ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XLIII.

An Act for making a Navigable Cut from the *Grand Junction Canal*, in the Precinct of *Norwood*, in the County of *Middlesex*, to *Paddington*, in the said County. [28th *April* 1795.]

WHEREAS an Act of Parliament was passed in the Thirty-third Year of the Reign of His present Majesty, *for making and maintaining a Navigable Canal from the* Oxford *Canal Navigation at* Braunston, *in the County of* Northampton, *to join the River* Thames, *at or near* Brentford, *in the County of* Middlesex, *and also certain Collateral Cuts from the said intended Canal*; and by the said Act several Persons are united and made one Body Politick and Corporate, by the Name and Style of *The Company of Proprietors of the Grand Junction Canal*, for making the said Canal and Collateral Cuts, and the several other Works necessary for carrying the said Act into Execution; and certain Acts were passed in the last and present Session of Parliament, for making certain other Navigable Cuts to communicate with the *Grand Junction* Navigation, and for amending and better carrying into Effect the Provisions and Purposes of the said Act: And whereas by Levels and Surveys lately taken, it appears that a Navigable Cut may be made from the said *Grand Junction* Canal, in the Precinct of *Norwood*, in the County of *Middlesex*, to *Paddington*, in the said County; and which said Cut will open a certain and cheap Conveyance, as well for Passengers as for supplying Provisions to the populous Parishes of *Paddington*, *Saint Mary-le-bone*, and the Western and North-western Parts of the Metropolis, from the several Counties of *Middlesex*, *Bucks*, *Hertford*, *Northampton*, and *Leicester*; and also a direct Communication for the Carriage of all manufactured Articles from the several manufacturing Towns in the North, North-east, and North-west Parts of the Kingdom; and will supply, at a reduced Expence, Lime and other Manure to the Lands upon the Line of the said intended Cut, and be of publick Utility; but the same cannot be effected 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 it shall be lawful for the said Company of Proprietors, and

Preamble recites Acts 33 and 34 Geo. III.

Company empowered to make the Cut.

and they are hereby authorized and empowered by virtue of the said recited Acts, and this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, a Navigable Cut from the said *Grand Junction* Canal, in the Precinct of *Norwood* aforesaid, through the several Parishes, Townships, Hamlets, Divisions, Precincts, or Places following; (that is to say), *Norwood* in the Parish of *Hayes*, *Yeading* in the said Parish, *Northolt*, *Greenford*, *Perrivale*, *Apperton* in the Parish of *Harrow*, *Twyford*, *Willesden*, *Acton*, *Hammersmith* in the Parish of *Fulham*, *Kensington*, and *Saint Luke's Chelsea*, in the said County of *Middlesex*, to *Paddington* aforesaid; and a Towing Path on each Side of such Cut (such Cut and Towing Paths to be of such Width as the said Company of Proprietors shall think convenient or proper); and also to make, erect, execute, do, and perform, all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, and maintaining, the said intended Cut, and the Navigation thereof, and the said Towing Paths, according to the true Intent and Meaning of this Act; and the several Powers, Authorities, Provisions, Matters, and Things, in the said recited Acts contained, and which are now in force, (except the Rates of Tonnage and Wharfage granted to the said Company of Proprietors, and subject to the Provisions and Restrictions contained in this Act), so far as the same are applicable, or the Nature and Circumstances of the respective Cases will admit, shall be used and exercised by the said Company of Proprietors, and shall extend to, and be applied and enforced for making, completing, preserving, and maintaining, the said Cut and Towing Paths, and for making, erecting, executing, doing, and performing all such other Works, Matters, and Things, as the said Company of Proprietors shall think necessary or expedient for the Benefit of the Navigation of the said Cut, and for defraying the Expences thereof, and for making Compensation for the Tythes of the Lands to be taken or used for the Purposes aforesaid, and for ascertaining, collecting, receiving, recovering, and letting to farm the Rates herein-after granted or made payable to the said Company of Proprietors, and for recovering the Penalties or Forfeitures imposed or made payable by virtue of this Act; and in all other Respects in such and the like Manner, and as fully and effectually, to all Intents and Purposes, as if the said several Powers, Authorities, Provisions, Matters, and Things, were repeated and re-enacted in the Body of this Act, and as if the Cut and other Works by this Act intended to be made, completed, and maintained, had been Part of the Works by the said recited Acts, or any of them, authorized or intended to be made, completed, and maintained.

Width of the Cut and Towing Paths limited.

II. Provided always, That the said Cut shall not be made of any greater Width at the Surface of the Water than Twenty Yards, except in such Places where any Docks or Basons shall be made, or where it shall be judged necessary for any Boats or other Vessels to turn, lie, or pass each other, nor more than Forty-five Yards in any Place; and that the Land to be taken or used for making the said Towing Paths, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Lands, shall not exceed in the Whole Twelve Yards in Breadth, except in such Places where any Warehouses, Cranes, or Weigh Beams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception of any Coals, Timber, or other Goods or Things, which shall be conveyed on the said Cut.

III. And whereas a Map or Plan, deſcribing the Line of the ſaid intended Cut, and the Lands through which the ſame is to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners, or reputed Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Middleſex*; be it therefore further enacted, That the ſaid Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, 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 therefrom 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 Book of Reference; and that the ſaid Company of Proprietors, in making the ſaid Cut, ſhall not deviate from the Line or Courſe thereof deſcribed in the ſaid Map or Plan, without the Conſent in Writing of the reſpective Owners of the private Lands, or the Lord of the Manor wherein ſhall be ſituate any Common or Waſte Ground through which any ſuch Deviation ſhall be made, or the Guardians or Truſtees of any ſuch Owners, or the Lord of ſuch Manor, who ſhall be under any Diſability or Incapacity of acting for themſelves; any Thing contained in the ſaid recited Acts, or any of them, to the contrary hereof notwithſtanding.

Line of the Cut aſcertained.

IV. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors to make or carry the ſaid intended Cut into or through certain Lands now belonging to *Thomas Wood* Eſquire, Sir *John Morſhead* Baronet, and *Elizabeth* his Wife, and *Robert Thiſtlethwayte* Eſquire, and *Selina* his Wife, as Leſſees of the See of *London*, ſituate between a ſmall Incloſure of *William Godfrey* Eſquire, at *Weſtbourn Green*, in the ſaid Pariſh of *Paddington*, and the *Edgware* Turnpike Road, or through any other Lands the Property of the ſaid *Thomas Wood*, Sir *John Morſhead*, and *Elizabeth* his Wife, *Robert Thiſtlethwayte*, and *Selina* his Wife, as Leſſees as aforeſaid, ſituate at *Paddington* aforeſaid, (ſave and except One Field called *Upper Readings*, ſituate at *Weſtbourn Green* aforeſaid), without the Conſent of the Owner or Owners of ſuch Lands, and of the Biſhop of *London* for the Time being, in Writing, firſt had and obtained.

Cut not to be made through certain Lands without Conſent of Owners.

V. And whereas the Line in which the ſaid Cut is propoſed to be carried, according to the ſaid Map or Plan, leads upon the North-eaſt Side of and near to a certain Farm Houſe belonging to *Charles Brett* Eſquire, in the ſaid Pariſh of *Willeſden*; and the ſaid *Charles Brett* may be deſirous the ſame ſhould be carried on the South-weſt Side of the ſaid Farm Houſe; be it therefore further enacted, That in caſe the ſaid *Charles Brett* ſhall, by Writing under his Hand, ſignify ſuch Deſire to the Clerk or Clerks to the ſaid Company of Proprietors, within Forty Days next after the paſſing of this Act, then the ſaid Company of Proprietors, ſhall and are hereby required to make and carry the ſaid Cut on the South-weſt Side of, and at the Diſtance of Eighty Yards at the leaſt from the ſaid Farm Houſe, through the Lands of the ſaid *Charles Brett*, and alſo through any adjoining Lands, with the Conſent of the Owners thereof; any Thing herein-before contained to the contrary hereof notwithſtanding.

Company obliged to vary a certain Part of the Line of the Cut, if deſired by *Charles Brett*, Eſq.

VI. Provided always, and be it further enacted, That no Earth or Soil ſhall be dug by the ſaid Company of Proprietors, or their Servants, Agents, or Workmen, by virtue of this Act, on a certain Waſte or Common

No Earth for making Bricks to be taken from *North Hyde Heath*.

Common called *North Hyde Heath*, ſituate in the Pariſhes of *Heſton* and *Cranford*, and the Diſtrict of *Norwood*, in the County of *Middleſex*, or ſome or One of them, for the Purpoſe of making Bricks for the Uſe of the ſaid Company, in carrying on and completing the Works of the ſaid Cut, or for the embanking of the ſaid Cut; any Thing in this Act contained to the contrary hereof notwithſtanding.

Company to build and maintain a Bridge over the Cut in *Porto Bello Farm*.

VII. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall and do with all convenient Speed, and at their own proper Coſts and Charges, build, make, complete, and for ever ſupport, maintain, and keep in Repair, a ſubſtantial and commodious Brick arched Bridge, acroſs and over ſuch Part of the ſaid intended Cut as ſhall be carried through any Ground belonging to *Porto Bello Farm*, the Property of Sir *Charles Henry Talbot* Baronet, in the Occupation of *Abraham Adams*, in the Pariſh of *Kenſington*, and over every other Sluice, Drain, Watercourſe, or Channel, that ſhall be made therein by virtue of this Act, and as nearly as may be in the ſame Line and Direction as the Road and Cartway from *Porto Bello* Farm Houſe into the publick Road or Highway leading from *Harrow* to *Paddington* now lies, for the ſafe and convenient paſſing and repaſſing of loaded Waggons, Carts, and other Carriages, to and from the ſaid Farm Houſe and publick Road aforeſaid.

Rates to be taken upon the Cut.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times hereafter, to aſk, demand, take, and recover, to and for their own proper Uſe and Behoof, the ſeveral Rates herein-after mentioned, for the Tonnage of all Goods, Matters, and Things whatſoever, which ſhall be carried or conveyed upon the ſaid intended Cut or any Part thereof; (that is to ſay),

For all Lime and Aſhes paſſing Weſtward upon the ſaid Cut, to be uſed for Manure, and for all other Manure of what Nature or Kind ſoever, paſſing Weſtward upon the ſaid Cut, the Sum of One Penny *per* Ton *per* Mile:

For all ſeparate Packages, Parcels, and other Articles not exceeding Two hundred Weight each, and belonging and conſigned to different or diſtinct Perſons, the Sum of One Halfpenny *per* Mile: And

For all other Goods, Wares, Merchandize, and Things whatſoever, the Sum of One Penny Halfpenny *per* Ton *per* Mile.

What Rates to be taken for Fractions of a Mile and Ton.

IX. And be it further enacted, That in all Caſes where there ſhall be a Fraction of a Mile in the Diſtance which any Boat or other Veſſel laden with any Goods, Merchandize, or other Things ſhall be navigated or paſs upon the ſaid Cut, ſuch Fraction ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered as a Mile; and that in all Caſes where there ſhall be a Fraction of a Ton in the Weight of Lading in any Boat or other Veſſel to be navigated on the ſaid Cut, a Proportion of the ſaid Rates ſhall be demanded and taken by the ſaid Company of Proprietors for ſuch Fraction, according to the Number of Quarters of a Ton contained therein.

Recovery of Rates.

X. And be it further enacted, That the ſeveral Rates herein-before granted ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places near to the ſaid Cut, in ſuch Manner and under ſuch Regulations as the ſaid Company of Proprietors, at ſome General or Special Aſſembly or Aſſemblies, ſhall from Time to Time direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rates, on Demand, to the Perſon or Perſons appointed to receive the ſame as aforeſaid, the ſaid

Company of Proprietors may ſue for the ſame by Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*; or the Perſon or Perſons to whom ſuch Rates ought to have been paid may, and he or they is and are hereby empowered to ſeize and diſtrain the Goods or other Things for or in reſpect whereof any ſuch Rates ought to have been paid, or any Part thereof, or the Boat or other Veſſel laden therewith, or carrying any ſuch Paſſengers, and detain the ſame until Payment thereof ſhall be made, together with reaſonable Charges for ſuch Seizure and Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days next after the taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent: And the ſaid Company of Proprietors ſhall have full Power, from Time to Time, at any General or Special Aſſembly, to lower or reduce all or any of the Rates by this Act granted, and again to raiſe the ſame to ſuch Sums as they ſhall think proper, (not exceeding the Sums before mentioned), as often as it ſhall be deemed neceſſary for the Intereſts of the ſaid Navigation.

Additional Wharfage in certain Caſes.

XI. Provided always, and be it further enacted, That if any Minerals or Timber, Goods or Merchandize, or any other Matters or Things whatſoever, which ſhall be carried and conveyed on the ſaid Cut, ſhall lie or remain upon any Wharf or Quay belonging to the ſaid Company of Proprietors for above the Space of Three Hours, then and in ſuch Caſe the ſaid Company of Proprietors ſhall be entitled to receive ſuch Rates or Allowances, over and above the Rates herein-before authorized to be taken, as ſhall be from Time to Time regulated by the ſaid Company of Proprietors, or their General Committee.

No Boat of leſs than 20 Tons, or carrying Paſſengers, to paſs on the Cut without Permiſſion.

XII. Provided alſo, and be it further enacted, That no Boat or other Veſſel of leſs Burthen than Twenty Tons, nor any Boat or other Veſſel uſed for carrying Paſſengers, or any other Perſons not employed in navigating ſuch Boat or other Veſſel, ſhall be uſed or navigated upon the ſaid Cut by any Perſon or Perſons, without the Conſent of the ſaid Company of Proprietors, or the General Committee of the ſaid Company, upon Pain of forfeiting to the ſaid Company of Proprietors the Sum of Ten Pounds for every ſuch Offence.

Land Owners to be admitted Subſcribers in certain Caſes:

XIII. And be it further enacted, That in caſe any Perſon, or Body Politick, Corporate, or Collegiate, who now is or are Owner or Owners, or in the actual Poſſeſſion, or entitled to the Rents and Profits of any of the Lands within the Line of, or to be cut through, taken, or uſed, for making the ſaid intended Cut, and who have not ſubſcribed towards the Purpoſes of the ſaid recited Acts, or this Act, for a Sum which will entitle him or them to Ten Shares at the leaſt in the ſaid ſeveral Undertakings, (provided the Eighth Part of a Mile or more in Length of ſuch Land ſhall be ſo cut through, taken, or uſed), ſhall be deſirous of becoming a Proprietor or Proprietors of a Share or Shares in the ſaid ſeveral Undertakings, and ſhall by Writing under his or her Hand, or the Common Seal of ſuch Body Politick, Corporate, or Collegiate, (atteſted by ſome credible Witneſs or Witneſſes, to be delivered to the Clerk or Clerks to the ſaid Company of Proprietors within Twelve Calendar Months next after the paſſing of this Act), ſignify ſuch Deſire, and the Sum he, ſhe, or they, is or are willing to contribute and advance for or towards the Purpoſes of the ſaid recited Acts, and this Act, then and in every ſuch Caſe the ſaid Company of Proprietors ſhall, and are hereby required to admit every ſuch Perſon, or Body Politick, Corporate, or Collegiate, to be a Proprietor or Proprietors of the

ſaid

ſaid Undertakings; and in order thereto, the ſaid Company of Proprietors may, and are hereby empowered to make ſuch Increaſe to the Number of Shares in the ſaid Undertakings as they ſhall judge neceſſary or proper; and all new Shares for making ſuch Increaſe ſhall be ſubject to the Regulations and Proviſions of the ſaid recited Acts, in like Manner as if they were Part of the preſent Shares in the ſaid Undertakings; and every ſuch Perſon, and Body Politick, Corporate, or Collegiate, ſhall, after ſuch Deſire ſhall have been ſignified as aforeſaid, be compellable to become a Subſcriber or Subſcribers, in Proportion to the Extent of his, her, or their Lands to be cut through, taken, or uſed as aforeſaid; and ſhall, from and after ſuch Admiſſion as aforeſaid, be united and incorporated with, and be Part of the ſaid Company of Proprietors, and ſhall be a Proprietor or Proprietors of a Share in the ſaid ſeveral Undertakings, for every One hundred Pounds of the Money in ſuch Writing mentioned, (not exceeding One Share for every ſuch Eighth Part of a Mile in Length of ſuch Land as aforeſaid, and not exceeding ſuch Number of Shares as will make up the Whole of the Shares to which ſuch Perſon, or Body Politick, Corporate, or Collegiate, ſhall be entitled, either as an original Subſcriber or original Subſcribers, or otherwiſe, to the Number of Ten), in like Manner in all Reſpects, and to all Intents and Purpoſes, as if ſuch Perſon, or Body Politick, Corporate, or Collegiate, had been before named and conſtituted Part of the ſaid Company of Proprietors.

Leſſees may be admitted Subſcribers, on Corporations declining.

XIV. Provided always, That in caſe any Body Corporate or Collegiate ſo entitled as aforeſaid, ſhall not ſignify their Deſire to ſubſcribe in their Corporate Capacity as aforeſaid, it ſhall be lawful for their Leſſee or Leſſees, holding and being in Poſſeſſion of any Lands under ſuch Body Corporate or Collegiate, (except Leſſees at Rack Rent), to become a Subſcriber or Subſcribers in his, her, or their own Name or Names, for as many Shares in the ſaid Undertakings as are in the Proportion above mentioned to the Lands in his, her, or their Poſſeſſion, and through which the ſaid intended Cut is to paſs, and in the ſame Manner as if ſuch Lands were his or their own Freehold; and ſuch Leſſee or Leſſees ſhall be admitted a Proprietor or Proprietors of the ſaid Undertakings, in like Manner as herein-before mentioned with reſpect to the Owners of Lands to be cut through, taken, or uſed as aforeſaid.

Conditions on which they are admitted.

XV. Provided nevertheleſs, That the ſaid Company of Proprietors ſhall not be obliged to admit any Perſon, or Body Politick, Corporate, or Collegiate, to be a Proprietor or Proprietors of any Share in the ſaid Undertakings on Account of his, her, or their, being Owner or Owners, or in the actual Poſſeſſion, or entitled to the Rents and Profits, or Leſſee, of Lands to be cut through, taken, or uſed, as aforeſaid, until ſuch Land ſhall have been actually purchaſed by the ſaid Company of Proprietors, or until the Perſon, or Body Politick, Corporate, or Collegiate, deſiring to be ſo admitted, ſhall have paid to the ſaid Company of Proprietors the like Sum of Money upon every Share to which he, ſhe, or they, ſhall deſire to be admitted, as ſhall have been paid to the ſaid Company of Proprietors upon any other of the Shares in the ſaid Undertakings.

Expences of the Act.

XVI. And be it further enacted, That the Charges and Expences attending the obtaining and paſſing this Act ſhall be paid by the ſaid Company of Proprietors; and 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, without ſpecially pleading the ſame.

Publick Act.

FINIS.