Affairs and Business of the said Company in the Manner herein-after directed, for the Space of One Year then next ensuing, and until Seven other Persons qualified in like Manner shall be elected in their Stead, pursuant to the Directions of this Act; provided always, that nothing herein contained shall extend to prevent any Person from being re-elected a Member of the said Committee; and provided also, that no Person holding any Office or Place of Profit under the said Company of Proprietors, nor any practising Attorney or Solicitor, shall be elected a Member of the said Committee; and that if any Person who shall be elected a Member of such Committee shall afterwards accept any Office or Place of Profit under the said Company of Proprietors, or shall afterwards become a practising Attorney or Solicitor, he shall be no longer capable of acting as a Member of such Committee, but some other Person shall be appointed in his Stead in the Manner herein-after mentioned.

at such last General Meeting Seven Proprietors to be elected Members of Committee.

Any Member may be re-elected;

but no Person holding any Office or Place of Profit to be elected.

Qualification of Committee Men lessened in certain Cases.

LXXXV. Provided always, and be it further enacted, That if at the Time of any such Election of Committee Men there shall not be Twenty-one Persons at the least, resident in either of the said Districts, and within Twenty Miles of some Part of the said Canal, within the said District, who shall be respectively Proprietors of Five or more Shares in the said Undertaking, from whom the said Committee Men for such District may be chosen, then, and in that Case, the Proprietors in such District, or such of them as shall be present at any such Election, together with such Proxies as shall be present, shall elect and make Choice of Seven Persons out of such District, who shall respectively be Proprietors of One or more Share or Shares in the said Undertaking; provided that such of the Persons so elected, as shall not be Proprietors or Proprietor of Five or more Shares in the said Undertaking shall be Persons resident within Twenty Miles of the said Canal in the said District, and shall be seised or possessed of Real or Personal Estates of such Value or Amount as is by this Act required for the Qualification of Commissioners, and shall not be otherwise disqualified to be elected, or act on the said Committee as herein-before mentioned.

LXXXVI. And

LXXXVI. And be it further enacted, That the ſaid Ten Perſons to be elected by the Proprietors of the Weſtern Diſtrict, the ſaid Seven Perſons to be elected by the Proprietors of the *Wiltſhire* Diſtrict, and the ſaid Seven Perſons to be elected by the Proprietors of the Eaſtern Diſtrict, in the Manner aforeſaid, (making Twenty-four Perſons in the Whole), ſhall be the ſaid Committee of Management, and ſhall continue in Office for the Space of One Year, and until a new Committee of Management ſhall be appointed in their Stead, purſuant to the Directions of this Act; and a General Meeting of every ſuch Committee of Management ſhall be held for putting this Act in Execution at the Town Hall in *Marlborough* aforeſaid, on the Second *Tueſday* next after the Day of their Election; and a like General Meeting of the Committee of Management ſhall afterwards be held Four Times in every Year for the future, in the Months of *September*, *December*, *March*, and *June* reſpectively, at Eleven of the Clock in the Forenoon, at the Town Hall in *Marlborough* aforeſaid, or at ſuch other Place, and on ſuch Days, as the ſaid Committee of Management ſhall at their preceding General Meeting appoint; of all which General Quarterly Meetings publick Notice ſhall be given in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Berks*, *Wilts*, *Somerſet*, and *Glouceſter*, Ten Days at leaſt before the Time appointed for every ſuch Meeting; and it ſhall be lawful for the Committee of Management, at any General Meeting to be held in purſuance of this Act, to adjourn themſelves from Time to Time, and from Place to Place, as they ſhall think proper and expedient.

The 24 Proprietors ſo to be elected to be a Committee of Management.

Times of Meeting.

Publick Notice to be given of General Quarterly Meetings.

LXXXVII. And be it further enacted, That the Committee of Management ſhall at their Firſt General Meeting to be held in purſuance of this Act, elect a Chairman out of the Members of ſuch Committee then preſent, to preſide at ſuch Meeting, and at all other Meetings of the ſame Committee, whilſt he ſhall continue to be a Member thereof; and in caſe the Office of Chairman ſhall at any Time become vacant by Death, Reſignation, or otherwiſe, the Committee of Management ſhall at their next Meeting after ſuch Vacancy elect ſome other Perſon out of the Members of ſuch Committee then preſent, to be their Chairman at ſuch Meeting, and at all other Meetings of the ſame Committee to be held whilſt he ſhall continue a Member thereof; and that any Thirteen or more Members of the Committee of Management, but not leſs, ſhall be a ſufficient Number to conſtitute a Meeting for the Purpoſe of electing a Chairman of ſuch Committee; and that after a Chairman ſhall be elected, any Five or more Members of ſuch Committee, (whereof the Chairman, or in his Abſence ſuch other Member of the ſaid Committee as he ſhall from Time to Time, by any Writing under his Hand, appoint to ſupply his Place, ſhall be One), but not leſs, ſhall be a ſufficient Number to conſtitute a Meeting for the Purpoſe of doing all other Acts, Matters, and Things, and exerciſing all other Powers and Authorities hereby directed to be done by and veſted in ſuch Committee; and that all Queſtions, Matters, and Things, which ſhall be propoſed, diſcuſſed, or conſidered, by the ſaid Committee at their Meetings, to be held in Manner aforeſaid, ſhall be decided and determined by the Majority of Members then preſent, but no Member ſhall have more than One Vote at any ſuch Meeting, ſave and except that in the Caſe of an equal Diviſion, the Chairman, or the Perſon appointed to ſupply his Place as aforeſaid, ſhall

Committee to elect a Chairman.

Vacancy in the Office of Chairman how to be ſupplied.

Thirteen of the Committee competent to elect a Chairman.

Five of the Committee, of whom the Chairman or his Deputy to be One, to be competent to do all other Buſineſs.

Chairman or his Deputy to have the caſting Vote.

ſhall always have the caſting Vote; and if at any Meeting to be held for the Election of a Chairman as aforeſaid, Two or more Perſons ſhall be propoſed to fill that Office, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſame; provided always, that if on the Day appointed for any ſuch Meeting of the Committee of Management as aforeſaid, there ſhall not attend ſo many Members of ſuch Committee as are hereby required to conſtitute a Meeting for exerciſing the Power hereby veſted in ſuch Committee, then, and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, the Meeting ſhall be adjourned to that Day Fortnight, by the Member or Members then preſent, or if no Member ſhall be preſent, by the principal Clerk to the ſaid Company of Proprietors, or ſuch other Perſon as ſhall attend in his Place.

If a ſufficient Number of Members do not attend, thoſe preſent, or the Clerk, to adjourn.

Committee to appoint a General Meeting of Proprietors for electing a Treaſurer.

LXXXVIII. And be it further enacted, That the ſaid Committee of Management ſhall, at their Firſt General Meeting after the paſſing of this Act, and alſo at their Firſt General Meeting which ſhall be held in the Month of *June* in every ſubſequent Year, and alſo at their Firſt General Meeting after any Vacancy ſhall happen, by Death or otherwiſe, in the Office of Treaſurer to the ſaid Company of Proprietors, appoint a General Meeting of the Proprietors at large to be held at ſuch Time and Place as they ſhall think proper, within Twenty-one Days next after ſuch General Meeting of the ſaid Committee, for the Purpoſe of electing a Treaſurer or Treaſurers to the ſaid Company of Proprietors, and ſhall cauſe publick Notice of the Time and Place appointed for ſuch Meeting of the Proprietors at large to be given by Advertiſement in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Berks*, *Wilts*, *Somerſet*, and *Glouceſter*, Seven Days at leaſt before the Time appointed for ſuch Meeting, and the Proprietors who ſhall be aſſembled at ſuch Meeting are hereby accordingly authorized and required to elect and make Choice of ſome Perſon or Perſons to be a Treaſurer or Treaſurers to the ſaid Company; and in caſe ſo many of the ſaid Company of Proprietors as ſhall be poſſeſſed of Five hundred Shares in the ſaid intended Navigation and Undertaking, ſhall at any Time be diſſatisfied with the Conduct of the Treaſurer or Treaſurers to the ſaid Company, and ſhall ſignify ſuch their Diſapprobation in Writing, ſigned by them, to the Committee of Management, at any General Meeting to be held as aforeſaid, then ſuch Committee ſhall thereupon call and appoint a General Meeting of the Proprietors at large to be held within Twenty-one Days from that Time, for the Purpoſe of taking into Conſideration the Cauſe of Complaint againſt ſuch Treaſurer or Treaſurers, and ſhall give publick Notice of ſuch Meeting in the Manner aforeſaid Seven Days at leaſt before the Time appointed for holding the ſame; and the Proprietors to be aſſembled at ſuch Meeting ſhall and may, after taking the Matter into Conſideration, either continue ſuch Treaſurer or Treaſurers in his or their Office, or remove and diſmiſs him or them from the ſame, and elect and appoint ſome other Perſon or Perſons in his or their Stead, according as they ſhall judge proper and expedient.

If ſo many of the Proprietors as ſhall have 500 Shares ſhall be diſſatisfied with the Treaſurer, a General Meeting may be called to conſider of his Conduct.

Security to be taken from the Treaſurer.

LXXXIX. Provided always, and be it further enacted, That the ſaid Company of Proprietors from Time to Time electing any ſuch Treaſurer or Treaſurers as aforeſaid ſhall direct ſuch Security to be taken from

from him or them, for the faithful Execution of his or their Office, as they in their Diſcretion ſhall deem ſufficient, and ſuch Security ſhall be required and taken accordingly before ſuch Treaſurer or Treaſurers ſhall be permitted to receive any Monies for or on Account of the ſaid Company.

Committee of Management may appoint Officers;

XC. And be it further enacted, That it ſhall and may be lawful for the Committee of Management at any ſuch General Meeting as aforeſaid, and they are hereby authorized and required from Time to Time to nominate and appoint a principal Clerk, on whom the Service of all Writs, Notices, and other legal Proceedings againſt the ſaid Company of Proprietors ſhall be deemed good Service on the ſaid Company, and ſuch One or more other Clerk or Clerks, and ſuch Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, and other Officers, (except the Treaſurer or Treaſurers), as the ſaid Committee of Management ſhall think proper and expedient for the better carrying the Purpoſes of this Act into Execution, the ſaid Committee always taking good and ſufficient Security from all Collectors and other Officers who ſhall have the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, for the faithful Diſcharge of the Truſt repoſed in them; and alſo from Time to Time to diſcharge and diſmiſs any ſuch Clerks, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there ſhall be Occaſion; and that all ſuch Clerks, Engineers, Surveyors, Collectors, and other Officers of the ſaid Company of Proprietors, who ſhall at any Time quit or be diſmiſſed from the Service of the ſaid Company, and the reſpective Executors or Adminiſtrators of thoſe who may happen to die, ſhall immediately thereupon produce and deliver up to the ſaid Committee of Management, or to ſuch Perſon or Perſons as they ſhall direct, all Books, Accounts, Writings, and Papers whatſoever, which ſhall be in the Cuſtody or Power of ſuch Engineers, Surveyors, Clerks, Collectors, or other Officers, Executors, or Adminiſtrators reſpectively, in anywiſe relating to the ſaid intended Navigation; and the ſaid Committee of Management ſhall alſo have full Power and Authority, and they are hereby required, at the General Meeting to be held in the Month of *June* as aforeſaid, to call for, audit, and ſettle, all Accounts of Money received, paid, laid out, and diſburſed, up to that Time, for or on Account of the ſaid Company of Proprietors, by the Treaſurer or Treaſurers, Collectors, and other Officers ſo to be appointed as aforeſaid, or by any other Perſon or Perſons to be employed on Behalf of the ſaid Company, in or about the ſaid intended Navigation: Provided always, that it ſhall be lawful for the ſaid Committee to call for, audit, and ſettle, ſuch Accounts, or any of them, oftener than Once a Year, if they ſhall deem it proper or expedient ſo to do.

taking Security from thoſe who are to have Cuſtody of Money;

Officers quitting or diſcharged, and Executors of thoſe dying, to deliver up Books, &c. under a Penalty.

Committee to ſettle Accounts of Officers at the General Meeting in *June*.

Committee may make Calls for Money;

XCI. And be it further enacted, That the Committee of Management ſhall alſo have full Power and Authority, from Time to Time, at any ſuch General Meeting as aforeſaid, to make ſuch Call or Calls for Money from the ſeveral Proprietors of the ſaid Navigation and Undertaking, in order to defray the Expences of or carry on the ſame, as they ſhall from Time to Time find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Ten Pounds for or in reſpect of every whole Share, or the Sum of Five Pounds for or in reſpect

of every Half Share, in the ſaid Navigation and Undertaking, and ſo that no ſuch Calls be made but at the Diſtance of Two Calendar Months at leaſt from each other, and ſo that Twenty-eight Days Notice at leaſt ſhall be given of every ſuch Call by Advertiſement in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Berks*, *Wilts*, *Somerſet*, and *Glouceſter*, and alſo in ſome *London* Newſpaper or Newſpapers, all which Money ſo to be called for as aforeſaid ſhall be paid into the Hands of the Treaſurer or Treaſurers of the ſaid Company of Proprietors, ſo to be iſſued, paid, and applied, for carrying on the ſaid Navigation and Undertaking, in ſuch Manner as the ſaid Committee of Management ſhall from Time to Time order and direct; and that the ſaid Committee of Management ſhall alſo have full Power and Authority, at every ſuch General Meeting as aforeſaid, on Behalf of the ſaid Company of Proprietors, to contract for and purchaſe all ſuch Lands, Tenements, or Hereditaments, and all ſuch Materials and other Things, as ſhall or may be wanted for the ſaid Navigation and other Works hereby authorized to be made, and to treat and agree with any Perſon or Perſons whomſoever touching the Compenſation to be made for any Damages to be done in the Exerciſe of the Powers hereby given, and to enter into and make ſuch Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Perſons, in and about or for the carrying on of the ſaid Navigation and other Works, or any Part thereof, as ſhall be thought expedient, and to enter into and make all ſuch other Contracts, Bargains, and Agreements whatſoever, touching or in anywiſe concerning the ſaid Undertaking, as they ſhall think proper; and to order and direct how the ſeveral Works ſhall from Time to Time be carried on, and generally to direct and manage all and ſingular the Affairs and Buſineſſes of the ſaid Company of Proprietors, and to do, execute, and perform all Acts, Matters, and Things, which the ſaid Company are by this Act authorized and empowered to do, ſave and except ſuch only as are hereby expreſsly directed to be done by the Proprietors at large, at any Meeting or Meetings of ſuch Proprietors to be held as herein-before and herein-after mentioned.

may contract for and purchaſe Lands, &c.

and may generally manage the Buſineſs of the Company.

Committee may appoint Sub Committees, with Power to make Contracts, &c.

XCII. And be it further enacted, That it ſhall be lawful for the Committee of Management, at any ſuch General Meeting as aforeſaid, to nominate and appoint out of their own Body One or more Sub-Committee or Sub-Committees, (every ſuch Sub-Committee to conſiſt of Three or more Perſons), who ſhall have full Power and Authority to enter into and make any ſuch Contracts or Agreements on Behalf of the ſaid Company of Proprietors as aforeſaid, and to hire and employ any Agents, Workmen, or Servants, in and about the ſaid Undertaking, and to do, execute, and perform, all other Matters and Things whatſoever in and about the ſaid Navigation and Undertaking, which the ſaid Committee of Management are themſelves herein-before authorized to do, or ſuch of them as the ſaid Committee of Management ſhall think proper to entruſt to the Care and Management of any ſuch Sub-Committee or Sub-Committees; ſave and except nevertheleſs the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and ſettling of the Accounts of the Treaſurer or Treaſurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors

of

of the ſaid Undertaking, all which ſhall be done by the ſaid Committee of Management only, as herein-before is directed; and it ſhall alſo be lawful for the ſaid Committee of Management, by an Order or Reſolution for that Purpoſe at any General Meeting, to break up and diſſolve any ſuch Sub-Committee or Sub-Committees, or to remove and diſplace any Member or Members thereof, and appoint ſome other or others in his or their Place and Stead, when and as often as ſuch Committee of Management ſhall think proper and expedient; and ſuch Sub-Committees ſhall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place as they ſhall think proper, and as Occaſion ſhall require, for effectuating the Purpoſes aforeſaid; and all Powers and Authorities hereby veſted, or which ſhall by the ſaid Committee of Management be veſted in any ſuch Sub-Committee within the Intent and Meaning of this Act, ſhall and may be exerciſed by the major Part of the Members preſent at their reſpective Meetings, the whole Number of Members preſent not being leſs than Three; and at all Meetings of ſuch Sub-committees reſpectively One of the Members preſent ſhall be appointed Preſident or Chairman, and all Queſtions ſhall be decided by the Majority of Votes, and the Preſident or Chairman ſhall have the caſting Vote in caſe of an equal Diviſion, but no other Member ſhall have more than One Vote.

Sub Committees may meet and adjourn, as Occaſion requires;

and all Powers given Sub-Committees may be exerciſed by Majority, ſo that there be Three Members preſent.

Sub Committees to appoint a Chairman.

XCIII. And be it further enacted, That the Committee of Management, and alſo every ſuch Sub-Committee as aforeſaid, ſhall enter or cauſe to be entered into Books, to be provided for that Purpoſe at the Expence of the ſaid Company of Proprietors, a full and true Account of all Money diſburſed and Payments made by ſuch Committee and Sub-Committees reſpectively, and by all and every Perſon and Perſons employed by or under them, and of all Monies which ſhall be paid to or received by them reſpectively for or on Account of the ſaid Company of Proprietors; and alſo a full and true Account, or proper Notes and Minutes, of every Contract, Bargain, and Agreement, which ſhall be entered into by them reſpectively for or on Behalf of the ſaid Company of Proprietors, and of all and ſingular their reſpective Orders, Tranſactions, and Proceedings whatſoever, in and about the Affairs and Buſineſs of the ſaid Company; and all reaſonable Expences, to be incurred at or by the reſpective Meetings of the ſaid Committee of Management, and of ſuch Sub-Committees reſpectively as aforeſaid, ſhall be paid and defrayed out of the Caſh or Stock of the ſaid Company of Proprietors, and ſuch Committee of Management and Sub-Committees reſpectively, ſhall and may from Time to Time draw for the Amount of ſuch Expences reſpectively upon the Treaſurer or Treaſurers to the ſaid Company; but no other Money ſhall be iſſued or paid by the ſaid Treaſurer or Treaſurers, for or on Account of the ſaid Company of Proprietors, without an Order being made for that Purpoſe by the Committee of Management at any ſuch General Meeting as aforeſaid; and every ſuch Book, and all other Books, Papers, and Writings, belonging to the ſaid Company of Proprietors, ſhall at all ſeaſonable Times be open to the Inſpection of all the ſaid Proprietors, who may take Copies thereof, or Extracts therefrom, without Fee or Reward.

Committees to enter their Proceedings.

Expences of Committees to be defrayed by the Company.

Money not to be iſſued by Treaſurer without an Order of the Committee.

XCIV. And be it further enacted, That every ſuch Sub-Committee ſo to be appointed as aforeſaid ſhall from Time to Time make Reports of their

Sub-Committees to make Reports of their Proceed-

ings to the Committee of Management.

their Proceedings to the Committee of Management, and ſhall at all Times be ſubject to the Examination and Controul of ſuch Committee of Management, and ſhall pay due Obedience to all their Orders and Directions in and about the Affairs and Buſineſs of the ſaid Company, ſo that ſuch Orders and Directions be not contrary to the expreſs Directions, Regulations, or Proviſions, contained in this Act.

Committee of Management may make Bye Laws.

XCV. And be it further enacted, That the Committee of Management ſhall alſo have full Power and Authority from Time to Time, at any ſuch General Meeting as aforeſaid, to make ſuch Rules, Orders, and Bye Laws, as to them ſhall ſeem meet and proper for the good Government of the ſaid Company of Proprietors, and for regulating the Proceedings of the ſaid Committee of Management, and Sub-Committees reſpectively, and for the regulating of all Officers, Workmen, and Servants, to be employed in or about the Affairs or Buſineſs of the ſaid Company of Proprietors, and for the well and orderly uſing of the ſaid intended Navigation, and the Tunnels, Locks, and Aqueducts thereto belonging, and for regulating the paſſing and re-paſſing of all Veſſels, Boats, and Barges, and the conveying of all Goods, Wares, and Merchandizes, which ſhall be navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others, who ſhall be employed in carrying or conveying any ſuch Goods, Wares, or Merchandizes, and for the Superintendance and Management of the ſaid Navigation and Undertaking in all other Reſpects whatſoever; and from Time to Time to alter or repeal ſuch Rules, Orders, and Bye Laws, or any of them, and to make others, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt ſuch Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the ſaid Committee of Management ſhall ſeem meet and expedient; and all Rules, Orders, and Bye Laws, ſo to be made as aforeſaid, being reduced into Writing, and the Common Seal of the ſaid Company thereto affixed by the ſaid Committee of Management, ſhall be binding upon and be obſerved by all Perſons uſing or in anywiſe concerned in the ſaid Navigation, and ſhall be ſufficient, in any Court of Law or Equity, to juſtify all Perſons who ſhall act under the ſame; provided that ſuch Rules, Orders, and Bye Laws, be not repugnant to the Laws of this Realm, or any of the expreſs Directions or Proviſions of this Act; and provided that Copies of ſuch Rules, Orders, and Bye Laws, or of ſuch of them as ſhall concern or relate to the uſing of the ſaid intended Navigation, and the Tunnels, Locks, and Aqueducts belonging thereto, or to the Conduct and Behaviour of Bargemen, Boatmen, Watermen, and others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Perſons employed in or about the ſaid Navigation, or of the Perſons reſorting to or making uſe thereof, ſhall be written or printed in large Characters, and be affixed and continued in ſome conſpicuous Place or Places upon all the Wharfs on the ſaid Navigation.

Committee of Management may call Special Meetings of Proprietors at large.

XCVI. And be it further enacted, That if it ſhall at any Time appear to the Committee of Management to be neceſſary or expedient to call a Special Meeting of the Proprietors at large for the more effectually putting this Act in Execution, or in order to take their Opinion reſpecting any Matter or Thing to be done in or about the ſaid Navi-

gation and Undertaking, it ſhall be lawful for the ſaid Committee of Management, purſuant to an Order or Reſolution for that Purpoſe to be made at any General Meeting of the ſame Committee, to call a Special Meeting of the Proprietors at large, by publick Advertiſement, in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Berks*, *Wilts*, *Somerſet*, and *Glouceſter*, and alſo in ſome *London* Newſpaper or Newſpapers, ſpecifying in ſuch Advertiſement the Cauſe of calling ſuch Special Meeting, and the Time and Place when and where the ſame ſhall be held, the Time not being leſs than Fourteen Days after ſuch Notice ſhall be given, and the Place being ſomewhere in the City of *Bath*, or in the County of *Wilts*, and within Ten Miles of the Line of the ſaid intended Navigation; and the ſaid Company of Proprietors are hereby authorized and required to meet purſuant to ſuch Notice, and to take into Conſideration the Matters to be ſubmitted to them by the ſaid Committee of Management, and ſpecified in ſuch Notice, and the Deciſion and Determination of the Proprietors preſent at ſuch Meeting, or the major Part of them, according to the Number of Votes they ſhall have a Right to give, either as Principals or Proxies, reſpecting ſuch Matters, ſhall be binding and concluſive upon the Reſt of the Proprietors to all Intents and Purpoſes, and ſhall be obſerved and acted upon accordingly.

The Chairman of the Meeting of each Claſs of Proprietors to tranſmit a Liſt of the Members elected to the Clerk of the Company.

XCVII. And be it further enacted, That the reſpective Preſidents or Chairmen of the General Meetings of the aforeſaid Three ſeveral Claſſes of Proprietors reſpectively, to be held for the Purpoſe of electing Members of the Committee of Management, as herein-before is directed, ſhall immediately after ſuch Meetings reſpectively tranſmit or return to the principal Clerk to the ſaid Company of Proprietors a Liſt of the Perſons who ſhall be elected at ſuch Meetings reſpectively to be Members of ſuch Committee, which Liſts ſhall from Time to Time be produced by ſuch principal Clerk at the Firſt General Meeting of the Committee of Management to be held in purſuance of this Act; and if there ſhall at any Time happen to be a Deficiency of Names in any ſuch Liſt, either by Reaſon of there not being a ſufficient Number of Proprietors in the Claſs from which ſuch Liſt ſhall have been tranſmitted or returned, duly qualified to be elected on ſuch Committee, or by or through any other Means, Accident, or Caſualty whatſoever, then and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, ſuch of the Members named in ſuch deficient Liſt as ſhall be preſent at the Firſt General Meeting of ſuch Committee, to be held in purſuance of this Act, or the major Part of them, ſhall have full Power and Authority to elect, either out of the Proprietors of the ſame Claſs, from which ſuch deficient Liſt ſhall have come, or out of the Proprietors at large, a ſufficient Number of Perſons, duly qualified as aforeſaid, to be Members of the ſaid Committee, to ſupply the Deficiency in ſuch Liſt; and in caſe the Members named in any ſuch deficient Liſt, or ſuch of them as ſhall be preſent at ſuch Firſt General Meeting of the ſaid Committee, ſhall decline or refuſe to fill up the Deficiency in ſuch Liſt, or if none of the Members named in ſuch Liſt ſhall be preſent at ſuch Meeting, then the other Members of the Committee of Management, preſent at ſuch Meeting, or the major Part of them, ſhall have full Power and Authority to ſupply ſuch Deficiency in the Manner aforeſaid; and if at any Time hereafter the Preſident

Deficiency in any ſuch Liſt how to be ſupplied.

ſident or Chairman of either of the aforeſaid Three Claſſes of Proprietors ſhall not tranſmit or return any Liſt whatever of Perſons elected Members of the Committee of Management, by the Claſs of Proprietors whereof he ſhall be Preſident or Chairman as herein-before is directed, and if ſuch Liſt ſhall not afterwards be brought to the Firſt General Meeting of the Committee of Management, to be held in purſuance of this Act, by ſome Member of ſuch Committee, elected by the Claſs of Proprietors from which no ſuch Liſt ſhall have been tranſmitted or returned as aforeſaid, then, and in ſuch Caſe, the ſaid Claſs of Proprietors, from whom no ſuch Liſt ſhall have come, ſhall be deemed and conſidered as not having elected any Member or Members of ſuch Committee, and the Members of ſuch Committee elected by the other Claſſes, and preſent at ſuch General Meeting, or the major Part of them, ſhall thereupon elect, either out of the Proprietors of the Claſs from whom no ſuch Liſt ſhall have come, or out of the Proprietors at large, as they ſhall think proper, ſuch Number of Perſons, duly qualified as aforeſaid, to be Members of the ſaid Committee, as the ſaid Claſs from whom no ſuch Liſt ſhall have come is herein-before authorized and required to elect for that Purpoſe; and if any Perſon, being a Member of the Committee of Management, ſhall, at any Time, accept any Office or Place of Profit, under the ſaid Company of Proprietors, or ſhall become a practiſing Attorney or Solicitor, or ſhall neglect to attend at Three ſucceſſive Meetings of the ſaid Committee, without ſending what ſhall be thought a ſufficient Excuſe in the Opinion of the Members preſent at the laſt of ſuch Three Meetings, or the major Part of them, or attending any Meeting ſhall refuſe to act in the Buſineſs there brought forward, every ſuch Perſon ſhall thenceforth ceaſe to be a Member of ſuch Committee, and all his Power and Authority as ſuch ſhall be at an End; and when and as often as any Member of the ſaid Committee of Management ſhall become incapacitated in the Manner aforeſaid, or ſhall die, or give in his Reſignation, ſuch of the remaining Members of ſuch Committee as ſhall be preſent at the Meeting at which ſuch Incapacity, Death, or Reſignation, ſhall be declared or announced, ſhall thereupon elect ſome other Perſon, being a Proprietor of Five or more Shares in the ſaid Navigation, and of the ſame Claſs of Proprietors to which the Member ſo becoming incapacitated, or dying, or reſigning, belonged, to be a Member of the ſaid Committee in his Stead and Place, until a new Committee of Management ſhall be choſen, purſuant to the Directions of this Act; and every Perſon who ſhall be ſo elected a Member of the ſaid Committee of Management, in any of the Caſes before-mentioned, ſhall have full Power and Authority to act in all Matters and Things relating to the ſaid Navigation and Undertaking, in the ſame Manner as if he had been originally elected a Member thereof by the ſaid laſt-mentioned Claſs of Proprietors.

Members of Committee of Management, how diſqualified.

Vacancies in Committee of Management, by Diſqualification, Death, or Reſignation, to be filled up by the remaining Members for the current Year.

Proprietors to pay their Shares of the Money called for at the Place appointed.

XCVIII. And be it further enacted, That every Proprietor of any Share or Shares, Half Share or Half Shares, in the ſaid Navigation and Undertaking, ſhall, from Time to Time, pay his or her Proportion of the Money, ſo to be called for as herein-before is mentioned, into the Hands of the Treaſurer or Treaſurers to the ſaid Company, at ſuch Time and Place as ſhall be appointed for that Purpoſe by the Committee of Management making ſuch Call, and of which ſuch Notice ſhall be given as herein-before is directed; and that if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their proportionable Part of the Money

If any Proprietor make Default, the Com-

ſo to be called for as aforeſaid, at the Time and Place which ſhall be appointed for that Purpoſe, in Manner aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, in caſe they ſhall ſo think fit, to ſue for and recover the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or the Perſon or Perſons ſo refuſing or neglecting to pay ſuch his, her, or their proportionable Part of ſuch Money as aforeſaid, ſhall forfeit to the ſaid Company of Proprietors the Sum of Five Pounds for every Share, and ſo in Proportion for every Half Share which he, ſhe, or they ſhall have or poſſeſs in the ſaid Undertaking; and in caſe any ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their proportionable Part of the Money ſo to be called for as aforeſaid, for the Space of One Calendar Month after the Time to be appointed for Payment thereof as aforeſaid, and the ſame ſhall not have been ſued for by the ſaid Company of Proprietors as aforeſaid, or if ſued for, ſhall not have been recovered by them, then, and in ſuch Caſe, the Perſon or Perſons ſo neglecting or refuſing ſhall abſolutely forfeit all his, her, or their Share, Part, and Intereſt whatſoever in the ſaid Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them, on Account thereof, to and for the Uſe and Benefit of the other Proprietors of the ſaid Undertaking, and all Shares that ſhall or may be ſo forfeited, ſhall be ſold by the ſaid other Proprietors by publick Auction, for the moſt Money that can be gotten for the ſame, and the Produce thereof ſhall be divided amongſt them in Proportion to their reſpective Shares and Intereſts in the ſaid Navigation and Undertaking: Provided always nevertheleſs, that no Advantage ſhall be taken of ſuch Forfeiture of any Share or Shares in the ſaid Navigation and Undertaking as aforeſaid, until after Perſonal Notice ſhall be given by the Treaſurer or principal Clerk of the ſaid Company of Proprietors to the Owner or Owners thereof, or until Notice in Writing, ſigned by ſuch Treaſurer or Clerk, ſhall be left at his, her, or their uſual or laſt Place or Places of Abode, nor unleſs the ſame ſhall be declared to be forfeited at ſome General Meeting of the Committee of Management, within Six Calendar Months next after ſuch Forfeiture ſhall have been incurred: Provided alſo, that every ſuch Forfeiture, after the ſame ſhall be taken Advantage of by the Reſt of the ſaid Company of Proprietors as aforeſaid, ſhall be an abſolute Indemnification and Diſcharge to and for the Proprietor or Proprietors ſo forfeiting, againſt all Actions, Suits, and Proſecutions, for any Breach of Contract or other Agreement between ſuch Proprietor or Proprietors ſo forfeiting and the Reſt of the ſaid Company, with regard to the future carrying on and Management of the ſaid intended Navigation and Undertaking.

pany may recover the ſame by Action;

and the Perſons making Default to forfeit 5 *l.* for every Share;

and if Calls not anſwered in One Month, Shares to be forfeited.

But Shares not to be forfeited without Notice, nor without being declared forfeited at a General Meeting of Committee.

Forfeiture of Shares to be an Indemnity to Perſons forfeiting.

XCIX. And be it further enacted, That if the Proprietor of any Share or Shares, or Half Share or Half Shares, in the ſaid Navigation and Undertaking, ſhall die before Payment ſhall have been made by him or her of the full Sum to be called for and advanced as aforeſaid, in reſpect of each Share or Half Share which he or ſhe ſhall have been poſſeſſed of or entitled to, without having made Proviſion by Will or otherwiſe how ſuch Share or Shares, Half Share or Half Shares, ſhall be diſpoſed of, and how the future Calls in reſpect thereof ſhall be anſwered, then, and in ſuch Caſe, the Executors or Adminiſtrators of ſuch Proprietor, and the Truſtee or Truſtees, Guardian or Guardians, of any Infant or other Perſon entitled to the Eſtate and Effects of ſuch Proprietor, ſhall be indemnified

In caſe of Death of Subſcribers before their Subſcriptions are completed, Executors may complete the ſame.

demnified againſt ſuch Infant, and all other Perſons whomſoever, for paying any Money, when called for as aforeſaid, to complete the Sum to be advanced in reſpect of every ſuch Share or Half Share; and if ſuch deceaſed Proprietor ſhall not have left Aſſets ſufficient, or in caſe any ſuch Executor or Adminiſtrator, Truſtee or Guardian, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company of Proprietors ſhall be, and they are hereby authorized and required to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares, Half Share or Half Shares, of ſuch deceaſed Proprietor, on Condition that ſuch Perſon or Perſons, ſo to be admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Proprietor, or to the Truſtee or Truſtees, Guardian or Guardians, of any Infants or others entitled to his or her Effects, the full Sum or Sums of Money which ſhall have been paid by ſuch deceaſed Proprietor in his or her Life Time, in conſequence of any Call or Calls, or otherwiſe, upon or in reſpect of ſuch Share or Shares, Half Share or Half Shares, or ſo much Money as the ſame can be ſold for.

In caſe of Refuſal or Want of Aſſets the Company may admit other Perſons to ſuch Shares on paying the ſame.

Shares may be ſold, and how.

C. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors of the ſaid Navigation and Undertaking, or any of them, to ſell, diſpoſe of, and transfer, any Share or Shares, Half Share or Half Shares, which he, ſhe, or they, ſhall reſpectively be entitled to therein, unto any other Perſon or Perſons, in the Manner, and ſubject to the Rules and Conditions herein-after mentioned; and that the Conveyance of all ſuch Shares or Half Shares reſpectively ſhall be effected by a Deed or Deeds in Writing, in the Form or to the Effect following; (that is to ſay),

Form of Conveyance of Shares on a Sale.

'I *A. B.* in Conſideration of paid to me
'by *C. D.* of do hereby bargain, ſell,
'aſſign, and transfer to the ſaid *C. D.* his Executors, Adminiſtrators, and
'Aſſigns, Share [*or* Shares, *or* Half Share *or* Half
'Shares], in the *Kennet* and *Avon* Canal Navigation, being N°
'of the Shares, [*or* N° and Letter of the Half
'Shares], in the ſaid Navigation, to hold to the ſaid *C. D.* his Execu-
'tors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules, Orders,
'and Reſtrictions, and on the ſame Conditions, that I held the ſame im-
'mediately before the Execution hereof: And I the ſaid *C. D.* do here-
'by agree to accept of the ſaid Share [*or*
'Shares, Half Share *or* Half Shares], ſubject to the ſame Rules, Orders,
'Reſtrictions, and Conditions. Witneſs our Hands and Seals, the
'Day of

Memorial of all ſuch Sales and Conveyances to be regiſtered.

And on every ſuch Sale the Deed of Conveyance, being executed by the Vender or Venders and Purchaſer or Purchaſers, ſhall be kept by the Purchaſer or Purchaſers for his, her, or their Security, after having been firſt produced to the principal Clerk to the ſaid Company of Proprietors, in order that he may enter in the Book or Books to be kept for that Purpoſe a Memorial of ſuch Sale and Conveyance for the Uſe of the ſaid Company of Proprietors, and certify the Entry of ſuch Memorial by an Indorſement on ſuch Conveyance, for which Entry and Certificate no more than One Shilling ſhall be paid, and the ſaid principal Clerk is hereby required to make ſuch Entry and indorſe ſuch Certificate accordingly; and until ſuch Memorial ſhall have been entered as above directed,

the

the Purchaſer or Purchaſers ſhall not have any Part or Share of the Profits of the ſaid Navigation, or any Intereſt paid to him, her, or them, for or in reſpect of ſuch Share or Shares, Half Share or Half Shares, ſo to be purchaſed, nor be entitled to any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Navigation.

No Share to be ſold after a Call till the Call be anſwered.

CI. Provided always, That after any ſuch Call for Money ſhall be made by the Committee of Management as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share or Shares, Half Share or Shares, which he, ſhe, or they ſhall then poſſeſs in the ſaid Navigation and Undertaking, until the Money ſo to be called for in reſpect of his, her, or their Share or Shares, Half Share or Shares, intended to be ſold, ſhall be paid, and every Perſon making Default herein ſhall forfeit ſuch his or her Share or Shares, Half Share or Half Shares, in the ſaid Navigation to and for the Benefit of the Reſt of the ſaid Proprietors, unleſs he or ſhe ſhall, at the Time of ſuch Sale or Transfer, pay to the Treaſurer of the ſaid Company of Proprietors the full Sum of Money called for upon every Share or Half Share ſo to be ſold or transferred; ſuch Forfeiture nevertheleſs to be firſt notified and declared in the Manner herein-before directed with reſpect to the Forfeiture of Shares for not anſwering the Calls to be made thereon as aforeſaid.

The Company empowered to take Rates and Tolls for Tonnage and Wharfage of Goods, &c.

CII. And be it further enacted, That in Conſideration of the Charges and Expences which the ſaid Company of Proprietors will be at in making and maintaining the ſaid Canal, Cuts, and other Works hereby authorized to be made, erected, and maintained as aforeſaid, it ſhall and may be lawful to and for the ſaid Company of Proprietors, from Time to Time, and at all Times for ever hereafter, to aſk, demand, take, and receive, to and for their own Uſe and Benefit, for the Tonnage and Wharfage of all Goods, Wares, and Merchandizes and Commodities whatſoever, which ſhall be carried or conveyed upon the ſaid Canal and Cuts, or any Part thereof reſpectively, the reſpective Rates, Tolls, and Duties herein-after mentioned; (that is to ſay),

For all Hay, Straw, Dung, Peat, and Peat Aſhes, and for all other Aſhes intended to be uſed for Manure, and for all Chalk, Marle, Clay, and Sand, and for all Lime intended to be uſed for Manure, and for all other Articles intended to be uſed for Manure, and for all Materials for the Repair of Roads, the Sum of One Penny *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or a greater or leſs Diſtance than a Mile:

For all Coals, Culm, Coke, Cinders, Charcoal, Iron Stone, Pig Iron, Iron Ore, Copper Ore, Lead Ore, Lime, (except what ſhall be intended to be uſed for Manure), Lime Stone, and other Stone, Bricks, and Tiles, the Sum of One Penny Halfpenny *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile:

For all Corn and other Grain, Flour, Malt, Meal, Timber, Bar Iron, and Lead, (except ſuch Corn and other Grain, Flour, Malt, and Meal, as ſhall be carried Weſtwards on ſuch Part of the ſaid Canal as ſhall be ſituate between the Town of *Devizes* and the City of *Bath*), the Sum of Two-pence *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile:

For all Corn and other Grain, Flour, Malt, and Meal, which ſhall be carried from the Town of *Devizes* to the City of *Bath*, the Sum of Three Shillings *per* Ton; and ſo in Proportion for any greater or leſs Quantity than a Ton:

For all Corn and other Grain, Flour, Malt, and Meal, which ſhall be carried Weſtwards on any Part of the ſaid Canal between the Town of *Devizes* and the City of *Bath*, and ſhall not paſs the whole Way between *Devizes* and *Bath*, the Sum of One Penny Halfpenny *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile: And,

For all other Goods, Wares, Merchandize, and Commodities whatſoever, in reſpect of which no Toll, Rate, or Duty, is herein-before made payable, the Sum of Two-pence Halfpenny *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile.

Tolls to be paid for a full Half Mile, and for a full Quarter of a Ton.

CIII. Provided nevertheleſs, That in all Caſes where any Boat, Barge, or other Veſſel, ſhall be navigated or paſs by any Poſt or Mark, or Place where ſuch Poſt or Mark had ſtood or been fixed on the Side of the ſaid Canal and Cuts reſpectively, deſcribing and regulating the Length of Half a Mile, (and which Poſts or Marks the ſaid Company of Proprietors are hereby required to cauſe to be affixed or ſet up), the ſaid Rates, Tolls, and Duties, ſhall be paid for a full Half Mile, although ſuch Boat, Barge, or other Veſſel, ſhall not have actually paſſed the full Half Mile; and that in all Caſes where the Weight of the Lading contained in any ſuch Boat, Barge, or other Veſſel, ſhall not make up an even Quarter of a Ton, yet the ſaid Rates, Tolls, or Duties, which would be payable for a full Quarter of a Ton, ſhall be paid to the ſaid Company of Proprietors for any leſs Quantity.

Veſſels laden with Hay, Straw, or Corn, &c. not to paſs Locks except when the Water ſhall flow over the Waſte Weir at ſuch Locks.

CIV. Provided always, and be it further enacted, That no Boat, Barge, or other Veſſel, laden with Hay, Straw, or Corn in the Straw, or with any Materials for the Repair of Roads, or with any Kind of Manure, except Aſhes, ſhall paſs through any Lock to be made by virtue of this Act, except at ſuch Times only as the Water ſhall flow over the Waſte Weir next above ſuch Lock, without the Conſent of the Committee of Management, or of ſome Sub-Committee to be appointed as aforeſaid, or of ſome Agent to the ſaid Company of Proprietors.

For aſcertaining the Weight of Timber and light Goods.

CV. And, for the better aſcertaining the Tonnage of Timber and of light Goods to be charged with the Payment of the Rates, Tolls, or Duties aforeſaid, be it further enacted, That Forty cubic Feet of round, or Fifty cubic Feet of ſquare Oak, Aſh, Elm, or Beech Timber, and Fifty cubic Feet of Fir or Deal, Poplar or Birch, not cut into Scantlings, and Sixty cubic Feet of light Goods, ſhall be deemed, rated, and eſtimated, as and for One Ton Weight.

Further Allowance for Goods remaining upon Wharfs above Forty-eight Hours.

CVI. And be it further enacted, That if any Goods, Wares, Merchandizes, or Commodities whatſoever, which ſhall be ſo carried or conveyed upon the ſaid Canal and Cuts reſpectively as aforeſaid, ſhall remain upon any Wharf or Quay belonging to the ſaid Company of Proprietors for above the Space of Forty-eight Hours, then and in ſuch Caſe the ſaid Company of Proprietors ſhall be entitled to have and receive ſuch reaſonable

reaſonable Tolls or Allowance for the Wharfage thereof, over and above the Rates, Tolls, and Duties herein-before authorized to be taken, as ſhall be agreed upon between the ſaid Company of Proprietors, or their Agent or Agents, and the Owner or Owners of ſuch Goods, Wares, Merchandizes, or Commodities; and in caſe any Difference or Diſpute ſhall ariſe concerning ſuch Allowance, the ſame ſhall be aſcertained and adjuſted by the ſaid Commiſſioners.

Rates, Tolls, and Duties, how to be recovered.

CVII. And be it further enacted, That the Rates, Tolls, and Duties hereby authorized to be demanded and taken by the ſaid Company of Proprietors, ſhall be paid to ſuch Perſon and Perſons, at ſuch Place or Places upon or near to the ſaid Canal and Cuts reſpectively, and in ſuch Manner, and under ſuch Regulations, as the Committee of Management ſhall in that Behalf direct or appoint; and in caſe of Neglect or Refuſal to pay any ſuch Rates, Tolls, or Duties, or any Part thereof, unto the Perſon or Perſons who ſhall be ſo appointed to receive the ſame as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for the ſame by Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, or it ſhall be lawful for the Perſon or Perſons to whom ſuch Rates, Tolls, or Duties, ought to have been paid, and he and they is and are hereby fully authorized and empowered to ſeize and diſtrain the Goods, Wares, Merchandizes, or Commodities, for or in reſpect of which ſuch Rates, Tolls, or Duties, ought to have been paid as aforeſaid, or any Part thereof, and the Boat, Barge, or other Veſſel laden therewith, and to detain the ſame reſpectively, until full Payment ſhall be made of ſuch Rates, Tolls, or Duties, and of all Arrears of the ſame which may be then due from the Owner of ſuch Boat, Barge, or Veſſel, to the ſaid Company of Proprietors, together with the reaſonable Coſts and Charges of ſuch Seizure and Diſtreſs; and in caſe ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame ſhall and may be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

Taxes on the Rates to be apportioned between the Pariſhes.

CVIII. And be it further enacted, That all Parochial Rates and Aſſeſſments which ſhall or may be laid, aſſeſſed, or impoſed, on the Rates and Tolls by this Act granted and authorized to be taken by the ſaid Company of Proprietors, ſhall be laid, aſſeſſed, and impoſed in each Pariſh reſpectively, in Proportion to the Length of the ſaid Canal in ſuch reſpective Pariſh.

The Rates not taxable, but when the Company make a Dividend of Five *per Cent.*

CIX. Provided always, and be it further enacted, That the ſaid Rates, Tolls, and Duties, by this Act granted and authorized to be taken by the ſaid Company of Proprietors, ſhall not at any Time be charged with, or ſubject or liable to the Payment of any Taxes or Aſſeſſments whatſoever, except at ſuch Time or Times as the Net Produce of the ſaid Rates, Tolls, and Duties, ſhall (excluſive of ſuch Taxes or Aſſeſſments) be ſufficient to enable the ſaid Company of Proprietors to divide the Sum of Five Pounds *per Centum per Annum* on the full Sum expended and laid out in or preparatory to the obtaining and paſſing this Act, and the making the ſaid Canal and Cuts, and in carrying the Powers of this Act into Execution, until the ſaid Canal, Cuts, and other Works, ſhall be completed.

CX. And,

Masters of Boats, &c. to give an Account in Writing of the Goods on Board to the Collectors of the Tolls.

CX. And, for the better ascertaining and more easy collecting of the said Tolls, Rates, or Duties, be it further enacted, That the Master, Owner, or other Person having the Care of every Boat, Barge, or other Vessel, navigating upon the said Canal and Cuts, or any Part thereof respectively, shall from Time to Time give in a true and just Account in Writing, signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight, of the Goods, Wares, Merchandizes, and Commodities, contained in every such Boat, Barge, or other Vessel, and of the Place from whence brought, and where intended to be landed or carried, and also of the Quantities, Qualities, and Weight, of such Goods, Wares, Merchandizes, or Commodities, as shall have been discharged or taken out of such Boat, Barge, or other Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and if the Goods, Wares, Merchandizes, or Commodities, on Board any such Boat, Barge, or other Vessel, shall be liable to the Payment of different Rates, then such Master, Owner, or other Person, shall specify the Quantities liable to the Payment of such Rate; and in case any such Master, Owner, or other Person, shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors the Sum of Forty Shillings for every such Offence, over and above the Tolls, Rates, or Duties, which shall be payable for such Goods, Wares, Merchandizes, or Commodities.

Penalty for Neglect.

In case of any Dispute or Difference about the Weight of Goods, Collectors may stop and weigh the same.

CXI. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandizes, or other Commodities on Board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandizes, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, and Merchandizes, as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person, having the Care of such Boat, Barge, or other Vessel, affirmed or stated the same to be, then the said Master, Owner, or other Person, having the Care of such Boat, Barge, or other Vessel, shall pay the Costs and Charges of such weighing, measuring, and gauging, and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties, are hereby appointed to be levied and recovered; but if such Goods, Wares, and Merchandizes, shall appear to be of the same Weight or Quantity as, or of a less Weight or Quantity than the said Master, Owner, or other Person, declared the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners

of such Goods, Wares, Merchandizes, and Commodities, such Damages as shall appear to the aforesaid Commissioners, 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 such Collector, the same shall be recovered from the said Company of Proprietors, by Distress and Sale of their Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners, or otherwise by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Navigation to be free on Payment of the Tolls.

CXII. And be it further enacted, That all and every Person and Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Ways and Roads belonging to the said Company of Proprietors, (except the Towing Paths), for the conveying any Goods, Wares, Merchandizes, or other Things, to and from the said intended Canal and Cuts respectively, and the Wharfs, Quays, and Landing Places, belonging thereto, and also with Boats, Barges, and other Vessels, to navigate, pass upon, and use, the said Canal and Cuts respectively, for the Purpose of conveying any Goods, Wares, Merchandizes, or Commodities whatsoever thereon respectively, and also to use the said Wharfs, Quays, and Landing Places, for the loading and unloading of any Goods or other Things, and the said Towing Paths for the haling and drawing of such Boats, Barges, and other Vessels, upon Payment of such Rates, Tolls, and Duties, for the same, as shall be demanded by the said Company of Proprietors, not exceeding the several Rates, Tolls, and Duties, herein-before mentioned, and subject always to the Rules, Orders, Bye Laws, and Regulations, which shall from Time to Time be made by the Committee of Management, by virtue of the Power herein-before given in that Behalf.

The Company may from Time to Time vary the Tolls.

CXIII. And be it further enacted, That it shall be lawful for the Committee of Management from Time to Time, at any General Meeting of the said Committee, to be held pursuant to the Directions of this Act, to lower or reduce such of the said Rates, Tolls, and Duties, to be fixed as aforesaid, as the said Committee shall think proper, and afterwards, from Time to Time, at any such General Meeting, again to advance and raise all or any of the said Rates, Tolls, and Duties, which shall have been so lowered or reduced; provided always, that the Rates, Tolls, and Duties, so to be advanced and raised as aforesaid, shall not in any Case exceed the respective Sums herein-before authorized to be taken; provided also, that whenever any Alteration shall be made in the Tolls, Rates, or Duties, payable for or in respect of Corn or other Grain, Flour, Malt, or Meal, such Alteration shall take place in the same Proportion on such Articles carried Westwards between *Devizes* and *Bath* as on the other Parts of the said Canal and Cuts.

Amount of clear Profits of the intended Navigation, how to be ascertained.

CXIV. And be it further enacted, That, in order to ascertain the Amount of the clear Profits of the said Navigation and Undertaking, the Committee of Management shall cause to be entered and kept in a Book or Books to be provided for that Purpose, a true and particular Account of the Costs, Charges, and Expences, attending the obtaining and passing of this Act, and of all Money already laid out, and which shall hereafter from Time to Time be laid out and expended in or in anywise relating to the making, completing, and maintaining, of the said Canal or Cuts, and other Works hereby authorized to be made and

carried on, and of all Coſts, Charges, and Expences, which ſhall from Time to Time be incurred on Account or by Means of the ſaid Navigation, and the ſeveral Works thereto belonging, until the ſame ſhall be fully made and completed, and that the ſaid Committee ſhall alſo from and after the ſaid Canal and Cuts, and other Works, ſhall be fully completed, cauſe a true, exact, and particular Account to be kept, and annually made up and balanced to the Twenty-ninth Day of *May* yearly, of the Rates, Tolls, and Duties, and other Monies, to be collected and received by virtue of this Act, and of the Coſts, Charges, and Expences, incidental to and attending the ſupporting, repairing, maintaining, and uſing, the ſaid Canal and Cuts, and other Works, and the ſaid firſt-mentioned Account, as well as every ſuch Annual Account as aforeſaid, ſhall at all reaſonable Times be open to the Inſpection and Peruſal of every Perſon being a Proprietor in the ſaid Navigation.

Canal to be meaſured, and Stones erected every Half Mile.

CXV. And be it further enacted, That as ſoon as conveniently may be after the ſaid Canal and Cuts reſpectively hereby authorized to be made as aforeſaid ſhall be completed, the ſaid Company of Proprietors ſhall cauſe the ſame to be meaſured, and Stones or Poſts to be erected and for ever afterwards maintained on the Side or Sides thereof reſpectively, at the Diſtance of Half a Mile from each other, with proper and legible Marks thereon, denoting the Diſtance from ſuch Places as ſhall be thought proper.

Navigation not to be ſubject to Commiſſioners of Sewers.

CXVI. And be it further enacted, That the ſaid Canal and Cuts, and other Works hereby authorized to be made as aforeſaid, or any of them, ſhall not be ſubject or liable to the Controul, Direction, Survey, or Order, of any Commiſſioners of Sewers, or to any Law or Statute relating to Sewers, (any Thing in any former Law or Statute to the contrary notwithſtanding).

The Names of the Owners of Boats, &c. to be painted on the Outſide.

CXVII. And, for the better regulating of the Maſters or Owners of Boats, and the Bargemen and others employed by or under them reſpectively, and for the more eaſy detecting of any Thing to be done by them contrary to the Directions of this Act; be it further enacted, That every Owner, Maſter, or Perſon having the Charge or Command of any Boat, Barge, or other Veſſel, (not being a Pleaſure Boat), navigating and paſſing upon the ſaid Canal and Cuts reſpectively, ſhall cauſe his or her Name and Place of Abode, and the Name or Number of his or her Boat, Barge, or other Veſſel, to be entered with ſome or One of the Clerks to the ſaid Company of Proprietors, and ſhall alſo cauſe the Name of ſuch Owner or Owners, and the Name or Number of ſuch Boat, Barge, or other Veſſel, to be painted in large White Capital Letters and Figures on a Black Ground, Four Inches high at leaſt, and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat, Barge, or other Veſſel, ſo high that no Part of ſuch Letters or Figures ſhall be under Water when

Boats, &c. to be gauged when required by the Company;

ſuch Boat, Barge, or other Veſſel, ſhall be full laden; and that every Owner, Maſter, or Perſon having the Charge or Command of any ſuch Boat, Barge, or other Veſſel, ſhall from Time to Time, when thereto required, permit and ſuffer the ſame to be gauged and meaſured by ſuch Perſon or Perſons as ſhall be appointed for that Purpoſe by the ſaid Company of Proprietors or their Committee of Management, ſo that no ſuch Boat, Barge, or other Veſſel, ſhall be gauged or meaſured more than Four Times in any One Year, and that the Perſon or Perſons ſo to be appointed

appointed to gauge and measure any such Boat, Barge, or other Vessel, shall from Time to Time register or enter in a Book to be provided and kept for that Purpose, a Memorandum of the Measurement thereof, and all Particulars relating thereto, and shall also thereupon deliver to the Owner, Master, or Person having the Charge or Command of such Boat, Barge, or other Vessel, a Certificate in Writing specifying the Measure thereof, and what Quantity of Water the same will draw with different Burthens or Ladings, which Certificate shall always go with such Boat, Barge, or other Vessel, and shall from Time to Time be produced and shewn by the Owner, Master, or other Person having the Charge or Command thereof, to the several Collectors of the Tolls, Rates, and Duties, granted by this Act, who shall require or demand to see the same, in order that the true Weight of the Lading on Board every such Boat, Barge, or other Vessel, may be the more easily known and ascertained by such Collectors; and that every Owner, Master, or other Person having the Charge or Command of any Boat, Barge, or other Vessel, who shall navigate such Boat, Barge, or other Vessel, upon the said Canal or Cuts without having such Names, Marks, and Figures thereon as herein-before directed, or shall alter, erase, deface, or destroy, the same, or any Part thereof, or shall put any false Names, Marks, or Figures, on such Boat, Barge, or other Vessel, or who shall refuse to permit such Boat, Barge, or other Vessel, to be gauged or measured as aforesaid, or who shall not produce such Certificate as aforesaid when thereto required by any such Collector or Collectors as aforesaid, or who shall give a false Account of the Lading on Board of any such Boats, Barges, or other Vessels, to the said Collectors, or who shall cause or permit such Boat, Barge, or other Vessel, to be at any Time loaded or unloaded without a Stage being laid from the Side of such Boat, Barge, or other Vessel, to the Bank of the said Canal or Cuts respectively, in order to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively forfeit and pay the Sum of Forty Shillings.

and a Certificate of the Measure of such Boat, &c. always to go therewith;

Penalty on Neglect or Refusal.

CXVIII. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel, navigating or passing upon the said Canal and Cuts respectively, shall be, and he is hereby made answerable for all such Damage, Spoil, or Mischief, as shall be done by his Boat, Barge, or Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works, in, upon, or belonging to, the said Canal and Cuts respectively, either by loading or unloading any such Boat, Barge, or other Vessel, or by any other Means whatsoever; and also for any Trespass or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Canal and Cuts respectively, by leaving open Gates, or otherwise, and for any other Trespass whatsoever, contrary to the several Directions and Restrictions in this Act contained, or any of them, such Trespass or Damage to be ascertained and recovered in like Manner as any Penalty can or may by virtue of this Act be ascertained and recovered; and if the Owner or Owners of any Boat, Barge, or any other Vessel, navigating or passing on the said Canal and Cuts respectively, shall be compelled to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default, of his or their Servant or Servants, Boatmen or Watermen, then, and in such Case, every such Servant, Boatman, and

Owners of Boats answerable for Damage done by their Boats, Horses, or Servants.

Owners of Boats may recover from Servants what shall be paid for Damages done by them.

and Waterman, shall be liable to repay such Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Non-payment thereof upon Demand, the same shall be recovered in like Manner as any Penalty can or may, by virtue of this Act, be recovered.

Places to be made for Boats to turn and pass each other in.

CXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, in such Parts of the said Canal and Cuts respectively as shall not be of a sufficient Breadth for admitting a Boat, Barge, or other Vessel, to turn about, or Two Boats, Barges, or other Vessels, to pass each other, to open and cut proper Spaces or Places in the Lands adjoining to the said Canal and Cuts respectively, at convenient Distances from each other, for the turning and passing of such Boats, Barges, and other Vessels, and that all Boats, Barges, or other Vessels, passing upon the said Canal or Cuts respectively, shall, upon meeting any other Boat, Barge, or Vessel, stop at or go back to and lie in the said Spaces or Places to be made for that Purpose, in such Manner as the Committee of Management shall from Time to Time direct and appoint.

Regulations for Boats in passing the Locks.

CXX. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel, which shall pass through any Lock to be made upon the said Canal and Cuts respectively, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel, to pass through the same; and that every such Boatman or other Person as aforesaid, in going down the said Canal and Cuts respectively, from the respective Head Levels thereof, shall, previously to his bringing his Boat, Barge, or other Vessel, into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Sluices of the Upper Gates thereof; and after he shall have brought his Boat, Barge, or other Vessel, into the said Lock, he shall then shut the Upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the Lower Gates thereof; and in going up the said Canal and Cuts respectively, towards the respective Head Levels thereof, such Boatman or other Person shall, as soon as he shall have passed with his Boat, Barge, or other Vessel, out of the said Lock, shut the Upper Gates thereof, and the Sluices thereto belonging, and afterwards draw the Sluices of the Lower Gates thereof, unless there shall be then a Boat, Barge, or other Vessel, in Sight of the said Lock coming down the said Canal or Cuts, in which Case the Lower Gates of the said Lock, and the Sluices thereof, shall be left shut, and the Upper Gates shall be left open; and at all Times the Vessels going up the said Canal and Cuts respectively, if within Sight of any Vessel coming down, and at a Distance not exceeding Three hundred Yards below any Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel above such Lock shall come down; and if there shall be more Vessels than One below and above any Lock at the same Time, within the Distance aforesaid, (at which Distance a Post or Mark shall be set up or made for ascertaining the same), such Vessels shall go up and come down through such Lock by Turns as aforesaid, until all the Vessels going up and coming down shall have passed the same, in order that One Lock full of Water may serve Two Vessels; and that every Person who shall offend in any of these Particulars shall for every such Offence forfeit a Sum not exceeding Five Pounds.

To prevent Lock Keepers giving any Preference to Boats.

CXXI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company of Proprietors, ſhall give any undue Preference or ſhew any Partiality to any Boat, Barge, or other Veſſel, in paſſing through any Lock or Locks upon the ſaid Canal or Cuts, or in loading or unloading any Goods, Wares, or Merchandizes, at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines, belonging to the ſaid Company of Proprietors, he ſhall forfeit and pay, for every ſuch Offence, the Sum of Twenty Shillings.

Boats under 30 Tons not to paſs Locks but on certain Conditions.

CXXII. Provided always, and be it further enacted, That no Boat, Barge, or other Veſſel, liable to pay any Tonnage under this Act, of leſs Burthen than Twenty Tons, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent in Writing of the Committee of Management or the principal Clerk to the ſaid Company of Proprietors, unleſs the Owner, Maſter, or other Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall pay the ſame Tonnage as for a Boat, Barge, or Veſſel, of Twenty Tons Burthen.

Two Boats may paſs Locks together in certain Caſes.

CXXIII. Provided always, and be it further enacted, That it ſhall be lawful for Two or more Boats, Barges, or other Veſſels, conſtructed ſo as to be admitted at the ſame Time into, and to paſs through any of the Locks to be made by virtue of this Act, and capable of carrying together Thirty Tons or more, to paſs any of the ſaid Locks, upon a Tonnage being paid for the Quantity of Coals, or other Goods, Wares, or Merchandize, on Board ſuch Boats, Barges, or other Veſſels, ſo as ſuch Quantity be not leſs than Twenty Tons.

Boats, &c. obſtructing the Navigation to be removed.

CXXIV. And be it further enacted, That if any Boat, Barge, or Veſſel, ſhall be placed in any Part of the ſaid Canal or Cuts, or of the Trenches, Sluices, or Paſſages, belonging thereto, ſo as to obſtruct the Navig tion or Paſſage thereon, and the Perſon having the Care of ſuch Boat, Barge, or Veſſel, ſhall not immediately remove the ſame, or alter the Poſition thereof, upon Requeſt made for that Purpoſe, he ſhall for every ſuch Offence forfeit a Sum not exceeding Ten Shillings, and ſhall moreover forfeit a Sum not exceeding Four Shillings for every Hour during which ſuch Obſtruction ſhall continue after ſuch Requeſt for Removal thereof ſhall be made as aforeſaid; and that it ſhall be lawful for any of the Collectors, Agents, or Servants, of the ſaid Company of Proprietors to cauſe any ſuch Boat, Barge, or other Veſſel, to be unladen if neceſſary, and to be removed in ſuch Manner as ſhall be requiſite for preventing any further Obſtruction therefrom, and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Lading thereof, or any Part of ſuch Lading, until the ſaid Penalty or Penalties, and the Charges of ſuch unlading and Removal ſhall be paid; and that if any Boat, Barge, or other Veſſel, ſhall be ſunk in any Part of the ſaid Canal or Cuts, and the Owner or Owners, or Perſons having the Care of ſuch Boat, Barge, or Veſſel, ſhall not without Loſs of Time weigh or draw up the ſame, it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, or any of them, to cauſe ſuch Boat, Barge, or Veſſel, to be weighed or drawn up, and to detain and keep the ſame until Payment ſhall be made of all the Expences thereby neceſſarily incurred or occaſioned.

Boats ſunk to be weighed up.

Penalty on Perſons taking or unloading Goods, unleſs at a publick Wharf.

CXXV. And be it further enacted, That if any Perſon or Perſons navigating or having the Care of any Boat, Barge, or other Veſſel, upon the ſaid Canal or Cuts, or any Part thereof reſpectively, ſhall, with Intent to avoid

avoid the Payment of any of the said Tolls, Rates, or Duties, load, unload, or take into any such Boat, Barge, or other Vessel, any Goods, Wares, Merchandizes, or Commodities whatsoever, liable to pay any of the Tolls, Rates, or Duties, herein-before mentioned, at any other Place or Places than at the publick or private Wharfs or Quays upon or belonging to the said Canal or Cuts, without having first obtained a Consent in Writing for that Purpose from the Committee of Management, or some One of the Agents or Collectors of Tolls to the said Company of Proprietors, or if any Person shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Persons leaving open Draw Bridges, after being necessarily opened, or leaving open the same without Occasion.

CXXVI. And be it further enacted, That if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal or Cuts, or any Trenches or Passages for Water to be made by virtue of this Act, all and every Person and Persons opening any such Draw Bridge or Swivel Bridge for the Passage of any Boat or other Vessel, shall from Time to Time, as soon as such Boat or other Vessel shall have passed such Bridge, shut and fasten the same, and that every Person neglecting so to do shall forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds; and in case any such Bridge shall be left open longer than necessary for the Passage of any Boat or other Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Boat or Vessel, then the Master or Owner of such Boat or Vessel shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds; and if any Person or Persons shall wilfully open any such Draw Bridge or Swivel Bridge, when no Vessel is to pass through the same, so as to interrupt a free Passage for Travellers, Cattle, or Carriages, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; all which said Penalties or Forfeitures shall go and be applied, One Moiety to the Informer, and the other Moiety to the Poor of the Township or Parish where the Offence shall be committed.

Penalties on Persons floating Timber on Canal, or otherwise obstructing the Navigation;

and Persons throwing Ballast or Rubbish into Canal.

Penalty on Persons opening Locks, &c. and wasting Water, &c.

CXXVII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal or Cuts, without the Consent of the Committee of Management, or of some Collector or Agent to the said Company of Proprietors, or shall navigate on the said Canal or Cuts any Boat or Vessel laden with Timber, which shall lie over the Sides of such Boat or Vessel, in such a Way as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given of such Obstruction, hale or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same, so as to make a free Passage for other Boats or Vessels; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing, into any Part of the said Canal or Cuts, or into any Trenches, Sluices, or Passages for Water, to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Paddle, Valve, or Sluice, belonging to the said intended Navigation, or shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation, or shall leave any of the Gates or Sluices of any Lock open after any Boat or other Vessel shall have passed through the same, (except

(except in such Cases as are herein-before otherwise ordered), or shall wilfully obstruct, hinder, or prevent, any Person in the Execution of this Act, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Penalty on Persons wilfully damaging the Canal.

CXXVIII. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Bank or Banks, or other Works, to be erected or made by virtue of this Act, every Person so offending, being lawfully convicted, shall be transported in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, or otherwise the Court before whom such Person shall be convicted may, in Mitigation of such Punishment, (if they think fit), award any such other Punishment as the Law directs in Cases of Petit Larceny.

Restriction respecting making Wharfs at *Devizes*.

CXXIX. Provided always, and be it further enacted, That if the Mayor and Burgesses of the Borough of *Devizes* shall, in pursuance of the Powers in that Behalf by this Act given, make and erect a Wharf for the Use of the Publick, with proper and sufficient Cranes, Weigh Beams, and other Conveniencies thereon, within or near to the said Borough of *Devizes*, within the Space of One Year next after the said Canal, or any Part thereof, shall be navigable at or near the said Borough, and shall from Time to Time support and maintain the same, then and in such Case, the said Company of Proprietors, or any other Person or Persons, shall not make or erect any publick Wharf or Landing Place whatsoever, within the Distance of One Mile from such last-mentioned Wharf so to be erected.

Arbitrators to determine the Compensation to be made to the Inhabitants of *Marlborough* for any Loss they may sustain.

CXXX. And be it further enacted, That the Right Honourable *Thomas Bruce* Earl of *Ailesbury*, and *Charles Dundas* of *Barton Court*, in the County of *Berks*, Esquire, and their Successors, to be appointed in Manner herein-after mentioned, shall be, and they are hereby appointed Arbitrators for the Purposes herein-after mentioned, and shall, and they are hereby authorized and empowered, at any Time or Times within the Time herein-after limited, to take into Consideration the probable Loss or Injury which may be sustained by the Inhabitants of the Town of *Marlborough*, in the County of *Wilts*, in their Trade, Market, or otherwise, in consequence of the said Canal being carried through the adjacent Towns and Country, and to award, direct, or appoint, such Equivalent, Recompence, or Compensation, to be made by the said Company of Proprietors, to or for the Benefit of the Inhabitants of the said Town, either by a Drawback or Allowance out of the Tolls, Rates, and Duties, which shall be payable to the said Company of Proprietors by virtue of this Act, for or in respect of such Goods, Wares, Merchandize, or Commodities, as herein-after is mentioned, or by such other Ways or Means as the said Earl of *Ailesbury* and *Charles Dundas*, or their Successors, shall in their Judgement think fit or adequate; and that such Award, Direction, or Appointment, and a Duplicate thereof, shall be made in Writing, under the Hands and Seals of the said Earl of *Ailesbury* and *Charles Dundas*, or their Successors, within the Term of Two Years next after the said Canal shall be completed and opened for the Purposes of Navigation; and that One Part thereof shall be deposited and remain at the Office of the Town Clerk for the Borough and Town of *Marlborough*, and the other Part thereof at the Office of the principal Clerk to the said Company of Proprietors, to the End that all Persons may, at all seasonable

able Times, have Liberty to inſpect and peruſe the ſame, and to take Copies thereof at their Will and Pleaſure; and in caſe the ſaid Arbitrators ſhall not agree to determine the Matter hereby intended to be ſubmitted and referred to them as aforeſaid, then the ſame ſhall be ſubmitted and referred to the Hearing and Arbitration of ſuch One indifferent Perſon as they the ſaid Arbitrators ſhall for that Purpoſe, previouſly to their entering upon the Buſineſs of the ſaid Arbitration, nominate and appoint Umpire in the Premiſes; and the Award, Order, or Determination, of the ſaid Arbitrators, or of the Perſon to be appointed Umpire by them in the Matter ſo to be ſubmitted and referred to them as aforeſaid, (after a Hearing of all Parties concerned, or ſome Perſon on their Behalf, and the Evidence on both Sides), ſhall be final, binding, and concluſive, to all Intents and Purpoſes, upon the ſaid Company of Proprietors.

Limiting and regulating the Compenſation, if by Drawback.

CXXXI. Provided always, and be it further enacted, That ſuch Equivalent, Recompence, or Compenſation, if the ſame ſhall be by a Drawback or Allowance as aforeſaid, ſhall not exceed Two Shillings a Ton on any Goods, Wares, Merchandize, or Commodities whatſoever, which ſhall or may be carried or conveyed on the ſaid Canal between *Newbury* and the neareſt publick Wharf to *Marlborough*, or between *Limpley Stoke* and ſuch neareſt Wharf, and ſhall be ſubject to ſuch Rules, Orders, and Regulations, for the ſecuring the ſaid Drawback or Allowance to the Perſons for whom the ſame ſhall be intended, and to prevent Impoſitions or unjuſt Claims of ſuch Drawback or Allowance upon the ſaid Company of Proprietors, and ſuch other Rules, Orders, and Regulations, as the ſaid Earl of *Aileſbury* and *Charles Dundas*, or their Succeſſors, or the ſaid Umpire, ſhall award or direct; and that if the ſaid Committee of Management ſhall at any Time or Times reduce the Tolls, Rates, or Duties, on any Goods, Wares, Merchandize, or Commodities, from the Sums by this Act made payable to them, then the ſaid Drawback or Allowance, if awarded upon any ſuch Goods, Wares, Merchandize, or Commodities, ſhall be reduced in the ſame Proportion, and afterwards be increaſed again in the ſame Proportion as the ſame Tolls, Rates, or Duties, ſhall be increaſed, and ſo as often as the Caſe ſhall happen.

Appointing new Arbitrators upon Vacancies.

CXXXII. Provided alſo, and be it further enacted, That if the ſaid Earl of *Aileſbury* ſhall happen to die before ſuch Award, as herein-before directed, ſhall be made, or ſhall refuſe to act, or become incapable of acting in the Execution of the Powers by this Act given to the ſaid Arbitrators, then the Right Honourable *Charles Bruce*, commonly called *Lord Bruce*, ſhall be, and he is hereby appointed an Arbitrator to act jointly with the ſaid *Charles Dundas*, for the Purpoſes aforeſaid, in the Place and Stead of the ſaid Earl of *Aileſbury*, if the ſaid Lord *Bruce* ſhall then be living and willing to act, and capable of acting in the Execution of the ſaid Powers; and if both of them, the ſaid Earl of *Aileſbury* and Lord *Bruce*, ſhall die, or ſhall refuſe to act, or become incapable of acting in the Execution of the ſaid Powers, then a Majority of the Male Inhabitants of the ſaid Town of *Marlborough*, preſent at a publick Meeting to be called for that Purpoſe, and being Houſekeepers rated at Five Pounds a Year or upwards to the Poor's Rates, ſhall, within Three Months next after the Death of the ſaid Earl of *Aileſbury* and Lord *Bruce*, or the Refuſal or Incapacity of the ſaid Earl of *Aileſbury* and Lord *Bruce*, as the Caſe may be, nominate and appoint another fit Perſon to be Arbitrator in the Place or Stead of the ſaid Earl of *Aileſbury* or Lord *Bruce*, ſo dying, or refuſing to act,

act, or being incapable of acting, as the reſpective Caſes may be, and upon all future Vacancies, by the Death, Refuſal, or Incapacity of the Arbitrator ſtanding in the Place or Stead of the ſaid Earl of *Aileſbury* or Lord *Bruce*, before ſuch Award ſhall be made, another Arbitrator ſhall in like Manner be choſen by the ſaid Inhabitants in his Place or Stead; and if the ſaid *Charles Dundas*, or any other Perſon to be appointed an Arbitrator as herein-after mentioned, ſhall happen to die before ſuch Award ſhall be made, or ſhall refuſe to act, or become incapable of acting in the Execution of the ſaid Powers, then the ſaid Committee of Management ſhall, within Three Months next after ſuch Death, Refuſal, or Incapacity, by Writing under the Common Seal of the ſaid Company of Proprietors, to be depoſited and kept in like Manner as the ſaid Award is hereby directed to be depoſited and kept, nominate and appoint another fit Perſon to be Arbitrator in the Place of the ſaid *Charles Dundas*, or ſuch other Perſon to be appointed Arbitrator as aforeſaid; and that in Default of any ſuch Nomination, either by the ſaid Inhabitants or by the ſaid Committee, within the Time aforeſaid, then an Arbitrator ſhall (as often as the Caſe ſhall ſo happen) be nominated and appointed by His Majeſty's Juſtices of the Peace for the County of *Wilts*, aſſembled at the General Quarter Seſſions of the Peace to be held for the ſaid County next after ſuch Default.

Company not to conſent to make a Cut through the Eſtates of Lady *Jones* and Mrs. *Popham*, without their Conſent.

CXXXIII. Provided always, and be it further enacted and declared, That the ſaid Company of Proprietors ſhall not, at any Time hereafter, in their Corporate Capacity, make or cauſe to be made, or give or cauſe to be given, their Conſent to any Application to Parliament for Power to make any Navigable Cut or Branch through or over the Eſtates of Dame *Elizabeth Jones* Widow, and *Dorothy Popham* Widow, or either of them, between the Towns of *Hungerford* and *Marlborough*, other than the Navigable Canal by this Act authorized to be made, nor affix the Common Seal of the ſaid Company to any Petition or Conſent for that Purpoſe, or cauſe any ſuch Application to be proceeded in or proſecuted in any Manner, or on any Pretence whatſoever, without the Conſent of the ſaid Dame *Elizabeth Jones* and *Dorothy Popham*, or the reſpective Owners for the Time being of their ſaid reſpective Eſtates, in Writing under their reſpective Hands, firſt had and obtained for ſuch Purpoſe.

Lords of Manors and others may erect Wharfs on their own Lands.

CXXXIV. And be it further enacted, That it ſhall be lawful for the Lord or Lords, Owner or Owners, of any Manor, Lands, or Grounds, through which the ſaid intended Canal and Cuts ſhall be made, or any Lands or Grounds adjoining to ſuch Parts of the Rivers *Kennet* and *Avon*, or either of them, as ſhall be made navigable by virtue of this Act, to make, erect, and ſet up, either for his, her, or their own private Uſe, or for the Uſe of the Publick, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective Waſtes, Lands, or Grounds, adjoining or near to the ſaid Canal, Cuts, or Rivers reſpectively, and to make and lay out proper Ways and Roads to the ſame, acroſs any Lands belonging to the ſaid Company of Proprietors, and to land any Goods or other Things upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal, Cuts, or Rivers reſpectively; and alſo to make and uſe proper and convenient Places for Boats, Barges, and other Veſſels, to lie and turn in and paſs each other, ſo that the making or uſing thereof reſpectively do not obſtruct or prejudice the Navigation of the ſaid Canal, Cuts, or Rivers reſpectively, or the Paſſage on the Towing Paths on

the Sides thereof; and that all Rates or Tolls which ſhall be demanded and paid for the Uſe of ſuch of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, as ſhall be erected for the Uſe of the Publick, ſhall be, and the ſame are hereby accordingly veſted in the Lord or Lords, Owner or Owners, of ſuch Manors, Lands, or Grounds, who ſhall make and erect ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes, as aforeſaid, and his, her, or their reſpective Heirs or Aſſigns, ſo that the Rates, Tolls, and Duties, hereby granted to the ſaid Company of Proprietors for Tonnage, be not thereby reduced or altered.

But if they refuſe when required by the Company, then the Company may erect the ſame.

CXXXV. And be it further enacted, That if any ſuch Lord or Lords, Owner or Owners, ſhall not, within the Space of Twelve Calendar Months, next after Notice in Writing ſhall be given to him, her, or them, or left at his, her, or their uſual Place or Places of Abode, by or on Behalf of the ſaid Company of Proprietors, ſtating that any Part or Parts of his, her, or their Waſtes, Lands, or Grounds, is or are neceſſary or proper for erecting and making any publick Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, or for making and laying out of any Road or Roads for the Conveyance of Goods to and from the ſaid Canal, Cuts, and Rivers reſpectively, make, erect, and lay out, and from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouſes, and Roads, for the Uſe of the Publick, as the Commiſſioners appointed by this Act ſhall judge neceſſary, on the reſpective Part or Parts of the Waſtes, Lands, or Grounds, to be deſcribed in ſuch Notice, then, and in ſuch Caſe, the ſaid Company of Proprietors ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to take and make uſe of ſuch Part or Parts of ſuch Waſtes, Lands, or Grounds, for erecting and building proper and ſufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes, and for making and laying out neceſſary and convenient Roads to and from the ſaid Canal, Cuts, and Rivers reſpectively, agreeably to ſuch Notice as aforeſaid, they the ſaid Company of Proprietors firſt making Satisfaction for the ſame, in ſuch Manner as is herein before directed, with reſpect to any other Lands or Grounds which ſhall be taken or uſed by the ſaid Company for the Purpoſes of this Act.

Regulations reſpecting private Wharfs.

CXXXVI. Provided always, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, which ſhall be made, erected, or ſet up, by the Lord or Lords, Owner or Owners, of any Manor, Lands, or Grounds, adjoining or near to the ſaid Canal, Cuts, and Rivers reſpectively, for his, her, or their own private Uſe only, or to erect or ſet up any Cranes or Weighing Machines in or upon any ſuch private Wharfs, Quays, or Landing Places, without the Conſent of ſuch Lord or Lords, Owner or Owners; and that no more than the Sum of Three-pence *per* Ton ſhall be demanded or taken by any ſuch Lord or Lords, Owner or Owners, who ſhall make, erect, or build, any ſuch Wharfs, Quays, or Landing Places, and make or lay out any ſuch Roads for the Uſe of the Publick as aforeſaid, for the Wharfage of any Coals, Culm, Limeſtone, Clay, Iron, Iron Stone, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, or Manure

nure whatſoever, which ſhall be placed upon any ſuch Wharfs or Quays, and continue thereupon for any Time not exceeding One Calendar Month, nor more than Two-pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandizes, or Commodities whatſoever, which ſhall be placed upon any ſuch Wharfs or Quays, or continue thereon for any Time not exceeding Six Days; but if any of the Articles before ſpecified, or any other Goods, Wares, Merchandizes, or Commodities, ſhall be left and remain upon any ſuch Wharfs or Quays, for any Time over and above the Time limited for the ſame reſpectively, then the Owner or Owners thereof ſhall pay to the Proprietors of ſuch Wharfs, Quays, or Landing Places reſpectively, the further Sum of One Penny *per* Ton for every Day which the ſame ſhall remain upon ſuch Wharfs or Quays, after the Expiration of the Times before limited for the ſame reſpectively.

Right of Fiſhery reſerved to Lords of Manors, &c.

CXXXVII. And be it further enacted, That the Lord or Lords, or Owner or Owners, of all and every Manor or Manors, through which the ſaid Canal and Cuts ſhall be made, ſhall have and be entitled to the ſeveral and excluſive Right of Fiſhery, of and in ſo much of the ſaid Canal and Cuts reſpectively as ſhall be made through the Common or Waſte Lands within his, her, or their Manor or Manors reſpectively, or through any other Lands or Grounds lying within ſuch Manor or Manors wherein ſuch Lord or Lords, Owner or Owners, now have, or hath, or are, or is, 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 and Cuts reſpectively ſhall be made, ſhall alſo have and be entitled to the like Right of Fiſhery, of and in ſo much of the ſaid Canal and Cuts reſpectively as ſhall be made through his, her, or their Lands or Grounds, ſo as in the Uſe and Exerciſe of any ſuch Right of Fiſhery as aforeſaid, the ſaid Canal and Cuts reſpectively, or the Towing Paths, Banks, or other Works and 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 or Cuts, and ſo as the ſaid Company of Proprietors, 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 ſuch Fiſh in the ſaid Canal or Cuts, which ſhall be taken, killed, or deſtroyed, through or by Means of the neceſſary letting off the Water out of the ſame reſpectively, for or on Account of any Repairs or Works to be done in or about the ſame.

Owners and Occupiers of Lands may uſe Pleaſure and Huſbandry Boats free of Rates.

CXXXVIII. Provided always, and be it further enacted, That it ſhall be lawful for the reſpective Owners and Occupiers of any Lands or Grounds adjoining the ſaid Canal and Cuts reſpectively, to uſe upon the ſame any Pleaſure Boats, or any Boat for the Purpoſe of Huſbandry only, or for the conveying of Cattle or Manure from any Farm or Land to any other Farms or Lands of the ſame Owner or Occupier, without any Interruption from the ſaid Company of Proprietors, or any Perſons acting under them, and without paying any Rate, Toll, or Duty, for the ſame, ſo as ſuch Boats be not above Five Feet in Breadth and Twelve Feet in Length, and do not paſs through any Lock to be made on the ſaid Canal or Cuts reſpectively, and be not employed in carrying any Goods, Wares, or Merchandizes, to Market, or for Sale, or any Perſon or Perſons for Hire, and ſo as the ſame do not obſtruct or prejudice the Navigation of the ſaid Canal or Cuts, or the Paſſage upon the Towing Paths

Paths on the Sides thereof, and ſo that the reſpective Owners of all ſuch Pleaſure Boats, or Huſbandry Boats, ſhall, in their own Lands make convenient Places for ſuch Boats to lie in, and ſhall not ſuffer the ſame to be moored or remain upon the ſaid Canal or Cuts.

Remedy for Damages not before provided for.

CXXXIX. And be it further enacted, That if, at any Time or Times hereafter, any Perſon or Perſons ſhall ſuſtain any Damages in his, her, or their Lands, Tenements, Hereditaments, or Property, by reaſon of the Execution of any of the Powers hereby given, for which a Compenſation is not herein-before provided, then, and in every ſuch Caſe, ſuch Damages ſhall, from Time to Time, be ſettled and aſcertained by the Commiſſioners appointed by this Act, or aſſeſſed by a Jury, and the Sum or Sums of Money to be paid for the ſame ſhall be levied, recovered, and applied, in ſuch and the ſame Manner as is herein-before directed, with reſpect to ſuch Damages as are herein-before provided for, and the Money to be paid as a Recompence for the ſame.

Lands taken and not uſed by the Company to be reconveyed to the original Owners, in caſe they think proper to become the Purchaſers thereof.

CXL. And be it further enacted, That if the ſaid Company of Proprietors ſhall be in Poſſeſſion of any Lands or Grounds which ſhall be purchaſed or taken by them in purſuance of this Act, for the Space of Twenty-one Years from the Time of purchaſing the ſame reſpectively, without making the ſaid Canal, Cuts, or other Works hereby authorized to be made, through or upon the ſame; or if the ſaid Canal or Cuts, or other Works, ſhall be made and completed, and afterwards diſcontinued or diſuſed for the Space of Twenty-one Years, then, and in either of the ſaid Caſes, the ſaid Company of Proprietors ſhall, immediately after the Expiration of the ſaid Twenty-one Years without making, or of Twenty-one Years after diſuſing, ſuch Canal and Cuts, or other Works as aforeſaid, convey all their Eſtate, Right, Property, and Intereſt in and to ſuch Lands or Grounds reſpectively, unto the ſeveral and reſpective Perſons, Bodies Politick, Corporate, or Collegiate, who were the Owners or Proprietors thereof immediately before the ſaid Company of Proprietors became ſeiſed of the ſame, or unto the reſpective Heirs, Succeſſors, or Aſſigns, of ſuch Perſons, Bodies Politick, Corporate, or Collegiate, in caſe they ſhall reſpectively think fit to become Purchaſers thereof, and to pay ſuch valuable Conſideration for ſuch Lands or Grounds to the ſaid Company of Proprietors, as the ſaid Commiſſioners ſhall judge reaſonable; or in caſe any Difference ſhall ariſe in aſcertaining the ſame by the ſaid Commiſſioners, then as a 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, do not exceed the Sum or Sums firſt paid by the ſaid Company of Proprietors for the Purchaſe of ſuch Lands or Grounds; and that in caſe the ſaid Company of Proprietors, upon Payment or Tender to them 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 ſhall thereupon revert to and be from thenceforth veſted in the ſaid ſeveral and reſpective Perſons, Bodies Politick, Corporate, or Collegiate, their Heirs, Succeſſors, or Aſſigns; and in Caſes where an Annual Rent ſhall have been paid for any ſuch Lands or Grounds by the ſaid Company of Proprietors, then ſuch Rent ſhall ceaſe and determine, and ſuch Sum or Sums of Money ſhall be paid for the Damage done to the ſame Lands or Grounds by the ſaid Company of Proprietors, to the Perſon

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 the ſaid Commiſſioners or Jury 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.

Clauſe to compel Payment of Subſcriptions.

CXLI. And be it further enacted, That all and every Perſon and Perſons who have or hath already ſubſcribed, or who ſhall hereafter ſubſcribe, to advance any Money for and towards the making and maintaining of the ſaid Canal and Cuts, and other Works hereby authorized to be made as aforeſaid, ſhall pay the Sum or Sums of Money by them reſpectively ſubſcribed, or to be ſubſcribed, or ſuch Part or Parts thereof as ſhall from Time to Time be called for by the Committee of Management of the ſaid Company of Proprietors, by virtue of the Powers and purſuant to the Directions of this Act, at ſuch Times and Places as ſhall be appointed for that Purpoſe by the ſaid Committee, in the Manner hereinbefore mentioned; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the Sum or Sums ſo to be called for from him, her, or them, at the Time and in the Manner to be appointed for that Purpoſe as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any Court of Law.

Power for Majority of a Special Meeting of Proprietors, to apply to Parliament for Powers to raiſe more Money if wanted, and for other Purpoſes.

CXLII. And whereas it may hereafter be thought expedient by the ſaid Company of Proprietors to make Application to Parliament for Power to make Navigable Communications with the ſaid Canal and Cuts; be it therefore further enacted, That if at any Special Meeting of the Proprietors at large to be called for that Purpoſe by their Committee of Management, and of which ſuch Notice ſhall be given as is hereinbefore directed to be given of other Special Meetings of the ſaid Proprietors, the Proprietors preſent at ſuch Meeting, or Two-third Parts of them, according to the Number of Votes they ſhall have a Right to give either as Principals or Proxies, ſhall come to a Reſolution that it will be proper to make any ſuch Application to Parliament as aforeſaid, it ſhall be lawful for the ſaid Committee of Management, and they are hereby required, immediately after ſuch Reſolution ſhall be entered into, to make the propoſed Application to Parliament for and on the Behalf of the ſaid Company of Proprietors, and to affix the Common Seal of the ſaid Company to any Petition for that Purpoſe, and to cauſe ſuch Applications to be proceeded in, and proſecuted in ſuch Manner as they ſhall think fit or be adviſed; and the ſame ſhall be deemed to be the Act of the Whole of the ſaid Company of Proprietors, in like Manner, and as fully and effectually as if every One of the ſaid Proprietors had attended ſuch Special Meeting, and concurred in the Meaſure there propoſed; and it ſhall be lawful for the ſaid Committee of Management to defray the Expences incurred by or in Conſequence of any ſuch Application, out of any Monies ariſing by virtue of this Act; and it ſhall be lawful for the Guardians, Truſtees, or Committees, of the Proprietors of any Shares in the ſaid Navigation, who may be Minors, Lunaticks, or under any other Diſability or Incapacity of acting for themſelves, and the Executors and Adminiſtrators of any deceaſed Proprietor or Proprietors of any ſuch Shares, (if neceſſary), to apply any of the Monies which ſhall come to their Hands as ſuch Guardians, Truſtees, Committees,

Executors, or Adminiſtrators as aforeſaid, for or towards defraying the proportionable Parts or Shares of the Expences incurred by or in Conſequence of any ſuch Application to Parliament, which ſhall be payable by the Perſons on whoſe Behalf they ſhall reſpectively act, or otherwiſe to raiſe Money for that Purpoſe by Mortgage of any ſuch Shares, which Mortgages they are hereby accordingly authorized and empowered to make by a Deed in Writing under their Hands and Seals, and the ſame ſhall be valid and effectual to all Intents and Purpoſes.

Clauſe for ſuſpending the Power given by this Act, ſo far as relates to the Cuts to *Calne* and *Chippenham*.

CXLIII. And whereas it is in Contemplation, by ſeveral Perſons reſiding in the Counties of *Wilts* and *Berks* to make Application to Parliament in the next Seſſion, for Power to make a Canal from the Canal intended to be made by virtue of this Act, at ſome Place near the Town of *Trowbridge*, in the ſaid County of *Wilts*, by or near to the Towns of *Chippenham*, *Wootton Baſſett*, and *Shrivenham*, in the ſaid County of *Wilts*, to join the River *Thames* at or near *Abingdon* or *Wallingford*, in the ſaid County of *Berks*, with Branches from the ſame at or near *Chippenham* aforeſaid, to the Towns of *Calne* and *Chippenham*, in the ſaid County of *Wilts*; and in caſe ſuch Canal and Branches ſhould be made, it would render the ſaid Cuts herein-before authorized to be made to or near to the ſaid Towns of *Calne* and *Chippenham* as aforeſaid unneceſſary; be it therefore further enacted, That the Execution of the ſeveral Powers granted by this Act, ſo far as the ſame reſpect or relate to the ſaid Cuts to or near to the Towns of *Calne* and *Chippenham* aforeſaid, ſhall be, and the ſame is hereby ſuſpended for the Term of Two Years and Six Months from the paſſing of this Act; and in caſe an Act of Parliament ſhall be obtained, before the Expiration of the ſaid Term for making a Canal from any Place near *Trowbridge* aforeſaid, to the River *Thames* at or near *Abingdon* or *Wallingford* aforeſaid, and if the Line or Courſe of ſuch Canal, or any Branch from the ſame, ſhall be through or to the ſaid Towns of *Chippenham* and *Calne*, or within the Diſtance of One hundred Yards from the ſame reſpectively, and if ſuch Canal or Branches ſhall be made and completed in purſuance of ſuch Act within the Space of Seven Years from the paſſing thereof, then and in ſuch Caſe the ſeveral Powers and Authorities given and granted by this Act, ſo far as the ſame reſpect or relate to the making and maintaining of the ſaid Cuts to or near to the Towns of *Calne* and *Chippenham* aforeſaid, ſhall thereupon become and be utterly null and void to all Intents and Purpoſes; but if ſuch Act of Parliament ſhall not be obtained within the ſaid Term of Two Years and Six Months, or if obtained, the Line or Courſe of Canal thereby authorized to be made, or any Branch from the ſame, ſhall not be made through, or to, or within the ſaid Diſtance from the ſaid Towns of *Chippenham* and *Calne* reſpectively, or if ſuch Canal or Branches ſhall not be made and completed within the Space of Seven Years from the paſſing of ſuch Act, then, and in ſuch Caſe, the Powers and Authorities given and granted by this Act for making and maintaining the ſaid Cuts to or near to the Towns of *Calne* and *Chippenham* aforeſaid, and for doing all Matters and Things neceſſary or relating thereto, ſhall, at the Expiration of ſuch Times reſpectively as aforeſaid, be in full Force, and ſhall accordingly be put into Execution with all convenient Speed, according to the true Intent and Meaning hereof.

The Company to be deemed conſenting to

CXLIV. And be it further enacted, That if Application ſhall be made to Parliament for an Act or Acts to authorize the making of ſuch Navigable

Navigable Canal to the River *Thames* as aforeſaid, ſuch Act containing ſufficient Clauſes, obliging the Subſcribers to ſuch Undertaking to carry the ſame, or a Branch or Branches from the ſame, through or to the ſaid Towns of *Calne* and *Chippenham*, or within the Diſtance of One hundred Yards from the ſame reſpectively, and to execute the ſame within the Space of Seven Years from the paſſing of ſuch Act; or for the making of any Navigable Cut or Cuts, from the *Baſingſtoke* Canal, or from a Canal now in Contemplation, to be made from *Andover* or *Southampton*, in the County of *Hants*, or from *Saliſbury* or *Marlborough*, in the County of *Wilts*; or from a Canal now in Contemplation, and intended to be called *The Somerſetſhire Coal Canal*; or from a Canal now in Contemplation, to be made from or near the Town and County of *Poole*, and the Town of *Wareham*, in the County of *Dorſet*, or either of them, and from thence by the Towns of *Wincanton* and *Frome*, in the County of *Somerſet*, to *Freſhford*, in the County of *Wilts*, into or near the Pariſh of *Bradford*, in the ſaid County of *Wilts*, ſo as reſpectively to communicate with the Canal hereby authorized to be made, then and in every ſuch Caſe the ſaid Company of Proprietors ſhall, without Application made to them for that Purpoſe, be deemed and taken to be conſenting to ſuch Communications reſpectively; and that it ſhall be lawful for all Perſons navigating or uſing any ſuch Cut or Canal, which may be made to communicate with the Canal hereby authorized to be made as aforeſaid, alſo to navigate and uſe the ſaid laſt-mentioned Canal, without being liable to pay any greater Tolls, Rates, or Duties for the ſame, or being ſubject to any greater or other Reſtriction than other Perſons navigating the like Diſtance on the ſaid laſt-mentioned Canal ſhall or may be liable or ſubject to by virtue of this Act: Provided always, that every ſuch Cut or Canal ſo to be made to communicate with the Canal to be made by virtue of this Act as aforeſaid, be ſo made as that no Water can be taken into the ſame out of the Canal hereby authorized to be made, or that would otherwiſe run into the laſt-mentioned Canal, and without doing any other Damage or Injury to the Canal, or any other Works to be made by virtue of this Act.

certain Communications with the Canal.

CXLV. Provided always, and be it further enacted and declared, That if the whole Line of the ſaid intended Canal, Weſtward of the Town of *Newbury* aforeſaid, to the City of *Bath*, ſhall not, within the Space of Twelve Years from the paſſing of this Act, be completed and finiſhed, ſo that Boats, Barges, and other Veſſels, may be navigated thereon from *Newbury* to *Bath* aforeſaid, then and in ſuch Caſe all Navigation upon the ſaid Canal, from the ſaid Town of *Newbury*, for the Space of Twenty Miles Weſtward thereof, ſhall ceaſe and be diſcontinued, until the ſaid intended Canal from *Newbury* to *Bath* ſhall be completed, unleſs the Mayor, Aldermen, and Burgeſſes of *Newbury* aforeſaid ſhall, by any Writing under their Common Seal, aſſent to the Progreſs or Continuance of ſuch Navigation Weſtward of the ſaid Town, although the whole Line of ſuch Navigation ſhall not be finiſhed and completed within the ſaid Space of Twelve Years; any Thing herein contained to the contrary notwithſtanding.

The Canal, if not completed from *Newbury* to *Bath* within Twelve Years, not to be uſed within a certain Diſtance of *Newbury*, until completed.

CXLVI. And be it further enacted, That all Complaints and Informations of Offences againſt this Act, or any Rule, Order, or Bye Law to be made in purſuance hereof, (except in Caſes where the Manner of hearing and determining thereof is herein-before otherwiſe directed), ſhall and may be made before any Juſtice of the Peace for the County or Place

Recovery of Penalties.

Place wherein the Offence ſhall be committed, and ſuch Juſtice is hereby authorized and empowered to take Cognizance thereof, and to ſummon the Perſon or Perſons complained of to appear before him, and upon the appearing or not appearing of ſuch Perſon or Perſons, purſuant to ſuch Summons, to hear the Matter of every ſuch Complaint and Information by Examination of any Witneſs upon Oath, and to make ſuch Determination therein as ſuch Juſtice ſhall think proper; and upon the Conviction of any ſuch Perſon, ſuch Juſtice ſhall and may iſſue a Warrant under his Hand and Seal for levying the Fine, Penalty, or Forfeiture, by virtue of this Act impoſed for ſuch Offence, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo convicted; and all ſuch Fines, Penalties, and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of ſuch Goods and Chattels, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall (where the Application is not otherwiſe directed by this Act), be paid into the Hands of the Treaſurer to the ſaid Company of Proprietors, and ſhall be applied and diſpoſed of towards defraying the Expences of the ſaid Navigation and Undertaking; and in caſe ſufficient Goods or Chattels of any Perſon liable to pay any ſuch Fine, Penalty, or Forfeiture, cannot be found, whereon to make ſuch Diſtreſs, and ſuch Fine, Penalty, or Forfeiture, ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Offender to the Common Gaol or Houſe of Correction for any Time not exceeding Two Calendar Months, unleſs ſuch Penalty or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

CXLVII. And be it further enacted, That all and every Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect; (*videlicet*),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County of of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed*]. Given under my Hand and Seal, the Day and Year aforeſaid.'

Perſons taking a Diſtreſs irregularly not to be deemed Treſpaſſers *ab initio*.

CXLVIII. 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 or Treſpaſſers *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 Damages in an Action upon the Caſe.

Proceedings not to be va-

CXLIX. And be it further enacted, That no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or

or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere. cated for Want of Form.

CL. Provided always, and be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgement made or given in purſuance of any Rule, Bye Law, or Order, of the ſaid Company of Proprietors, or by the Order or Determination of any Juſtice or Juſtices of the Peace in purſuance of this Act, may, within Six Calendar Months after ſuch Order ſhall be made or given, complain to the Juſtices of the Peace at the General Quarter Seſſions of the Peace to be held in and for the County or other Place where the Cauſe of Appeal ſhall ariſe, and not elſewhere, who ſhall in a ſummary Way hear and determine ſuch Complaint at ſuch General Quarter Seſſions of the Peace to be held for ſuch County or Place, or if they think proper adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County or Place, and if they ſee Cauſe may mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and ſhall and may alſo award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable. Appeal given to the Quarter Seſſions.

CLI. And be it further enacted, That if any Action, Suit, or Information, ſhall be brought or commenced by 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 or granted, every ſuch Suit or Information ſhall be 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 of ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid or brought in the County where the Matter in Diſpute ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall 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; and in ſuch Caſe alſo, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his or their Action or Actions, Suit, or Information, after the Defendant or Defendants ſhall have appeared thereto, or if any Verdict ſhall paſs upon 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, and ſhall have ſuch Remedy for the Recovery of the ſame, as any Defendant or Defendants hath or have for Coſts in other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.

CLII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act.

The SCHEDULE,

To which the foregoing Act of Parliament doth refer.

On the Newbury *and* Bath *Line, beginning at* Newbury:

Owners.	Occupiers.	Parish.	Description of Property.
Francis Page Esq.	In Hand	Newbury	A Garden.
Mayor, Aldermen, and Burgesses of Newbury	Thomas Allen	Ditto	A Wash House.
Samuel Toomer	In Hand	Ditto	Fish House, Wash House, and Garden.
Andrew Grove	In Hand	Ditto	A Wash House.
Rev. Richard Davis	Samuel Toomer	Ditto	A Garden.
Ditto	Jos. Bunny	Ditto	A Garden.
Richard Dibley	Samuel Toomer	Ditto	Yard and Outhouse.
Ditto	In Hand	Ditto	A House.
John Townsend	John Wheatley	Ditto	Outhouse and Yard.
Samuel Mortimer	John Hall	Ditto	A House.
Ditto	John Coultas	Ditto	A Garden.
Ditto	In Hand	Ditto	Workshops.
Ditto	William Hobson	Ditto	A House.
Anne Shaw	Samuel Wiggins	Inkpen	Garden and Shed.
Thomas Viner	In Hand	Hungerford	House, Warehouses, and Gardens.
Ditto	Vacant	Ditto	House, Warehouses, and Gardens.
William Loder, Smith	Richd Goodfellow and Jos. Cundell	Ditto	Two Houses and Gardens.
Betty Pearce	Samuel Marchment	Ditto	A House and Garden.
Mary Lewington, Martha Lewington, and Elizabeth Baxter	Part in Hand, other Part occupied by John Hidden	Ditto	A House and Garden.
William Dubber	In Hand	Ditto	A House and Garden.
Widow Brunsden	In Hand	Ditto	A House, Garden, and Orchard.
James Woodham	James Woodham and Mary Coxhead	Ditto	Two Tenements, Garden, and Orchard.
The Trustees for Hungerford Free School	William Francis	Ditto	A Garden.
Dean and Chapter of Windsor	William Smith	Ditto	Yards, Barns, and Homesteads.
John Pearse Esq. Lessee			
Dorothy Popham, Thomas Platt, Lessee	Richard Coxhead	Ditto	Cottage and Garden.
Ditto	Henry Lambourn	Ditto	Cottage and Garden.
Ditto			
James Cruickshank and John Blagrave Esqrs.	Thomas Baker	Little Bedwin	Nursery, Orchard, and Farm Yard.
Rev. Dr. William Harrison	Rev. Lewis Evans	Ditto	A Garden.

The

Owners.	Occupiers.	Parish.	Description of Property.
The Earl of Aileſbury	John Knapp	Great Bedwin	A Garden.
Ditto	Giles Shepherd	Ditto	Yard, Garden, Barn, and Outbuildings.
The Earl of Aileſbury, John Chapman, Leſſee	John Chapman	Ditto	Cottage and Garden.
Ditto, John Buſhell, Leſſee	John Buſhell	Ditto	Gardens, Barns and Yards.
Ditto, Levi Goodman, Leſſee	Levi Goodman	Ditto	Yard belonging to a Mill.
Ditto, John Hawkins, Leſſee	Stephen Beckingham and John Hellier	Savernake Great Park	A Cottage in Two Tenements, and Garden, in the Line of the Tunnel.
Ditto, Lady Eliz. Jones, Leſſee	William Neale	Ditto	Lawn, Fiſh Ponds, and Yards.
Jonathan Hailſtone	In Hand	Milton	Cottage Garden.
James Sutton, Eſqr. Sarah Lewis, Leſſee	Elizabeth Scott	Biſhops Cannings	Garden in Open Field.
George Sewell	Benjamin Anſtie	Ditto	A Garden.
George Sloper	John Anſtie	Ditto	A Garden.
George Sewell	Robert Clare	Ditto	A Garden.
Biſhop of Sarum, Robert Clare, and James Sutton Eſq. Leſſees	Hugh Lavington	Ditto	A Nurſery.
Ditto, Ditto, Ditto	William Pinnegar, John Dudman, James Oakford, James Oakford junior, and Thomas Flint	Ditto	Five ſmall Cottage Tenements and Gardens.
Robert Clare	In Hand	Ditto	Stable, now building, and Outhouſe.
The Commiſſioners of the Turnpike Road	Hannah Moore	Ditto	Turnpike Houſe and Garden.
The Honourable James Everard Arundell	Thomas Edden	Saint John's	A Garden.
Ditto,	Joſ. Winterſon	Ditto	Garden in Open Field.
Robert Stiles	Edward Stiles	Rowde	An Orchard.
Michael Hicks Beach, Eſq.	Roger Watts	Keevil	An Orchard and Garden.
Walter Long Eſq. Samuel Ayres, Leſſee	George Blake	Steeple Aſhton	An Orchard.
Samuel Bevan	Chriſtopher Bevan	Ditto	An Orchard and Garden.
Stephen Winſlow	In Hand	Ditto	A Cottage Garden.
Julius Samuel Rich Eſq.	Henry Lever	Trowbridge	An Orchard.
Samuel Bethell	James Bethell	Bradford	An Orchard.
Benjamin Hobhouſe Eſq.	John Crook	Ditto	A Garden.
Charles Pierrepont Eſq.	Ditto	Ditto	A Garden.
Ditto	Ann Wilkins	Ditto	A Cottage and Garden.
Ditto	Iſaac Cleverly	Ditto	A Cottage and Garden.
John William Yearbury	Thomas Shepherd	Ditto (Winſley Tything)	Houſe in Two Tenements.
Thomas Shepherd	In Hand	Ditto (Ditto)	Houſe and Garden.
Dioniſia Thraſher	Richard Holbrow	Ditto (Ditto)	An Orchard.

Mary

Owners.	Occupiers.	Parish.	Description of Property.
Mary Cooper and Henry Fisher	Geo. Dyke Fisher	Ditto (Limpley Stoke Tything)	An Orchard.
Thomas Dyke; Robert Moger, James Yeeles, and Thomas Trevelyan, Lessees	Thomas Dyke	Ditto (Ditto)	An Orchard.
Rev. Martin Stafford Smith	James Clements	Claverton	Orchards.
George Edward Allen Esq.	Joseph Penny	Bath Hampton	An Orchard.

On the Cuts to Calne *and* Chippenham:

John Sloper	Charles Cooke	Rowde	An Orchard.
Lord Audley	William Beave	Melksham (Blackmoor Tything)	An Orchard.
John Davenport Talbot Esq.	John Tuck	Lacock	An Orchard.
James Montague Esq. Isaac Joyce, Lessee	Thomas Knee	Ditto (Lackham Tything)	A Garden.
John Davenport Talbot Esq. Robert Elms, Lessee	Thomas Prosser	Ditto (Lacock Tything)	A Garden.
George Archard	Walter Collinge and Thomas Wall	Pewsham Forest	A Garden.

FINIS.