ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LI.

An Act for making and maintaining a Navigable Canal from the Town and County of the Town of *Southampton* to the City of *New Sarum* in the County of *Wilts*, with a Collateral Branch to *Northam* within the Liberties of the Town of *Southampton*. [30th *April* 1795.]

WHEREAS the making and maintaining a Navigable Canal from the Town and Port of *Southampton* in the Town and County of the Town of *Southampton*, through the ſeveral Pariſhes and Townſhips of *Holy Rhood*, *Saint Lawrence*, *All Saints*, and *Saint Mary*, within the Town of *Southampton* and the Liberties thereof, and the Pariſhes and Townſhips of *Hill* otherwiſe *Four Poſts*, *Milbrooke*, and *Redbridge*, to join the *Andevor* Canal at or near *Redbridge* in the County of *Southampton*, and to go out of or from the ſaid *Andevor* Canal at or near a Place called *Kimbridge Mill* in the Pariſh of *Mitchelmarſh* in the ſaid County of *Southampton*, through the ſeveral Pariſhes and Townſhips of *Mitchelmarſh*, *Mottisfont*, *Lockerley*, *Eaſt Dean*, *Weſt Dean*, *Eaſt Grimſtead*, *Weſt Grimſtead*, *Alderbury*, *Peter's Finger*, *Laverſtock*, *Milford*, and the Pariſh or Townſhip of *Saint Martin* in the City of *New Sarum*, to the City of *New* Preamble.

Sarum in the County of *Wilts*; and alſo a Cut or Canal to branch or commence from and out of the ſaid Canal at the Town and County of the Town of *Southampton* aforeſaid, to be from thence extended and carried to the *Wincheſter* Navigation at *Northam* in the Pariſh of *Saint Mary* within the Liberties of the Town and County of the Town of *Southampton*, to communicate with the *Wincheſter* Navigation in the River *Itchen* there, will be of great 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 *Robert Adamſon*, *James Alner*, *John Ames*, *James Amyatt*, *John Amyatt* Doctor of Phyſick, *Maurice Applin*, *Robert Aſhe* Doctor in Divinity, *Thomas Atkinſon*, *Charlotte Atkinſon*, *Edward Baker*, *Thomas Baker* of *Southampton*, *Thomas Baker* of *Bulbridge*, *Thomas Edward Baker*, *John Baker* Doctor of Laws, *Sarah Eliza Baker*, *Robert Balfour*, *Robert Ballard*, *Jane Banks*, *Martha Banks*, *Aaron Barling*, *Ann Barling*, *James Henry Barnouin*, *William Bayard*, *Thomas Beare*, *Peter Bernard*, *Peter Bernard* the younger, *John Barnard*, *Martha Beſt*, *William Biggs*, *Joſeph Biſhop*, *Samuel Blount*, the Honourable *William Henry Bouverie*, *William Mogg Bower* Clerk, *William Bowles*, *William Liſle Bowles* Clerk, *Edward Brice* the younger, *Joſeph Brimyard*, *John Brimyard*, *Peter Bellenger Brodie* Clerk, *Thomas Bromley* Clerk, *George Brown*, *James Brown*, *Thomas Brown*, *William Brown*, *John Burdett*, *Paul Legas Burnett*, *Michael Burrough*, *William Burrow*, *John Farrington Butterfield*, *Martha Butt*, *Eraſmus Carver*, *William Carver*, *Michael Caſtle*, *Robert Caſtle*, *Thomas Caſtle*, *Ann Chapman*, *William Coates*, *Thomas Cobham*, *Daniel Colkett*, *Benjamin Charles Collins*, *John Cornley*, *Thomas Cornley*, *Edward Cooper*, *Henry Corbin*, *William Court*, *Edward Cropper*, *Alexander Cunningham*, *John Cuſhen*, *John Dagge*, *Dagge*, *James D'Arcy*, *James D'Auvergne*, *Samuel Davis*, *John Dew*, *William Dodſworth*, *Arthur Dodwell* Clerk, *William Douglas* Clerk, *William Robert Duill*, *David Durell* Clerk, *John Durell*, *Thomas Durell*, *William Benſon Earle*, *Richard Earlſman*, *Benjamin Eaſtman*, *James Eaſton* the younger, *Mary Maria Eaſton*, *John Edgar*, *John Ekins* Doctor in Divinity, *Thomas Eldridge*, *Robey Eldridge*, *Thomas Emery*, *Evan Evans*, *James Evans* Clerk, *Sarah Evans*, *George Fenwick*, *Samuel Fielden*, *John Fiſhlake*, *Jonathan Fiſhlake*, *Elizabeth Fiſhlake*, *Fanny Fiſhlake*, *William Fitzhugh*, *William Fletcher*, *Henry Ford*, *William Forder*, *Ann Fort*, *George Yalden Fort*, *Robert Freemantle*, *Francis Freeling*, *George Henry Freeling*, *William French*, *Dorothy Frome*, *Theodoſia Frome*, *Joſeph Fugill*, *John Gale*, *John Garland*, *Thomas Gibbons*, *James Goddard*, *Thomas Goddard*, *Charles Godfrey*, *William Goff*, *Charles Granger*, *Thomas Granger*, *William Graves*, *John Greaves*, *Sarah Green*, *Suſanna Green*, *Benjamin Greenwood*, *James Grierſon*, *Thomas Guillaume*, *Joſeph Hall*, *Arthur Hammond*, *Charles Hilgrove Hammond*, *Arthur Atherley Hammond*, *Samuel Harriſon*, *John Harvey*, *Henry Hawes* Clerk, *Elizabeth Hawes*, *Andrew Goater Haynes*, *George Heath* Doctor in Divinity, Dame *Frances Heathcote*, *Thomas Heathcote*, *Clement Hilgrove*, *Hugh Hill* Doctor in Divinity, *Joſeph Hill*, *Edward Hinxman*, *Henry Hinxman*, *Thomas Hinxman*, *Charles Hoare*, *James Hobbs*, *Hockley*, *Holloway*, *Thomas Hooper*, *Edward Horne*, *John William Hucklebridge*, *Edward Humphreys*, *George Huſey*,

Propietors.

Huſſey, William Huſſey, Samuel James the younger, *Hugh Jeboult, John Jeboult, John Jefferey, Thomas Jefferey, Triſtram Huddleſtone Jervoiſe, George Huddleſtone Jervoiſe* Clerk, *George Purefoy Jervoiſe, Alexander Irvine, Daniel Mayo Keele, Edward Keele, John Keele, John Kettle, Peter King, Alexander King, Rachael King, George King,* Sir *Richard King* Baronet, *Thomas King, J Kirkman, Richard Knight, Thomas Lake, Charles Lee, Philip Le Fevre, Ann Lewis* Spinſter, *Benjamin Lewis, Ann* the Wife of *Benjamin Lewis, Richard Light, Daniel Linden, James Linden, James Linden* the younger, *John Lintott, William Lintott, Andrew Livett, William Lomer, Joſeph Coventry Lowdell, John Lowder, John Lowman, John Mackie* Doctor of Phyſick, *Martin Maddiſon, Samuel Marſhall, John Martin,* Sir *Henry Martin* Baronet, *George Maton, Joſeph Maton, Richard Matthews, Thomas Mears, Thomas Mears* Clerk, *Thomas Meaſe, John Merris, John Merrifield, Nathaniel Middleton, Thomas Miles, Robert Miller, Charles Philip Milloway, James Mobbs, John Monckton, William Moody, Joſeph Moon, Edward Moore* Clerk, *Mary Moore, William Moore, John Moore, James Morgan, John Morgan, William Morgan, Morgan, Charles Morris, John Munt, William Andrew Nance, James New* the younger, *William Newman, Thomas Nichols, Thomas Nichols* the younger, *Richard Nightingale, John Thomas North, William Packwood Noyes, Thomas Ogden, Edmund Ogden, Jeremiah Olive, Sarah Olive* Widow, *Mary Ames Olive, Sarah Olive* Spinſter, *O'Neal, Oſborne, James Over, Arthur Palmer* the younger, *John Jordan Palmer, John Parry, Parry, R Payne,* the Right Honourable the Earl of *Pembroke, Richard Pew,* Sir *Yelverton Peyton* Baronet, *John Phelps, Ann Phelps, Iſaac Pickering, Thomas Pipon, John Plaw, John Poore, Adam Powell, Joſhua Powell, Simon Pretor, Richard Price, William Radford, James Randall, Charles Ratheram, William Carpenter Ray, George Reade, William Reade, John Reed, William Reed, William Beſley Reed, William Richards* Clerk, *Thomas Ridding, Thomas Ridding* as Truſtee for Minors, *Jacob Selwood Riddle, William Rogers, Thomas Rogers, Arabella Roles, Denys Rolle, Samuel Rolleſtone, William Burroughs Rooke, George Roſe, George Henry Roſe, Robert Roſſer,* the Right Reverend the Lord Biſhop of *Saliſbury, John Sanders, John Savery, Alexander Scott, John Seagrim, William Seagrim, Abraham Seward, Elizabeth Seward, Francis Seward, Philip Seward, John Thurſton Sharp, James Sharp, William Sharp, Chriſtopher Shaw, Joſeph F. Sheppard, George Short, Henry Shorto, Highmore Skeates, Highmore Skeates* the younger, *Thomas Shelton, Mary Smith, Peter Smith, Robert Smith, William Smith* of *Southampton, William Smith* of *South Stoneham,* the Corporation of *Southampton, Roger Spender, Thomas Staples, William Steele, Henry Stephens, Edward Stevens, William Stevens, John Stoddard* the younger, *Richard Suckett, John Sutton, William Tamlyn, George Tarver, Monkhouſe Tate, Richard Taylor, Samuel Silver Taylor, Walter Taylor, Richard Threſher, William Tinling, Richard Tomlinſon, Richard Trickey* Clerk, *John Turner, Edward Vincent, Henry Wanſey, William Wanſey, Stephen Warner, Thomas Warner, Peter Watts, John Weeks, William Weeks, Ambroſe Wharton, Samuel Whitchurch, John White, John White* Clerk, *William Whitmarſh, Samuel Whitty, John Wilcox, James Wilkiſon, Samuel Williams, Sarah Wiſe, Edward Bland Wollſtonecraft, William Woodford, Jane Woodyear, Samuel Woodyear, Leonard Wray, Robert Bateman Wray, Henry Penruddock Wyndham,* and *George Yeats,* and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as they, or

the major Part of them, at any General Meeting assembled, shall nominate and appoint under their Hands, are and shall be united into a Company, for the better carrying on, making, completing, and maintaining the said Navigable Canal and Collateral Branch, and all Works relating and necessary thereto, according to the Rules, Orders, and Directions herein-after expressed and laid down; and shall for that Purpose be one Body Politick and Corporate by the Name of *The Company of Proprietors of the Southampton and Salisbury Canal*, and by that Name shall have perpetual Succession, and shall have a Common Seal; and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase Lands, Tenements, and Hereditaments, for the Use of the said Navigation and Works, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and the said Company of Proprietors, their Successors and Assigns, shall be, and they are hereby authorized and empowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, to make and complete a Canal, navigable and passable at all Times for Boats, Barges, and other Vessels, from the Town and County of the Town of *Southampton*, through the several Parishes, Townships, and Places herein-before mentioned, to or near the City of *New Sarum* in the County of *Wilts*, with a Collateral Branch to *Northam* in the Parish or Township of *Saint Mary*, within the Liberties of the Town and County of the Town of *Southampton*, in such Course or Direction as are delineated on the Map or Plan herein-after mentioned, or within Two hundred Yards of the same, and to supply the said Canal and Collateral Branch, whilst the same shall be making and when made, with Water from all such Springs as shall be found in making the said Canal and Collateral Branch, and also from all such Rivers, Brooks, Streams, Watercourses, and Springs, as are or shall be found within the Distance of One thousand Yards from any Part of the said intended Canal and Collateral Branch (except as herein-after is excepted); and also to make such Reservoirs as shall be necessary for the Purposes of the said Canal and Collateral Branch within the Distance above mentioned, for the more conveniently supplying the said Canal and Collateral Branch with Water; and also such and so many Feeders and Aqueducts as they shall think fit for supplying the said Canal, Collateral Branch, and Reservoirs with Water, and for those Purposes in, upon, and through, the Lands and Grounds of and belonging to the King's Majesty, His Heirs and Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, to enter, and to bore, dig, cut, trench, sough, remove, and lay, Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things which may be dug or got in making such Canal, Collateral Branch, and Works, or which may hinder, prevent, or obstruct, the making, using, completing, extending, and maintaining the same, and for making, using, completing, extending, and maintaining such Trenches, Passages, Gutters, and Watercourses, as shall be proper and necessary to convey Water to and from the said Canal and Collateral Branch, 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 Collateral Branch, or upon the respective Lands adjoining or near the same, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Houses, Warehouses, Watch-Houses, Landing Places, Weigh Beams, Cranes, Dry Docks, and other Works, Ways, Roads, and

Their Style.

Company empowered to make a Navigable Cut,

and to build Bridges, &c.

Conveniences, as and where the ſaid Company of Proprietors ſhall think requiſite and convenient for the Purpoſes of the ſaid Navigation; and in particular one Publick Wharf, Quay, and Landing Place, in the ſeveral Places and Towns of *Southampton*, *Northam*, and the City of *New Sarum*, or near thereto, with proper Conveniences to each; and alſo from Time to Time to turn, alter, repair, and amend, the ſaid Navigation, and to make, widen, and enlarge, any Bridges, Ways, Roads, Paſſages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, and other Works or Conveniences, as well for the carrying and conveying of Goods, Commodities, and other Things to and from the ſaid Canal and Collateral Branch, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, amending, widening, or enlarging, the ſaid Works of and belonging to the ſaid Navigation; and alſo to place, lay, work, and manufacture, any Materials on the Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall and are intended to be made, erected, repaired, or done, and to build and conſtruct the ſeveral Locks, Bridges, Works, and Erections belonging thereto; and alſo to make, maintain, repair, and alter, or turn, any Roads, Fences, or Paſſages, over, under, through, or along the Side of, the ſaid Canal and Collateral Branch, or the Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Gutters, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith; and alſo to make, ſet up, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, convenient for towing, hauling, or drawing of Boats, Barges, and other Veſſels paſſing in, through, or upon, the ſaid Canal and Collateral Branch, with Men, Horſes, or otherwiſe, as they the ſaid Company of Proprietors ſhall think convenient; and alſo to dig, take, and carry away, any Soil, Clay, Gravel, or Stone, proper, requiſite, or convenient, for carrying on and continuing the ſaid Works and Undertakings in or from any Ground or Grounds adjoining or lying contiguous thereto; and to conſtruct, erect, and keep in Repair, any Piers, Arches, and other Works in, upon, and acroſs, any Rivers or Brooks, for the making, uſing, maintaining, and repairing, the ſaid Canal, Collateral Branch, and Towing Paths, on the Sides thereof; and alſo to conſtruct, erect, make, and do, all other Matters and Things which they ſhall think neceſſary and convenient for the making, effecting, extending, preſerving, improving, completing, and uſing, of the ſaid Navigation, in purſuance of and according to the true Meaning of this Act, they the ſaid Company of Proprietors doing as little Damage as may be in the Premiſes, and making Satisfaction in Manner herein-after mentioned to the Owners and Proprietors of ſuch Lands, Tenements, and Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, as ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, their Agents, Officers, Workmen, and Servants, and all other Perſons whatſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted.

and dig Gravel and Materials.

Satisfaction to be made for Damages.

II. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors, their Succeſſors or Aſſigns, nor ſhall it be lawful for them or their Deputies, Agents, Officers, Workmen, or Aſſiſtants, to divert or alter the

Andover Canal not to be injured.

the preſent Courſe of the ſaid *Andevor* Canal, or to take Water therefrom to the Injury of ſuch Canal, or the free Navigation of the ſame, or by any other Means to obſtruct, impede, or injure, the Navigation of ſuch Canal; but that the ſaid Company of Proprietors will erect and maintain Flood Gates in convenient Places, and in a proper Manner, in the ſaid Canal, to regulate the Height of the Water, and to prevent the ſaid Canal from taking the Water from the ſaid *Andevor* Canal, to the Injury of that Navigation.

No Garden, &c. to be uſed without Conſent of the Owner, &c.

III. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize the ſaid Company of Proprietors, or any Perſon or Perſons employed by them, to exerciſe any of the Powers hereby given, upon, through, or over, any Land or Ground whatſoever, which, on the Firſt Day of *January* One thouſand ſeven hundred and ninety-four, was a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or Lawn encloſed or adjoining to a Manſion Houſe, without the Conſent of the Owners of the ſame reſpectively, except a Garden belonging to a Cottage at *Lockerley Green*, in the Poſſeſſion of *Richard Pierce*.

Power to take Levels.

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

Limiting the Ground to be taken.

V. Provided always, and be it enacted, That the Lands or Grounds to be taken or uſed for the ſaid Canal, Collateral Branch, and Towing Paths, and the Ditches, Drains, and Fences, to ſeparate ſuch Towing Paths from the adjoining Lands and Grounds, ſhall not exceed Thirty Yards in Breadth, (except in ſuch Places where the ſaid Canal and Collateral Branch ſhall reſpectively be raiſed higher than the preſent Surface of the Land or Ground, and alſo in ſuch Places where it ſhall be judged neceſſary for Boats, Barges, and other Veſſels, to turn, lie, or paſs each other, or where any Wharf or Crane may be erected, nor One hundred Yards in Breadth in any of the ſaid reſpective Places), and where the ſaid Canal ſhall be cut above Five Feet deeper than the preſent Land or Ground, the ſame ſhall be regulated, cut, and made according to the Schedule hereunto annexed; nor ſhall any Land or Ground be ſet out, aſcertained, contracted for, and ſold, for the Purpoſes of making any Navigable Cut, Trench, or Sluice, to convey Timber, Grain, Flour, Goods, or other Things, to or from the ſaid Canal, without the Conſent of the Owner or Owners of the ſaid Lands reſpectively, under his, her, or their Hands, in Writing firſt had and obtained; any Thing herein contained to the contrary notwithſtanding.

VI. And

VI. And whereas there may be ſome Perſons or Bodies who may be incapable by Law to treat and contract for the Sale of ſuch Lands and Premiſes as may be wanted for the Purpoſes of this Act, and to treat and contract for a Satisfaction for the Injuries and Damages which may be done or likely to be done to ſuch Lands and Premiſes by virtue of the Powers in this Act contained; be it therefore further enacted, That it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees in Truſt, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, and Premiſes which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract for, ſell, and convey, unto the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as they ſhall nominate and appoint for the Uſe of the ſaid Navigation, all or any Part of ſuch Lands, Grounds, or Premiſes, which ſhall from Time to Time be ſo ſet out and aſcertained, either in Conſideration of a Sum of Money to be paid in groſs, or of an Annual Rent or Payment to be charged and ſecured as herein-after mentioned; and alſo to treat and contract for a Satisfaction for the Injuries and Damages aforeſaid, and to receive ſuch Sum and Sums of Money as, by virtue of the Powers in this Act contained, ſhall be ſettled and adjuſted by the Commiſſioners herein-after appointed, or any Seven or more of them, or be aſſeſſed by a Jury or Juries in Manner herein directed; and where, by making the ſaid Canal, the Property of any Land Owner ſhall be ſeparated into ſmall Parcels ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for ſuch Bodies Politick, Corporate, and Collegiate, and other ſuch Land Owners, and all other Land Owners under any ſuch Diſability as aforeſaid, by and with the Conſent of the Commiſſioners herein-after appointed, or any Seven or more of them, to be teſtified by any Writing or Writings to be by them ſealed and delivered in the Preſence of, and atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey in Exchange in Lieu of other Lands, all or any Part of ſuch Lands, Grounds, or Premiſes through which the ſaid Canal ſhall be made, to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money or other Equivalent, as to the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem reaſonable; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in the Law to all Intents and Purpoſes whatſoever; any Law, Statute, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for what he, ſhe, they, or any of them, ſhall reſpectively do by virtue of or in purſuance of this Act; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, (other than thoſe which concern any Purchaſe or Exchange between ſuch reſpective Land Owners), ſo to be made as aforeſaid, ſhall, at the Expence of the ſaid Company, be enrolled by the Clerk of the Peace for the County wherein ſuch Lands, Grounds, and Premiſes ſhall happen to lie, and true Co-

Enabling Owners to ſell.

pies thereof ſhall be allowed to be good Evidence in all Courts whatſoever, for which Enrolment ſhall be paid to the ſaid Clerk of the Peace the Sum of Sixpence for every One hundred Words, and ſo in Proportion for any greater or leſs Number of Words, and no more.

Copyholds to be ſurrendered.

VII. Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands, Grounds, or Premiſes, which are of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof, in the reſpective Courts of the Manors whereof ſuch Lands, Grounds, or Premiſes, are held, according to the Cuſtom of the ſaid Manors reſpectively, and ſhall remain and continue ſubject to ſuch and the ſame Fines, Rents, and Services, as are due, payable, or of Right accuſtomed, and in ſuch and the ſame Manner as if this Act had not been made; any Thing herein contained to the contrary notwithſtanding.

Commiſſioners to ſettle Differences.

VIII. And whereas Differences may ariſe between the ſaid Company of Proprietors, and the ſeveral Owners of, and Perſons intereſted in, any Mills, Lands, Grounds, Tenements, Hereditaments, or Waters, which ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchaſe Money to be paid, or Recompence to be made to them reſpectively; be it further enacted, That *Dummer Andrews*, *Arthur Atherley*, *Bereher Baril*, *Frederick Breton*, the Reverend *Edwards Beadon* Clerk, *James Burrough*, *William Alſton Brandreth*, *John Blake*, *John Bailey*, *William Buller*, *Thomas Blake*, *Noah Le Cras*, *Henry Caiger*, *Bryan Edwards*, *Joſeph Everett*, *John Gale Everett*, *Thomas Everett*, *Samuel Emly*, *Gorges Foyle*, *John Fleming*, *William Fletcher*, the Reverend *Fletcher* Clerk, *Richard Gamon*, *William Gunthorpe*, *William Goffe*, *William Gater*, *Charles Groove* M. D., *Philip Goldſworthy*, Sir *William Heathcote* Baronet, the Reverend *John Harrington* D. D., the Reverend *Hockley* Clerk, *John Butler Harriſon*, the Reverend *Henry Hetley* Clerk, *Thomas Huſſey*, *Benjamin Haynes*, *Joſhua Iremonger* the younger, the Reverend *Laſcelles Iremonger* Clerk, the Reverend *Edward Jacob* Clerk, *Charles Knott*, *Cranley Thomas Kerby* Serjeant at Law, *Harry Lawrence*, *David Lance*, *Charles Mackett*, the Reverend *Richard Mant* Doctor in Divinity, *John Newman*, *Chaloner Ogle*, the Right Honourable Lord Viſcount *Palmerſton* in the Kingdom of *Ireland*, *Henry Penton*, *George Frederick Pitt*, *Potenger*, *Benjamin Price*, the Mayor of the Borough of *Romſey* for the Time being, *John Robbins*, *Peter Roake*, *James Rothwell*, *John Rooke*, *Giles Stibbert*, *Thomas Sidney*, *Hans Sloane*, *Richard Vernon Sadleir*, *Thomas South*, *Thomas South* the younger, *Peter Serle*, the Mayor of the City of *New Sarum* for the Time being, *Thomas Scard*, *Caleb Smith*, *William Talk*, *John Thomas*, *John Tanner*, *Blaſius Godly Wright*, *Andrew Williams*, *Charles Wade*, *Franeis Webb*, *Thomas Wyatt*, and *William Wolfrey*, ſhall be, and they and their Succeſſors to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners for ſettling, determining, and adjuſting, all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors, or any of them, and the ſeveral Proprietors of, and Perſons intereſted in, any Mills, Lands, Grounds, Tenements, Hereditaments, or Waters, that ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the ſaid

Commiſſioners, or any Seven or more of them, are hereby empowered, by Writing under their Hands, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid Company of Proprietors, either by an Annual Rent or Payment, or by a Sum of Money in groſs, to and at the Election of ſuch Bodies Politick, Corporate, or Collegiate, Perſon or Perſons reſpectively, who ſhall be ſo entitled or intereſted as aforeſaid, for the abſolute Purchaſe of the Lands or Grounds which ſhall be ſet out or aſcertained as aforeſaid, for making the ſaid Canal and Collateral Branch, or any Part thereof, and other the Purpoſes herein mentioned, and alſo to determine and adjuſt the Recompence to be made for any Damages which may or ſhall be at any Time or Times ſuſtained by ſuch Bodies Politick, Corporate, or Collegiate, or any Perſon or Perſons reſpectively, being Owners of, or intereſted in, any Mills, Lands, Grounds, Tenements, or Hereditaments, or Waters, for or by reaſon of the making, repairing, or maintaining, the ſaid Canal and Collateral Branch, Fences, Paſſages, Gutters, Watercourſes, Roads, Ways, or Sluices, or ſupplying the ſame, or any of them, with Water as aforeſaid, or by flowing, leaking, or oozing of the Water, over or through the Banks of the ſaid Canal, Collateral Branch, Trenches, or Sluices, or over or through any Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Powers hereby given, for conveying and communicating Water to or from the ſaid Canal and Collateral Branch, or by not cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning or diverting any Streams or Brooks into the ſame, or by reaſon or means of the Execution of any of the Powers herein contained by the ſaid Company of Proprietors, their Agents, Workmen, or Servants, in caſe ſuch Price or Value, Damage or Recompence reſpectively, cannot be ſettled, adjuſted, and agreed, by and between the ſaid Company of Proprietors, or their Agent or Agents for the Time being, and ſuch Proprietors of, and Perſons intereſted in, ſuch Lands, Grounds, Tenements, Hereditaments, or Waters, as aforeſaid; and if the ſaid Company of Proprietors, their Succeſſors and Aſſigns, for and on the Part and Behalf of themſelves, or any ſuch Body Politick, Corporate, or Collegiate, or other Perſons or Perſon ſo intereſted or entitled as aforeſaid, for and on his, her, or their Part or Parts, ſhall refuſe to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners, or any Seven or more of them, or ſhall be diſſatisfied with any Determination which ſhall be by them made as aforeſaid, or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, entitled or intereſted as aforeſaid, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money or Annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid, or ſhall, upon Notice in Writing given to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of ſuch Mills, Lands, Tenements, Hereditaments, and Premiſes, for the Space of Twenty Days next after ſuch Notice, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors, or by reaſon of Abſence ſhall be prevented from treating, or through Diſability by Nonage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement as ſhall be convenient for making and completing the ſaid Navigation and other

If any of the Parties are diſſatisfied with the Determination of the Commiſſioners, the Value or Damages to be aſcertained by a Jury;

other Works aforeſaid, or ſhall not produce and evince a clear Title to the Premiſes they are in Poſſeſſion of, or to the Intereſt they claim therein, then and in every ſuch Caſe the ſaid Commiſſioners, or any Seven or more of them, ſhall, and they 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 in which ſuch Lands, Grounds, Tenements, Hereditaments, or Waters, ſhall lie, for the Time being, or in caſe ſuch Sheriff or his Under Sheriff ſhall be intereſted in the Matter or Matters in queſtion, then to the Coroner or Coroners of the ſaid Counties reſpectively, not intereſted as aforeſaid, requiring ſuch Sheriff or Coroner reſpectively to impannel, ſummon, and return, a Jury of Twelve ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine nor more than Twenty Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured, to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners, or any Seven or more of them, may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places or Matter in Controverſy; which Jury upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or any Seven or more of them, (and thoſe Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Seven or more of them, are hereby empowered to adminiſter), ſhall inquire of, aſſeſs, and aſcertain, the Sum or Sums of Money, or Annual Rent, to be paid for the Purchaſe of ſuch Lands, Tenements, Hereditaments, or Premiſes, or the Recompence to be made for the Damages that may or ſhall be ſo ſuſtained as aforeſaid; and the ſaid Commiſſioners, or any Seven or more of them, ſhall give Judgement for ſuch Purchaſe Monies, Rent, or Recompence, ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or any Seven or more of them, ſhall be binding and concluſive to all Intents and Purpoſes againſt the King's Majeſty, his Heirs and Succeſſors, and againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever: Provided always, that Notice of the Time and Place of making ſuch Inquiry and Aſſeſſment by a Jury as aforeſaid, ſhall be given to, or left at the uſual Place of Abode of the Party or Parties intereſted in, or the Tenant or Occupier of the Premiſes, at leaſt Fourteen Days before ſuch Inquiry or Aſſeſſment.

whoſe Determination ſhall be final.

Previous Notice to be given.

Penalty on the Sheriff or Coroner for making Default, and on the Jury.

IX. And be it further enacted, That if any Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; and if any Perſon, ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or appearing 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 ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence; every Perſon ſo offending reſpectively, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, or any Seven or more of them, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any Seven or more of them, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering the Overplus on Demand (if any be) to the Owner thereof, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, ſhall be deducted. And on Witneſſes.

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

XI. Provided always, That all and every Perſon or Perſons making Complaint, and requeſting ſuch Jury, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury, enter into a Bond with Two ſufficient Sureties to the Treaſurer for the Time being to the ſaid Company of Proprietors, in the Penalty of Fifty Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Inqueſt, in caſe a Verdict ſhall be given for no more or a leſs Sum than had been offered by or on Behalf of the ſaid Company of Proprietors, or than had been aſſeſſed by the ſaid Commiſſioners, or any Seven or more of them, before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any Lands, Tenements, Hereditaments, Premiſes, or Damages, as aforeſaid. Party requeſting the Jury, to give Security.

No Complaint to be taken Notice of till Application be made to the Company.

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

For puniſhing Perſons giving falſe Evidence.

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

Upon Payment or Tender of the Money, the Company may take Poſſeſſion.

XIV. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money or Annual Rent as ſhall be contracted and agreed for between the Parties, or adjuſted or determined by the ſaid Commiſſioners, or any Seven or more of them, or aſſeſſed by ſuch Juries in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands, Tenements, Hereditaments, or Premiſes, as aforeſaid, to the Proprietors thereof, or other Perſons entitled to receive ſuch Money or Rent reſpectively, or legal Tender thereof made to ſuch Proprietor or Proprietors, or other Perſon or Perſons, or to the principal Officers of any ſuch Body Politick, Corporate, or Collegiate, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed; or if he, ſhe, or they, cannot be found, or ſhall refuſe to accept ſuch Money or Rent, upon Payment thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven or more of them, ſhall, by Writing under their Hands, appoint, for the Uſe of and to be paid upon Demand, without Fee or Reward, to ſuch Proprietors or Perſons reſpectively as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, their Agents, Officers, Workmen, and Servants, immediately to enter upon the ſame, and to dig, cut, trench, ſough, and remove Earth, Stones, Rubbiſh, Trees, Roots of Trees, and all other Obſtructions, for the making, uſing, maintaining, and repairing, of the ſaid Canal, Collateral Branch, and Towing Paths, on the Sides thereof, in or upon ſuch Lands, Tenements, Hereditaments, or Premiſes, for which ſuch Satisfaction ſhall be agreed for, determined, or aſſeſſed as aforeſaid, and thereupon to make, erect, or do, any Works, Matters, or Things, for the effecting and carrying on the ſaid Navigation, and for the ſupporting and maintaining of the ſame, as the ſaid Company of Proprietors ſhall think requiſite, and to have, uſe, and enjoy, the Premiſes to and for their own Uſe and Benefit, for the Purpoſes of the ſaid Navigation, diſcharged of all Rights and Claims whatſoever thereon; and this Act ſhall be ſufficient to indemnify as well the ſaid Commiſſioners as the ſaid Company of Proprietors,

tors, their Agents, Officers, Workmen, and Servants, for what they or any of them ſhall do by virtue of the Powers hereby granted.

Satisfaction for Damages ſhall be made by a groſs Sum, and not an Annual Rent, unleſs with previous Conſent of the Perſons injured.

XV. Provided always, and be it enacted, That in no Caſe of Damage done, or to be done, in carrying this Act into Execution, ſhall the Perſon or Perſons damnified be compelled or compellable, by any Determination of the ſaid Commiſſioners, or by any Aſſeſſment or Verdict of any Jury, to accept any Annual Payment or Rent in Lieu of or Preference to a groſs Sum; but that the ſaid Commiſſioners or Jury ſhall in all Caſes determine or aſſeſs a groſs Sum, and not an Annual Payment or Rent, unleſs the Perſon or Perſons, or Bodies, injured and to be compenſated by ſuch Determination or Aſſeſſment, or who, by virtue of the Powers in this Act contained, may be entitled to receive ſuch Sum, ſhall previouſly ſignify their Conſent in Writing, under their Hands and Seals, that ſuch Perſon or Perſons, or Bodies, is or are willing to take and receive their Satisfaction by Way of Annual Rent or Payment; any Thing herein contained to the contrary notwithſtanding.

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

May be given in Evidence.

Lands veſted in the Company.

XVI. And be it further enacted, That all Determinations of the ſaid Commiſſioners, or any Seven or more of them, which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Verdicts or Judgements, being firſt ſigned by Seven or more of the ſaid Commiſſioners who ſhall be preſent at the taking of ſuch Verdicts, and pronouncing ſuch Judgements reſpectively, ſhall be tranſmitted to, and kept by the Clerk of the Peace for the County in which ſuch Determinations are made, amongſt the Records of the Quarter Seſſions of the Peace for ſuch County, and ſhall be deemed to be Records of the ſaid Quarter Seſſions to all Intents and Purpoſes; and the ſame, or true Copies thereof, or of any Part or Parts thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, as alſo the Inrolments of ſuch Contracts, Agreements, Sales, and Conveyances, as are herein-before mentioned, paying for each Inſpection the Sum of One Shilling, and to have Copies thereof, or of any Part or Parts thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words; and immediately on Payment or Tender of ſuch Purchaſe Money or Annual Rent as aforeſaid, and Entry of ſuch Determinations, Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, of the ſaid Juries, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Inheritance, Property, Claim, and Demand, in Law and Equity, of the Perſon or Perſons, for whoſe Uſe ſuch Money or Rent ſhall be paid, in, to, and out of, the ſaid Lands, Tenements, Hereditaments, and Premiſes, ſhall veſt in the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and they ſhall reſpectively be deemed in Law to be in the actual Seiſin and Poſſeſſion thereof to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having an Eſtate in the Premiſes had actually conveyed the ſame to them by Leaſe and Releaſe, Bargain and Sale enrolled, Feoffment with Livery of Seiſin, Fine, Recovery, or any other legal Conveyance whatſoever; and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe ſuch Payment was made, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower or Dowers of the Wife and

Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates in Poſſeſſion, Remainder, or otherwiſe, againſt the Iſſue or Iſſues of ſuch Perſon or Perſons whomſoever, having or claiming any Right, Title, Eſtate, or Intereſt therein, either in Law or Equity, as fully and effectually as a Fine or Recovery, or either of them, would do if levied or ſuffered by all the proper Parties in due Form of Law.

Compenſation to be made for the Tithes of the Lands to be taken.

XVII. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tithes, both Great and Small, of the Lands which ſhall be taken or made uſe of by them for the Purpoſes of this Act, to the ſeveral Perſons who now are entitled, or at any Time hereafter might have become entitled, to ſuch Tithes, according to their reſpective Intereſts therein; ſuch Tithes to be eſtimated at the Average Value of the Four Years commencing at *Michaelmas Day* One thouſand ſeven hundred and ninety, and ending at *Michaelmas Day* One thouſand ſeven hundred and ninety-four; ſuch Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any other Lands or Hereditaments are herein-before directed to be aſcertained: Provided always, that ſuch Recompence and Satisfaction ſhall be made to all Spiritual Perſons by an Annual Rent.

The Purchaſe Money for ſettled Eſtates above 20 *l.* to be laid out for the ſame Purpoſes;

XVIII. 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 or Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Grounds are limited in ſtrict Settlement for the Purchaſe of any Lands, Tenements, Hereditaments, or Premiſes aforeſaid, ſhall, in caſe the ſame exceed the Sum of Twenty Pounds, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons ſeiſed of Lands, Tenements, Hereditaments, and Premiſes, ſo limited in ſtrict Settlement, be laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, and conveyed to, or to the Uſe of, ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or to or for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premiſes, for or in reſpect whereof ſuch Purchaſe Money or Monies ſhall be ſo paid as aforeſaid, were limited, ſettled, and aſſured, at the Times ſuch Purchaſe Monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect; ſuch Conveyances and Settlements, other than thoſe which concern any Purchaſe or Exchange between any of the reſpective Land Owners as aforeſaid, to be made at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors,

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

Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, in ſome of the Publick Funds, or on Government or Real Securities, in the Names of Two Perſons, the One to be nominated by the Party or Parties intereſted therein, and the other by the ſaid Commiſſioners, or any Seven or more of them; and the Intereſt ariſing, or to be produced from ſuch Funds or Securities, ſhall be paid to ſuch Perſon or Perſons reſpectively as would, for the Time being, be entitled to the Rents and Profits of ſuch Lands, Tenements, Hereditaments, and Premiſes, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled, purſuant to the true Intent and Meaning of this Act.

Commiſſioners to determine the Share of the Purchaſe Money of all Perſons intereſted.

XIX. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may, and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Monies or Recompence for Damages which ſhall be ſo agreed for between the ſaid Company of Proprietors, or determined and adjuſted by the ſaid Commiſſioners, or any Seven or more of them, or aſſeſſed by the ſaid Juries in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant or other Perſon, having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his, her, or their reſpective Intereſt therein, except in ſuch Caſes where the ſame are herein directed to be laid out and inveſted in the Purchaſe of other Lands, Tenements, Hereditaments, or Premiſes.

For Recovery of Damages from the Company.

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

Damages may be levied by Warrant of the Commiſſioners.

XXI. Provided always, That in caſe the Damages, Intereſt, and Coſts, provided to be ſatisfied out of the Rates or Duties ariſing by the ſaid Navigation ſhall not be paid and ſatisfied within the Space of Six Calendar

dar Months next after the ſame ſhall have been ſo determined or aſſeſſed as aforeſaid, that then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, upon Complaint made to them by or on Behalf of the Perſon or Perſons ſuſtaining ſuch Damages, to iſſue their Warrant or Warrants under their Hands and Seals to the Sheriff of the County where the ſame ſhall happen, authorizing and empowering ſuch Sheriff to levy and raiſe the Damages ſo to be determined and aſſeſſed, by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, together with ſuch reaſonable Charges as the ſaid Commiſſioners, or any Seven or more of them, ſhall in ſuch Warrant direct and appoint.

Premiſes not to be taken for the Canal until Satisfaction made for them, and for the probable Damage that may be done.

XXII. Provided always, and be it enacted and declared, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or their Deputies, Agents, Officers, Workmen, or Aſſiſtants, to cut, dig, take, or uſe, any Land or Ground for the Purpoſes of this Act, or to enter into the ſame, except for the Purpoſe of aſcertaining the Damages as herein mentioned, or to divert or alter the Courſe of any River, Brook, Stream, Watercourſe, or Spring, or to take any Water therefrom, or to cut through or intercept any of the Springs or Sources thereof, to the Prejudice of any Perſon or Perſons, until ſuch Sum or Sums of Money as ſhall not only be a full Recompence and Satisfaction for the Land or Ground intended to be cut, dug, taken, or uſed, but alſo for all ſuch Ground which may be ſeparated from the Remainder of the Grounds or Fields ſo intended to be cut, dug, taken, or uſed, or may be thereby injured and made inconvenient to the Land Owners, to the Amount of Two Acres, as likewiſe for the probable Injury or Damage which may be occaſioned by the diverting or altering the Courſe of any ſuch River, Brook, Stream, Watercourſe, or Spring, or taking any Water therefrom, or cutting through or intercepting any of the Springs or Sources thereof, or by Reaſon or Means of any of the Powers in this Act contained, ſhall have been actually advanced and paid, or duly tendered by the ſaid Company of Proprietors, their Succeſſors or Aſſigns, to the Perſon or Perſons who may ſuſtain ſuch Injury or Damage as aforeſaid, or who, by virtue of the Powers in this Act contained, may be entitled to receive the ſame, in caſe he, ſhe, or they can be found; and in caſe he, ſhe, or they cannot be found, until ſuch Sum or Sums of Money ſhall have been paid or duly tendered to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven or more of them, ſhall, by Writing under their Hands, appoint, for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Proprietors, or Perſon or Perſons reſpectively as aforeſaid; and in caſe the Parties ſhall not agree upon the Amount of ſuch Injury or Damage, the ſame ſhall be aſcertained and ſettled in like Manner as the Value of any Lands or Grounds to be purchaſed or taken for the Purpoſes of this Act are to be aſcertained and ſettled; any Thing contained in this Act to the contrary notwithſtanding.

Sides of the Canal to be puddled.

XXIII. Provided always, and be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, well and effectually puddle, where neceſſary, the Sides of the ſaid intended Navigation or Canal, through all the Cloſes, Lands, or Grounds, through which the

ſame ſhall be cut, ſo and in ſuch Manner to prevent as much as poſſible the Water oozing through ſuch Sides, to the Detriment of the Parts of the ſaid ſeveral Cloſes, Lands, or Grounds, lying below the ſaid intended Navigation.

Recompence for Injury and Damage done to Premiſes may be enquired into a ſecond Time within a limited Period.

XXIV. Provided alſo, and be it further enacted and declared, That if at any Time within the Space of Twelve Calendar Months after any Injury or Damage for which any ſuch Recompence or Satisfaction as before mentioned ſhall be made, ſhall have been actually done, the Perſon or Perſons receiving or ſuſtaining ſuch Injury or Damage, or the Bodies, Perſon or Perſons, by this Act enabled to treat and contract for and receive a Satisfaction for Injuries or Damages to be done in carrying this Act into Execution, ſhall apprehend the Recompence and Satisfaction which ſhall have been made for the ſame as aforeſaid ſhall not be a full Recompence for the actual Injury or Damage ſuch Perſon or Perſons, or Bodies, ſhall have received or ſuſtained, every ſuch Perſon or Perſons, or Bodies, ſhall be at Liberty to have ſuch actual Injury or Damage again enquired into and aſcertained, in like Manner and by the ſame Ways and Means as are hereby directed with reſpect to the Value of any Lands or Grounds to be taken and uſed for the Purpoſes of this Act, and the ſame ſhall be aſcertained and ſettled accordingly; and in caſe it ſhall upon ſuch Enquiry be found that the Recompence or Satisfaction that ſhall have been before paid for ſuch Injury or Damage was not a complete and full Compenſation for the Injury or Damage actually ſuſtained, then ſuch Perſon or Perſons, or Bodies, ſhall be paid ſuch Sum or Sums of Money, as, together with the Money which ſhall have been before paid, will be a complete and full Compenſation, Recompence, and Satisfaction, for ſuch actual Injury or Damage; and all Coſts and Charges to be incurred by or on Behalf of the Perſons receiving or ſuſtaining ſuch Injury or Damage, on Account of the aſcertaining and ſettling the Amount, or probable Amount, of ſuch Injury or Damage, by the ſaid Commiſſioners and ſuch Jury or Juries as aforeſaid, ſhall be borne, paid, and defrayed, by the ſaid Company of Proprietors, their Succeſſors or Aſſigns; and that the Amount of the Recompence and Satisfaction which ſhall be made by the ſaid Commiſſioners, or aſſeſſed by the ſaid Jury as aforeſaid, ſhall be in one groſs Sum, to the reſpective Perſon or Perſons, or Bodies, entitled thereto, unleſs ſuch Perſon or Perſons, or Bodies, ſhall ſignify in Writing under his, her, or their Hand or Hands, that he, ſhe, or they, is or are willing to receive the ſame, by way of Annual Rent or Payment; but in caſe it ſhall happen that the Recompence or Satisfaction before made to ſuch Perſon or Perſons, or Bodies, ſhall have been a complete and full Satisfaction for all Injuries and Damages by him or them ſuſtained, and no further Recompence or Satisfaction ſhall be awarded and given by the ſaid Commiſſioners, or by ſuch laſt-mentioned Jury, then the ſaid Perſon or Perſons, or Bodies, ſhall bear and pay all Coſts, Charges, and Expences, of ſummoning ſuch laſt-mentioned Jury, and taking ſuch Inqueſt; the Coſts, Charges, and Expences, in either of ſuch laſt-mentioned Caſes, to be ſettled by ſuch Commiſſioners; any Thing herein contained to the contrary hereof in anywiſe notwithſtanding.

Annual Rents charged upon the Rates.

XXV. And be it further enacted, That all and every ſuch Yearly Rents or Sums as ſhall be agreed upon or ſettled and aſcertained as aforeſaid, ſhall be charged and chargeable on the Rates or Duties ariſing by virtue

virtue of this Act, and shall be paid by the said Company of Proprietors, as the same shall become due and payable; and in case of Non-payment thereof within Thirty Days next after the same shall become due, it shall be lawful for the said Commissioners, or any Seven or more of them, by Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Rates or Duties hereby granted or made payable, and to pay the same to such Person or Persons to whom such Yearly Rents or Sums shall be due and unpaid as aforesaid, until such Yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid, or otherwise the said Yearly Rents or Sums may be sued for and recovered with Costs, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*, or, at the Election of the Parties entitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, in such Manner as the Law directs in Cases of Distress for Rent, but so, nevertheless, that the Goods or Chattels of no other Person or Persons than the said Company of Proprietors shall be seized or detained by virtue of the Powers hereby given.

For punishing Persons wilfully destroying the Works.

XXVI. 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, or shall break down, damage, or destroy, any Towing Paths belonging to the said Canal and Collateral Branch, or do any other wilful Hurt or Mischief to the said Canal, Collateral Branch, or Works, or shall hinder, turn, or divert, any Stream of Water from feeding the Canal or Locks, such Person or Persons shall be judged guilty of Felony, and every such Person shall be subject and liable to such Punishments as Persons convicted of Felony are by the Laws in being subject and liable to; and the Court by and before whom such Person or Persons shall be tried and convicted shall, and hereby have Power and Authority to, or in Mitigation of such Punishment may, if they think fit, award such Sentence as the Law directs in Cases of Petty Larceny.

Directing what Toll shall be paid to Sir *Charles Mill* or his Tenant.

XXVII. And whereas Sir *Charles Mill* Baronet is seised of a certain Wharf or Quay, with the Appurtenances thereto belonging, now in the Tenure of *John Poore* Merchant, situate at *Redbridge* aforesaid, near to the Place where the said intended Canal from *Southampton* to *New Sarum* will enter the present *Andevor* Canal, and is entitled to certain Rates and Tolls from the Proprietors of the said *Andevor* Canal: And whereas Doubts have arisen whether the Powers for collecting the Rates and Tolls made payable to the said *John Poore*, as Tenant to the said Sir *Charles Mill*, or to the future Tenant or Tenants of the said Wharf, Quay, and Premises, by the Act of Parliament for making the said *Andevor* Canal, will be sufficient to collect the Rates and Tolls agreed to be paid to the said Sir *Charles Mill*, his Heirs or Assigns, or his or their Tenant or Tenants of the said Wharf, Quay, and Premises, in Manner herein-after mentioned: Be it further enacted, That the said Company of Proprietors, and all and every other Person and Persons whomsoever, who shall actually pass and repass the Canal at *Redbridge*, or stop entirely there, with Boats, Barges, or other Vessels, shall pay to the said Sir *Charles Mill*, or to the future Tenant or Tenants of the said Wharf,

Wharf, Quay, and Premiſes, for all Coals, paſſing and repaſſing the ſaid *Andevor* Canal at *Redbridge*, or ſtopping entirely there, at the Rate of Three Halfpence *per* Chaldron, and for all other Goods and Merchandizes the Sum of One Penny *per* Ton.

For making Compenſation to Sir *Charles Mill* and his Tenant.

XXVIII. And, as a Compenſation for the Injury which may accrue to the Wharfs and Quays at *Redbridge* by the landing Goods and Merchandizes at *Southampton* and *Northam*, be it further enacted, That the ſaid Company of Proprietors ſhall, at the Firſt General Meeting to be held after paſſing the preſent Act, pay or cauſe to be paid unto the ſaid Sir *Charles Mill*, his Heirs or Aſſigns, and the ſaid *John Poore* the preſent Tenant, the Sum of Five hundred Pounds of lawful Money of *Great Britain*, as and for a full Compenſation to the ſaid Sir *Charles Mill* and *John Poore*, and all future Tenant and Tenants of the ſaid Wharfs and Quays at *Redbridge*, for all Injury to be done by Goods being landed at *Southampton* and *Northam*.

Regulating the Toll to be paid on *Andevor* Canal and Part of the intended Canal.

XXIX. And whereas it will be for the mutual Benefit of the Proprietors of the ſaid reſpective Navigations, called *The Andevor Navigation*, and *The Southampton and Saliſbury Navigation*, that the Rates or Tolls payable for Coals and Corn paſſing on the ſaid *Andevor* Canal, in Boats, Barges, or other Veſſels, navigated to and from *Southampton* to *New Sarum*, and for the like Articles paſſing on that Part of the *Southampton* and *Saliſbury* Canal which lies between *Redbridge* and *Southampton* and *Northam*, ſhould be regulated; and it having been propoſed and agreed to, by the Proprietors of the ſaid reſpective Navigations, that Three Halfpence *per* Ton *per* Mile only ſhall be taken on ſuch reſpective Canals and Collateral Branch, for the Toll or Paſſage of ſuch Coals and Corn to be carried thereon as aforeſaid: Be it further enacted, That the ſaid Company of Proprietors, and all and every Perſon and Perſons whomſoever, who ſhall paſs in their Way to or from *Southampton*, *Northam*, *Redbridge*, and *New Sarum*, on the ſaid Navigable Canal, called the *Andevor* Canal, with Boats, Barges, or other Veſſels, laden with Coal or Corn, ſhall pay to the ſaid Proprietors of the ſaid *Andevor* Canal the Rate or Toll of Three Halfpence *per* Ton *per* Mile only, for that Part of the ſaid *Andevor* Canal which ſhall be ſo uſed and employed by ſuch Boats, Barges, or other Veſſels laden as aforeſaid; and that the ſaid Company of Proprietors of the ſaid *Andevor* Canal, and all and every Perſon and Perſons whomſoever, who ſhall paſs and re-paſs on the ſaid Navigable Canal from *Redbridge* to *Southampton* and *Northam*, with Boats, Barges, or other Veſſels, laden with Coals or Corn, ſhall pay to the ſaid Proprietors of the ſaid *Southampton* and *Saliſbury* Canal, the Rate or Toll of Three Halfpence *per* Ton *per* Mile only, for that Part of the *Southampton* and *Saliſbury* Canal and Collateral Branch ſo to be uſed and employed by ſuch Boats, Barges, or other Veſſels, laden as aforeſaid; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Regulating the Tolls, when reduced by the Proprietors of the *Andevor* Canal, or of the intended Canal.

XXX. And, for the better Regulation of the Rates and Duties to be paid for Goods, Wares, Merchandizes, and Commodities, which ſhall be navigated, conveyed, or carried, on the ſaid reſpective Navigations, called *The Andevor Canal Navigation*, and *The Southampton and Saliſbury Navigation*, be it further enacted, That in caſe the ſaid Company of

of Proprietors of the *Andevor* Canal ſhall think proper at any Time to reduce or take a leſs Rate or Duty for all or any particular Kind of Goods, Wares, Merchandizes, or Commodities, to be navigated, conveyed, or carried, on the ſaid *Andevor* Canal, than is granted the ſaid Company by the Act of Parliament for making ſuch Canal, no greater Rate or Duty *per* Ton *per* Mile ſhall be paid to the ſaid *Andevor* Canal Company, for Goods, Wares, Merchandizes, and Commodities, navigated, conveyed, or carried, in Boats, Barges, or other Veſſels, on the ſaid *Andevor* Canal, in their Way to or from *Saliſbury*, *Southampton*, and *Northam*, or any other Town, Pariſh, or Hamlet, through which the ſaid *Southampton* and *Saliſbury* Canal ſhall paſs, than ſhall be paid *per* Ton *per* Mile for the like Species of Goods, Wares, Merchandizes, or Commodities, which ſhall or may be navigated, carried, or conveyed, in Boats, Barges, or other Veſſels, paſſing on ſuch Canal, to or from *Andevor* and *Redbridge*, or any other Town, Village, or Hamlet, through which the ſaid *Andevor* Canal paſſes: And that in caſe the ſaid Company of Proprietors of the *Southampton* and *Saliſbury* Canal ſhall at any Time think proper to reduce or take a leſs Rate or Duty for all or any particular Kind of Goods, Wares, Merchandizes, or Commodities, to be navigated or carried on ſuch Canal, or Collateral Branch of the ſame, than is or ſhall be granted the ſaid Company of the *Southampton* and *Saliſbury* Canal by this Act, no greater Rate or Duty *per* Ton *per* Mile ſhall be paid to them for Goods, Wares, Merchandizes, and Commodities, navigated, carried, or conveyed, in Boats, Barges, or other Veſſels, paſſing on ſuch Canal, and Collateral Branch, to and from *Andevor* and *Redbridge*, or any other Town, Village, or Hamlet, through which the ſaid *Andevor* Canal paſſes, than ſhall be paid *per* Ton *per* Mile for the like Species of Goods, Wares, Merchandizes, or Commodities, which ſhall or may be navigated, carried, or conveyed, in Boats, Barges, or other Veſſels, paſſing on the ſaid *Southampton* and *Saliſbury* Canal, and Collateral Branch, to and from *Saliſbury*, *Southampton*, and *Northam*, or any other Town, Pariſh, or Hamlet, through which the ſaid *Southampton* and *Saliſbury* Canal, and Collateral Branch, ſhall paſs.

No Pits to be worked within 20 Yards of the Canal without Conſent.

XXXI. And be it further enacted, That no Perſon whomſoever ſhall, on any Account whatſoever, open, dig, ſink, or carry on, any Work for the getting of Gravel, Stones, Marl, Peat, Chalk, Lime-Stone, or Mineral, below the Surface of the ſaid Canal and Collateral Branch, or the Towing Paths thereof, within the Diſtance of Twenty Yards from the ſaid Canal and Collateral Branch; nor ſhall any Gravel, Stones, Marl, Peat, Chalk, Lime Stone, or Mineral, be got under the ſaid Canal and Collateral Branch, or the Towing Paths thereof, or under any Part or Parts thereof, or within or under any Land or Ground lying below the Surface of the ſaid Canal and Collateral Branch, or the Towing Paths thereof, within the Diſtance of Twenty Yards from the ſaid Canal and Collateral Branch, on any Account whatſoever, without the Conſent of the ſaid Company of Proprietors, in Writing under their Common Seal, for ſuch Purpoſe firſt had and obtained.

For diſcovering when Pits are worked within 20

XXXII. And, for the better diſcovering ſuch Perſons as ſhall or may open, dig, ſink, or carry on, any Work for the getting of Gravel, Stones, Marl, Peat, Chalk, Lime Stone, or Mineral, within the Diſ-

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

Yards of the Canal.

XXXIII. And, to the End that the ſaid Company of Proprietors, their Succeſſors and Aſſigns, may be further enabled to carry on ſo uſeful an Undertaking, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, in ſuch Proportion as to them ſhall ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid Canal and Collateral Branch, and all Roads and other Ways, Works, and Conveniencies to the ſame belonging, or requiſite thereto reſpectively, provided the ſaid Sum do not exceed the Sum of Fifty-ſix thouſand Pounds in the Whole, except as herein-after mentioned; and that the ſame be divided into ſuch Number of Shares of One hundred Pounds each, as herein-after directed; and that no Perſon ſubſcribing thereto, or becoming a Proprietor in ſuch Navigation, do become a Proprietor of leſs than One Share, or more than Fifteen Shares, in his own Name, or in the Name of any other Perſon or Perſons in Truſt for him, except the ſame ſhall come to him by Will or Act of Law, upon Pain of forfeiting to the ſaid Company of Proprietors all ſuch Shares exceeding Fifteen Shares, except as herein-after mentioned: And the Money ſo to be raiſed is hereby directed

Company of Proprietors to contribute towards the Works, not exceeding the Sum of 56,000*l.*

No Proprietor to have leſs than One, or more than Fifteen Shares.

Application of the Money.

directed and appointed to be laid out and applied, in the First Place, for and towards the Payment, Discharge, and Satisfaction, of all Fees and Disbursements for obtaining and passing this Act of Parliament, and all other necessary Expences relating thereto; and all the Residue and Remainder of such Money, for and towards the making, completing, and maintaining, of the said Canal and Collateral Branch, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

The Money to be divided into 560 equal Parts or Shares.

XXXIV. And be it further enacted, That the said Sum of Fifty-six thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before mentioned, and by such other Person or Persons who shall or may at any Time hereafter become a Subscriber or Subscribers to the said Navigation, shall be divided and distinguished into Five hundred and Sixty equal Parts or Shares, and that the said Five hundred and Sixty Shares shall be, and are hereby vested in the said Subscribers, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto, and all and every of the said Shares are hereby declared to be a Personal Estate, and transferrable as such, and not of the Nature of Real Property; and all Bodies Politick and Corporate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Navigation, shall be entitled to and receive, after the said Navigation shall be completed, the entire and nett Distribution of One Five hundred and sixtieth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act, and so in Proportion for any greater Number of Shares, not exceeding Fifteen Shares, except as herein mentioned, to any One Person as aforesaid; and every Body Politick or Corporate, or Person or Persons, having such Property of One Five hundred and sixtieth Part or Share in the said Navigation, and so in Proportion as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking in Manner herein-after enacted, directed, and appointed.

Power to raise more Money.

XXXV. And be it further enacted, That in case the said Sum of Fifty-six thousand Pounds herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining, the said Canal and other Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors to raise any further Sum or Sums of Money for completing and maintaining the said Navigation, not exceeding the Sum of Thirty thousand Pounds in Manner herein-after mentioned; that is to say, the Sum of Fifteen thousand Pounds, Part of the said Thirty thousand Pounds, or so much thereof as the said Company of Proprietors shall think proper to raise in that Manner, by Subscriptions of Shares of One hundred Pounds each, by any Member or Members of the said Company of Proprietors, not exceeding Ten Shares by any One such Member, which

15,000 *l.* Part thereof by additional Shares, and Residue thereof by Mortgage.

which ſaid Number of Shares any One Member of the ſaid Company may ſubſcribe, notwithſtanding he or they may at the ſame Time be poſſeſſed of Fifteen Shares of the ſaid Sum of Fifty-ſix thouſand Pounds, and every Subſcriber towards raiſing the ſaid Sum of Fifteen thouſand Pounds, Part of ſuch additional Sum of Thirty thouſand Pounds, ſhall have a like Vote by himſelf or Proxy, in reſpect of every Share in ſuch Fifteen thouſand Pounds, and ſhall alſo ſtand intereſted in the Profits and Powers of the ſaid Navigation proportionably to the Sum he or ſhe may ſubſcribe thereunto, as generally and extenſively, to all Intents and Purpoſes, as if ſuch further Sum or Sums, hereby allowed to be ſubſcribed for, had originally been Part of the ſaid Fifty-ſix thouſand Pounds, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding; and the Sum of Fifteen thouſand Pounds, Reſidue of the ſaid Sum of Thirty thouſand Pounds which may be raiſed as aforeſaid, or ſuch Part or Parts thereof as the ſaid Company of Proprietors ſhall think proper to raiſe by that Mode, by borrowing or taking up the ſame at Intereſt, not exceeding legal Intereſt, on the Credit of the ſaid Canal and Collateral Branch, and the Tolls, Rates, and Duties of the ſame; and they the ſaid Company of Proprietors are for that Purpoſe hereby fully authorized and empowered, under their Common Seal, to aſſign and make over the ſaid Canal and Collateral Branch, and Premiſes, and the Tolls, Rates, and Duties, ariſing and to ariſe by virtue of this Act, or any Part thereof, as a Security for all and every Sum and Sums of Money ſo to be borrowed, with legal or leſs Intereſt, to all and every Perſon or Perſons, his, her, or their Truſtee or Truſtees, who ſhall advance the ſame, by the following Words of Aſſignment, or other Words to the like Effect; to wit,

Form of Mortgage.

'BY virtue of an Act made and paſſed in the Thirty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from the Town and County of the Town of* Southampton *to the City of* New Sarum *in the County of* Wilts, *with a Collateral Branch to* Northam *within the Liberties of the Town of* Southampton, we the Company of Proprietors of the ſaid Canal, incorporated by and under the ſaid Act, by the Name of *The Company of Proprietors of the Southampton and Saliſbury Canal*, in Conſideration of the Sum of of lawful Money of *Great Britain* to us in Hand paid by of do hereby bargain, ſell, aſſign, and transfer, unto the ſaid Executors, Adminiſtrators, and Aſſigns, all and ſingular the Tolls, Rates, and Duties, ariſing by virtue of the ſaid Act, and alſo the ſaid Canal and Premiſes, to hold to the ſaid Executors, 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 off. Given under our Common Seal the Day of

And all and every Perſon or Perſons to whom ſuch Aſſignment or Aſſignments ſhall be made, ſhall be equally entitled to his, her, or their Proportions of the ſaid Tolls, Rates, Duties, and Premiſes, according to the reſpective Sums in ſuch Aſſignment or Aſſignments mentioned, to be advanced without any Preference by reaſon of the Priority of the Date of any ſuch Aſſignment, or on any other Account whatſoever; and the Money ſo to be borrowed is hereby directed and appointed to

be laid out and applied for and towards the making, completing, and maintaining, of the ſaid Canal, Collateral Branch, and Works, hereby authorized to be made, and for the other Purpoſes of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever.

Mortgages to be entered in a Book,

XXXVI. And be it further enacted, That an Entry or Memorial of all and every ſuch Aſſignment or Aſſignments, containing the Date, Names of the Parties, and Sums of Money borrowed, ſhall, within Fourteen Days next after the ſame ſhall be made and executed, be entered, without any Fee or Reward for ſo doing, in One or more Book or Books, to be kept for that Purpoſe by the Clerk of the ſaid Company of Proprietors, which ſaid Book or Books ſhall and may be peruſed at all ſeaſonable Times, by all and every of the Proprietors and Creditors of the ſaid Canal, and other Perſons intereſted therein,

and may be transferred.

without Fee or Reward; and all and every Perſon or Perſons to whom ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time aſſign or transfer the ſame, and his, her, or their Right, Title, Intereſt, or Benefit of, in, and to, the Principal Sum of Money and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by the following Words of Aſſignment, or Words to the like Effect, to be indorſed on ſuch Aſſignment:

Form of Aſſignment.

'I do hereby transfer the within written Security, and all my Right and Title to the Money thereby ſecured, and to all Intereſt now due or hereafter to become due thereon, unto of Executors, Adminiſtrators, and Aſſigns. Witneſs my Hand, this Day of in the Year of our Lord

Transfer to be entered by the Clerk.

All and every which ſaid Transfers or Aſſignments ſhall, within Thirty Days next after the Date thereof, be produced and notified to the ſaid Clerk to the ſaid Company of Proprietors, who ſhall thereupon cauſe an Entry or Memorial to be made of all and every ſuch Aſſignments or Transfers, containing the Date, Names of the Parties, and the Sums of Money thereby transferred, in the ſaid Book or Books to be kept for the entering of the ſaid original Grants or Aſſignments; for which laſt-mentioned Entry the ſaid Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and after ſuch Entry made, every ſuch Aſſignment ſhall entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the full Benefit of the original Grant and Aſſignment; and every ſuch Aſſignee may, in like Manner, and under the ſame Obligation to notify and have an Entry made as aforeſaid, aſſign again, and ſo *toties quoties*; and it ſhall not be in the Power of any ſuch Perſon or Perſons, who ſhall have made ſuch Aſſignment or Aſſignments, at any Time afterwards, to annul, make void, releaſe, or diſcharge, the original Grant or Aſſignment, or any Monies thereby ſecured, or any Part thereof.

Intereſt of Money borrowed to be firſt paid.

XXXVII. And be it further enacted and declared, That the Intereſt of ſuch Money as ſhall be ſo borrowed by Mortgage as aforeſaid, ſhall be paid to the ſeveral Perſons entitled thereto, in Preference of any Intereſt or Dividends 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 the Yearly

or

or other Intereſt or Dividends due to the ſaid Proprietors ſhall be paid, made, or divided.

Subſcribers of One 560th Share deemed Proprietors,

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

and may vote by Proxies,

and ſhall be entitled to give one Vote for every 100 *l.* ſubſcribed.

'I of One of
'the Proprietors of the *Southampton* and *Saliſbury* Canal Navigation,
'do hereby nominate, conſtitute, and appoint
'of to be my Proxy, in my
'Name, and in my Abſence, to vote, and give my Aſſent and Diſſent
'to any Buſineſs, Matter, or Thing, relating to the ſaid Navigation
'and Undertaking, that ſhall be mentioned or propoſed at any Meeting
'of the Proprietors of the ſaid Navigation, or any of them, in ſuch
'Manner as he the ſaid ſhall think proper, according
'to his Opinion and Judgement, for the Benefit of the ſaid Naviga-
'tion and Undertaking, or any Thing appertaining thereto. Witneſs
'my Hand and Seal the Day of
'in the Year of our Lord

Directing the Firſt General Meeting of the Company of Proprietors.

XXXIX. And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act may be the more regularly and methodically carried into Execution, be it further enacted, That the Firſt General Aſſembly of the ſaid Company of Proprietors ſhall be held at the Council Chamber in the City of *New Sarum* on the *Thurſday* Fortnight next after the Day on which this Act ſhall have received the Royal Aſſent, between the Hours of Eleven of the Clock in the Fore-

noon

noon and One of the Clock in the Afternoon, at which General Aſſembly the Proprietors aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall chooſe Twenty-two Perſons, who ſhall then be Proprietors of One or more Share or Shares in the ſaid Navigation, Ten of whom ſhall be nominated from the Subſcribers at the City of *New Sarum* and its Neighbourhood, Two from *Briſtol*, and the other Ten ſhall be nominated from the Subſcribers at *Southampton* and its Neighbourhood, to be a Committee to manage the Affairs of the ſaid Navigation as herein-after is mentioned, with Power for ſelecting out of the Committee ſuch Sub-committees as ſhall be thought expedient, and with ſuch Clerk or Clerks as ſuch General Meeting ſhall allow, and to continue in their ſaid Office till another Committee ſhall be choſen as herein-after directed, unleſs they, or any of them, ſhall be removed by the ſaid Company of Proprietors as herein-after mentioned; and that a General Aſſembly of the ſaid Company of Proprietors ſhall be held on the laſt *Thurſday* in *June*, in the Year of our Lord One thouſand ſeven hundred and ninety-ſix, and in like Manner from thenceforth on the laſt *Thurſday* in *June* annually, at ſuch Place as the laſt preceding General Aſſembly ſhall think proper to appoint, of which Meeting publick Notice ſhall be given in the *Saliſbury and Wincheſter Journal*, or ſome other Newſpaper which ſhall at that Time be circulated in the Counties of *Southampton* and *Wilts* aforeſaid, and alſo be publiſhed in ſuch other Manner as the ſaid General Aſſembly ſhall direct, at leaſt Fourteen Days before ſuch Meeting, each of which ſaid General Aſſemblies ſhall have Power and Authority to adjourn themſelves from Time to Time, and from Place to Place, as they ſhall think proper, until the Time of holding the next Annual General Aſſembly on the laſt *Thurſday* in *June*; and all and every ſuch General Aſſemblies ſhall have Power to order a Common Seal to be made, and from Time to Time to alter and change the ſame, and alſo Power to appoint a Clerk or Clerks of the ſaid Company, Banker or Bankers, Treaſurer or Treaſurers, Clerk or Clerks of the ſeveral Wharfs, Receiver and Receivers of Rates and Duties, and ſuch other Officers as they ſhall think proper, and from Time to Time to remove the ſame, taking ſuch Security for the due Execution of their reſpective Offices as the ſaid General Aſſemblies ſhall think fit, and to call for, audit, and ſettle, all Accounts of Money received, laid out, and diſburſed, for or on Account of the ſaid Navigation, by ſuch Officer or Officers, and by all and every other Perſon or Perſons employed by or under them, in and about the ſaid Navigation, and to do and tranſact all other Buſineſs reſpecting the ſaid Navigation.

Committee to be appointed.

Subſequent General Meetings to be held.

General Meetings to appoint Common Seal, Treaſurer, Clerk, &c.

Meetings of Committees.

XL. And be it further enacted, That the ſaid Committee ſo to be choſen as aforeſaid or ſuch of them as ſhall be preſent at ſuch Firſt General Aſſembly, ſhall and may fix a Time and Place for the Firſt Meeting of the ſaid Committee, and that they, or any Three or more of them, may at ſuch Meeting execute all and every the Powers and Authorities in the ſaid Committee veſted by this Act, and from Time to Time adjourn themſelves as they ſhall think fit; and if at any Place appointed for ſuch Meeting Three of ſuch Committee ſhall not appear there within Two Hours of the Time fixed for holding ſuch Meeting, One or Two of the ſaid Committee, who may be then preſent, ſhall and may, and is and are hereby authorized to adjourn the Meeting of the ſaid Committee, either to the ſame Place, or to ſome other convenient Place within Five

Miles of the ſaid Canal, to meet on ſuch Day and Hour, (between Ten of the Clock in the Forenoon and Two in the Afternoon), as ſuch One or Two of the ſaid Committee ſo preſent ſhall think proper, not exceeding Four Weeks from the Day of ſuch Adjournment; and if no ſuch Adjournment ſhall be made, then and in ſuch Caſe any Three or more of ſuch Committee may, by Advertiſement in the *Saliſbury and Wincheſter Journal*, or any other Newſpaper then in Circulation in the ſaid Counties of *Southampton* and *Wilts*, call another Meeting of the ſaid Committee, at ſome Place as aforeſaid, at a Time not leſs than Ten or more than Twenty-one Days after ſuch Notice, and ſo from Time to Time as often as the Caſe may happen.

Committee to be annually choſen, 11 by the former Committee, and 11 by the Proprietors.

XLI. And be it further enacted, That at the General Aſſembly of the ſaid Proprietors, to be held annually on the laſt *Thurſday* in *June* as aforeſaid, or at the Firſt Adjournment thereof, at which a ſufficient Number of the ſaid Proprietors or Proxies ſhall attend to act as herein-after mentioned, ſuch of the Perſons compoſing the ſaid Committee as ſhall be then preſent, ſhall, by Ballot, nominate and chooſe Eleven Perſons out of the ſaid Committee to be of the next Year's Committee; and the Proprietors and Proxies then aſſembled ſhall chooſe Eleven more Proprietors to make up the Number of Twenty-two for the next Year's Committee, ſuch Committee to continue in Office, unleſs removed as herein-after mentioned, until the next Annual General Aſſembly, and the Choice of a new Committee as aforeſaid; ſo that Eleven of the laſt Annual Committee ſhall remain and compoſe Part of the next Annual Committee, and ſo in Succeſſion Year after Year; all which ſaid ſeveral ſucceſſive Committees ſhall have the like Privileges, Powers, and Authorities, as are in and by this Act granted to and veſted in the Firſt Committee, to be choſen in Manner herein-before directed.

XLII. Provided always, That if there ſhall not be Three of the Committee preſent at ſuch Annual Aſſembly, or ſuch of the Committee preſent ſhall neglect or refuſe to ballot for a Choice of another Committee as aforeſaid, the Appointment of the whole Twenty-two Perſons for a Committee ſhall be in the Proprietors and Perſons then preſent.

If not Proprietors or Proxies of 80 Shares preſent, only to adjourn.

XLIII. And be it further enacted, That if at the Firſt General Meeting, to be held on the *Thurſday* Fortnight next after this Act ſhall have received the Royal Aſſent, or at any future General Aſſembly hereby directed to be held as aforeſaid, there ſhall not be preſent, within Two Hours after the Time fixed for holding ſuch General Aſſembly, Perſons, either as Proprietors or Proxies, who ſhall together have Eighty Shares, no Election or other Buſineſs ſhall be tranſacted; but the Proprietors and Proxies preſent ſhall adjourn the Aſſembly to ſuch Place and Time, within Twenty-one Days, as the ſaid Proprietors and Proxies preſent, or the major Part of them in Value, ſhall appoint; at which Adjourned Meeting the Choice of the Twenty two Perſons for a Committee ſhall be made, and all other Matters and Things ſhall be tranſacted which might or ought to have been done at ſuch Annual General Aſſemblies to be held as herein-before directed; but if, at any ſuch adjourned Aſſembly, there ſhall not attend Proprietors of, or Proxies, who ſhall together have Fifty Shares, no other Buſineſs ſhall be done or tranſacted, except Adjournment to the ſame or ſome other Time and Place,

If not Proprietors or Proxies of 50 Shares at the Adjournment, to adjourn only *toties quoties*.

Place, at ſome Time within Twenty-one Days, and ſo from Time to Time, until Proprietors of, or Proxies for, together Fifty Shares, ſhall be preſent, when the ſeveral Matters, Tranſactions, and Things, which might have been done, performed, and executed, at the former Aſſemblies if a ſufficient Number of Proprietors had attended, may be done, performed, and executed, at ſuch Adjourned Aſſembly; and in caſe, at the Firſt Day appointed for holding ſuch General Aſſemblies, there ſhall not appear Principals of, or Proxies for, Eighty Shares together, each and every of the Principals who ſhall not be preſent at ſuch Aſſembly, by himſelf or his Proxy, before the Adjournment thereof, ſhall forfeit to the ſaid Company of Proprietors, their Succeſſors or Aſſigns, for every ſuch Share which he, ſhe, or they, ſhall have in the ſaid Navigation and Undertaking, the Sum of Ten Shillings, to be deducted out of the next Dividend of the Profits of the ſaid Undertaking.

Special General Aſſemblies

XLIV. And be it further enacted, That if at any Time it ſhall appear to any Nine or more of the Proprietors, poſſeſſing among themſelves Forty Shares at the leaſt, that for the more effectually putting this Act into Execution, a Special Meeting of Proprietors is neceſſary to be held, it ſhall be lawful for ſuch Nine or more Proprietors, to cauſe Notice thereof to be given in the *Saliſbury and Wincheſter Journal*, ſo long as that Paper ſhall be circulated, or otherwiſe, as any General Meeting ſhall direct and appoint, declaring in ſuch Notice the Place where and the Time when ſuch Meeting is to be held, the ſame not being leſs than Ten nor more than Twenty Days after ſuch Notice given, and likewiſe ſpecifying the Reaſon for and Intention of ſuch Meeting reſpectively; and the Proprietors and Proxies are hereby authorized to meet purſuant to ſuch Notice, and proceed to the Execution of the Powers by this Act given them, with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or the major Part of them, at ſuch Meeting aſſembled, (ſuch major Part not having, either as Principals or Proxies, leſs than Fifty Shares), ſhall be as valid to all Intents and Purpoſes as if the ſame were done at General Aſſemblies held in Manner herein-before appointed.

Books of Accounts to be locked up.

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

General Aſſembly or Committee to make Calls of Money.

XLVI. And be it further enacted, That every General Aſſembly, or ſuch Committee, or Three or more of ſuch Committee, being the major Part of thoſe who are ſo met together, ſhall have Power from Time to Time to make ſuch Call or Calls for Money from the ſaid Company of Proprietors, to defray the Expences of, or carry on the ſaid Navigation, as they from Time to Time ſhall find wanting and neceſſary

for that Purpoſe, ſo that ſuch Calls do not exceed the Sum of Ten Pounds for every One hundred Pounds, and ſo as that no Calls be made but at the Diſtance of Two Calendar Months at leaſt from each other, which Money ſo called for ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner, as the ſaid General Aſſembly or Committee aſſembled as aforeſaid, ſhall from Time to Time appoint and direct for the Uſe of the ſaid Undertaking; and ſuch Committee, or Three or more of them aſſembled as aforeſaid, and being the major Part of thoſe ſo aſſembled, ſhall have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in buying, purchaſing Lands, Liberties, and Materials for the Uſe of the ſaid Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and diſplacing Under Officers, Clerks, Servants, and Agents, (other than the Banker, Treaſurer, and Clerk, to the ſaid Company), and in making all Contracts and Bargains touching the ſaid Undertaking; and every Owner or Owners of One or more Part or Parts, Share or Shares, in the ſaid Undertaking, ſhall pay his, her, or their Shares and Proportions of the Monies to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed in Manner aforeſaid, of which One Calendar Month's Notice at leaſt ſhall be given, by publiſhing the ſame in the *Saliſbury and Wincheſter Journal*, or ſome other publick Newſpapers circulated in the Counties of *Southampton* and *Wilts*, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint; and if any Perſon or Perſons ſhall neglect or refuſe for the Space of One Calendar Month to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money to be called for as aforeſaid, at the Time and Place appointed by ſuch General Aſſembly or Committee, aſſembled as aforeſaid, he, ſhe, or they, ſo refuſing, ſhall forfeit the Sum of Two Pounds for every One Hundred Pounds of his, her, or their reſpective Share and Shares, Parts and Intereſts, in the ſaid Navigation, Undertaking, and Premiſes; and in caſe ſuch Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money, to be called for as aforeſaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforeſaid, then he, ſhe, or they, ſhall forfeit his, her, and their reſpective Share and Shares, Parts and Intereſts, in the ſaid Navigation, Undertaking, and Premiſes, and all the Profit and Benefit thereof, all which Forfeitures ſhall go to the Reſt of the Proprietors, in Proportion to their reſpective Intereſts in the ſaid Undertaking: Provided always, That no Advantage ſhall be taken of any Forfeiture of any Share or Shares of the ſaid Undertaking, unleſs the ſame ſhall be declared to be forfeited at ſome General Aſſembly of the ſaid Company of Proprietors, who ſhall meet within Six Calendar Months after ſuch Forfeiture ſhall happen to be made; and every ſuch Forfeiture ſhall be an Indemnification to and for every Proprietor and Proprietors ſo forfeiting, againſt all Actions, Suits, or Proſecutions whatſoever, to be commenced or proſecuted for any Breach of Contract or other Agreement betwixt ſuch Proprietor or Proprietors ſo forfeiting, and the Reſt of the ſaid Company of Proprietors, with regard to carrying on the ſaid intended Navigation.

Proprietors to pay the Calls within One Month, under the Penalty of Two Pounds for every One hundred Pounds.

If not paid within Two Month, to forfeit their Shares.

No Forfeiture unleſs declared at a General Meeting.

XLVII. And

Committee to be ſubject to the Control of the General Meetings.

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

General Aſſembly empowered to remove any of the Committee and any of their Officers, and to revoke and alter any Rules, Directions, &c.

XLVIII. And be it further enacted, That the ſaid Company of Proprietors ſhall always have Power and Authority, at any General Aſſembly met as aforeſaid, to remove or diſplace any Perſon or Perſons choſen upon ſuch Committee as aforeſaid, or any Officer or Officers under them, and to revoke, alter, amend, or change, any of the Rules and Directions herein-before preſcribed and laid down with regard to their Proceedings among themſelves, as to the major Part of them ſhall ſeem meet, (the Method of calling General Aſſemblies, and their Time and Place of Meeting, and voting and appointing Committees, only excepted), and ſhall have Power from Time to Time to make ſuch Rules, Bye Laws, and Orders, for the good Government of the ſaid Company of Proprietors, their Servants, Agents, and Workmen, and for the good and orderly uſing the ſaid Navigation, and all Works belonging thereto; and for the well-governing of the Bargemen, Watermen, Boatmen, and others, who ſhall carry any Goods, Wares, and Merchandizes upon any Part of the ſaid Canal, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon the Breakers of ſuch Rules, Bye Laws, or Orders, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Ten Pounds for any one Offence, ſuch Fines and Forfeitures to be recovered by ſuch Ways and Means as are herein-after mentioned; which ſaid Rules, Bye-Laws, and Orders, being put into Writing under the Common Seal of the ſaid Company of Proprietors, ſhall be binding and obſerved by all Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame.

Executors, Adminiſtrators, Guardians, &c. liable to pay the Calls.

XLIX. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall happen to die before ſuch Call or Calls as aforeſaid ſhall have been made for the full Sum to be advanced on each Share which he, ſhe, or they ſhall have been poſſeſſed of or entitled unto, without having made Proviſion by Will or otherwiſe how ſuch Share and Shares ſhall be diſpoſed of, and the Money paid in upon Calls for the future, then, and in ſuch Caſe, the Executors and Adminiſtrators of any ſuch Owner ſo dying, and the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, of any Infant or other Perſon whomſoever, entitled to the Eſtate and Effects of ſuch Owner deceaſed, ſhall be indemnified againſt all ſuch Infants and other Perſons whomſoever for paying any Sum or Sums of Money when called for as aforeſaid, to complete ſuch Subſcription: And if any ſuch Owner deceaſed ſhall not have left Aſſets ſufficient, or in caſe the Executor or Adminiſtrator, Truſtee or Guardian, ſhall refuſe or neglect to anſwer ſuch Calls and Payments, the ſaid Company of Proprietors

For want of ſufficient Aſſets, any other Perſons may become

Proprietors ſhall be and are hereby empowered, authorized, and required, to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares of ſuch Owner deceaſed, on Condition that he, ſhe, or they, ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner, or the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, of any Infant or others entitled to his or her Effects, the full Sum and Sums of Money which ſhall have been paid by ſuch Owner in his or her Life-time, by virtue of any Call or Calls or otherwiſe, upon ſuch Share or Shares, or ſuch other Sum or Sums of Money as the ſame can be ſold for. Proprietors of the Shares on paying the Money advanced thereon.

L. And be it further enacted, That the ſaid Company of Proprietors ſhall and may, at the Firſt General Aſſembly to be held after all or any Proprietor or Proprietors ſhall have paid, according to the Directions of this Act, the Sum of Ten Pounds *per Centum* of his, her, or their reſpective Subſcriptions, or as ſoon after as conveniently may be, execute under the Common Seal of the ſaid Company One ſeparate and diſtinct Deed for each of the ſaid Shares, and deliver the ſame to ſuch Proprietor or Proprietors having made ſuch Payment of Ten Pounds *per Centum* as aforeſaid, which ſaid Deeds ſhall veſt in ſuch Proprietor or Proprietors, his, her, or their Executors, Adminiſtrators, and Aſſigns, One Five hundred and ſixtieth Share of the Property of the ſaid Company, but ſubject to creating and making more Shares, not exceeding One hundred and fifty Shares of One hundred Pounds each, according to the Power herein-before given to the ſaid Company of Proprietors, in caſe they ſhall find it neceſſary to raiſe more Money for completing the ſaid Navigation as herein-before mentioned, and which ſaid Deeds may be in the Words or to the Effect following: Proprietors Securities.

'Company of Proprietors of the *Southampton* and *Saliſbury* Canal Navigation. Form of Security.

'THESE are to certify, That *A. B.* is a Proprietor of One Share of the *Southampton* and *Saliſbury* Canal Navigation, 'ſubject to the raiſing more Shares of each, not exceeding the Number of ſuch additional Shares, and to 'the Rules, Regulations, and Orders, of the ſaid Company; and that 'himſelf, his Executors, Adminiſtrators, and Aſſigns, are entitled to 'the Profits and Advantage of ſuch Share. Given under the Common 'Seal of the ſaid Company, the Day of in 'the Year of our Lord

And in caſe the ſaid Company of Proprietors ſhall think proper to raiſe by additional Shares any Sum of Money more than the ſaid Sum of Fifty-ſix thouſand Pounds, but not exceeding the Sum of Fifteen thouſand Pounds, for completing ſuch Navigation as aforeſaid, they may in like Manner execute a ſeparate and diſtinct Deed for each Share of One hundred Pounds ſo to be raiſed, and which ſaid Deeds ſhall veſt in the Perſon or Perſons advancing the ſame, his Executors, Adminiſtrators, and Aſſigns, a proportional Part of the Property of the ſaid Company of Proprietors; and which ſaid Deeds for ſuch additional Shares may be in the Words or to the Effect following; that is to ſay,

Form of Security of additional Shares.

'Company of Proprietors of the *Southampton* and *Saliſbury* Canal Navigation.

'THESE are to certify, That *A. B.* is a Proprietor of One additional Share of of the *Southampton* and *Saliſbury* Canal Navigation, ſubject to the Rules, Regulations, and Orders, of the ſaid Company; and that himſelf, his Executors, Adminiſtrators, and Aſſigns, are entitled to the Profits and Advantage of ſuch Share. Given under the Common Seal of the ſaid Company, the Day of in the Year of our Lord

Securities may be transferred.

Which ſaid ſeveral before-mentioned Deeds, and the Shares therein granted, and all Right and Intereſt to the ſame, may be transferred by the reſpective Proprietor or Proprietors to whom the ſame ſhall be given, his Executors, Adminiſtrators, and Aſſigns, to any Perſon or Perſons whomſoever, by Indorſement thereon in Writing, in the Words or to the Effect following; that is to ſay,

Form of Transfer.

'I *A. B.* or Executors or Adminiſtrators of *A. B.* do 'hereby transfer unto Executors, Adminiſtrators, 'and Aſſigns, all my Right, Title, and Intereſt, in the Share of the *Southampton* and *Saliſbury* Canal Navigation, mentioned in the within-written Deed. Witneſs my Hand, the Day of in the Year of our Lord

Transfer to be notified to and entered by the Clerk.

And all and every Transfer of ſuch Deeds or Shares ſhall, within Thirty Days next after the Date thereof, be produced and notified to the Clerk of the ſaid Company of Proprietors, who ſhall thereupon cauſe an Entry to be made of ſuch Transfer, containing the Date and the Names of the Parties in a Book to be kept for that Purpoſe, for which Entry the ſaid Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and after ſuch Entry every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the full Benefit of the original Deed or Share; and every ſuch Perſon or Perſons, to whom ſuch Transfer ſhall have been made, may in like Manner, and under the like Obligation to notify and have an Entry made as aforeſaid, transfer again, and ſo *toties quoties*; and which ſaid Transfer, notified to the Clerk as aforeſaid, ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, to the Share mentioned in the ſaid Deed or Share ſo transferred, as fully to all Intents and Purpoſes as the original Proprietor was entitled to the ſame.

For granting new Deeds when old ones are deſtroyed.

'LI. And be it further enacted, That if any Deeds for or reſpecting the Shares of the Company aforeſaid ſhall be worn out or damaged, then, upon the ſame being brought and ſhewn at ſome General Aſſembly of the ſaid Company of Proprietors, ſuch Deeds may be cancelled and deſtroyed, and other ſimilar Deeds, given under the Seal of the ſaid Company, to the Perſon or Perſons in whom the Property of ſuch Deeds, and the Shares therein mentioned, ſhall be at that Time veſted; or in caſe ſuch Deeds ſhall be burnt or totally deſtroyed, that then, upon due Proof thereof, like Deeds ſhall be given to the Perſon or Perſons who were the Owner or Owners of or entitled unto ſuch Deeds ſo burnt or deſtroyed, ſo as that a due Entry of the Transfer

of the Deed or Deeds (if any such hath been made) shall have been entered by the Clerk of the said Company in Manner herein directed.

No Person to sell after Call be made, unless the same be paid.

LII. And be it further enacted, That, after any Call of such Money shall be made by a General Assembly, or such Committee as aforesaid, no Person or Persons shall sell or transfer any Share which he, she, or they, shall then have in the said Undertaking, until the Monies so called for, upon their respective Share or Shares so to be sold, shall be paid, upon the Penalty of forfeiting his, her, or their respective Shares of the said Undertaking, to the said Company of Proprietors, their Successors or Assigns, in Trust for the Benefit of the Rest of the said Proprietors, unless the Person or Persons who shall be Vender or Venders, shall at the Time of such Transfer pay the Money called for upon each Share so transferred to the Treasurer of the said Company of Proprietors; such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed.

Canal not to be begun till 10 *l. per Centum* of the Subscription Money is paid.

LIII. Provided always, and be it further enacted and declared, That, the said Company of Proprietors, or their Deputies, Agents, Officers, Workmen, or Servants, shall not begin to make or cut the said Canal, or any of the Works authorized to be made by virtue of this Act, (except the making and providing of Brick and Stone), until Ten Pounds *per Centum* of the said Sum of Fifty-six thousand Pounds shall be actually paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors; and if any Person or Persons, who hath subscribed for the raising of the said Sum of Fifty-six thousand Pounds, shall neglect or refuse to pay the said Ten Pounds *per Centum* on all or any Part of his or their Subscriptions, then it shall be lawful for any other Subscriber to advance and pay the same, and to be repaid by the original Subscriber, with Interest, after the Rate of Five Pounds *per Centum per Annum*, within Three Calendar Months then next; and if such original Subscriber shall make Default in Payment of the same within such Three Calendar Months, such original Subscriber shall forfeit the Sum of Four Pounds *per Centum* on his Subscription advanced and paid, for and towards the Expences of obtaining this Act, and on Account of the same, and the same shall be vested in the said Company of Proprietors for the Use of the said Navigation; and the Person who advanced such Ten Pounds *per Centum* for the original Subscriber shall be repaid what he hath so advanced, with Interest for the same as aforesaid, by the said Company of Proprietors, or be admitted a Subscriber for the Share on which he hath paid such Ten Pounds *per Centum*, at the Option of the Person who paid the same.

Proceedings of the Committee, Company, and Commissioners, to be entered in a Book.

LIV. And be it further enacted, That the Clerk or Clerks to be appointed as aforesaid shall, in a proper Book or Books to be provided for that Purpose, regularly enter and keep a true and perfect Account from Time to Time of the Names and Places of Abode of all the Proprietors of the said Navigation, and of all Persons who shall become interested in or entitled to any Share or Shares of and in the said Navigation, and of all Persons who shall become Mortgagees thereof or advance Money thereon, and of all the Acts, Proceedings, and Transactions, of the said Company of Proprietors and of the Committee for the Time being; and

and also make regular Entries of all Orders, Proceedings, Acts, and Transactions, of the Commissioners hereby appointed; and such Entries, or the Orders, Proceedings, Acts, and Transactions, of the Commissioners, shall be signed by such Number of the Commissioners acting therein respectively, as are in the Cases which may happen respectively empowered by this Act, and shall then be deemed Originals, and admitted in Evidence in all Cases whatsoever; and such Clerk and Clerks shall at all Times be obedient to the said Company of Proprietors and their Successors and Assigns, and the Committee for the Time being, and to the Commissioners acting under this Act, wheresoever required; and all and every Proprietor and Proprietors of and in the said Navigation shall and may, at all convenient and seasonable Times, have recourse to and peruse all or any such Book or Books and Entries, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if any such Clerk or Clerks shall refuse or hinder any Proprietors or Persons so interested as aforesaid to peruse or inspect such Book or Books, or refuse or neglect to make any such Copy or Copies when required, at the Rate aforesaid, within a reasonable Time, or shall be otherwise disobedient, he shall for every such Offence forfeit the Sum of Five Pounds to be levied as other Penalties are by this Act directed to be levied.

Proceedings of the Commissioners to be Evidence.

Rates granted to the Company of Proprietors.

LV. And be it further enacted, That in Consideration of the great Charges and Expences which the said Company of Proprietors, their Successors and Assigns, will be at in making, maintaining, and supplying the said Canal and Collateral Branch with Water, and in making and maintaining all other Works hereby authorized to be made and erected, 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 Use and Behoof, for Tonnage for all Coals, Stones, Timber, Corn, Grain, Malt, Meal, Flour, and other Goods, Wares, Merchandizes, and Commodities, whatsoever, which shall be navigated, carried, or conveyed, upon or through the said Canal and Collateral Branch, such Rates and Duties as the said Company of Proprietors shall think fit, (except with regard to Coals and Corn from *Northam* and *Southampton* to *Redbridge*, as before mentioned), not exceeding the Sum of Two-pence a Mile for every Ton of Coal, Stone, Timber, Corn, Grain, Malt, Meal, Flour, and other Goods, Wares, Merchandizes, and Commodities, which shall be navigated, carried, or conveyed, upon or through the said Canal and Collateral Branch, and so in Proportion for any greater or less Quantity than a Ton; which Rates or Duties shall be paid to such Person or Persons, at such Place or Places near to the said Canal and Collateral Branch, in such Manner and under such Regulations as the said Company of Proprietors shall direct and appoint; and in case of Denial or Neglect of Payment of any such Rates or Duties, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any Court of Record; or the Person or Persons to whom the said Rates or Duties ought to have been paid may, and he and they is and are hereby authorized and empowered to seize such Goods, Wares, Merchandizes, and Things, for and in respect whereof any Rates or

For recovering of Rates.

Duties ought to be paid, or any Part of ſuch Goods, Wares, Merchandizes, and Things, or the Boat, Barge, or other Veſſel, wherein the ſame ſhall be, and detain the ſame until Payment thereof, together with all reaſonable Coſts and Charges of ſuch Seizure and Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Four Days after the taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

Maſters of Veſſels to give an Account of them and their Lading.

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

under a Penalty.

For aſcertaining the Tonnage of Timber.

LVII. And, for the better aſcertaining the Tonnage of Timber and Wood to be charged with Payment of ſuch Rates and Duties as aforeſaid,

ſaid, be it further enacted and declared, That Twenty-ſix Feet of round, or Forty Feet of ſquare Oak, Aſh, or Elm Timber, or Fifty Feet of Fir or Deal, Balk, Poplar, and other Wood, ſhall be deemed, rated, and eſtimated, as and for One Ton Weight.

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

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

By whom the Expences of weighing and meaſuring to be paid.

The Canal and the Roads open to all Perſons paying the Rates.

LIX. And be it further enacted, That all Perſons whomſoever ſhall have free Liberty to uſe, with Horſes, Cattle, and Carriages, the private Roads and Ways, (except the Towing Paths), for the Purpoſe of conveying Coal, Stone, Timber, Corn, Grain, Malt, Meal, Flour, and other Goods, Wares, Merchandizes, and Commodities whatſoever, to and from the ſaid Canal, and alſo to navigate upon the ſaid Canal and Collateral Branch, or the Trenches, Sluices, or Paſſages, with any Boats, Barges, or other Veſſels, not exceeding Eight Feet in Breadth, nor Sixty Feet in Length, nor drawing more than Three Feet Six Inches Water, provided they navigate the ſame between the Hours of Four of the Clock in the Morning, and Ten in the Evening; and to uſe the ſaid Wharfs or Quays for loading and unloading Coal, Stone, Timber, Corn, Grain, Malt, Meal, Flour, and other Goods, Wares, Merchandizes, and Commodities, and the ſaid Towing Paths for hauling and drawing ſuch Boats, Barges, and Veſſels, upon Payment of ſuch Rates and Duties as ſhall be demanded by the ſaid Company of Proprietors, not exceeding the Rates or Duties herein-before mentioned.

No Veſſel to paſs Locks without Conſent, unleſs it pays after the Rate of a Veſſel of 15 Tons.

LX. Provided always, and be it further enacted, That no Boat, Barge, or other Veſſel, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent of the ſaid Company of Proprietors, or their Clerk for the Time being, in Writing firſt had and obtained, unleſs ſuch Boat, Barge, or other Veſſel, ſhall pay a Duty or Rate equal to what would be paid by a Veſſel loaded with a Burthen of Fifteen Tons.

Company required to make Tunnels, Drains, &c. to prevent the Obſtruction of Watercourſes.

LXI. And, to the End that the ſaid Navigation may be carried on with as little Damage to Private Property as poſſible, be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own proper Coſts and Charges, to make or cauſe to be made ſuch Arches, Tunnels, Drains, and other Paſſages, over, under, or into, the ſaid Canal and Collateral Branch, and the ſaid Trenches, Streams, and Watercourſes, communicating therewith, and Towing Paths on the Sides thereof, of ſuch Depth and Breadth as ſhall be ſufficient at all Times to convey the Water from the Lands or Grounds adjoining or lying near to the ſaid Canal and Collateral Branch, without obſtructing or impounding the ſame, by Reaſon or Means of ſuch Canal and Collateral Branch, or the Towing Paths, Ways, Roads, Fences, Watercourſes, Drains, or Works, belonging to the ſaid Navigation; and that all ſuch Arches, Tunnels, Drains, and other Paſſages ſhall from Time to Time be ſupported, maintained, and kept in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time or Times after Three Calendar Month's Notice in Writing ſhall be given by or on Behalf of any Owner or Owners, Occupier or Occupiers of the ſaid adjacent Lands, finding him, her, or themſelves aggrieved by the Obſtruction of the ſaid Watercourſes, to any One of the ſaid Commiſſioners for the Time being, or to ſome known Agent of the ſaid Company of Proprietors, or to ſome Collector of the ſaid Rates or Duties, all ſuch Tunnels, Arches, Drains, or other Paſſages, ſhall not be made, cleanſed, repaired, and maintained, according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons, having an Order in Writing for that Purpoſe from Seven or more of the ſaid Commiſſioners, from Time to Time as often as there ſhall be Occaſion, to make, cleanſe, and repair, ſuch Arches, Tunnels, Drains, or other Paſſages, and the reaſonable Expences thereof, to be aſcertained by the ſaid Commiſſioners, or any Seven or more of them, ſhall be defrayed by the ſaid Company of Proprietors; and in caſe of Neglect or Refuſal to ſatisfy the ſame for the Space of One Calendar Month after Demand thereof made upon their Clerk, or upon any Collector or Collectors of the ſaid Rates and Duties, all ſuch Expences ſhall and may be recovered and levied in ſuch Manner as the Coſts and Charges of making and erecting Bridges and other Works by the Owners or Occupiers of Land, are by this Act directed and appointed to be recovered and levied.

For keeping them in Repair.

For preſerving Watering Places for Cattle.

LXII. And be it further enacted, That where, by making the ſaid Navigable Canal and Collateral Branch, any Cattle which uſed to depaſture in the adjacent Lands or Grounds ſhall be deprived of their uſual Watering Places, that then and in ſuch Caſe the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, ſet out and

and provide proper and convenient Places in the Lands adjoining to the ſaid Navigation for Cattle to water at, in all ſuch Lands or Grounds where they were heretofore accuſtomed to drink and water as aforeſaid, and to ſupply the ſaid Watering Places with Water from and out of the ſaid Canal if neceſſary.

Towing Paths to be fenced from the 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 Side or Sides of the ſaid Canal and Collateral Branch and Navigable Trenches or Paſſages, or ſuch Part or Parts thereof as ſhall be found neceſſary by the ſaid Commiſſioners, or any Seven or more of them, from the Lands or Grounds adjoining to ſuch Towing Paths, with a ſufficient Poſt and Rail, Hedge, Ditch, Trench, Bank, or other Fence, ſufficient to keep in Sheep and other Cattle, to be ſet and made on the Lands or Grounds to be purchaſed by, conveyed to, or veſted in them, as aforeſaid, and ſhall maintain and ſupport the ſame, and alſo ſhall, at their own proper Coſts and Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport, ſuch and ſo many convenient Gates, Bridges, Stiles, and other Conveniencies, in, through, and over, all the Hedges, Ditches, and Fences, to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo ſuch, and ſo many Bridges, Arches, and Paſſages, over, under, or through, the ſaid Canal, and the ſaid Trenches, Streams, and Watercourſes, and of ſuch Dimenſions, and in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall, from Time to Time, judge neceſſary and appoint, for the Uſe of the Owners and Occupiers of the Lands or Grounds, Hereditaments or Premiſes, adjoining to ſuch Canal, Collateral Branch, Trenches, Streams, Watercourſes, and Towing Paths, or any of them reſpectively; and the ſaid Company of Proprietors ſhall not make the ſaid Canal, Collateral Branch, or any Trench or Watercourſe, or any Part thereof, in or acroſs any Common Highway, Publick Bridle Way, or Foot Path, until ſuch Time as they ſhall at their own Charges have made and perfected ſuch Bridge or Bridges over, or convenient Paſſages through, or Arch or Arches under, the ſaid Place or Places where the ſaid Canal, Collateral Branch or Trenches, or Watercourſes, ſhall be intended to be made, for ſuch Road, Way, or Path, and of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall adjudge proper; and all ſuch Gates, Stiles, Bridges, Arches, and Paſſages, ſo to be made, ſhall from Time to Time be ſupported, maintained, and kept in ſufficient Repair, by and at the Expence of the ſaid Company of Proprietors.

Convenient Bridges or Arches to be made over the Canal.

If Company ſhall not make proper Fences, Bridges, &c. the Owners of adjoining Lands may make them.

LXIV. And be it further enacted, That in caſe the ſaid Company of Proprietors or their Agents ſhall neglect to make, erect, and ſet up ſuch Gates, Bridges, and Stiles, and other Conveniencies, in and over the Fences on the Sides of the ſaid Towing Paths, or ſuch Bridges, Arches, and Paſſages, over, under, or through, the ſaid Canal and Collateral Branch, and the ſaid Trenches, Streams, and Watercourſes, as aforeſaid, or to make ſuch Watering Places for Cattle as herein-before directed, for the Uſe and Convenience of the reſpective Owners and Occupiers

cupiers of the Lands adjoining thereto, and from Time to Time to repair, maintain, and ſupport, ſuch Gates, Bridges, Arches, Stiles, and Watering Places, when made, erected, and ſet up, of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall from Time to Time direct and appoint, for the Space of Three Calendar Months next after the Times to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or any Seven or more of them, then and in ſuch Caſe it ſhall be lawful for every or any of the ſaid Owners or Occupiers of the ſaid adjacent Lands or Grounds, who ſhall find himſelf or themſelves aggrieved by any ſuch Failure or Neglect, to make, erect, and ſet up, all ſuch Gates, Stiles, Bridges, Arches, Watering Places, and other Conveniences aforeſaid, as the ſaid Commiſſioners, or any Seven or more of them, ſhall have before directed or appointed to be made, erected, and ſet up, by the ſaid Company of Proprietors, and from Time to Time to repair and ſupport the ſaid Gates, Bridges, Arches, Stiles, and Watering Places, as Occaſion ſhall require, (in caſe upon Application to the ſaid Commiſſioners, after Three Calendar Months previous Notice to the Treaſurer or Clerk to the ſaid Company of Proprietors of ſuch intended Application, the ſaid Commiſſioners, or any Seven or more of them, ſhall authorize and direct ſuch Repairs as aforeſaid), and all the reaſonable Coſts and Charges thereof reſpectively, to be ſettled and allowed by the ſaid Commiſſioners, or any Seven or more of them, ſhall be repaid to the reſpective Owners or Occupiers of the ſaid adjacent Lands, who ſhall have ſo made and erected or repaired the ſaid Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, or other Conveniences as aforeſaid, by the ſaid Company of Proprietors, their Succeſſors and Aſſigns, within the Space of Twenty Days next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand ſhall have been delivered and made thereof; and on Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, the ſaid Commiſſioners, or any Seven or more of them, ſhall, and they are hereby required, by Warrant under their Hands and Seals, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, in or upon the ſaid Canal, or the Wharfs, Quays, or Warehouſes, adjoining to or near the ſame, to and for the Uſe of ſuch Perſon or Perſons who ſhall have ſo laid out and expended the ſame as aforeſaid, rendering to the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or to ſome of their Agents, the Overplus, (if any ſuch there be), after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Commiſſioners, or any Seven or more of them; or otherwiſe every or any of the ſaid Owners or Occupiers of Land, who ſhall have made, erected, or repaired any ſuch Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, and other Conveniences as aforeſaid, upon the Failure or Neglect of the ſaid Company of Proprietors, ſhall and may have ſuch and the like Remedy againſt the ſaid Company of Proprietors for the Recovery of ſuch Coſts and Charges, by Action at Law, and to be commenced and proſecuted in ſuch Manner as in other Caſes is in and by this Act mentioned and directed.

Owners and Occupiers of Land authorized to alter

LXV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Grounds through which the ſaid intended Canal

any such Fences, Bridges, &c. at their own Expence, with Consent of Committee.

Canal shall be made, do or shall, at any Time or Times thereafter, find upon Experience that the several Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, which the said Commissioners, or any Seven or more of them, shall have limited and directed to be made by the said Company of Proprietors, in, over, upon, or under, the said Canal and Collateral Branch, or the Towing Paths thereof, are insufficient either in Number or Situation, for the commodious Use and Occupation of their respective Lands and Grounds of both Sides, or on either Side of the said Canal and Collateral Branch, that then and so often as any such Case may happen, it shall be lawful for any or every such Owners or Occupiers of the Lands or Grounds, with the Consent and Approbation of the said Committee for the Time being, or the major Part of them, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Twenty-one Days after such Request, then with the Consent and Approbation of the said Commissioners, or any Seven or more of them, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences of the same or the like Construction with others made and erected by the said Company of Proprietors, on, in, over, or near, the said Canal and Collateral Branch, and Towing Paths, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, or Occupation thereof, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as the Navigation of, in, or upon, the said Canal and Collateral Branch be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner than the same will necessarily be by any of the other Gates, Stiles, or Bridges, to be made or erected in or over the said Canal and Collateral Branch, and Towing Paths, by the said Company of Proprietors, their Successors and Assigns as aforesaid, and so as no Damage or Injury be thereby done to any of the Works of the said Navigation.

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

LXVI. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company of Proprietors to erect or build any Mill or Mills upon the said Canal and Collateral Branch, or upon any Lands or Grounds which shall be set out for the Towing Paths, Wharfs, or Quays, on the Sides thereof, or to convert, employ, or use, any Water that shall be brought into or discharged out of the said Canal and Collateral Branch, Trenches, or Sluices, hereby authorized to be made, to or for the Use of any Mill or Mills hereafter to be erected near the same.

Lords of Manors and Land Owners not restrained from erecting Wharfs, &c. within their Manors or Lands.

LXVII. And be it further enacted, That nothing in this Act contained shall extend to, or be construed to restrain any Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said Navigation shall be made by virtue of this Act, from making, erecting, or using, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their own respective proper Lands, Grounds, or Wastes, adjoining or near the said Navigation, or from landing any Goods and Merchandizes and other Things thereupon, or upon the Banks lying between the same and the said Navigation, or from making and using proper and convenient Places for Boats, Barges, or other Vessels, to lie in, turn, or pass by each other, so that

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

If such Lords or Owners shall not, upon Notice, erect sufficient Warehouses, &c. the same may be done by the Company.

LXVIII. Provided nevertheless, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months after Notice given in Writing by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, in substantial Repair, in the Opinion of the said Commissioners, or any Seven or more of them, proper and convenient Warehouses and Buildings, (agreeably to a Plan or Plans thereof, which is and are hereby required and directed to be delivered to such Lord or Lords, Owner or Owners, at the same Time or Times when such Notice or Notices shall be given as aforesaid), on the respective Part or Parts of the Lands, Grounds, or Wastes, comprized and described in such Notice, for the Use of the said Company of Proprietors, and all and every other Person or Persons who shall convey any Goods, Wares, or Merchandizes upon the said Canal; that then and in such Case the said Company of Proprietors shall have full and absolute Power and Authority, without any Hindrance or Restraint whatever, except at *Shoot End* in the Parish of *Alderbury*, or within Three Quarters of a Mile thereof on the East Side towards *Kimbridge* Mill, to make use of such Lands, Grounds, or Wastes, for erecting such sufficient Warehouses and Buildings, agreeably to such Plan or Plans so delivered as aforesaid, first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the Purposes of this Act.

For ascertaining Wharfage.

LXIX. And, in order to ascertain the Wharfage which shall be paid for any Goods, Wares, and Merchandizes, to be landed upon or brought to any other Wharf or Quay, be it further enacted, That no more than the Sum of Four-pence *per* Ton shall be demanded or taken for Wharfage by the said Company of Proprietors, Person or Persons, Land Owner or Land Owners, who shall or may at any Time hereafter make, erect, or build, any Wharfs or Quays on any Part of the said intended Canal by virtue of this Act, unless the Goods, Wares, and Merchandizes, which shall be laid thereon, shall remain or continue on such Wharf or Quay for a longer Time than the Space of Six Days, with such additional Rates for Goods to be put and placed in the Warehouses, at the Request of the Owners of such Goods, as shall be set and ascertained by the said Company of Proprietors, by and with the Approbation

probation and Conſent of the ſaid Commiſſioners, or any Seven or more of them; and that it ſhall be lawful for the ſaid Company of Proprietors to make, erect, repair, and uſe, any Crane or Cranes, Weighing Machine or Weighing Machines, upon every ſuch Wharf or Quay, for the more convenient loading, unloading, and weighing, of any Goods, in caſe the Proprietors of ſuch Wharfs or Quays ſhall refuſe to make, erect, and uſe the ſame, within Twelve Calendar Months after they ſhall have received Notice in Writing for that Purpoſe from the ſaid Company of Proprietors, and to take ſuch Rates or Prices for the Weighing or Cranage of ſuch Goods as ſhall be ſettled by the ſaid Commiſſioners, or any Seven or more of them.

Weighing Machines to be erected.

Names of the Maſters to be painted on the Veſſels.

LXX. And, for the better regulating the Maſters of Boats or Barges, Bargemen and others employed by or under them reſpectively, be it further enacted, that every Maſter or Perſon having the Rule or Command of any Boat, Barge, or other Veſſel, paſſing on the ſaid Canal and Collateral Branch, ſhall cauſe his Name and Place of Abode to be ſet in large Capital Letters, painted white, on each of the Outſides of every ſuch Boat, Barge, or other Veſſel, (except Pleaſure Boats), higher than the ſame ſhall ſink into the Water when full loaded, and the progreſſive Number of his or their Boat or Veſſel; and ſhall alſo permit and ſuffer every ſuch Boat, Barge, or other Veſſel, to be meaſured at the Expence of the ſaid Company of Proprietors, whenever it ſhall be required by the ſaid Company of Proprietors, or ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe, provided that no ſuch Veſſel ſhall be meaſured more than Six Times in One Year; and ſhall alſo, at his or their own Expence, fix or cauſe to be fixed on each Side of every ſuch Boat, Barge, or other Veſſel, Two Indexes of Copper, Lead, or other Metal, of ſuch graduated and figured Dimenſions of Breadth and Height, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall from Time to Time direct and appoint, ſo that the true Weight of the Lading of every ſuch Boat, Barge, or other Veſſel, may at all Times clearly appear to be aſcertained; and every Owner, Maſter, or other Perſon having the Rule or Command of any Boat, Barge, or other Veſſel, who ſhall refuſe or neglect to put his Name, Place of Abode, and progreſſive Number of his or their Boats or Veſſels, or the Indexes herein-before directed, on any ſuch Boat, Barge, or other Veſſel, in Manner aforeſaid, or ſhall alter, deface, eraſe, or deſtroy, any Letter, Figure, or Index, deſcribing ſuch Name and Place of Abode, Number of Veſſel, and Tonnage, therein as aforeſaid, or ſhall refuſe to have his or their Boat or other Veſſel meaſured as aforeſaid, he or they ſhall, for every ſuch Offence, reſpectively forfeit and pay to the ſaid Company of Proprietors a Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Veſſels may be meaſured by the Company.

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

Owners of Veſſels anſwerable for Damage done by their Bargemen.

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

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

Company to make Spaces for Veſſels to paſs.

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

Penalty on Bargemen ſuffering Water to remain in the Locks longer than is neceſſary,

and on not properly opening and ſhutting the Gates of the Locks.

LXXIII. And be it further enacted, That no Boatman, Bargeman, or his Agents or Servants, navigating any Boat, Barge, or other Veſſel upon the ſaid Canal or Collateral Branch, and paſſing with ſuch Boat, Barge, or other Veſſel, through any Lock to be made upon the ſaid Navigation, ſhall ſuffer the Water to remain in the Lock longer than is neceſſary for his Boat, Barge, or other Veſſel, to paſs through any ſuch Lock; and alſo that every ſuch Boatman, Bargeman, and other Perſon as aforeſaid, in going down the ſaid Navigation, ſhall ſhut the lower Gates of ſuch Lock before he or they ſhall draw the Cloughs of the upper Gates thereof; and after he or they ſhall have brought his or their Boat, Barge, or other Veſſel, into the ſaid Lock, ſhall ſhut cloſe the upper Gates before he or they ſhall draw the Cloughs of the lower Gates thereof, and in going up the ſaid Canal or Collateral Branch, as ſoon as he or they ſhall have paſſed with his, her, or their Boat, Barge, or other Veſſel out of the ſaid Lock, ſhall ſhut the upper Gates of the ſaid Lock, and afterwards draw the Cloughs of the lower Gates, unleſs there ſhall then be a Boat, Barge, or other Veſſel, in Sight from the ſaid Lock coming down the ſaid Navigation, in which Caſe the lower Gates of the ſaid Lock ſhall be left ſhut, and the upper Gates be left open; and in all dry Seaſons, whenever there ſhall be a Scarcity of Water in the ſaid Canal, the Veſſel going up the ſame, if within Sight from or within the Diſtance of Three hundred Yards below any Lock, ſhall paſs through ſuch Lock before any Boat, Barge, or other Veſſel, coming down, and then the Boat, Barge, or other Veſſel, next above ſhall come down; and whenever there ſhall be a Scarcity of Water, if there are more Boats, Barges, and other Veſſels, than One below and above any Lock at the ſame Time in ſuch dry Seaſons within the Diſtance aforeſaid, (at which Diſtance a Poſt or Mark ſhall be ſet up or made for that

Purpoſe), ſuch Boats, Barges, or other Veſſels, ſhall go up and come down at ſuch Lock by Turns as aforeſaid, until all the ſaid Boats, Barges, or other Veſſels, going up or coming down ſhall have paſſed, by which Means one Lock full of Water may ſerve Two or more Boats, Barges, or other Veſſels; and every Perſon offending in all or any of the Caſes aforeſaid, and being convicted thereof before any Juſtice of the Peace, upon the Oath of One or more credible Witneſs or Witneſſes, as alſo the Maſter or other Perſon having the Command of any ſuch Boat, Barge, or other Veſſel, ſhall for every ſuch Offence reſpectively forfeit a Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Penalty on Perſons obſtructing the Navigation.

LXXIV. And be it further enacted, That if any Boat, Barge, or other Veſſel ſhall be placed in any Part of the ſaid Canal, Collateral Branch, or of any Trench, Sluice, or Paſſage aforeſaid, ſo as to obſtruct the Navigation, and the Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not, immediately upon Requeſt made, remove the ſame, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings nor leſs than Five Shillings for every Hour ſuch Obſtruction ſhall continue; and it ſhall be lawful for any of the Agents or Servants of the ſaid Company of Proprietors, or any of them, to cauſe any ſuch Boat, Barge, or other Veſſel, to be unloaded if neceſſary, and to be removed in ſuch Manner as ſhall be proper, to prevent ſuch Obſtruction in the Navigation, and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal are paid; and if any Boat, Barge, or other Veſſel, ſhall be ſunk in the ſaid Canal, Collateral Branch, or any Trench aforeſaid, and the Owner or Owners, Perſon or Perſons, having the Care of ſuch Boat, Barge, or other 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 other Veſſel, to be weighed or drawn up, and to detain and keep the ſame until Payment of all the Expences neceſſarily occaſioned thereby, or in anywiſe relating thereto.

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

Penalty on Perſons obſtructing the Navigation by Timber or over-loading;

LXXV. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Navigation, or load any Boat, Barge, or other Veſſel, with Timber, ſo that the ſame ſhall lay over the Sides of ſuch Boat, Barge, or other Veſſel, ſo laden, or ſhall overload any Boat, Barge, or other Veſſel, navigating in or upon the ſaid Canal and Collateral Branch, Trenches, Sluices, or Paſſages, and when ſo overloaded, ſhall put ſuch Boat, Barge, or other Veſſel, into the ſaid Canal and Collateral Branch, Trenches, Sluices, or Paſſages, ſo as to obſtruct the Paſſage of any other Boat, Barge, or other Veſſel, and ſhall not, immediately upon Notice given to the Owner or Owners, Perſon or Perſons, having the Care of ſuch Boat, Barge, or other Veſſel, ſo obſtructing the Paſſage as aforeſaid, haul ſuch Boat, Barge, or other Veſſel, into ſuch Place or Places as ſhall be proper or made for Boats, Barges, or other Veſſels, to paſs each other, every ſuch Owner or Owners, Perſon or Perſons, floating ſuch Timber, or having the Care of ſuch Boat, Barge, or other Veſſel, ſhall forfeit and pay for every ſuch Offence, a Sum not exceeding Five Pounds, nor leſs than Forty Shillings, to the

ſaid Company of Proprietors, to be laid out and employed towards maintaining the Works of the ſaid Navigation, and to no other Uſe or Purpoſe whatſoever.

and on Perſons throwing Rubbiſh into the Canal.

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

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

LXXVII. And be it further enacted, That the ſaid Canal and Collateral Branch, or any Works whatſoever, to be made by virtue of the Powers granted by this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Order, of any Commiſſion of Sewers, or any Law or Statute relating to Sewers, any Law or Statute relating thereto to the contrary notwithſtanding.

No Bargemen to take or deſtroy Fiſh.

LXXVIII. And be it further enacted, That if any Perſon or Perſons navigating or working or being on board any Ship or Veſſel upon the ſaid Navigation, (not being qualified by Law ſo to do), ſhall carry with him or them, or have on board any ſuch Boat, Barge, or other Veſſel, any Fiſhing Net, Gun, Engine, or other Inſtrument for taking or deſtroying, and with an Intent to take and deſtroy, Fiſh or Game, ſuch Perſon or Perſons being thereof lawfully convicted by his own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace for the County in which ſuch Offence ſhall happen, ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds; and in caſe any Maſter, or other Perſon having the Command of any Boat, Barge, or other Veſſel, ſhall knowingly ſuffer or permit any Perſon or Perſons, not being duly authorized ſo to do, to have, carry on board, or make uſe of, any Fiſhing Net, Gun, Engine, or other Inſtrument for taking or deſtroying Fiſh or Game, and being thereof convicted as aforeſaid before One or more Juſtice or Juſtices of the Peace for ſuch County, every ſuch Maſter or Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds.

The Plans left with the Clerks of the Peace to be the Line for cutting the Canal.

LXXIX. And whereas Maps or Plans deſcribing the Line or Courſe of the ſaid Canal and Collateral Branch, and the Lands through which the ſame is intended to be carried, with Books of Reference containing the Names of Owners, or reputed Owners and Occupiers of ſuch Lands, have been ſeverally depoſited with the Clerk of the Peace for the County of *Wilts*, County of *Southampton*, and the Clerk of the Peace for the Town and County of the Town of *Southampton*, and with the Clerk of the ſaid Company of Proprietors; be it therefore further enacted, That the ſaid reſpective Maps and Plans, and Books of Reference, ſhall remain in the Cuſtody of the ſaid reſpective Clerks, and all Perſons ſhall at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Extracts or Copies thereof, as Occaſion ſhall require; and the ſaid Maps or Plans and References ſo depoſited, or true Copies thereof, ſhall be and are hereby declared to be good Evidence in all Courts of Law or elſewhere, and the Clerk for the Time being to the ſaid Company of Proprietors, upon Twenty-one Days Notice to him given for that

that Purpoſe, ſhall, and is hereby required from Time to Time to produce the ſaid Map or Plan before the ſaid Commiſſioners, or any Jury or Juries to be impanelled by virtue of this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may be then and there given in Evidence.

The Proprietors ſhall not deviate above Two hundred Yards from the Line without the Conſent of the Owners, except in certain Caſes.

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

Miſnomer and wrong Deſcriptions not to hinder the Execution of the Act.

LXXXI. Provided always, and be it further enacted and declared, That the ſaid Company of Proprietors ſhall and may make the ſaid Canal and Collateral Branch into, through, acroſs, and over, the Eſtates, Lands, or Grounds, of any Perſon or Perſons whomſoever, into whoſe Eſtates, Lands, or Grounds, ſuch Deviation aforeſaid ſhall extend, although their Names are not mentioned in the Reference to the ſaid Map or Plan, or into any Eſtates, Lands, or Grounds, of any Perſon or Perſons whoſe Name or Names ſhall appear, to the Satisfaction of the ſaid Commiſſioners, or any Seven or more of them, and be by them certified under their Hands, to be by Miſtake omitted in the ſaid Reference, or that inſtead thereof, the Name or Names of ſome other Perſon or Perſons, to whom ſuch laſt mentioned Eſtates, Lands, or Grounds, do not belong, have or hath been inſerted in ſuch Reference; any Thing herein-before contained to the contrary in anywiſe notwithſtanding.

Deviation in the Paddock, &c. of *George Yalden Fort* Eſquire, at *Alderbury*.

LXXXII. Provided alſo, and be it further enacted, That the ſaid Canal ſhall and may be carried from and out of the Line laid down in the Plan thereof, through the Paddock and Orchard of and belonging to *George Yalden Fort* Eſquire, in the Pariſh of *Alderbury*, in the County of *Wilts*, and paſs through and acroſs other Part of the ſaid Paddock and Orchard

Orchard, in ſuch Line or Courſe for the ſame as the ſaid *George Yalden Fort* ſhall direct, and ſo as that every Part of the ſaid Canal which ſhall be ſo varied, and which ſhall lie within One hundred Yards of the South-weſt Angle in a right Line, and One hundred and fifty Yards directly South of the new-built Dwelling Houſe of the ſaid *George Yalden Fort*, ſhall be arched over or tunnelled, and be covered with Soil, and of ſufficient Depth for planting thereon; and ſo as that no Part of the Garden or Pleaſure Ground of the ſaid *George Yalden Fort* ſhall, in the making the ſaid Canal, be in anywiſe broke up, damaged, or diſturbed; and that the Towing Path of the ſaid Canal ſhall not paſs within, through, or over any Part of the ſaid Garden, Pleaſure Ground, or Orchard; and that the Opening of the ſaid Arch or Tunnel ſhall be fenced and planted, and covered from the View of the ſaid Dwelling-houſe; and all other Works, Matters, and Things whatſoever, in or about, or in anywiſe neceſſary or relating to the making the ſaid Canal through the aforeſaid Grounds, in purſuance of the Powers given by this Act, ſhall be done and performed at the Expence of the ſaid Canal Company, their Succeſſors and Aſſigns, and in ſuch Manner as the ſaid *George Yalden Fort* ſhall direct and appoint.

For electing new Commiſſioners.

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

Qualification.

LXXXIV. Provided always, That no Perſon ſhall be capable of acting as a Commiſſioner in any Caſe where he ſhall be anyways intereſted or concerned in the Matter in queſtion; nor ſhall any Commiſſioner be qualified, or capable of acting in the Execution of this Act, unleſs he ſhall be ſeiſed in his own Right, or in the Right of his Wife, (and not as a Mortgagee), at the Time of his acting, of an Eſtate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the Yearly Value of One hundred Pounds, or ſhall be poſſeſſed of a Perſonal Eſtate alone, or of a Real and Perſonal Eſtate together, to the Amount or Value of Three thouſand Pounds, (unleſs he ſhall be the eldeſt Son or Heir Apparent of a Peer of this Realm, or of a Perſon qualified to be elected and ſerve as a Knight of a Shire within that Part of *Great Britain* called *England*); and if any Perſon hereby diſqualified, or made

incapable to act, shall nevertheless presume to act as a Commissioner, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who will sue for the same, to be recovered, with full Costs of Suit, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed; and such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the Sum of Fifty Pounds, without any other Proof or Evidence, on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act; and no Person shall act as a Commissioner, otherwise than in administering the following Oath, until he shall have taken and subscribed the Oath following, before any Seven or more of the said Commissioners, who are hereby authorized and empowered to administer the same, *videlicet*.

Commissioner's Oath.

'I *A. B.* do swear, That I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Judgement, execute the Powers and Authorities vested in me as a Commissioner, by an Act, made in the Thirty-fifth Year of the Reign of King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from the Town and County of the Town of* Southampton *to the City of* New Sarum *in the County of Wilts, with a Collateral Branch to* Northam *within the Liberties of the Town of* Southampton.

'So help me GOD.'

Notice to be given of Meetings of Commissioners.

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

Commissioners may act as Justices.

LXXXVI. Provided nevertheless, That such of the said Commissioners who are Justices of the Peace for the said Town and County of the Town of *Southampton*, and the Counties of *Southampton* and *Wilts*, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being such Commissioners.

No Commissioners to hold any

LXXXVII. And be it further enacted, That if any Person appointed or to be appointed a Commissioner by virtue of this Act, shall have or

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

Place of Profit under the Act.

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

Commissioners to hold General Meeting when required by the Company or the Owners of Land.

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

Commissioners may hold Special Meetings for ascertaining Damages.

XC. Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, or Difference, between

Directing the holding of Commissioners Meetings.

between the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and any other Perſon or Perſons, ſhall be held at ſome Place within Five Miles of ſome Part of the ſaid Navigation; and that no Order or Determination ſhall be made unleſs the Majority of ſuch Commiſſioners preſent at ſuch reſpective Meetings ſhall concur therein, ſuch Majority not being leſs than the reſpective Numbers authorized to make ſuch Orders or Determinations.

Saving the Rights of Lords of Manors.

XCI. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to defeat, prejudice, or affect, the Right of any Lord or Lords of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, to the Mines, Minerals, or Quarries, lying or being within or under the Lands or Grounds to be ſet out or made uſe of for the Purpoſes of this Act; but all ſuch Mines, Minerals, and Quarries, are hereby reſerved to ſuch Lord or Lords of ſuch Manor or Manors, and to ſuch Owner or Owners reſpectively, their Heirs or Aſſigns; and that it ſhall be lawful to and for the Lord or Lords of ſuch Manor or Manors, and ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, to carry away to his or their own Uſe, from any ſuch Mines or Quarries, any Ore, Minerals, or Stones, which may be dug or gotten in the ſame, provided no Injury or Prejudice be done to the ſaid Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Levels, Paſſages, Reſervoirs, Watercourſes, or other Conveniences, made or erected for the Purpoſes of the ſaid Navigation; and the ſaid Lord and Lords, or Owner and Owners, of all and every Manor and Manors ſhall have and be entitled to the ſole, ſeveral, and excluſive Right of Fiſhery of and in ſo much of the ſaid Canal, Collateral Branch, Trenches, and Sluices, as ſhall be made over or through the Common or Waſte Lands within his or their Manor or Manors reſpectively, and alſo in, over, or through, any other Lands or Grounds lying within any ſuch Manor or Manors wherein ſuch Lord or Lords, or Owner or Owners, now hath or have, or is or are entitled to the Right of Fiſhery in the Pits, Ponds, and Waters, now being in ſuch laſt-mentioned Lands or Grounds reſpectively; and that the Owner or Owners of all other Lands or Grounds through which the ſaid Navigation ſhall be made, ſhall alſo have and be entitled to the like ſole, ſeveral, and excluſive Right of Fiſhery of and in ſo much of the ſaid Canal, Collateral Branch, Trenches, and Sluices, as ſhall be made in, over, or through, his, her, or their Lands or Grounds reſpectively, ſo as in the Uſe and Exerciſe of the ſaid Right of Fiſhery the ſaid Canal, Collateral Branch, Trenches, and Sluices, and the Towing Paths, Banks, or other Works or Conveniences hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or exhauſted from or out of the ſaid Canal, Collateral Branch, Trenches, or Sluices, 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 any Fiſh in the ſaid Canal, Collateral Branch, Trenches, or Sluices, which ſhall be taken, killed, or deſtroyed through or by Means of the letting off Water out of the ſaid Canal, Collateral Branch, Trenches, or Sluices, for or upon Account of any Repairs or Works to be done in or about the ſame; and it ſhall be lawful for the Lord or Lords of

ſuch Manor or Manors, and the Owner or Owners of ſuch Lands or Grounds, (being qualified by Law ſo to do), to take and kill Game upon ſo much of the ſaid Canal, Collateral Branch, Trenches, Sluices, Towing Paths, and other Lands or Grounds to be ſet out for the Uſe of the ſaid Navigation, as ſhall be made through their reſpective Lands or Grounds as aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Company not empowered to erect any Buildings but for the Purpoſes of the Navigation.

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

Owners of Lands may uſe Pleaſure Boats, &c.

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

Lands not uſed by the

XCIV. And be it further enacted, That if the ſaid Company of Proprietors ſhall be in Poſſeſſion of any Lands or Grounds by virtue of this

Company to be re-conveyed.

Act for the Space of Seven Years, without making the ſaid Canal and Collateral Branch through the ſame, or if the ſaid Canal and Collateral Branch ſhall be made and completed, and afterwards diſcontinued or diſuſed for the Space of Seven Years, then, and in either of the ſaid Caſes, from and immediately after the End and Expiration of the ſaid Seven Years without making, or Seven Years after diſuſing, the ſaid Canal and Collateral Branch as aforeſaid, the ſaid Company of Proprietors ſhall convey all their Right, Property, and Intereſt, in or to ſuch Lands or Grounds reſpectively, unto the ſeveral and reſpective Perſons or Bodies Politick, Corporate, or Collegiate, or their Heirs, Succeſſors, or Aſſigns, who were the Owners or Proprietors thereof immediately before the ſaid Company of Proprietors became ſeiſed of the ſame, in caſe they or any of them ſhall think fit to become Purchaſers thereof, and to pay ſuch valuable Conſideration for the ſaid Lands or Grounds to the ſaid Company of Proprietors as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge reaſonable; and in caſe any Difference ſhall happen in the aſcertaining thereof by the ſaid Commiſſioners, then as any Jury, to be impanelled in the Manner herein-before directed, ſhall aſcertain or award to be paid for the ſame, ſo that ſuch Conſideration to be aſcertained by ſuch Commiſſioners, or to be awarded by ſuch Jury ſo to be impanelled as aforeſaid, do not exceed the Sum or Sum of Money firſt paid by the ſaid Company of Proprietors for the Purchaſe of ſuch Lands or Grounds; and in caſe the ſaid Company of Proprietors, upon the Payment, or Tender of ſuch valuable Conſideration as aforeſaid, for ſuch Lands or Grounds, ſhall refuſe or neglect to convey the ſame as aforeſaid, then, and in ſuch Caſe, ſuch Lands or Grounds, upon Tender of ſuch Conſideration as aforeſaid, to the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall revert to, and be thenceforth veſted in the ſaid ſeveral and reſpective Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, their Heirs, Succeſſors, or Aſſigns; and in caſe an Annual Rent ſhall have been paid for the ſaid Lands and Grounds ſo be taken in Manner aforeſaid, for the Uſe of the ſaid Navigation, then ſuch Rents ſhall ceaſe and determine, and ſuch Sum or Sums of Money ſhall be paid for Damages done to the ſaid Lands or Grounds by the ſaid Company of Proprietors, to the Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Succeſſors, and Aſſigns, to whom ſuch Lands or Grounds ſhall be reconveyed or revert as aforeſaid, as the ſaid Commiſſioners or Jury reſpectively ſhall aſcertain or award, ſuch Sum or Sums of Money, in Default of Payment at the Time to be fixed by ſuch Commiſſioners or Jury reſpectively, to be recovered in ſuch Manner as any other Damages are to be recovered by virtue of this Act.

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

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

and that Five Score and Twelve Pounds Avoirdupoiſe ſhall be deemed and taken as and for One hundred Weight for the Purpoſes of this Act.

XCVI. And be it further enacted, That all Penalties or Forfeitures for Offences againſt this Act, or any Rule, Bye Law, or Order to be made by the ſaid Company of Proprietors as aforeſaid, ſhall, upon Proof of the Offences reſpectively, before any Juſtice or Juſtices of the Peace for the County in which ſuch Offence ſhall be committed, either by the Confeſſion of the Party or Parties, or by the Oath of any credible Witneſs or Witneſſes, be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands and Seals of ſuch Juſtice or Juſtices (which Warrant ſuch Juſtice or Juſtices is or are hereby empowered and required to grant); and the Overplus, after ſuch Penalties or Forfeitures, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand, to the Owner or Owners of ſuch Goods and Chattels; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Priſon for the ſaid County, there to remain without Bail or Mainprize, for ſuch Time as ſuch Juſtice or Juſtices ſhall direct, not exceeding Three Calendar Months unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied; and all ſuch Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, ſhall go and belong to the ſaid Company of Proprietors, and be applied for the Purpoſes of this Act. Recovery of Penalties, *etc.*

XCVII. And be it further enacted, That for the more eaſy and ſpeedy Conviction of the Perſon or Perſons who ſhall or may incur any of the Fines, Penalties, or Forfeitures of this Act, all and every Juſtice or Juſtices of the Peace, before whom any ſuch Perſon or Perſons ſhall be convicted, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, as the Caſe ſhall happen, or in any other Form of Words to the ſame Effect:

Form of Conviction.

'BE it remembered, That on the Day of in the Year of His Majeſty's Reign, *A. B.* is 'convicted before of His Majeſty's Juſtices of the 'Peace for the County or Place aforeſaid, [*ſpecifying the Offence, and 'Time and Place when and where the ſame was committed, and the Fines, 'Penalties, and Forfeitures, as the Caſe may be*]. Given under my 'Hand and Seal [*or* our Hands and Seals] the Day and Year 'aforeſaid.'

XCVIII. And be it further enacted, That where any Diſtreſs ſhall be made for any 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 Proceeding relating thereto, nor ſhall the Party or Parties

Diſtreſs not unlawful for Want of Form.

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 Damage in an Action upon the Caſe.

Appeal.

XCIX. 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, may, within Six Calendar Months after ſuch Order or Determination ſhall have been made or given, complain to the Juſtices of the Peace, at any General Quarter Seſſions to be held in and for the County in which ſuch Caſe may happen, firſt giving Ten Days Notice at the leaſt of ſuch Intention to complain, to the Party intereſted in ſuch Complaint, and the ſaid Juſtices ſhall, in a ſummary Way, hear and determine the ſaid Complaint at ſuch Seſſion, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County; and, if they ſee Cauſe, may mitigate any Penalty or Forfeiture, and may order any Money to be returned which may be levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable.

Limitation of Actions.

C. And be it further enacted, That no Action, Suit, or Information ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one Days Notice of the Cauſe of ſuch Action in Writing given to the Clerk or Clerks of the ſaid Company, or to One or more of the Committee to be appointed as aforeſaid, or after ſufficient Satisfaction or Tender of the ſame hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; or in caſe there ſhall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing ſuch Damage ſhall ceaſe, and not afterwards; and every ſuch Action, Suit, or Information, ſhall be brought or laid in the County in which ſuch Damage ſhall be ſuſtained, and not elſewhere; and the Defendant or Defendants in ſuch Action, Suit, or Information, 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 that ſuch Action, Suit, or Information, was brought or laid before Twenty-one Days Notice in Writing thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in either of the ſaid Caſes the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwiſe, Judgement ſhall be given

againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſe by Law. Treble Coſts.

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

CII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame. Publick Act.

The SCHEDULE of the intended Width of the Canal, where deep Cutting occurs, regulated according to the Depth referred to in this Act.

When the Canal is in Depth			The Width will be	
Feet.	Inches.		Feet.	Inches.
5	0	A Bench.	45	0
7	0		49	0
9	0		52	0
11	0		55	0
13	0		59	0
15	0		61	0
17	0	A Bench.	79	0
19	0		83	0
21	0		87	0
23	0		90	0
25	0		93	0
27	0		97	0
29	0	A Bench.	115	0
30	0		118	0
32	0		121	0
35	0		140	0

FINIS.