ANNO TRICESIMO QUINTO

# Georgii III. Regis.

## CAP. LII.

An Act for making and maintaining a Navigable Canal from the River *Thames* or *Iſis*, at or near the Town of *Abingdon*, in the County of *Berks*, to join or communicate with the *Kennet* and *Avon* Canal, at or near the Town of *Trowbridge*, in the County of *Wilts*; and alſo certain Navigable Cuts therein deſcribed. [30th *April* 1795.]

Preamble.

WHEREAS the making and maintaining of a Navigable Canal for Boats, Barges, and other Veſſels, from the River *Thames* or *Iſis*, at or near the Town of *Abingdon*, in the County of *Berks*, to join or communicate with the Canal now making or about to be made from the River *Kennet* to the River *Avon*, at or near the Town of *Trowbridge*, in the County of *Wilts*; and alſo a Navigable Cut or Branch out of and from the firſt-mentioned Canal, in or near a Field called or known by the Name of *The Breach Field*, in the Hamlet of *Grove*, in the Pariſh of *Wantage*, in the ſaid County of *Berks*, to or near to the Town of *Wantage*, in the ſame County; and alſo another Navigable Cut or Branch out of and from the ſame Canal, in or near a Field called or known by the Name of *The Ploughed Field*, in the Pariſh of *Brimhill*, in the ſaid County of *Wilts*, in the Occupation of *Jacob Gaby*, to or near to the Town of *Calne*, in the ſame County; and alſo another Navigable Cut or Branch out of and from the ſame Canal, in or near a Cloſe of Ground, in the Pariſh of *Chippenham*, in the ſaid County of *Wilts*, called or known by the Name of *The Little Middle*

*Ground*, in the Occupation of *John Lawes*, to or near to the Town of *Chippenham*, in the ſame County, will greatly facilitate, and render more convenient and leſs expenſive than at preſent, the Conveyance of all Kinds of Commodities, not only to and from ſeveral Towns and Places near the Lines of ſuch Canal and Cuts, but alſo to and from the Ports of *London* and *Briſtol*, and will be of great publick Utility: But ſuch Canal and Cuts cannot be made without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Moſt Noble the Marquis of *Lanſdown*, the Right Honourable the Earl of *Clarendon*, the Right Honourable the Earl of *Peterborough*, the Right Honourable the Earl of *Radnor*, the Right Honourable the Earl of *Carnarvon*, *John Awdry*, *John Allin*, *Edwin Martin Atkins*, *John Bowles*, *William Bowles*, *Suſannah Brown*, *Joſeph Butler* Clerk, *John Butler*, *Maurice Blackford*, *Robert Bliſs*, *William Brewer*, *William Bucknell*, *John Bunce*, *Thomas Buſh*, *Thomas Brooke*, *Thomas Brown*, *William Belcher*, *Hugh Beams*, *William Buy*, the Honourable *Daines Barrington*, *Thomas Bearne*, *John Blagrave*, *John Barr*, *Ann Calley*, *William Codrington*, *William Cripps*, *Barfoot Colton* Clerk, *William Cambridge*, *James Crowdy*, *John Cooper*, *John Collins* Clerk, *Edward Child*, *William Wiſeman Clarke*, *George Cowper*, *Richard Coxe*, *Darby*, *Edmund Eſtcourt*, *Thomas Eſtcourt*, *William Edoe*, *William Eldridge*, *John Freke* Clerk, *William Fairthorne*, *Thomas Greenwood* Clerk, *Ralph Hale Gaby*, *Morgan Graves* Doctor in Divinity, *John Gough*, *William Godfrey*, *John Packer Godby*, *John Grant*, *Robert Gray* Clerk, *Stephen Hunt*, *Lawrence Hazell*, *John Harker*, *John Hall*, *Joſeph Heath*, *Henry Heath*, *John Harding*, *John Heath*, *Matthew Humphrys*, *William Hallett*, *Edward Hillier*, *Thomas Jennings*, *John Jones*, *John Kemble*, *Francis Kemble*, *Joſeph Kemble*, *James King*, *J. M. Kirby*, *Edmund Kirby*, *George Knapp*, *Stephen King*, *Joſeph Lavender*, *Ann Lee*, *Thomas Lewis*, *Edward Loveden Loveden*, *James Montagu*, *Benjamin Morland*, *Robert Mattingly*, *William Mattingly*, *Richard Noad*, *Edward Newton*, *Edmund Naiſh*, *William Nobes*, *Simon Oakden*, *John Prower* Clerk, *John Pullen*, *James Pullen*, *Thomas Pike*, the Reverend Doctor *Pollock*, *Pocklington*, *Carew Packer*, *Robert Pumfrey*, *John Phillips*, *Thomas Prince*, *Daniel Robins* Clerk, *Nathaniel Robarts*, *John Ralph*, *Jaſper Rumbold*, *George Reeves*, *Maurice Randall*, *Thomas Seale*, *William Stephens*, *Clement Saxton*, *John Francis Spendlove*, the Honourable *Frederick Saint John*, *John Seaton*, *C. Stringer*, *John Strode*, *Edward Hopkins Thomas*, *John Tinker* junior, *William Taylor*, *Richard Taylor*, *William Towſey*, *John Townſend*, *William Tripp*, *Joſeph Tombs*, *William Tompkins*, *Edward Thornhill*, *Richard Townſend*, *Robert Thomas*, *Exuperious Turner*, *Stephen Veſey*, *Thomas Whitehorn*, *Daniel Whitehorn*, *Jonathan Weſtall*, *Lancelot Whitfield*, *William Wood*, *James Williams*, *Edmund Wilkins*, *Joſeph Worley*, *Thomas Worley*, *Lawrence Wenſley*, *George Watts* Clerk, *Robert Whitworth*, *Joſeph Woolmer*, *Francis Warneford*, and *Lovelace Bigg Wither*, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, or ſuch of them as ſhall from Time to Time be poſſeſſed of any Share or Shares in the Navigation and Undertaking hereby authorized to be made and carried on, and alſo ſuch other Perſon or Perſons as ſhall from Time to Time be poſſeſſed of any Share or Shares therein, ſhall be, and they

Proprietors' Names.

Proprietors united into a Company;

they are hereby accordingly united into a Company for the carrying on, making, completing, and maintaining, of the said Canal and Cuts, for the Passage of Boats, Barges, and other Vessels, according to the Rules, Orders, and Directions herein-after contained, and shall for that Purpose be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the* Wilts *and* Berks *Canal Navigation*, and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued, and shall also have full Power and Authority to purchase Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Use of the said Undertaking, and also to sell and dispose of any of the Lands, Tenements, or Hereditaments, to be purchased by them, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it shall be lawful for the said Company of Proprietors, and they are hereby accordingly fully authorized and empowered, from and after the passing of this Act, by themselves, or by their Deputies, Agents, Officers, Workmen, or Servants, to make and keep navigable and passable for Boats, Barges, and other Vessels, a Canal from the River *Thames* or *Isis*, at or near the Town of *Abingdon*, in the County of *Berks*, through or near the Towns of *Wantage*, *Swindon*, *Wootton Bassett*, *Chippenham*, and *Melksham*, to join and communicate with the Canal now making or about to be made from the River *Kennet* to the River *Avon*, at or near the Town of *Trowbridge*, in the County of *Wilts*; and also a Navigable Cut or Branch out of and from the first-mentioned Canal, in or near a Field called or known by the Name of *The Breach Field*, in the Hamlet of *Grove*, in the Parish of *Wantage*, in the said County of *Berks*, to or near to the Town of *Wantage*, in the same County; and also another Navigable Cut or Branch out of and from the same Canal, in or near a Field called or known by the Name of *The Ploughed Field*, in the Parish of *Brimhill*, in the said County of *Wilts*, in the Occupation of *Jacob Gaby*, to or near to the Town of *Calne*, in the same County; and also another Navigable Cut or Branch out of and from the same Canal at and in a Close of Ground, in the Parish of *Chippenham*, in the said County of *Wilts*, called or known by the Name of *The Little Middle Ground*, in the Occupation of *John Lawes*, to or near to the Town of *Chippenham*, in the same County; and to supply the said Canal and Cuts respectively, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from all such Springs as shall be found in making the same, and from all Rivers, Springs, Brooks, Streams, and Watercourses, whatsoever, which are or shall be found within the Distance of Two thousand Yards from any Part of the said Canal and Cuts respectively, or from any Reservoir or Reservoirs belonging thereto, to be made as after mentioned, (except as herein-after mentioned), and for that Purpose to cleanse, scour, deepen, enlarge, or straighten, any such Rivers, Brooks, Streams, or Watercourses, or any others which may come or be brought into the same respectively; and also to make One or more Reservoir or Reservoirs for the Purpose of supplying the said Canal and Cuts, or any Part thereof, with Water, and to make such and so many Feeders and Aqueducts, and to make, erect, and set up, such and so many Weirs, Steam Engines, and other Machines, with proper Shafts and Tunnels thereto, for supplying the said Canal and Cuts, and Reservoirs, with Water, and for conveying Water from any such Reservoir or Reservoirs to the said Canal and Cuts,

and declared to be a Body Politick and Corporate;

with Power to purchase Lands.

The Company empowered to make the proposed Canal and Cuts.

General Power for effecting the Purposes aforesaid.

or any Part thereof reſpectively, or for any other Purpoſe neceſſary for the better making and maintaining of ſuch Canal and Cuts reſpectively, as they the ſaid Company of Proprietors ſhall from Time to Time think proper and expedient; and for the ſeveral Purpoſes aforeſaid the ſaid Company of Proprietors, and their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, whatſoever, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Part or Parts thereof as they the ſaid Company of Proprietors ſhall think neceſſary and proper for the making, completing, maintaining, improving, and uſing, of the ſaid Canal and Cuts, and other Works and Conveniencies hereby authorized to be made, and there to bore, dig, cut, trench, and ſough, and alſo to remove, carry away, and take, any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatſoever, which ſhall or may be dug or got in the making, or which may hinder, prevent, or obſtruct, the making, carrying on, maintaining, or repairing, of the ſaid Canal and Cuts, Reſervoirs, and other Works reſpectively, or of ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes, as ſhall or may be neceſſary and proper to convey Water to or from the ſaid Canal and Cuts, and Reſervoirs, reſpectively, according to the true Intent and Meaning of this Act; and alſo to make, build, erect, or ſet up, in or upon the ſaid Canal and Cuts reſpectively, or in or upon the Lands adjoining or near thereto reſpectively, ſuch and ſo many Bridges, Tunnels, Soughs, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Reſervoirs, Drains, Wharfs, Quays, Toll Houſes, Warehouſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Dry Docks, Fire Engines, or other Machines, Ways, Roads, and Conveniencies, as and where they the ſaid Company of Proprietors ſhall think requiſite and convenient, and from Time to Time to alter, repair, and amend, or diſcontinue the ſame, or any of them, as ſhall be thought expedient and uſeful for the Purpoſes of the ſaid intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandizes, and other Things, to and from the ſaid Canal and Cuts reſpectively, and for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, amending, widening, or enlarging, of the ſaid Canal and Cuts, and other Works reſpectively, and to place, lay, work, or manufacture any Materials on the Lands or Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall be carrying on; and alſo from Time to Time to make, maintain, repair, and alter, any Fences, Roads, or Paſſages, over, under, or through, the ſaid Canal and Cuts reſpectively, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourſes, and Sluices which ſhall communicate therewith reſpectively; and alſo to make, ſet out, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, for the towing, hauling, or drawing of Boats, Barges, or other Veſſels paſſing upon the ſaid Canal and Cuts reſpectively, with Men, Horſes, or otherwiſe, and ſuch convenient Places for Boats, Barges, and other Veſſels to turn, lie in, or paſs each other, as the ſaid Company of Proprietors ſhall think proper and expedient; and alſo to dig, take, and carry away, any Soil, Clay, Gravel, Sand, Chalk, Flint, or Stone, which ſhall be proper, requiſite, and convenient, for the carrying on, repairing, and maintaining, of the ſeveral Works aforeſaid, or any of them, in or from the Grounds of any Perſon or Perſons adjoining

joining or lying contiguous thereto, or within the Diſtance of Two thouſand Yards thereof; and alſo to conſtruct, erect, ſet up, make, and do, all or any other Works, Matters, and Things whatſoever, which they ſhall think requiſite and neceſſary, or convenient, for the making, carrying on, completing, repairing, improving, maintaining, and uſing, of the ſaid Canal and Cuts reſpectively, in purſuance and within the true Intent and Meaning of this Act, they the ſaid Company of Proprietors, and their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and repairing ſuch Damage as ſhall be deemed practicable, and be directed by the Commiſſioners herein-after appointed, and from Time to Time making Satisfaction, in the Manner herein-after mentioned, to the Owners or Proprietors of, or the Perſons intereſted in the Lands, Grounds, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall or may be taken, uſed, removed, diverted, or injured, for the Purpoſes aforeſaid, for all Damages to be by them reſpectively ſuſtained by means or in conſequence of the Execution of the Powers hereby given.

Power to make Inclined Planes, &c.

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

Company of Proprietors empowered to make Reſervoir in *Coat Valley*, and to take Water from *Wanborough Mill* for ſupplying Canal;

III. And be it further enacted, That it ſhall alſo be lawful for the ſaid Company of Proprietors, and they are hereby accordingly fully authorized and empowered from and after the paſſing of this Act, by themſelves or by their Agents, Workmen, or Servants, to make and maintain One or more Reſervoir or Reſervoirs for ſupplying the ſaid Canal with Water, in a Valley called *Coat Valley*, in the Pariſhes of *Chiſledon* and *Swindon*, or One of them, in the ſaid County of *Wilts*, and to ſupply ſuch Reſervoir or Reſervoirs with Water, from and out of any of the Springs, Rivers, Brooks, Streams, or Watercourſes, that run and flow into or through the ſaid Valley called *Coat Valley*, and to do all ſuch Acts, Matters, and Things, for the making and maintaining of ſuch Reſervoir or Reſervoirs, and for ſupplying the ſame with Water, as they are herein-before authorized and empowered to do, for the making, maintaining, and ſupplying, of any other Reſervoir or Reſervoirs for the Uſe of the ſaid Canal, and alſo to ſupply the ſaid Canal whilſt making and when made with Water from the Springs, Streams, and Watercourſes, of or belonging to a certain Mill called *Wanborough Mill*, or by whatſoever Name the ſame is called or known, now in the Tenure or Occupation of *John Stone* Miller, ſituate and being in the Pariſh of *Wanborough* aforeſaid, and now or late belonging to *Jonathan Weſtell*, and to make, and from Time to Time repair and maintain, ſuch and ſo many Feeders or Aqueducts for the Purpoſe of ſupplying the ſaid Canal, or any Part or Parts thereof, with Water from the

the ſaid Reſervoir or Reſervoirs in *Coat Valley*, and from the ſaid Springs, Streams, and Watercourſes, of or belonging to the ſaid Mill called *Wanborough Mill*, as the ſaid Company of Proprietors ſhall think fit, and to do all ſuch other Acts, Matters, and Things, as ſhall be found neceſſary or expedient for that Purpoſe, as well as for the Purpoſe of making, repairing, and maintaining, of ſuch Feeders and Aqueducts as aforeſaid, any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding; they the ſaid Company of Proprietors and their Agents, Servants, and Workmen, always doing as little Damage as may be in the Execution of the Powers laſt hereby granted, and from Time to Time making Satisfaction for the Land or Ground to be taken and uſed for making ſuch Reſervoir or Reſervoirs, Feeders, and Aqueducts, and for all Damages to be done, or which ſhall ariſe or accrue in conſequence of the Execution of the ſaid laſt mentioned Powers, in the Manner herein-after mentioned.

but not to take more than a given Quantity of the Land of Mr. *William Dyke*, and *John Stone* Eſq. for making ſuch Reſervoir;

and to make a proper Dam, &c.

IV. Provided always nevertheleſs, and be it further enacted, That the ſaid Company of Proprietors ſhall not, for the Purpoſe of making ſuch Reſervoir or Reſervoirs in *Coat Valley* as aforeſaid, take or uſe any more or other Part of the Lands or Grounds belonging to *William Dyke* Gentleman, and *John Stone* Eſquire, in the South-eaſt Branch of the ſaid Valley, than what ſhall lie on the North-weſt Side of the Bank or Dam to be made there as after mentioned; and that the ſaid Company of Proprietors ſhall erect and make a proper and ſubſtantial Bank or Dam at the North-weſt End of the Meadow called *Wornall's Meadow*, ſituate in the South-eaſt Branch of the ſaid Valley, and belonging to the ſaid *William Dyke*, and marked Number Ten in the Maps or Plans herein-after referred to, and ſhall continue ſuch Bank or Dam in a ſtraight Line Northward acroſs ſuch Meadow, and the Meadow or Cloſe of Land adjoining thereto belonging to the ſaid *John Stone* Eſquire, and marked Number Two in the ſaid Maps or Plans, or as near thereto as Circumſtances will admit, and ſhall for ever after maintain and ſupport ſuch Bank or Dam, and prevent the Lands of the ſaid *William Dyke*, and *John Stone*, and each of them, not on the North-weſt Side of the ſaid Dam or Bank, when made, from being overflowed or damaged by the Water of ſuch Reſervoir or Reſervoirs, or by the Drains and Aqueducts to be made and provided for the conveying of Water to and from ſuch Reſervoir or Reſervoirs; and that the ſaid Company of Proprietors ſhall alſo make and maintain a proper and ſufficient Drain or Aqueduct through the ſaid Meadow called *Wornall's Meadow*, for the Purpoſe of ſupplying ſuch Reſervoir or Reſervoirs with Water, when wanted, from the Brook which now runs through the ſaid South-eaſt Branch of the ſaid Valley, and between *Wornall's Meadow* and the ſaid Meadow adjoining, belonging to the ſaid *John Stone* Eſquire, which Brook ſhall be taken or led out of its uſual Courſe into the ſaid Drain or Aqueduct, at ſome Place above the ſaid Meadow called *Wornall's Meadow*, but not higher up the Valley than Three hundred Yards from the South-eaſt End of ſuch laſt mentioned Meadow; and that the ſaid Company of Proprietors ſhall at all Times, when the Water of the ſaid Brook ſhall not be wanted for ſupplying ſuch Reſervoir or Reſervoirs, permit the ſame to run and flow in its uſual Courſe, and the ſame ſhall at thoſe Times be conducted or conveyed under ſuch Reſervoir or Reſervoirs, by or through a proper and ſufficient Drain, Culvert, or Tunnel, which ſhall be made and maintained by the ſaid Company of Proprietors for that Purpoſe;

poſe; and that the ſaid Company of Proprietors ſhall not, under Pretence of any Power or Authority whatſoever given or granted them, in and by this Act, enter upon or otherwiſe take or uſe for the making and raiſing of the Bank or Dam herein-before directed to be made at the North-weſt End of the ſaid Meadow called *Wornall's Meadow*, or for any other the Purpoſes of this Act, more than or exceeding Thirty Yards of the ſame Meadow, to be computed Eaſtward from the Hedge or Fence at the North-weſt End thereof, nor enter upon or otherwiſe take or uſe any other of the Land of and belonging to the ſaid *William Dyke*, and *John Stone* Eſquire, or either of them, which ſhall lie on the South-eaſt Branch of the ſaid Valley, and to the Eaſtward of the ſaid Dam or Bank intended to be there raiſed, when the ſame ſhall be raiſed, or any of their or either of their Lands which ſhall be adjoining or near thereto, and within the ſaid Pariſhes of *Chiſledon* and *Swindon*, or either of them, for any of the Purpoſes of this Act, other than as is herein-before particularly ſpecified; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Houſes or Buildings, Gardens, Parks, &c. (except thoſe mentioned), not to be taken or injured.

V. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize and empower the ſaid Company of Proprietors, or any other Perſon or Perſons acting by or under their Authority, to take or cut down any Timber or other Trees whatſoever, (except ſuch as ſhall be in the immediate Line of the ſaid Canal and Cuts reſpectively, or of the Towing Paths and Banks belonging thereto, or as ſhall in any Manner obſtruct the Navigation in the ſaid Canal and Cuts reſpectively), nor to take, uſe, injure, or damage, any Houſe or other Building, or any Ground which, upon the Firſt Day of *January* One thouſand ſeven hundred and ninety-five, was the Scite of any Houſe or other Building, or any Garden, Orchard, Yard, Park, or Planted Walk, or Avenue to a Houſe, or any Lawn or Pleaſure Ground incloſed or adjoining to a Dwelling Houſe, without the Conſent of the reſpective Owners and Occupiers thereof, other than and except the ſeveral Gardens, Orchards, and Grounds, ſpecified in the Schedule hereunto annexed.

The Company not to take any Water from certain Brooks, Streams, &c.

VI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors under any Pretence whatever, to take or uſe, or ſuffer to be taken or uſed, into or for the Purpoſes of the ſaid Canal and Cuts, or either of them, or to flow or run into any Reſervoir or Reſervoirs, or other Works belonging to or made for the Uſe of the ſame Canal and Cuts, or either of them, any Water whatſoever, (except Water for puddling whilſt the Canal and Cuts are making, if Water can be taken for that Purpoſe without Injury to any Perſon), from and out of the ſeveral Rivers, Rivulets, Brooks, Streams, and Watercourſes, hereinafter particularly mentioned; (that is to ſay), all the Springs, Streams, and Watercourſes, which now flow or run into and feed the *Avon* from *Trowbridge*, in the ſaid County of *Wilts*, to *Stanley Abbey*, in the Pariſh of *Chippenham*, in the ſame County; the Spring, Stream, or Watercourſe, flowing or running from *Bradſtock*, in the Pariſh of *Lineham*, in the ſaid County of *Wilts*, into the Pariſh of *Chriſtian Malford*, in the ſame County, and running acroſs a Part of the Common there, at or near unto a certain Place there called *The City*, and from thence through the ſaid Pariſh of *Chriſtian*

*Malford*, or any Part thereof; the Rivulets, Brooks, Streams, or Watercourſes flowing or running from *Elcombe Farm Spring*, *Chilton Farm Spring*, and the Two Springs called *Salthrop Springs*, which ſupply the Farms belonging to the Governors of the Hoſpital called the *Charter Houſe* in *London*, founded by *Thomas Sutton* Eſquire; the Rivulet, Brook, or Stream, flowing or running between the Village of *Bourton*, in the County of *Berks*, and the Village of *South Marſton*, in the County of *Wilts*, called or known by the Name of the *Biſhopſtone Brook*; the ſmall Stream or Rivulet in the Hamlet of *Fawler*, in the Pariſh of *Sparſholt*, which runs between a Parcel of Ground belonging to Lord *Craven*, marked Number Three hundred and thirty-ſix, and a Parcel of Ground belonging to *Edward Thornhill* Eſquire, marked Number Three hundred and thirty-ſeven, in the Maps or Plans herein-after referred to; the Stream called or known by the Name of *The Sparſholt Stream*, which runs between the Fields marked Three hundred and forty-ſeven, Three hundred and forty-eight, and Three hundred and forty-nine, upon the ſaid Maps or Plans; the ſmall Stream or Rivulet which at preſent runs through or ſupplies the Farm at *Grove*, in the Pariſh of *Wantage*, belonging to *Samuel Worthington* Eſquire; the Stream or Watercourſe called *Wantage River*, which runs or flows from or near the Town of *Wantage*, through or near the Hamlet of *Grove*, and after communicates with or flows into the River *Ock*; and the Stream or Watercourſe commonly called *Ocklings*, otherwiſe *Oxleaze Ditch*, running or flowing in the Pariſhes of *Steventon* and *Drayton*, and alſo communicating with the ſaid River *Ock*, between *Wirg Mill* and *Buggs Mill*, or any or either of the ſaid Streams or Watercourſes, or the Feeders flowing into or ſupplying the ſame Streams and Watercourſes reſpectively, or to divert the Courſe of the ſaid Rivers, Rivulets, Brooks, Streams, Watercourſes, and Feeders, or any of them; but that in all Caſes where the ſaid Canal and Cuts, or either of them, ſhall be carried acroſs the ſaid Rivers, Rivulets, Brooks, Streams, Watercourſes, and Feeders, or any of them, the ſaid Company of Proprietors ſhall at their own Expence make, and for ever afterwards maintain and keep in good and perfect Repair, proper and ſufficient Culverts, Tunnels, Trenches, and Drains, for carrying or conveying ſuch Rivers, Rivulets, Brooks, Streams, Watercourſes, and Feeders reſpectively, under or by the Side of the ſaid Canal or Cuts reſpectively, ſo that the Whole of ſuch Rivers, Rivulets, Brooks, Streams, Watercourſes, and Feeders reſpectively, may be conducted to, and run and flow in their reſpective uſual and ordinary Courſe, without any Loſs or Diminution whatever.

Company not to take certain Water belonging to *E. M. Atkins* Eſquire.

VII. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to empower the ſaid Company of Proprietors to take any of the Water of the Stream or Watercourſe which runs from the Fiſh Ponds, Canals, Reſervoirs, or other Heads or Collections of Water belonging to *Edwin Martin Atkins* Eſquire, ſituate at *Kingſton Liſle*, in the ſaid County of *Berks*, or to divert the ſaid Stream or Watercourſe from the Channel, Courſe, and Direction, in which it ſhall run at the Time of making the ſaid intended Canal, but that the ſaid Stream ſhall be carried under the ſaid Canal in the Courſe and Direction laſt aforeſaid, by a Tunnel proper for that Purpoſe, to be prepared and perfected by and at the ſole Coſts and Charges of the ſaid Company of Proprietors, and to be from Time to Time by them cleanſed and repaired, on receiving Three Months Notice in Writing for that Purpoſe from the ſaid *Edwin Martin Atkins*, his Heirs or Aſſigns, or from ſuch other

Perſon or Perſons as ſhall be injured by Means of the ſame not being ſo cleanſed or repaired.

Company not to take certain Waters between the 10th Day of *June* and the 10th Day of *September* Yearly.

VIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors to take or lead into the ſaid Canal, or into any Reſervoir or Reſervoirs belonging thereto, any Water whatever from or out of the Brooks, Streams, or Rivulets, called or commonly known by the Names of *The Wootton Baſſett Brook*, *The Tockenham Water*, and *The Trow Lane Water*, or any of them, at any Time or Times whatſoever, between the Tenth Day of *June* and the Tenth Day of *September* in any Year; ſave only and except, that if at any Time during ſuch Period a fall of Rain ſhall occaſion the *Wootton Baſſett Brook* to overflow its Banks, the ſame may be taken into the ſaid Canal ſo long as ſuch overflowing ſhall continue, but no longer; and that ſuch Brooks, Streams, and Rivulets reſpectively ſhall, at all Times when they are not to be taken by the ſaid Company, be ſuffered to run and flow in their uſual Courſe, or ſhall be conducted and conveyed in ſuch Courſe by proper Culverts, Tunnels, and Drains, if neceſſary, by and at the Expence of the ſaid Company of Proprietors.

For preſerving the Water belonging to certain Farms of Mr. *Baſtard*.

IX. And whereas the Line of the ſaid Canal will croſs or interſect a Brook or Stream of Water which runs from the Hamlet of *Grove*, and between *Ardington Common* and *Ardington Common Meadow*, from which Brook or Stream a certain Farm and Premiſes called *Tinmarſh Farm*, the Property of *John Pollexfen Baſtard* Eſquire, are now ſupplied with Water; be it therefore further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to convey, under or by the ſaid Canal, by means of Tunnels, Culverts, or Drains, a ſufficient Quantity of the Water flowing in and down the ſaid Brook, for the Uſe and Supply of the ſaid Farm and Premiſes, and to maintain and keep the ſaid Tunnels, Culverts, or Drains, in good and ſufficient Repair ſo that the ſaid Farm and Premiſes may in all Times to come be duly and regularly ſupplied with Water as aforeſaid.

Brooks, &c. belonging to the Honourable *Daines Barrington* and others, not to be taken when wanted for Fiſh Ponds, without Conſent.

X. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, or their Succeſſors, to alter, divert, or make uſe of any Springs, Watercourſes, Brooks, or Streams of Water, ariſing in or flowing through any of the Eſtates belonging to the Honourable *Daines Barrington*, the Honourable *Samuel Barrington*, and the Honourable and Right Reverend *Shute* Lord Biſhop of *Durham*, or any of them, ſituate in the Tything of *Beckett*, in the Pariſh of *Shrivenham*, in the ſaid County of *Berks*, at any Time or Times whatſoever when the ſame ſhall be wanted for ſupplying the Fiſh Ponds and Water Works on the ſaid Eſtates with Water, or for any other Purpoſe, ſo as to prevent the ſame Springs, Watercourſes, Brooks, or Streams of Water reſpectively, or any of them, when wanted as aforeſaid, from running or flowing in their uſual Courſe and Direction, in as full, ample, uſeful, and beneficial a Manner, as heretofore accuſtomed, without the Conſent of the ſaid *Daines Barrington*, *Samuel Barrington*, and *Shute* Lord Biſhop of *Durham*, or the Owners of the ſaid Eſtates for the Time being, in Writing for that Purpoſe firſt had and obtained.

XI. Pro-

Protection of the Mills on the *Avon*.

XI. Provided alſo, and be it further enacted, That if in the Execution of the Powers given by this Act, any Water ſhall be taken out of the River *Avon*, or out of any Streams, Springs, or Watercourſes, running into or ſupplying the ſame, whereby the Mills on the ſaid River ſhall be injured in reſpect to the neceſſary or uſual Supply of Water, that the ſaid Company of Proprietors ſhall, at their own Expence, and as ſpeedily as the Nature of the Caſe will admit, ſo improve the Conſtruction of the Mills on the ſaid River, as that the ſaid Mills ſhall perform as much Work, and be as uſeful in every reſpect to the reſpective Proprietors thereof, as they could do previous to the paſſing of this Act, or as near thereto as poſſible, and ſhall make full Compenſation for all Injury incurred in the mean Time and until ſuch Improvement ſhall be made, and that if the ſame cannot be ſo fully improved as is hereby intended, the ſaid Commiſſioners, or Jury, or Arbitrators, as the Caſe may be, who are hereby empowered to aſcertain the Amount of Damages and Injury which may be done to Property by the Execution of this Act, ſhall, in eſtimating any Injury done to ſuch Mills, have Regard to the Nature of the Manufactures connected with the ſaid Mills and dependant thereon.

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

XII. And whereas Maps or Plans deſcribing the Lines of the ſaid Canal and Cuts, and the Lands through which the ſame are intended to be carried, together with Books of Reference containing Liſts of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, have been depoſited at the Offices of the Clerks of the Peace for the reſpective Counties of *Wilts* and *Berks*; be it therefore further enacted, That the ſaid Maps or Plans and Books of Reference ſhall remain in the Cuſtody of the reſpective Clerks of the Peace for the ſaid Counties, to the End that all Perſons may at ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every Two hundred Words of ſuch Copies or Extracts of the ſaid Books of Reference; and that the ſaid Company of Proprietors, in making the ſaid Canal and Cuts, ſhall not deviate from the Lines or Courſes thereof deſcribed in the ſaid Maps or Plans, without the Conſent in Writing of the ſeveral Perſons through whoſe Lands, Grounds, or Hereditaments, any Deviation may be intended to be made; but nothing herein contained ſhall extend to reſtrain or prevent the ſaid Company of Proprietors from making any ſuch Deviation, in caſe all the Perſons to whom the Lands, Grounds, or Hereditaments, to be cut through or made uſe of for the Purpoſe of ſuch Deviation ſhall belong, ſhall conſent thereto; provided always, that no Advantage ſhall be taken of or againſt the ſaid Company of Proprietors, or any Interruption be given to the making of the ſaid Canal and Cuts, or any of them, on Account of any Error or Omiſſion in the ſaid Books of Reference, in caſe it ſhall appear to any Five or more of the Commiſſioners appointed by this Act, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Courſe of Canal through the Eſtate of *John Grant*

XIII. Provided alſo, and be it further enacted, That the Courſe of the ſaid Canal through the Eſtate of *John Grant* Eſquire, in the Hamlet of *Cadenham*, and Pariſh of *Brimhill*, in the ſaid County of *Wilts*, ſhall be varied

ried from the Line laid down for the ſame in the aforeſaid Maps or Plans, from the Pieces of Land belonging to the Marquis of *Lanſdown*, marked Number One hundred and eight in the Common belonging to the ſaid Marquis, marked Number One hundred and thirteen in the ſaid Maps or Plans, and that inſtead of purſuing the Line ſo laid down, the ſaid Canal ſhall be carried along the Weſt Side of the Pieces of Land marked Numbers One hundred and nine and One hundred and ten in the ſaid Maps or Plans, taking in the Boundary Hedges which divide the ſame Pieces from a Copice called *Lanthorne's Coppice*, and Two Pieces or Fields called *Truſhy Meads*, belonging to the ſaid *John Grant*, from thence over and through an Angle of a Field called *Hulberts Corner*, belonging to the ſaid *John Grant*, and from thence along the Boundary Fence of the ſaid Field called *Hulberts Corner*, adjoining to the Lands of the ſaid Marquis of *Lanſdown*, and acroſs the ſaid Common, and into and through a Piece of Ground belonging to the ſaid *John Grant* called *Ruſſes*, and ſhall rejoin the ſaid Line laid down in the ſaid Maps or Plans in the ſaid Common marked Number One hundred and thirteen. Eſquire, to be varied.

XIV. Provided alſo, and be it further enacted, That the Courſe of the ſaid Canal through the Eſtate of the Right Honourable the Earl of *Clarendon*, in the Pariſh of *Wootton Baſſett*, in the ſaid County of *Wilts*, ſhall be varied from the Line laid down for the ſame in the aforeſaid Maps or Plans, and that inſtead of purſuing the Line ſo laid down, the ſaid Canal ſhall be carried on the South Side of the Farm Houſe belonging to the ſaid Earl of *Clarendon*, now in the Occupation of *William Parſons*, and ſhall rejoin the ſaid Line laid down in the ſaid Maps or Plans, in a Field belonging to the ſaid Earl of *Clarendon*, marked in the ſaid Maps or Plans Number One hundred and ſixty-ſix; and that the Courſe of the ſaid Canal through the Eſtate of the ſaid Earl of *Clarendon* in the ſaid Pariſh, ſhall alſo be varied from the Line ſo laid down for the ſame in the aforeſaid Maps or Plans, from the Piece or Parcel of Land belonging to the ſaid Earl, marked in the ſaid Maps or Plans Number One hundred and ſeventy-two, to the Piece or Parcel of Land belonging to *Richard Drax Groſvenor* Eſquire, marked Number One hundred and eighty-ſix, on the ſaid Maps or Plans; and that inſtead of purſuing the Line ſo laid down, the ſaid Canal ſhall be ſo carried through the ſeveral Fields belonging to the ſaid Earl, marked One hundred and ſeventy-two, One hundred and ſeventy-three, One hundred and ſeventy-four, One hundred and ſeventy-five, and One hundred and ſeventy-ſix, and through the Piece or Parcel of Land belonging to *William Parham*, marked on the ſaid Maps or Plans Number One hundred and ſeventy-ſeven, as that the ſaid Canal ſhall paſs on the South Side of the Farm called *Brinards Hill*, numbered on the ſaid Maps or Plans One hundred and ſeventy-ſix, One hundred and ſeventy-eight, and One hundred and ſeventy-nine, and from thence in a direct Line to the Eaſt Side of a Ground belonging to *Robert John Buxton* Eſquire, called *The Cow Leaze*, now in the Occupation of *William Baker*, and from thence along the beſt and moſt commodious Line through the Eſtate belonging to *Henry Penrudocke Wyndham* Eſquire, ſo as to rejoin the ſaid Line laid down in the ſaid Maps or Plans in the ſaid Field marked Number One hundred and eighty-ſix, belonging to the ſaid *Richard Drax Groſvenor*. Clauſe for varying the Line of Lord *Clarendon's* Mr. *Buxton's*, and Mr. *Wyndham's* Eſtates.

XV. Provided always, and be it enacted, That nothing herein contained ſhall authorize the ſaid Company of Proprietors or their Succeſſors, No Variation to be made in the Canal

through Mr. *Buxton*'s Land.

or any other Perſon or Perſons whomſoever, to alter, vary, or extend, the ſaid Line of Canal as marked on the Plans depoſited with the Clerks of the Peace of the ſaid Counties of *Wilts* and *Berks*, through or over the Lands or Grounds belonging to *Robert John Buxton* Eſquire in the Pariſh of *Tottenham*, in the ſaid County of *Wilts*, and marked in the ſaid Plan with the Figures One hundred and forty-five, One hundred and forty-ſix, One hundred and forty-ſeven, One hundred and forty-eight, One hundred and forty-nine, One hundred and fifty, and One hundred and fifty-one, without the Conſent in Writing of the ſaid *Robert John Buxton*, his Heirs or Aſſigns, for that Purpoſe firſt had and obtained, ſo that the ſaid Line of Canal may be kept in or very near the preſent Stream, or Brook of Water which runs at the Bottom of the ſaid Lands.

Courſe of Canal through the Lands of Mr. *John Eyles* and *Pembroke College*.

XVI. Provided alſo, and be it further enacted, That in making the ſaid Canal through the Lands of *John Eyles*, and the Lands belonging to *Pembroke College*, *Oxford*, in the Occupation of *William Bradford*, ſituate in the Pariſh of *Liddiard Treygooze*, in the County of *Wilts*, the ſaid Company of Proprietors ſhall make and carry the ſame as near as may be to the Hedge on the South Side of the Cloſe or Parcel of Land marked Number One hundred and ninety-three, and to the Hedge on the North Side of the Cloſe or Parcel of Land marked Number One hundred and ninety-four in the aforeſaid Maps or Plans, in order that the ſaid Canal may be the Boundary and Fence between the Eſtates of the ſaid *John Eyles* and *Pembroke College*: And that in making the ſaid Canal through the Lands of the Reverend Doctor *Thomas Goddard Vilett*, in *Eaſtcott Tything*, in the Pariſh of *Swindon*, in the ſaid County of *Wilts*, the ſaid Company of Proprietors ſhall make and carry the ſame as near as conveniently may be to the Hedges on the North Side of the ſeveral Cloſes or Parcels of Land marked Number Two hundred and nineteen, Two hundred and twenty-four, and Two hundred and twenty-ſeven, in the ſaid Maps or Plans: And that in making the ſaid Canal through the Lands or Grounds of Sir *Walter James*, *John Kempſter*, and *Richard Watts Read*, ſituate in the Hamlet of *South Marſton*, in the Pariſh of *Highworth* in the ſaid County of *Wilts*, and marked Number Two hundred and fifty-nine, Two hundred and ſixty, Two hundred and ſixty-one, Two hundred and ſixty-two, and Two hundred and ſixty-three, in the ſaid Maps or Plans, the ſaid Company of Proprietors ſhall make and carry the ſame cloſe by the Side of the Road from *Swindon* to *Farringdon*, on the North Side of ſuch Lands or Grounds.

Courſe of Canal through the Lands of Dr. *Vilett*.

Courſe of Canal through the Lands of Sir *Walter James* and others.

Company to carry Towing Path on the North Side of the Canal through the *Charter Houſe* Lands.

XVII. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall carry or make the Towing Path along ſo much and ſuch Part of the ſaid Canal, as ſhall run through the Lands belonging to the ſaid Governors of the ſaid Hoſpital founded in Charter Houſe, to the whole Extent thereof on the North Side of the ſaid Canal, and ſhall not lay any Earth or Soil on the South Side of the ſaid Canal, ſo as to prevent the Water running from the Hills having its free Courſe into the ſame.

Courſe of the Cut to *Wantage* not be varied in the Grounds of *Samuel Worthington* Eſquire.

XVIII. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors, in making the propoſed Navigable Cut from the ſaid Canal to the Town of *Wantage*, ſhall not, after entering the incloſed Grounds of *Samuel Worthington* Eſquire, deviate from the Line or Courſe of ſuch Navigable Cut in ſuch incloſed Grounds as laid down in the aforeſaid Maps or Plans, nor extend or carry ſuch Navigable Cut

beyond the Spot marked in ſuch Maps or Plans for the Termination thereof, without the Conſent in Writing of the ſaid *Samuel Worthington*, his Heirs or Aſſigns.

Width of the Canal and Towing Path.

XIX. And be it further enacted, That the Lands or Grounds to be taken or uſed for the ſaid Canal and Cuts reſpectively, and the Towing Paths, Banks, and Side Drains thereof reſpectively, and the Ditches and Fences for ſeparating ſuch Towing Paths, Banks, and Side Drains, from the adjoining Lands, ſhall not exceed Thirty Yards in Breadth, meaſured horizontally, except in ſuch Places where any Dock, Baſon, or Reſervoir, ſhall be made, or where the ſaid Canal and Cuts reſpectively ſhall be raiſed higher, or cut more than Six Feet deeper than the preſent Surface of the Land, and except in ſuch Places where it ſhall be judged neceſſary for Boats, Barges, and other Veſſels, to lie, turn, or paſs each other, or where any Warehouſe, Crane, or Weighing Beam, ſhall be erected, or where any Wharf ſhall be made for the Landing or Delivery of any Goods, Wares, or Merchandizes, which ſhall be carried or conveyed on the ſaid Canal and Cuts reſpectively, nor more than One hundred Yards in Breadth in any Place, except where the ſaid Canal and Cuts reſpectively ſhall paſs through or over any Common or Waſte Lands, or where the Owner or Owners of any Lands or Grounds through which the ſaid Canal and Cuts will paſs ſhall deſire to have the ſame made wider at his, her, or their own Expence, in that Part of his, her, or their Lands or Grounds reſpectively through which the ſame will paſs.

Where Roads are injured, others to be made.

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

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

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

and

and in the ſame Manner, as they ſhall pay for the Land or Ground adjoining thereto, which ſhall be taken and uſed for making the ſaid Canal and Cuts reſpectively, provided the Owner or Owners of, or the Perſon or Perſons entitled to the Poſſeſſion, or to the Rents and Profits of ſuch ſmall Pieces or Parcels of Ground reſpectively, ſhall require the ſaid Company of Proprietors to take and purchaſe the ſame, but not otherwiſe.

Bodies Politick, *etc.* empowered to ſell and convey Lands;

XXII. And be it further enacted, That after any Lands, Tenements, Grounds, or Hereditaments, ſhall be ſet out and aſcertained as aforeſaid, for the making of the ſaid Canal and Cuts reſpectively, or any Wharfs, or other Works or Conveniencies hereby authorized to be made, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Eſtate or Intereſt, Huſbands, Guardians, Truſtees and Feoffees in Truſt for Charities, or other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves and their reſpective Heirs and Succeſſors, but alſo for and on the Behalf of the Perſon or Perſons entitled in Reverſion, Remainder, or Expectancy after them, if incapacitated, and for and on Behalf of their reſpective Wives and Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed, or intereſted, in their own Right, and alſo to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed, or intereſted, of or in any Lands, Tenements, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid, or which are by this Act directed to be taken and purchaſed by the ſaid Company of Proprietors, or any Part thereof reſpectively, to treat and agree for the abſolute Sale of, and accordingly to ſell and convey unto the ſaid Company of Proprietors, all or any Part or Parts of the Lands, Tenements, Grounds, or other Hereditaments, (whether the ſame ſhall be Freehold, Copyhold, or Leaſehold), which ſhall from Time to Time be ſo ſet out and aſcertained as aforeſaid, or which are by this Act directed to be taken and purchaſed by the ſaid Company of Proprietors, either in Conſideration of a Sum of Money at Once to be paid for the ſame, or of an Annual Rent or Payment to be charged and ſecured as herein-after is mentioned, at the Election of the Owner or Owners, or Perſon or Perſons hereby empowered to treat and agree for the Sale thereof as aforeſaid;

and with Conſent of Commiſſioners to ſell or exchange any Lands which may be ſo ſeparated.

and if it ſhall happen that by making the ſaid Canal and Cuts reſpectively, or any Aqueduct for the Conveyance of Water thereto or therefrom, the Lands, Tenements, Grounds, or Hereditaments, of any Perſon or Perſons ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for all ſuch Bodies Politick, Corporate, or Collegiate, Corporations, and all and every ſuch other Perſon and Perſons as aforeſaid, being ſeiſed, poſſeſſed, or intereſted, of or in the ſame in Manner aforeſaid, by and with the Conſent of the Commiſſioners herein-after appointed, to be teſtified by any Writing or Writings under their Hands and Seals, and atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey in Exchange for or in lieu of other Lands or Hereditaments, all or any Part or Parts of ſuch Lands, Tenements, Grounds, or Hereditaments, (whether Freehold, Copyhold, or Leaſehold), as ſhall be ſo ſeparated into ſmall Parcels as aforeſaid, either unto the ſaid Company of Pro-

prietors, or unto any other Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or for ſuch Equivalent in Lands or Hereditaments, or by Way of Annual Rent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Abſtract of Title Deeds, Exchanges, Conveyances, and Aſſurances, as ſhall be made and executed for the Purpoſes aforeſaid, and all Matters and Things relating thereto, ſhall be made and done at the Expence of the ſaid Company of Proprietors, and ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, ſuch Conveyances and Aſſurances being reſpectively made according to the Form herein-after mentioned, or as near thereto as Circumſtances will permit, any Law, Statute, Cuſtom, or Uſage, to the contrary notwithſtanding; and all Bodies Politick, Corporate or Collegiate, and other Perſons, ſo conveying or exchanging as aforeſaid, are hereby indemnified on Account or in Reſpect of any ſuch Sale or Exchange which he, ſhe, or they, or any of them, ſhall reſpectively make by virtue or in purſuance of this Act.

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

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

Form of Conveyance.

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

'In Witneſs whereof I have hereunto ſet my Hand and Seal, 'the Day of in the Year of our 'Lord

Lands ſold or exchanged with other Perſon how to be conveyed.

And that all Conveyances and Aſſurances to be made to any other Perſon or Perſons beſides the ſaid Company of Proprietors, for effecting and completing any Sale or Exchange of any Lands, Grounds, or Hereditaments, purſuant to and within the Intent and Meaning of this Act, ſhall and

and may be made by a Deed in Writing in such or the like Form as is before prescribed for Conveyances to the said Company of Proprietors, or as near thereto as Circumstances will permit; and that all such Conveyances and Assurances as aforesaid to the said Company, or to any other Person or Persons in pursuance of this Act, shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall be a complete Bar of all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, in Possession, Reversion, Remainder, or Expectancy, without any Bargain and Sale for a Year, Livery of Seisin, or Inrolment, and without any Fine, Recovery, or Surrender, of the Freehold or Copyhold Hereditaments to be therein respectively comprized.

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

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

Qualification of Commissioners.

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

Oath to be taken by Commissioners.

I *A. B.* do swear [or, *being One of the People called* Quakers, do solemnly affirm], That I am truly and *bona fide* in the actual Possession or Enjoyment of the Rents and Profits of Freehold or Copyhold Lands,

'Lands, Tenements, or Hereditaments, or both, of the clear Yearly 'Value of One hundred and fifty Pounds above all Reprizes, [*or*, 'poſſeſſed of or entitled to a Perſonal Eſtate, or a Real and Perſonal 'Eſtate together, to the Amount or Value of Five thouſand Pounds], 'and that I will, without Favour or Affection, truly and impartially, 'according to the beſt of my Skill and Knowledge, execute and per-'form the Powers and Authorities veſted in me as a Commiſſioner by 'an Act made in the Thirty-fifth Year of the Reign of His Majeſty 'King *George* the Third, intituled, [*inſert the Title of the Act.*]'

Penalty on Perſons acting as Commiſſioners not being duly qualified.

And that no Perſon ſhall act as a Commiſſioner at any Meeting of Commiſſioners, (except at the Firſt Meeting to be held by virtue of this Act, and at any Adjournment thereof, to be held within One Calendar Month of ſuch Firſt Meeting), unleſs he ſhall have taken the ſaid Oath at ſome other Meeting One Calendar Month at leaſt previouſly to the Time of his claiming to act as ſuch Commiſſioner; and if any Perſon not being qualified as herein-before is mentioned, or hereby made incapable to act as a Commiſſioner, ſhall nevertheleſs preſume to act as ſuch in the Execution of the Powers hereby given, or any of them, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds to the ſaid Company of Proprietors, to be recovered with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, in which Action no Eſſoin, Protection, Privilege, or Wager of Law, nor more than One Imparlance, ſhall be allowed, and ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff than that ſuch Perſon hath acted as a Commiſſioner in the Execution of the Powers given by this Act.

Commiſſioners may act as Juſtices of the Peace.

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

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

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

Things

Things hereby meant to be ſubmitted to their Deciſion and Determination, (except in ſuch Caſes as are hereby otherwiſe ordered and provided for), ſhall be valid, unleſs the ſame ſhall be done or made at a Meeting to be held in purſuance of this Act, and of the Directions herein contained; and that all and ſingular the Powers and Authorities hereby given to or veſted in the ſaid Commiſſioners ſhall and may from Time to Time be exerciſed by the Majority of the Commiſſioners aſſembled at ſuch Meetings reſpectively, the Whole Number preſent at ſuch Meetings reſpectively not being leſs than Five, and at every ſuch Meeting One of the Commiſſioners preſent ſhall be appointed Preſident or Chairman, who, in caſe of an equal Diviſion of Voices, ſhall have the deciſive or caſting Vote.

Commiſſioners Powers not to be executed by leſs than Five.

General Meetings of Commiſſioners how to be called.

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

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

XXIX. Provided alſo, That every Meeting of the ſaid Commiſſioners for the hearing and determining of any Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company of Proprietors and any other Perſon or Perſons, ſhall be held at ſome Place within Ten Miles of the Place where, or reſpecting which, ſuch Complaint, Diſpute, or Difference, ſhall ariſe; and that no Buſineſs ſhall commence at any Meeting of the ſaid Commiſſioners before Ten of the Clock in the Forenoon, nor after Three of the Clock in the Afternoon.



XXX. And

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

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

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

In case Parties do not agree a Jury to ascertain the Purchase Money, &c.

or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons entitled or intereſted as aforeſaid, ſhall refuſe to receive, upon due Tender thereof, ſuch Purchaſe Money or Annual Rent, or ſuch Recompence as ſhall be ſo adjuſted and determined to be paid as aforeſaid, or ſhall for the Space of Twenty Days next after Notice in Writing ſhall be given to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or be left at his, her, or their, uſual or laſt Place or Places of Abode, or with the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Grounds, Tenements, or Hereditaments, reſpectively as aforeſaid, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors concerning the ſame, or ſhall by Reaſon of Abſence be prevented from treating, or ſhall by Reaſon of Nonage, or other Impediment not provided for by this Act, be incapable of treating, or making ſuch Agreements as ſhall be expedient for enabling the ſaid Company to proceed in the making and carrying on of the ſaid Canal, Cuts, and other the Works aforeſaid, then and in either of the ſaid ſeveral Caſes the ſaid Commiſſioners aſſembled at a Meeting to be held in the Manner herein-before mentioned are hereby empowered and required, from Time to Time, to iſſue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County wherein ſuch Lands, Grounds, Tenements, or Hereditaments, as aforeſaid, are ſituated, or in which the Matter or Queſtion in Diſpute ſhall ariſe, or in caſe ſuch Sheriff, or his Under-Sheriff, ſhall happen to be One of the ſaid Company of Proprietors, or enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to any One of the Coroners of the ſame County, not intereſted as aforeſaid, or if all the Coroners ſhall be ſo intereſted, then to the laſt Perſon then in being who filled the Office of Sheriff of the ſame County, and who ſhall not be intereſted as aforeſaid, commanding ſuch Sheriff, or Coroner, or other Perſon, to impannel, ſummon, and return, and the ſaid Sheriff, or Coroner, or other Perſon, is hereby accordingly authorized, empowered, and required, to impannel, ſummon, and return, a Jury of Eighteen ſufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Iſſues joined in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Commiſſioners, or ſuch of them as ſhall be aſſembled, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine nor more than Twenty Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid Sheriff, Coroner, or other Perſon as aforeſaid; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff, or Coroner, or other Perſon, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured, to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners, or any Three or more of them, although not aſſembled at ſuch Meeting as aforeſaid, are hereby empowered alſo to ſummon and call before them and before the ſaid Jury, all and every Perſon and Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes, touching the Matter in Queſtion, and the ſaid Commiſſioners ſhall and may order and authorize the ſaid Jury, or any Six or more of them,

Witneſſes may be ſummoned.

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

Penalty on Sheriffs, Jurymen, and Witneſſes making Default.

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

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

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

Perſons giving falſe Evidence may be indicted for Perjury.

Expences of Commiſſioners and Jury by whom to be borne.

XXXIV. And be it further enacted, That where the Determination of the Commiſſioners, to be made as aforeſaid, ſhall be acquieſced in by both Parties concerned, then and in ſuch Caſe, if the Determination ſhall be made for more Money to be paid as a Recompence or Satisfaction for any Lands, Grounds, Hereditaments, or Property, or for any Damage which may be done to any Lands, Grounds, Hereditaments, or Property whatſoever,

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

Perſons requeſting Juries to enter into a Bond to proſecute.

XXXV. And be it further enacted, That all and every Perſon and Perſons with whom the ſaid Company ſhall have any ſuch Controverſy or Diſpute as aforeſaid, and who ſhall refuſe to ſubmit any ſuch Matter as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination thereof, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury, as aforeſaid, enter into a Bond to the Treaſurer or Treaſurers to the ſaid Company for the Time being, in the Penalty of

Fifty

Fifty Pounds, or in ſuch other Penalty as the ſaid Commiſſioners ſhall appoint, not exceeding the Sum of One hundred Pounds, to proſecute ſuch his, her, or their, Complaint, and to bear and pay the Expences of the calling and meeting of ſuch Commiſſioners, and of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe ſuch Coſts and Expences ſhall fall upon him, her, or them, to be paid according to the true Intent and Meaning of the Clauſe next hereiñ-before contained.

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

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

Lands may be entered before Trial had.

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

Notice of Injury or Damage to be given to the Company before Com-

XXXVIII. And be it further enacted, That the ſaid Commiſſioners, or any of them, ſhall not be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them, ſuſtained,

plaint made to the Commiſſioners,

ſuſtained, or ſuppoſed to be ſuſtained as aforeſaid, unleſs Application ſhall have been made in Relation thereto, by or on the Behalf of ſuch Perſon or Perſons, to the ſaid Company of Proprietors, or to their principal Clerk, Treaſurer or Treaſurers, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

What Satisfaction to be made for Tithes.

XXXIX. 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 or may be taken or made uſe of by the ſaid Company for the Purpoſes and in purſuance of the Powers of this Act, to the Perſon or Perſons entitled, or who would have been entitled to ſuch Tithes, in caſe ſuch Lands had not been ſo taken or made uſe of according to their reſpective Intereſts therein, ſuch Tithes to be eſtimated at the Average Value of Four Years, commencing at *Michaelmas* Day One thouſand ſeven hundred and ninety, and ſuch Average Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be aſcertained; provided always, that the Recompence and Satisfaction to be given by virtue of this Act for all Glebe Lands and Tithes belonging to Spiritual Perſons ſhall be made to ſuch Perſons by an Annual Rent.

Proceedings of the Commiſſioners to be entered in a Book.

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

For appointing a Clerk.

On Payment of Purchaſe Money, or

XLI. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money in Groſs, or giving Security, which ſhall be approved

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

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

XLII. And be it further enacted, That all Determinations of the ſaid Commiſſioners, which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the Verdicts of the Juries, and the Judgements of the ſaid Commiſſioners thereon as aforeſaid, ſhall, with all convenient Speed, be tranſmitted to, and ſhall be kept by the Clerk of the Peace for the County in which the Lands or Hereditaments are ſituated, reſpecting which ſuch Determinations, Verdicts, and Judgements reſpectively ſhall be made or given, amongſt the Records of the Quarter Seſſions of ſuch County, and ſhall be deemed Records to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have free Liberty to inſpect the ſame, paying for each Inſpection the Sum of One Shilling, and alſo to take Copies thereof, paying for each Copy after the Rate of Sixpence for every Two hundred Words; and that immediately after the Payment of ſuch Sum or Sums of Money in Groſs, or the Delivery of ſuch Security for the Payment of ſuch Annual Rent or Rents as aforeſaid, and after ſuch Determinations, Verdicts, and Judgements of ſuch Commiſſioners and Juries ſhall be tranſmitted to ſuch Clerk of the Peace as aforeſaid, the Lands, Tenements, Grounds, or Heredi-

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

Hereditaments ſo purchaſed, and concerning which ſuch Determinations, Verdicts, and Judgements, ſhall be made and given as aforeſaid, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, at Law or in Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured as aforeſaid, in, to, and out of the ſame, and alſo the Fee Simple and Inheritance thereof, ſhall veſt in the ſaid Company of Proprietors, and they ſhall be deemed in Law to be in the actual Poſſeſſion and Seiſin thereof, to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate or Intereſt therein had actually conveyed the ſame to them by any legal Conveyance whatſoever, and ſuch Payment or Security ſhall not only bar all Right, Title, Intereſt, Claim, and Demand of the Perſon or Perſons to or for whoſe Uſe the ſame ſhall be made or given, but alſo ſhall bar the Dower of the Wife of every ſuch Perſon reſpectively, and all Eſtates Tail, and other Eſtates and Intereſts in Poſſeſſion, Remainder, or otherwiſe, againſt the Iſſue of ſuch Perſon or Perſons, and againſt all Infants, Femes Covert, and all and every other Perſon and Perſons whomſoever, having or claiming any Right, Title, Eſtate, or Intereſt therein, either in Law or Equity.

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

XLIII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on the Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict Settlement for the Purchaſe of or for the Damage to be done to any Lands, Grounds, Tenements, or Hereditaments, for the Purpoſes or by virtue of this Act (except in ſuch Caſes where Annual Rents ſhall be made payable as aforeſaid) in caſe the ſame ſhall exceed the Sum of Twenty Pounds, ſhall be laid out, as ſoon as conveniently may be, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or Committees, or other Truſtees, Perſon or Perſons, as aforeſaid, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, which ſhall be conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or ſuch other Perſon or Perſons as aforeſaid, and for ſuch Eſtates, and to, for, upon, or ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies as the Lands, Grounds, Tenements, or Hereditaments for or in reſpect whereof ſuch Monies ſhall be paid were limited, ſettled, and aſſured to, for, upon, and ſubject to, at the Time ſuch Monies were agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or to, for, upon, and ſubject to ſuch and ſo many of them as ſhall be then exiſting or capable of taking Effect, ſuch Conveyances and Settlements reſpectively, and all Matters and Things relating to ſuch Purchaſe or Purchaſes to be made and done at the Expence of the ſaid Company of Proprietors, and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies, and alſo ſuch other Sum or Sums of Money to be paid for any ſuch Purchaſe or Damage as aforeſaid, as ſhall not amount to the Sum of Twenty Pounds, ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons as aforeſaid, in ſome of the Publick

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

Stocks or Funds, or on Government or Real Securities producing an Annual Intereſt, in the Names of Two or more Perſons to be nominated by the Party or Parties intereſted therein, and (except as to ſuch Sum and Sums of Money as ſhall or may be payable to the Governors of the ſaid Hoſpital founded in *Charter Houſe*) to be approved of by the ſaid Commiſſioners; and the Intereſt ariſing or to be produced from ſuch Stocks, Funds, or Securities, and alſo the Annual Rent or Rents to be paid for the Purchaſe of or Damage done to ſuch Lands, Grounds, Tenements, or Hereditaments, for the Purchaſe or Damage whereof a Rent or Rents ſhall have been fixed upon as aforeſaid, ſhall from Time to Time go and belong, and be paid to ſuch Perſon or Perſons reſpectively as would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments reſpectively ſo to be purchaſed or damaged by the ſaid Company of Proprietors as aforeſaid, in caſe ſuch Purchaſe or Damage had not been made or done.

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

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

Commiſſioners to ſettle the Proportions of Purchaſe Money where different Intereſts.

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

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

XLVI. And be it further enacted, That in Default, or on Refuſal of Payment by the ſaid Company of Proprietors of ſuch Sum or Sums of Money, and at ſuch Times and in ſuch Manner as ſhall be agreed upon, awarded, or aſſeſſed, as herein-before is mentioned, as a Recompence for any Damages to be done in Exerciſe of the Powers hereby given, it ſhall

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

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

**Annual Rents to be paid for Lands, charged on the Tolls and Rates, with Power for recovering the ſame.**

XLVII. And be it further enacted, That all and every ſuch Annual Rent and Rents as ſhall be agreed on, or ſettled and aſcertained to be paid for any Lands, Grounds, or Hereditaments, or for the Tythes of any Lands, Grounds, or Hereditaments, which ſhall or may be taken for the Purpoſes, or purſuant to the Directions of this Act as aforeſaid, ſhall be charged on the Tolls, Rates, or Duties, herein-after granted to the ſaid Company of Proprietors, and ſhall be paid by the ſaid Company of Proprietors as the ſame ſhall become due and payable; and in caſe any ſuch Annual Rent or Rents, or any Part thereof, ſhall be in Arrear and unpaid for the Space of Twenty-one Days next after the ſame ſhall reſpectively become due and payable, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Perſon or Perſons to collect and receive the ſaid Tolls, Rates, or Duties, and to pay the ſame to the Perſon or Perſons to whom

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

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

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

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

XLIX. And be it further enacted, That if any Miller, or Owner or Occupier of any Mill or Mills, shall at any Time or Times, whilst the said Canal and Cuts respectively are making or necessarily repairing, neglect or refuse, for the Space of Twenty-four Hours after Notice shall be given by the said Company of Proprietors, or their Committee of Management, or by any Clerk or Agent to the said Company of Proprietors, either to draw and keep up or open, or to shut or put down, and keep shut or put down, any Clough or Cloughs, or any Sluice or Sluices belonging to such Mill or Mills, and which shall be thought necessary in the Judgement of any Engineer to the said Company of Proprietors to be open or shut, and kept open or shut respectively, for the better making or repairing of the said Canal and Cuts respectively, and the Works necessary for that Purpose, every Person so offending, and being thereof lawfully convicted, shall for every such Offence forfeit and pay the Sum of Ten Pounds; and if the Miller or Owner, or Occupier of any such Mill or Mills, shall not think the Satisfaction which may be tendered to him or them, by or on the Behalf of the said Company of Proprietors a sufficient Recompence and Satisfaction for the Stoppage

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

determine the same.

Stoppage or Hindrance of working of such Mill or Mills, by Means of such drawing up or opening, or putting down or shutting, of any Clough or Cloughs, Sluice or Sluices, belonging thereto, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, on Complaint to them made by any such Miller, Owner, or Occupier, to settle and ascertain the Damages sustained by him, and the Recompence to be made for the same, or to cause such Damages and Recompence to be settled and ascertained by a Jury in such and the like Manner as other Damages are by this Act directed to be ascertained.

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

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

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

LI. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canal and Cuts respectively, and the several Trenches, Feeders, and Aqueducts, to be made by virtue of this Act, or such and so many or such Part or Parts of such Trenches, Feeders, and Aqueducts respectively, (in case of any Dispute about the same), as shall by the said Commissioners be thought necessary to be divided and separated from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders, and Aqueducts respectively, with good and sufficient Posts, Rails, Hedges, Ditches, or other Fences, to be set or made on the Lands or Grounds which shall be purchased by, or conveyed to, or vested in, the said Company of Proprietors as aforesaid, and shall from Time to Time repair, maintain, and support, the said Towing Paths, Posts, Rails, Hedges, Ditches, and Fences, so to be made or set up as aforesaid; and the said Company of Proprietors shall also, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain, support, and keep in good Repair, such and so many convenient Gates and Stiles

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

upon or acroſs the ſaid Towing Paths, and in and through the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo ſuch and ſo many convenient Bridges, Arches, Culverts, Paſſages, and Roads, over, under, or by the Side of, the ſaid Canal and Cuts reſpectively, and the Feeders, Trenches, and Watercourſes, communicating therewith reſpectively, at ſuch Places and of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners ſhall from Time to Time judge neceſſary and appoint (in caſe there ſhall be any Diſpute about the ſame) for the Uſe of the Owners and Occupiers of the Lands, Grounds, or Hereditaments, adjoining to ſuch Canal and Cuts, Trenches, Feeders, Watercourſes, and Towing Paths, reſpectively, and of all Perſons who now have or may hereafter have a Right of Way over or through the Lands or Grounds which ſhall be uſed for making the ſaid Canal and Cuts, Trenches, Feeders, Watercourſes, and Towing Paths, or any of them reſpectively, and that the ſaid Company of Proprietors ſhall not make or carry the ſaid Canal and Cuts, or any Feeder, Trench, or Watercourſe, in or acroſs any common Highway, Publick or Bridle Way, or Foot Path, until ſuch Time as they ſhall, at their own proper Charges, have made and perfected ſuch Bridge or Bridges, Arch or Arches, or other convenient Paſſages, over or under the Places where the ſaid Canal and Cuts, Feeders, Trenches, or Watercourſes reſpectively, ſhall be intended to be made or carried, and of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall adjudge proper, in caſe of any Diſpute about the ſame; and in caſe it ſhall be found neceſſary, for the Purpoſes of the ſaid Navigation, to alter or widen any Arch or Arches already exiſting, the ſame ſhall be done at the Expence of the ſaid Company of Proprietors, but ſuch Arch or Arches ſhall always afterwards be repaired and ſupported at the joint and equal Expence of the ſaid Company of Proprietors, and of the Perſon or Perſons who would have been liable to repair the ſame in caſe the ſame had not been ſo altered or widened.

Bridges to be made in the Lands belonging to *Chriſt's Hoſpital.*

LII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, at ſuch Time previouſly to their completing the cutting of the ſaid Canal through a Cloſe, Piece, or Parcel, of Land, near *Abingdon*, called *Garſton*, and belonging partly to *William Birch* Eſquire, and partly to the Maſter and Governors of *Chriſt's Hoſpital* at *Abingdon*, as the ſaid *William Birch*, his Heirs or Aſſigns, or the Maſter and Governors of the ſaid Hoſpital for the Time being, ſhall require, make and erect, and for ever afterwards maintain and keep in good Repair, a proper and ſufficient Carriage Bridge over the ſaid Canal in the ſaid Cloſe, Piece, or Parcel, of Ground, called *Garſton*, oppoſite to the Gate of the Farm Yard of *Caldecot Farm*, for the common Uſe and Convenience of the ſaid *William Birch*, his Heirs and Aſſigns, and his and their Tenants, and of the Maſter and Governors of the ſaid Hoſpital and their Tenants, and that the ſaid Company of Proprietors ſhall alſo at their own Expence make and erect, and for ever afterwards maintain and keep in good Repair, a proper and ſufficient Arch over the ſaid Canal for the Paſſage of Horſes, at the Place where they ſhall cut through the preſent Bridge or raiſed Road, called *Saint Helen's Bridge*, adjoining a Cloſe of Land called *Forſter's Cloſe*, near *Abingdon*, and belonging to the ſaid Hoſpital, in order to carry the ſaid Canal into the River *Thames*, and that the ſaid Company ſhall alſo forthwith repair and make good all

Damage or Injury which may be done or happen to the other Part of the ſaid Bridge or raiſed Road belonging to the ſaid Hoſpital, in conſequence of their cutting through the ſame and making ſuch Arch as aforeſaid; and that the ſaid Company of Proprietors ſhall alſo, as ſoon as may be after they ſhall begin to make the ſaid Canal in the ſaid Cloſe, called *Forſter's Cloſe*, at their own Expence, take down the Bridge contiguous thereto over the River *Ock*, built by the ſaid *William Birch* for Communication between his Manſion Houſe, called *Caldecot Houſe*, and the Town of *Abingdon*, and ſhall in Lieu thereof make and erect, and for ever afterwards maintain and keep in good Repair, a proper and ſufficient Carriage Bridge over the ſaid River *Ock* upon the ſame Spot, or as near thereto as may be, which ſaid Two Bridges and Arch to be made by the ſaid Company, ſhall be reſpectively made of ſuch Dimenſions and Structure, in caſe of any Diſpute about the ſame, as the ſaid Commiſſioners ſhall direct, and ſo that the Aſcent to or Deſcent from the ſame reſpectively be not greater than Three Inches perpendicular to every Yard horizontal; and that the ſaid Company of Proprietors ſhall, at their own Expence, immediately after making ſuch Bridge over the *Ock* as aforeſaid, make good the Footpath and Carriage Road or Way from the ſaid Bridge through or over the ſaid Cloſe, called *Forſter's Cloſe*, on the North Side thereof, to the Junction with *Caldecot Road* or *Lane*, and the ſaid Piece called *Garſton*, and fence off ſuch Footway by a good, proper, ſufficient, and ſubſtantial Poſt and Rail from the Road Way, and keep and maintain the ſame from Time to Time in good Repair.

For a Right of Way for certain Perſons between the Baſon in *Forſter's Cloſe* and *Abingdon*.

LIII. And be it further enacted, That from and after the paſſing of this Act, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents and Workmen, and for all other Perſons whomſoever, having Occaſion to go to or from the Baſon of the ſaid Canal intended to be made in the aforeſaid Cloſe, called *Forſter's Cloſe*, or to or from the ſaid Manſion Houſe called *Caldecot Houſe*, or the Houſes, Yards, Lands, and Grounds, of the ſaid Maſter and Governors, and their Succeſſors, in the Tenure of the ſaid *William Birch*, or of *David Burgeſs*, and *William Brown*, and others, or of the ſaid *William Birch*, his Heirs or Aſſigns, at all Times, to come, go, paſs, and repaſs, with Horſes, Carriages, or otherwiſe, to and from the ſaid Baſon and the Town of *Abingdon*, upon, over, and along, the Wharf on the Side of the *Thames* belonging to the Maſter and Governors of the ſaid Hoſpital, and contiguous to the ſaid Town, and to uſe the ſaid Wharf Bridge over the *Ock*, and the Roadway through or over the Cloſe called *Forſter's Cloſe* as a publick Road or Way for the Purpoſes aforeſaid; and that the ſaid Company of Proprietors ſhall for ever thereafter keep the ſaid Road or Way ſo to be made and uſed over the ſaid Wharf and over the ſaid Bridge, and through *Forſter's Cloſe*, in good Repair and Condition, and ſhall alſo pay to the Maſter and Governors of the ſaid Hoſpital, and their Leſſees or Aſſigns, ſuch Yearly Rent or Sum as an Acknowledgement or Satisfaction for the ſaid Road or Way, and any Damage to the ſaid Wharf to be ſuſtained thereby, as ſhall be fixed and determined, in caſe of any Difference about the ſame, by the ſaid Commiſſioners or a Jury, in ſuch and the ſame Manner as the Recompence or Satisfaction for Damages to be done in the Exerciſe of any of the Powers given by this Act is to be fixed and determined; and that the ſaid Company of Proprietors ſhall alſo, at all Times after beginning to make the ſaid Canal in *Forſter's Cloſe*, repair, and keep in good Repair

pair and Condition, ſo much of the Road leading from *Forſter's Cloſe* aforeſaid through or over the ſaid Road, Way, or Lane called *Caldecot Lane*, and through or over *Wick Field*, at the Weſt End thereof, to the Turnpike Road, as ſhall be uſed by the ſaid Company, or any of their Agents or Servants, or by any other Perſon or Perſons going to or from the ſaid Canal.

No Deviation to be made in *Chriſt Hoſpital* Lands without Conſent.

LIV. Provided always, and be it further enacted, That the ſaid Company of Proprietors, in making the ſaid Canal through the ſaid Cloſe, Piece, or Parcel of Land, called *Garſton*, and belonging partly to the ſaid *William Birch*, and partly to the ſaid Maſter and Governors, ſhall not deviate at all from the Line or Courſe of the ſaid Canal, as laid down in the aforeſaid Maps or Plans, and particularly ſhall not make the ſaid Canal nearer than Twelve Feet to the Gravel Walk along the North Side of the ſaid Cloſe, Piece, or Parcel, of Ground, without the Conſent in Writing of the ſaid *William Birch*, his Heirs or Aſſigns, and of the ſaid Maſter and Governors, or of their Succeſſors, and ſhall fence off ſuch Gravel Walk from the ſaid Canal by good, proper, ſufficient, and ſubſtantial Poſts and Rails, and keep and maintain the ſame from Time to Time in good Repair.

Company to make certain Bridges over the Cut to *Wantage* for the Accommodation of *Samuel Worthington* Eſquire;

LV. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, make and erect, and for ever afterwards maintain and keep in good Repair, a commodious and ſubſtantial Carriage Bridge of Brick or Stone over the propoſed Navigable Cut or Branch from the ſaid Canal to or near the Town of *Wantage*, at the Place where the ſame ſhall interſect the preſent Carriage Road leading to *Belmont Houſe*, belonging to *Samuel Worthington* Eſquire, and ſhall cauſe ſuch Bridge to be conſtructed and finiſhed in a neat Manner, ſuitable to its Situation, which will be near to and in View of the ſaid Houſe; and that the ſaid Company of Proprietors ſhall alſo, at their own Expence, make and erect, and for ever afterwards maintain and keep in good Repair, a proper and ſufficient Carriage Bridge of Communication over the ſame Cut or Branch in the Piece of Ground marked Number 1 in the aforeſaid Maps or Plans belonging to the ſaid *Samuel Worthington*, and in ſuch Part of the ſaid Piece of Ground as he or the Owner or Owners thereof for the Time being ſhall direct, which ſaid Two Bridges ſhall be made of ſuch Structure and Dimenſions, in caſe of any Diſpute about the ſame, as the ſaid Commiſſioners ſhall direct, and ſo that the Aſcent to or Deſcent from the ſame reſpectively be not greater than Three Inches perpendicular to every Yard horizontal; and that the ſaid Company of Proprietors ſhall alſo fence off the ſame Cut or Branch, and the Towing Parts thereof, as far as the ſame ſhall extend through the incloſed Grounds of the ſaid *Samuel Worthington*, from the Land adjoining, in a neat Manner, with Poſts and Rails, or in ſuch other reaſonable Way as the ſaid *Samuel Worthington*, his Heirs or Aſſigns, ſhall deſire; and in caſe of any Diſpute about the ſame, then as the ſaid Commiſſioners ſhall direct; and ſuch Poſts and Rails, or other Fence, ſhall for ever afterwards be repaired and kept in good Repair, by and at the Expence of the ſaid Company.

and fence off ſaid Cut through his Lands in a neat Manner.

Company to erect certain Bridges in

LVI. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, erect and make, and for ever afterwards

the Lands belonging to the *Charter Houſe*.

afterwards maintain and keep in good Repair for the Convenience and Accommodation of the Governors of the Hoſpital founded in *Charter Houſe*, in the County of *Middleſex*, and their Succeſſors or Aſſigns, Tenant or Tenants, Three or more proper Carriage Bridges, acroſs ſuch Part of the ſaid intended Canal as ſhall run through the Lands belonging to the ſaid Hoſpital, at ſuch Places, and of ſuch Structure and Dimenſions as the Regiſter of the Governors of the ſaid Hoſpital for the Time being ſhall, by any Inſtrument in Writing, under his Hand and Seal, award and direct; and that the ſaid Company of Proprietors ſhall alſo, at their own Expence, fence off the ſaid Canal and the Towing Paths thereof, through the Lands belonging to the Governors of the ſaid Hoſpital, with Quick Hedges or Fences, and from Time to Time preſerve and keep up the ſame; and that in caſe the ſaid Company of Proprietors ſhall make any Feeders, Trenches, Paſſages, Aqueducts, or Watercourſes, for the Purpoſe of conveying Water from the Mill Stream of Meſſieurs *Cooke* and *Oſborne*, in the Pariſh of *Wroughton*, to the ſaid intended Canal, through the Lands belonging to the Governors of the ſaid Hoſpital, all ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes, ſhall be properly arched and covered over, and from Time to Time kept in Repair by the ſaid Company.

and to fence off Towing Paths with Quick Fence;

and to cover Feeders, *etc.* made through the Hoſpital Lands.

For erecting Bridges on the Eſtates of Lord *Clarendon*, Mr. *Buxton*, and Mr. *Wyndham*.

LVII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, make and erect, and for ever afterwards maintain and keep in good Repair, Two or more ſubſtantial and convenient Carriage Bridges, built with Brick or Stone, over the ſaid Canal, in the Farm belonging to the Earl of *Clarendon*, in the Pariſh of *Wootton Baſſet*, called *The Hart Farm*, and Two or more ſubſtantial and convenient Carriage Bridges, built with the aforeſaid Materials, over the ſaid Canal, in the Farm belonging to the ſaid Earl of *Clarendon*, in the ſaid Pariſh of *Wootton Baſſet*, now in the Occupation of *William Parſons*; and alſo a ſufficient Number of ſubſtantial and convenient Carriage Bridges, built with ſuch Materials as aforeſaid, over the ſaid Canal, on the ſeveral and reſpective Lands and Eſtates of *Robert John Buxton* Eſquire, and *Henry Penrudocke Wyndham* Eſquire, which ſaid ſeveral Bridges ſhall be erected and built by the ſaid Company of Proprietors, on ſuch Part of the ſaid Farms and Lands reſpectively as the ſaid Earl of *Clarendon*, *Robert John Buxton*, and *Henry Penrudocke Wyndham*, their Heirs or Aſſigns, ſhall reſpectively on each of their Farms and Lands direct; and that all and every ſuch Towing Paths, Banks, Roads, and Ways, for the towing hauling, or drawing, of Boats, Barges, or other Veſſels paſſing upon the ſaid Canal, to be made by virtue of any of the Powers and Authorities contained in this Act, in, through, or over, the Lands and Eſtates of the ſaid Earl of *Clarendon*, ſhall be ſo made and for ever after continued by the ſaid Company of Proprietors in, through, or over, the ſaid Lands and Eſtates of the ſaid Earl of *Clarendon* on the South Side of the ſaid Canal only.

and for making the Towing Paths on the South Side.

Company to make a Bridge in Lord *Craven*'s Land.

LVIII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, make and erect, and for ever afterwards maintain and keep in good Repair a ſubſtantial and convenient Carriage Bridge, built with Brick, over the ſaid Canal, in the Cloſe or Parcel of Land in the Pariſh of *Uffington*, belonging to Lord *Craven*, marked Number 326 in the aforeſaid Maps or Plans, and in ſuch Part of the ſame Cloſe or Parcel of Land as the ſaid Lord *Craven*, his

Heirs or Aſſigns, ſhall direct; and ſuch Bridge ſhall be made of ſuch Structure and Dimenſions, in caſe of any Diſpute about the ſame, as the ſaid Commiſſioners ſhall direct, and ſo that the Aſcent to, or Deſcent from the ſame, ſhall not be greater than Three Inches perpendicular to every Yard horizontal.

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

LIX. And be it further enacted, That in caſe the ſaid Company of Proprietors, or their Agents, ſhall refuſe or neglect to make, erect, and ſet up, ſuch good and ſufficient Poſts, Rails, Hedges, Ditches, or other Fences, for the Purpoſe of ſeparating the ſaid Towing Paths, Trenches, Feeders, and Aqueducts, from the Lands or Grounds adjoining as aforeſaid, or to make, erect, and ſet up, ſuch Gates and Stiles upon and acroſs the ſaid Towing Paths, and in and through the Hedges and Fences to be made on the Sides thereof, and of the ſaid Trenches, Feeders, and Aqueducts, as aforeſaid, or ſuch Bridges, Arches, Culverts, Paſſages, and Roads, over, under, or by the Side of, the ſaid Canal and Cuts, Feeders, Trenches, and Watercourſes reſpectively, as aforeſaid, for the Uſe and Convenience of ſuch Perſons as herein-before mentioned, and of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time direct and appoint, (in caſe there ſhall be any Diſpute about the ſame), or to repair, maintain, and ſupport, ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, or any of them, after the ſame ſhall be made, erected, and ſet up, as aforeſaid, for the Space of Three Calendar Months next after the Times to be appointed for thoſe Purpoſes reſpectively by the ſaid Commiſſioners, then, and in every ſuch Caſe, it ſhall be lawful for every or any of the Owners or Occupiers of the adjacent Lands or Grounds, and every other Perſon and Perſons who ſhall find himſelf, herſelf, or themſelves, aggrieved by any ſuch Refuſal or Neglect, to make, erect, and ſet up, ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, as are herein-before directed or appointed to be made, erected, and ſet up, by the ſaid Company of Proprietors as aforeſaid, or to repair, maintain, and ſupport, ſuch Poſts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages, and Roads, or any of them, from Time to Time, as Occaſion ſhall require, ſo that in making, maintaining, or repairing, the ſame reſpectively, the ſaid Canal and Cuts, or the Banks thereof, or any Feeders or Aqueducts belonging thereto, ſhall not be ſtopped or injured for any longer Space of Time, or in any other Manner than ſhall be neceſſary for the doing thereof, and all the reaſonable Coſts and Charges thereof, (to be ſettled and allowed by the ſaid Commiſſioners), ſhall be repaid to the Perſon or Perſons who ſhall have expended, incurred, or ſuſtained the ſame, by the ſaid Company of Proprietors, within the Space of Twenty Days next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand thereof ſhall have been delivered and made to and from the principal Clerk to the ſaid Company for the Time being, and in Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, by Warrant under their Hands and Seals, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, which ſhall be found in or upon the ſaid Canal and Cuts, or the Wharfs, Quays, or Warehouſes belonging to the ſaid Company, to and for the Uſe of the Perſon or Perſons who ſhall have incurred or ſuſtained ſuch Coſts

and Charges, rendering to the ſaid Company of Proprietors, or to ſome or One of their Agents or Collectors, the Overplus, (if any), on Demand, after deducting the reaſonable Charges and Expences of making ſuch Diſtreſs and Sale, to be ſettled alſo by the ſaid Commiſſioners, or otherwiſe, the Perſon or Perſons who ſhall have expended, incurred, or ſuſtained ſuch Coſts and Charges, ſhall and may ſue for and recover the ſame againſt the ſaid Company of Proprietors by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

The Company to make proper Watering Places for Cattle;

LX. And be it further enacted, That the ſaid Company of Proprietors ſhall alſo, at their own Coſts and Charges, make, maintain, and ſupport, ſuch proper and convenient Watering Places for Cattle, wherever by Means of the ſaid Canal and Cuts reſpectively, or other Works hereby authorized to be made, Cattle ſhall have been deprived of their ancient or former Watering Places, and ſhall at all Times ſupply the ſame with Water in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time, in caſe of any Diſpute about the ſame, order and direct; and that the ſaid Company of Proprietors ſhall alſo wherever the ſaid Canal and Cuts reſpectively, or other Works to be made in purſuance of this Act, ſhall interfere with any Rivers, Brooks, or Streams of Water, now uſed for watering the Farms or Grounds contiguous or adjoining thereto, erect and make proper and ſufficient Hatches, Water Carriages, and Back Drains, for conveying and ſecuring the Water which ſhall not be taken by virtue of this Act for ſupplying the ſaid Canal and Cuts reſpectively, in ſuch Manner as the ſaid Commiſſioners (in caſe of any Diſpute about the ſame) ſhall direct, in order that the Enjoyment of ſuch Water may be continued to ſuch Farms or Grounds in as ample and beneficial Manner as at preſent, or as near thereto as Circumſtances will permit; and in caſe the ſaid Company of Proprietors ſhall refuſe or neglect to make or maintain, or ſupport any ſuch Watering Places as aforeſaid, or to erect or make any ſuch Hatches, Water Carriages, and Back Drains, as aforeſaid, for the Space of One Calendar Month next after the Time to be appointed for that Purpoſe by the ſaid Commiſſioners, then, and in every ſuch Caſe, it ſhall be lawful for the Perſon or Perſons who ſhall be damaged or aggrieved by ſuch Refuſal or Neglect, to make or maintain, or ſupport ſuch Watering Places, and to erect and make ſuch Hatches, Water Carriages, and Back Drains reſpectively, ſo that the ſaid Canal and Cuts reſpectively, or the Banks thereof, or any Feeders or Aqueducts belonging thereto, ſhall not be thereby ſtopped or injured, for any longer Space of Time or in any other Manner than ſhall be abſolutely neceſſary for the making or doing the ſame, and all the reaſonable Coſts and Charges attending the ſame (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be repaid to the Perſon or Perſons who ſhall have expended, incurred, or ſuſtained, ſuch Coſts and Charges, by the ſaid Company of Proprietors, within the Space of Twenty Days next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand thereof ſhall have been delivered and made to and from the principal Clerk to the ſaid Company of Proprietors; and in Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, the ſame ſhall and may be levied and recovered in ſuch and the ſame Manner as the Coſts and Charges mentioned and provided for in and by the preceding Clauſe.

and to make Hatches for conveying or ſecuring Water for watering Farms or Grounds;

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

LXI. And

Owners and Occupiers of Lands may erect Bridges, &c. at their own Expence.

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

Company to ſpread abroad and level Clay, *etc.* on adjoining Lands, and cover ſame with the Soil firſt taken off.

LXII. And be it further enacted, That before any Clay, Gravel, Sand, Rubbiſh, or other Materials, (except Soil), to be dug up or gotten in the cutting and making the ſaid Canal and Cuts reſpectively, and which ſhall not be uſed or intended to be uſed in or about the ſame, ſhall be laid upon any Land adjoining or near thereto, all the Soil of ſuch adjoining Land, to the Depth of Nine Inches at leaſt, ſhall be taken off and removed, and the ſame, together with the Soil, which ſhall in like Manner be taken off and removed from the Land to be uſed for the ſaid Canal and Cuts reſpectively, ſhall be laid in Heaps diſtinct and apart from ſuch Clay, Gravel, Sand, Rubbiſh, and other Materials, upon ſome convenient Part or Parts of ſuch adjoining Land, and that the ſaid Clay, Gravel, Sand, Rubbiſh, and other Materials, (except as aforeſaid), ſhall, as ſoon as may be, in a proper and huſbandlike Manner, be ſpread abroad and levelled upon that Part of ſuch adjoining Land from whence the Soil ſhall have been ſo previouſly taken off and removed as aforeſaid, and then the Whole of ſuch Soil as aforeſaid ſhall in like Manner be carried and ſpread upon and over the Surface of the ſaid levelled Clay, Gravel, Sand, Rubbiſh, and Materials, ſo and in ſuch Manner as to render ſuch Land as fit and proper as may be for the Purpoſe of Vegetation, Culture, and Huſbandry, and that ſuch levelling of the ſaid Clay, Gravel, Sand, Rubbiſh, and Materials, and ſuch carrying and ſpreading of the ſaid Soil thereon as aforeſaid, ſhall be fully and effectually done and completed in each and every Cloſe, or ſeparate Piece of Ground, in or through which the ſaid Canal and Cuts reſpectively ſhall be made, within Three

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

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

Power in certain Caſes to diſpenſe with levelling Clay, &c.

LXIII. Provided always nevertheleſs, That it ſhall be lawful for the Owner or Owners of the Lands or Grounds on which ſuch Clay, Gravel, Sand, Rubbiſh, or other Materials as aforeſaid is or are herein-before directed to be ſpread and levelled, in all Caſes where ſuch Lands or Grounds are or ſhall be let only from Year to Year, or for any leſs Term than Three Years, at the Time of cutting the ſaid Canal in or through ſuch Lands or Grounds reſpectively, and for the Tenant or Tenants, Leſſee or Leſſees, together with the Owner or Owners of ſuch Lands or Grounds, in all Caſes where the ſame ſhall be let for any Term whereof Three Years or upwards ſhall be unexpired at the Time of cutting the ſaid Canal through the ſame, by Writing under his, her, or their reſpective Hands, to diſpenſe with the taking off the Soil of ſuch Lands or Grounds where any Clay, Gravel, Sand, Rubbiſh, or other Materials, may be dug up or gotten in the cutting and making the ſaid Canal and Cuts reſpectively, and which ſhall not be uſed or intended to be uſed in or about the ſame.

The Company to puddle the Sides of the Canal and Cuts where neceſſary.

LXIV. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, well and effectually puddle the Sides of the ſaid Canal and Cuts reſpectively, at all Places wherever it ſhall be neceſſary ſo to do, ſo as to prevent as much as poſſible the Water

from oozing through ſuch Sides, to the Detriment and Injury of the Lands or Grounds lying below the ſaid Canal and Cuts reſpectively.

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

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

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

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

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

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

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

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

Means, and in the Manner herein-before prescribed with respect to any other Damages to be done in the Course of making and completing the said Canal and Cuts, and other Works.

Disputes between the Company of Proprietors and Land Owners touching the Amount of Purchase Monies, Compensation for Damages, *etc.* may be referred to Arbitration if Land Owners think proper.

LXVIII. Provided always, and be it further enacted, That if any Difference or Dispute shall at any Time hereafter arise between the said Company of Proprietors, and the Owner or Owners of, or the Person or Persons herein-before authorized and empowered to treat and agree for the Sale of, or any other Person or Persons interested in any Lands or other Hereditaments which are intended to be taken or purchased by the said Company of Proprietors, or which shall or may be in anywise damaged, injured, or affected, as to the actual Enjoyment or Occupation by Means of the carrying into Execution any of the Powers given by this Act, or which may be given by any future Act or Acts respecting the same, and not in express Terms repealing the Provisions herein contained, either with respect to the Amount of the Purchase Money or Annual Rent to be paid for any such Lands or other Hereditaments, or with respect to the Compensation to be made for any Damages which may be done thereto, or to the Owners or Occupiers thereof, or with respect to the Number or Structure, and Sufficiency of any Bridges, Roads, Ways, Drains, or Trenches, to be made by the said Company pursuant to the Directions of this Act, or with respect to any other Matter or Thing whatsoever which, under the Provisions of this Act might be settled and determined by the Commissioners or a Jury, and if such Owner or Owners, or other Person or Persons as aforesaid, shall be desirous of submitting any such Difference or Dispute to the Determination and Decision of Arbitrators to be appointed as herein-after mentioned, rather than to the Determination and Decision of the said Commissioners or a Jury, and shall cause Notice in Writing of such Desire to be given to the principal Clerk to the said Company of Proprietors, or left at his Dwelling House or usual Place of Abode, within Twenty-one Days after such Difference or Dispute shall arise, then and in such Case the Grounds of such Difference or Dispute, being reduced into Writing by such Owner or Owners, or other Person or Persons as aforesaid, or by some Person on his, her, or their Behalf, and also by the said principal Clerk, in case the Committee of Management, or any Sub-committee of the said Company, to be appointed as herein-after mentioned, shall so direct, shall be submitted and referred to the Hearing and Arbitration of Two indifferent Persons or Arbitrators, One of whom shall be nominated by such Owner or Owners, or other Person or Persons, causing such Notice to be given or left as aforesaid, and the Name of the Arbitrator so nominated, as well as the Time and Place when and where he will be ready to meet the other Arbitrator, and take the Matter in Dispute into Consideration, shall be specified in such Notice, the Time not being less than Twenty Days, or more than Thirty Days after such Notice shall be so given or left; and the other of such Two indifferent Persons or Arbitrators shall be nominated by the said Committee of Management, or any such Sub-committee as aforesaid; and the said principal Clerk shall cause Information of such Nomination to be given to the Person or Persons desiring to submit the Matter in Dispute to Arbitration as aforesaid, or to be left in Writing at the Dwelling House or usual Place of Abode of such Person, or of any One of such Persons, in Cases where more than One shall sign such Notice as aforesaid, or in the Case of a Corporation, at the Dwelling House or usual Place of Abode of the principal Clerk or Officer of such Corporation, within Fourteen Days after such Notice

shall

ſhall be ſo given or left as aforeſaid; and in Default of ſuch Nomination by the ſaid Committee or Sub-committee, or of ſuch Information thereof being ſo given or left as aforeſaid, the Perſon or Perſons ſigning ſuch Notice as aforeſaid, ſhall and may alſo nominate the other Arbitrator, and the ſaid Two Arbitrators ſo to be nominated and appointed as aforeſaid, ſhall meet and proceed to a Hearing and Conſideration of the Matter in Diſpute, either at the Time and Place to be mentioned in ſuch Notice as aforeſaid, or at ſuch other Time and Place as ſhall be fixed and agreed upon for that Purpoſe, by the principal Clerk of the ſaid Company of Proprietors, and the Perſon or Perſons ſigning ſuch Notice, or ſome Perſon authorized by him, her, or them, in that Behalf; and if either of the ſaid Arbitrators ſhall be prevented from attending at ſuch Time or Place as aforeſaid, or at any other Time to be fixed as after mentioned, by Sickneſs or other unavoidable Accident, then the Meeting ſhall be adjourned, by the Arbitrator who ſhall attend, to ſuch future Time as the Parties concerned, or the Perſons who ſhall attend on their reſpective Behalf, ſhall fix and agree upon; and the ſaid Two Arbitrators ſhall, at their Firſt Meeting, and before they themſelves proceed to take the Matters in Diſpute into Conſideration, nominate and appoint One other indifferent Perſon to act as Umpire in the Premiſes, in the Caſes herein-after mentioned; and in caſe the ſaid Two Arbitrators, after a full Hearing and Conſideration of the Matters in Diſpute, ſhall not agree and determine the ſame, and make an Award thereupon in the Manner herein-after mentioned, within One Calendar Month next after the Time to be appointed for their Firſt Meeting as aforeſaid, or if the ſaid Arbitrators, or either of them, having met and appointed an Umpire, ſhall afterwards neglect to proceed to a full and final Hearing and Conſideration of the Matters in Diſpute, and to determine the ſame, and make an Award thereupon within ſuch One Calendar Month, then and in either of the ſaid Caſes, the Matters in Diſpute ſhall be forthwith, after the Expiration of the ſaid One Calendar Month, ſubmitted and referred to the Hearing and Determination of the Perſon who ſhall be ſo appointed Umpire as aforeſaid; but if either of the ſaid Two Arbitrators, not being prevented by Sickneſs or other unavoidable Accident, ſhall refuſe or wilfully neglect to meet the other of them, at the Time to be appointed for their Firſt Meeting as aforeſaid, or at the Time to which ſuch Meeting ſhall be ſo adjourned as aforeſaid, then and in ſuch Caſe it ſhall be lawful for the other Arbitrator, immediately after ſuch Refuſal or Neglect ſhall be aſcertained, to proceed alone to a Hearing and Conſideration of the Matters in Diſpute, and to determine thereon; and the ſaid Arbitrators and Umpire, and ſole Arbitrator reſpectively, as the Caſe may be, ſhall have Power to adjourn the Hearing and Conſideration of the Matters in Diſpute from Time to Time, and from Place to Place, as they or he ſhall think expedient; and the Award, Order, and Determination, touching the Matters in Queſtion of the ſaid Arbitrators or Umpire, or ſole Arbitrator, as the Caſe may require, after a Hearing of all Parties concerned, or ſome Perſon on their reſpective Behalf, and examining ſuch Evidence on both Sides, and uſing ſuch other Means to obtain full Information reſpecting the Matter in Queſtion as the ſaid Arbitrators or Umpire, or ſole Arbitrator, ſhall think proper, ſhall be binding and concluſive to all Intents and Purpoſes, as well upon the ſaid Company of Proprietors, as upon ſuch Owner or Owners, or other Perſon or Perſons giving ſuch Notice as aforeſaid, and all other Perſons intereſted, and the ſame ſhall

be obſerved and acted upon accordingly, as fully and effectually in all Reſpects, and the Purchaſe Money, or Annual Rent or Compenſation which ſhall be thereby awarded to be paid or made by the ſaid Company of Proprietors, ſhall and may be recovered, and ſhall go and be paid, applied, and diſpoſed of in ſuch and the ſame Manner, and every other Matter and Thing which ſhall be thereby awarded to be done and performed by the ſaid Company of Proprietors, ſhall be done and performed by them in ſuch and the ſame Manner, in all Reſpects, as if the Matter or Matters in Queſtion had been determined by the ſaid Commiſſioners or a Jury, purſuant to the Directions in that Behalf herein-before contained, and they had made the ſame Determination therein as ſhall be made by the ſaid Arbitrators or Umpire, or ſole Arbitrator as aforeſaid, ſo that the Award of ſuch Arbitrators, and a Duplicate thereof, be made in Writing under their Hands and Seals, and be ready to be delivered to the principal Clerk to the ſaid Company of Proprietors, and to ſuch of the other Perſons intereſted as ſhall demand the ſame, within the ſaid One Calendar Month next after the Time to be appointed for the Firſt Meeting of the ſaid Arbitrators as aforeſaid, and ſo that the Award of ſuch Umpire, or of ſuch One of the ſaid Arbitrators as aforeſaid, as the Caſe may be, and a Duplicate thereof, be made in Writing under his Hand and Seal, and be ready to be delivered as aforeſaid, within One Calendar Month next after ſuch Umpire or ſole Arbitrator ſhall have a Right to proceed to a Hearing and Conſideration of the Matters in Diſpute as aforeſaid; but if the Award either of the ſaid Arbitrators, or of the ſaid Umpire or ſole Arbitrator, as the Caſe may require, and a Duplicate thereof, ſhall not be ready to be delivered within the Time appointed, then the Matter or Matters in Diſpute ſhall be ſettled and determined by the Commiſſioners or a Jury, in ſuch and the ſame Manner as if no Proviſion had been herein contained for ſubmitting the ſame to Arbitration; and the Expences attending every ſuch Reference to Arbitration as aforeſaid, ſhall be borne and paid in ſuch and the like Manner as is herein-before provided and directed with reſpect to the Expences of the ſaid Commiſſioners and a Jury, when called upon to decide any ſuch Difference or Diſpute as aforeſaid; and the ſaid Arbitrators and Umpire, and ſole Arbitrator reſpectively, ſhall have the ſame Power of ſettling the Amount of ſuch Expences, and of apportioning the ſame between the Parties in Diſpute, as is herein-before given to the ſaid Commiſſioners in Caſes which ſhall be decided by them; and that every Perſon who ſhall be appointed an Arbitrator or Umpire in the Manner and for the Purpoſes aforeſaid, ſhall, previouſly to his proceeding to a Hearing and Conſideration of the Matters in Diſpute, take an Oath or Affirmation before One of His Majeſty's Juſtices of the Peace for the County of *Wilts* or *Berks*, to the Effect following; (that is to ſay),

'I *A. B.* do ſwear (*or, being One of the People called* Quakers, do ſolemnly affirm), That I will, without Favour or Affection, truly 'and impartially, according to the beſt of my Skill and Knowledge, 'execute the Office of an Arbitrator [*or*, Umpire] touching the Matters 'in Diſpute referred to me by the Company of Proprietors of the '*Wilts* and *Berks* Canal Navigation, and *A. B.* [*naming the Perſon or 'Perſons who ſhall deſire to ſubmit the Matters in Diſpute to Arbitration*] 'purſuant to the Directions of the Act of Parliament for making the 'ſaid Navigation.

Company to make Compenſation for the Diminution of Meadow Lands in conſequence of their being deprived of Water.

LXIX. And whereas it may happen that ſeveral Perſons, and their Leſſees or Tenants, may, in Conſequence of the Exerciſe of the Powers given by this Act to the ſaid Company of Proprietors, be deprived of the Advantages reſulting from the Privileges exerciſed and enjoyed by them of flooding or drowning their Meadow Lands or Grounds with the Water out of divers Rivulets and Streams which run through or near the ſame, and Doubts having been ſuggeſted by ſome ſuch Perſons whether they may be entitled, under the general Proviſions of this Act, to a Compenſation from the ſaid Company of Proprietors for the Difference which would be thereby made in the Value of ſuch Meadow Lands or Grounds; be it therefore further enacted, That if the Owner or Owners of any Meadow Lands or Grounds, or his or their Leſſees or Tenants, ſhall, in conſequence of the Exerciſe of the Powers given by this Act to the ſaid Company of Proprietors, be prevented from flooding or drowning the ſame in the uſual and accuſtomed Manner, the ſaid Company of Proprietors ſhall make full Compenſation to ſuch Owner or Owners, or his or their Leſſees or Tenants, for the Diminution which ſhall be thereby occaſioned in the Value of ſuch Meadow Lands or Grounds, which Compenſation ſhall be made either by a Sum of Money to be paid at once, or by a yearly Rent, as the Perſon or Perſons entitled to receive the ſame ſhall require, and the Amount thereof, in caſe of any Diſpute or Difference about the ſame, ſhall be aſcertained and ſettled by the Commiſſioners or a Jury, or by Arbitration, in ſuch and the ſame Manner as the Compenſation to be made for any other Damage to be done to any Perſon or Perſons by means of the carrying into Execution any of the Powers given by this Act, is herein-before directed to be aſcertained and ſettled.

The Company empowered to raiſe 111 900*l.* amongſt themſelves.

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

Application thereof.

LXXI. And

The Money raiſed to be divided into 1119 Shares, which ſhall be numbered in Progreſſion.

LXXI. And be it further enacted, That the ſaid Sum of One hundred and eleven thouſand and nine hundred Pounds, or ſuch Part thereof as ſhall be ſo raiſed and contributed as aforeſaid, ſhall be divided into One thouſand one hundred and nineteen equal Shares, and that ſuch Shares ſhall be numbered in regular numerical Progreſſion, and every Share ſhall for ever afterwards be diſtinguiſhed by the Number to be appointed for the ſame; and that all ſuch Shares ſhall be deemed Perſonal Eſtate, and be tranſmiſſible as ſuch, and not of the Nature of Real Eſtate, and that the ſaid One thouſand one hundred and nineteen Shares ſhall be and they are hereby veſted in the ſeveral Bodies Politick and Corporate, and other Perſons ſubſcribing for and undertaking to raiſe and contribute the ſame, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, to and for their own reſpective Uſe and Benefit, according and proportionably to the Number of Shares which they ſhall reſpectively ſubſcribe for and undertake to raiſe and contribute; and that all Bodies Politick and Corporate, and other Perſons, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſubſcribe for any Share or Shares in the ſaid Undertaking, and pay ſuch Sum or Sums of Money as ſhall be demanded on Account thereof (not exceeding in the Whole a proportionable Part of the ſaid Sum of One hundred and eleven thouſand and nine hundred Pounds), towards the carrying on and completing of the ſaid Canal and Cuts, and ſuch other Works as aforeſaid, ſhall be entitled to and receive (after the ſaid Navigation ſhall be completed) a due and juſt Proportion, according to their reſpective Number of Shares (not exceeding Fifty Shares as aforeſaid) of the clear Profits and Advantages which ſhall or may ariſe and accrue by or from the Rates, Tolls, or Duties, and other Monies to be raiſed, recovered, or received, by virtue of this Act, and ſhall alſo from Time to Time bear and pay a like due and juſt Proportion of the Money wanted for carrying on the ſaid Undertaking in the Manner herein-after directed.

Shares to be Perſonal Eſtate.

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

LXXII. And, for better ſecuring to the ſeveral Subſcribers towards the ſaid Undertaking their reſpective Shares therein, be it further enacted, That the ſaid Company of Proprietors, or their Committee of Management, ſhall, as ſoon as the ſame can or may be done, cauſe the Names and Additions of the ſeveral Perſons who ſhall be entitled to any Share or Shares in the ſaid Undertaking, and the Number of Shares to which they ſhall be reſpectively entitled, and alſo the proper Number by which every ſuch Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book to be kept by the principal Clerk to the ſaid Company of Proprietors, and after ſuch Entry to cauſe the Common Seal of the ſaid Company of Proprietors to be affixed thereto, and ſhall alſo cauſe as many Tickets or Inſtruments to be prepared as there ſhall be Shares in the ſaid Undertaking, bearing reſpectively the ſame Numbers as in the ſaid Book, and the Common Seal of the ſaid Company of Proprietors to be affixed to each ſuch Ticket or Inſtrument, and ſhall thereupon cauſe to be delivered to every Subſcriber towards the ſaid Undertaking, upon Demand, a Ticket or Tickets, ſpecifying the Share or Shares, to which he or ſhe is entitled in the ſaid Undertaking, ſuch Subſcriber paying to the Clerk to the ſaid Company Sixpence and no more, for every ſuch Ticket or Inſtrument, and ſuch Ticket or Inſtrument ſhall be admitted in all Courts whatever as Evidence of the Title of ſuch Subſcriber, his or her Executors,

tors, Adminiſtrators, and Aſſigns, to the Share therein ſpecified, but the Want of any ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any Share from ſelling or diſpoſing thereof, or from receiving annually his Share of the Profits of the ſaid Navigation in reſpect thereof.

If the Sum of 111,900*l.* is not ſufficient, the Company may raiſe 150,000*l.* more among themſelves.

LXXIII. And be it further enacted, That if the ſaid Sum of One hundred and eleven thouſand and nine hundred Pounds herein-before authorized to be raiſed, ſhall be found inſufficient for the making, completing, and maintaining of the ſaid Canal and Cuts, and other Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors, after an Order or Reſolution for that Purpoſe ſhall be made, at a Special Meeting of the Proprietors to be called by the Committee of Management of the ſaid Company of Proprietors, and of which Meeting Fourteen Days previous Notice ſhall have been given in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Berks* and *Wilts*, to contribute among themſelves any further Sum or Sums of Money for the Purpoſes aforeſaid, not exceeding in the Whole the Sum of One hundred and fifty thouſand Pounds, and ſuch further Sum or Sums of Money ſhall, after ſuch Order or Reſolution for that Purpoſe as aforeſaid, be raiſed and contributed by the ſeveral Perſons poſſeſſed of the aforeſaid One thouſand one hundred and nineteen Shares in the ſaid Undertaking, according and in Proportion to their reſpective Shares and Intereſts therein, and the ſaid One thouſand one hundred and nineteen Shares, and the Owners thereof, ſhall continue to be, in reſpect of ſuch further Sum or Sums of Money, ſubject to ſuch and the ſame Calls to be made by the Committee of Management of the ſaid Company of Proprietors, in ſuch and the ſame Proportions, and within ſuch and the ſame Time, and under and ſubject to ſuch and the ſame Regulations, Rules, Orders, Fines, and Forfeitures, as the ſaid One thouſand one hundred and nineteen Shares, and the Owners thereof, are hereafter made ſubject and liable to in reſpect of the ſaid Sum of One hundred and eleven thouſand and nine hundred Pounds, as fully and effectually, to all Intents and Purpoſes, as if ſuch further Sum or Sums of Money had conſtituted Part of the original Sum hereby authorized to be raiſed.

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

LXXIV. Provided aways, and be it further enacted, That if the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid additional Sum of One hundred and fifty thouſand Pounds, or any Part thereof, by Mortgage of the ſaid Navigation and Undertaking, and ſhall make an Order or enter into a Reſolution to that Effect, at a Special Meeting of the ſaid Proprietors for that Purpoſe, to be called by their Committee of Management for the Time being, and of which Meeting Fourteen Days previous Notice ſhall be given in the Manner aforeſaid, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors, purſuant to ſuch Order or Reſolution, to borrow and take up at Intereſt the ſaid Sum of One hundred and fifty thouſand Pounds, or any Part thereof, upon the Credit of the ſaid Navigation and Undertaking, as to them ſhall ſeem meet and convenient, and the ſaid Company of Proprietors are hereby accordingly fully authorized and empowered to grant, aſſign,

and make over by Way of Mortgage the ſeveral Tolls, Rates, and Duties, granted to them by this Act, or any Part thereof, (the Coſts and Charges of which Aſſignment ſhall be paid out of ſuch Tolls, Rates, and Duties), as a Security for the Sum or Sums of Money ſo to be borrowed, together with Intereſt for the ſame, unto the Perſon or Perſons who ſhall lend and advance ſuch Sum or Sums of Money, or unto his, her, or their, Truſtee or Truſtees, all which Aſſignments or Mortgages ſhall be made by a Deed in Writing under the Common Seal of the ſaid Company, in the Form or to the Effect following; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act, made in the Thirty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled, [*Inſert the Title of the Act*], we the Company of Proprietors of the ſaid Navigation and Undertaking, incorporated by virtue of the ſaid Act, in Conſideration of the Sum of of lawful Money of *Great Britain* to us paid by *A. B.* of do hereby bargain, ſell, and aſſign, unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Navigation and Undertaking, and all and ſingular the Tolls, Rates, and Duties granted, or ariſing and payable to us by virtue of the ſaid Act, and all the Eſtate, Right, Title, and Intereſt, of us the ſaid Company of Proprietors, of, in, to, or out of, the ſame reſpectively, to hold unto the ſaid *A. B.*, his 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 and ſatisfied to him or them. Given under our Common Seal this Day of

No Preference among Mortgagees.

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

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

LXXV. And be it further enacted, That an Entry or Memorial of every ſuch Aſſignment or Mortgage as aforeſaid, containing the Date thereof, the Name or Names, and Addition of the Party or Parties to whom the ſame ſhall be made, and the Sum thereby ſecured, with the Rate of Intereſt to be paid for the ſame, ſhall be made or entered in a Book to be kept for that Purpoſe by the principal Clerk to the ſaid Company of Proprietors for the Time being, and that ſuch Book ſhall and may be peruſed *gratis* at all ſeaſonable Times, by any of the Proprietors or Creditors of the ſaid Navigation and Undertaking; and that all and every Perſon and Perſons to whom any ſuch Aſſignment or Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, ſhall and may from Time to Time aſſign, transfer, and make over, his, her,

Mortgages may be transferred.

or their Right, Title, and Intereſt therein, unto any Perſon or Perſons whomſoever, either by Indorſement thereon or otherwiſe, which Transfer ſhall and may be made by a Deed in Writing in the Form or to the Effect following; *videlicet*,

Form of Transfer.

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

Memorials of Transfers to be entered.

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

Proprietors to be paid Intereſt on Money advanced till Navigation completed.

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

Intereſt of Mortgages to be firſt paid.

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



and

and grow due upon such Mortgages as aforesaid, shall and may from Time to Time, in case of Default of Payment thereof for the Space of Three Calendar Months after the same shall become due, be recovered or levied in such and the same Manner, and by such and the same Ways and Means as is and are herein-before mentioned and appointed for the Recovery of the Annual Rents which shall or may be payable by the said Company of Proprietors for any Lands to be taken by them for the Purposes of this Act.

Proprietors to have a Vote for every Whole Share.

LXXVIII. And be it further enacted, That every Body Politick and Corporate, and all and every other Person and Persons who shall have subscribed for, or shall become entitled to, and be in the actual Possession of One or more Share or Shares in the said Navigation and Undertaking, shall be deemed a Proprietor for every such Share, and shall have a Vote in respect of every such Share at all Meetings of the said Company of Proprietors to be held in pursuance of this Act for carrying on the said Undertaking, or relating thereto, and such Vote or Votes shall and may in all Cases be given by such Body Politick or Corporate, and other Person and Persons, or by their, his, or her Proxy duly constituted under the Seal of such Body Politick or Corporate, or the Hand or Hands of such other Person or Persons, or in case of the Infancy of any such other Person or Persons, then under the Hand or Hands of his, her, or their Guardian or Guardians, such Proxy being a Proprietor of One or more Share or Shares in the said Undertaking; and that every such Vote by Proxy shall be as good and valid, to all Intents and Purposes, as if the Principal or Principals had voted in Person, and, being an Infant or Infants, had been of full Age; and the Appointment of every such Proxy shall and may be made in the Form or to the Effect following; (that is to say),

Form of Appointment of Proxy.

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

Questions to be determined by a Majority of Votes;

And that every Question, Matter, and Thing whatsoever, which shall be proposed, discussed, or considered, at any Meeting of Proprietors to be held by virtue or in pursuance of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote to every Share in the said Undertaking as aforesaid; and that at every such Meeting One of the Proprietors present shall be appointed President or Chairman,

Chairman to have the casting Vote.

man who ſhall not only have ſuch Vote or Votes as a Proprietor, or as Proxy for any other Perſon or Perſons as aforeſaid, but ſhall alſo, in caſe of an equal Diviſion, have the deciſive or caſting Vote; and if at any Time Two or more Perſons ſhall be propoſed as Preſident or Chairman, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſaid Office.

Votes reſtricted to a certain Number.

LXXIX. Provided always nevertheleſs, That no Proprietor, although he may hereafter, by Means of any Will or Settlement, or by Act of Law, become entitled to, and be poſſeſſed of, more than Fifty Shares in the ſaid Navigation and Undertaking, ſhall have or give more than Fifty Votes in Perſon, or by Proxy, at any Meeting of Proprietors to be held in purſuance of this Act, for the Purpoſe of electing a Treaſurer or Treaſurers to the ſaid Company of Proprietors, or for the Purpoſe of electing Members of the Committee of Management herein-after mentioned; and that no Proprietor, although poſſeſſed of more than Ten Shares in the ſaid Navigation and Undertaking, ſhall have or give more than Ten Votes in Perſon, nor more than Five Votes by Proxy, at any Meeting of Proprietors to be holden in purſuance of this Act for any other Purpoſe whatſoever than for electing a Treaſurer or Treaſurers, or Members of the Committee of Management.

Committee of Management to be appointed.

LXXX. And be it further enacted, That, for the better carrying the Purpoſes of this Act into Execution, all the Affairs and Buſineſs of the ſaid Company of Proprietors (except with reſpect to ſuch Matters as are by this Act expreſsly directed to be done at a Meeting or Meetings of the Proprietors at large) ſhall be tranſacted and managed by a Committee of Fifteen of the ſaid Company of Proprietors, to be elected in the Manner herein-after mentioned, and to be called *The Committee of Management*; and that for the Purpoſe of electing ſuch Committee, the ſaid Company of Proprietors ſhall be divided or diſtinguiſhed into Two diſtinct Claſſes, One of which ſhall comprehend all the Proprietors reſident in the County of *Berks*, or in *London*, or any other County North of the *Thames*, and the Line of the Canal as far as the Boundaries of the Counties of *Wilts*, and *Glouceſter*, who ſhall be called *The Proprietors of the Berkſhire Diſtrict*; and the other of the ſaid Claſſes ſhall comprehend all the Proprietors reſident in the County of *Wilts*, or elſewhere, except thoſe comprehended in the *Berkſhire* Diſtrict, who ſhall be called *The Proprietors of the Wiltſhire Diſtrict*; and there ſhall be a General Meeting of the Proprietors of the *Berkſhire Diſtrict* at the *Bear Inn* in *Wantage*, in the ſaid County of *Berks*, on the Third *Thurſday* after the paſſing of this Act, at Eleven of the Clock in the Forenoon; and a like General Meeting of the Proprietors of the *Berkſhire* Diſtrict ſhall be held Once in every ſubſequent Year for the future, on the Firſt *Thurſday* in the Month of *July* at Eleven of the Clock in the Forenoon, at the *Bear Inn* aforeſaid, or at ſuch other Place as ſhall have been fixed upon for that Purpoſe at the preceding General Meeting; and that at ſuch Firſt General Meeting, and alſo at every ſubſequent General Meeting, to be held on the ſaid Firſt *Thurſday* in *July* yearly, the ſaid Proprietors of the *Berkſhire* Diſtrict, or ſuch of them as ſhall be preſent, together with ſuch Proxies as ſhall be preſent, ſhall elect and make Choice of Five Perſons out of the ſaid Proprietors of the *Berkſhire* Diſtrict, who ſhall be reſpectively Proprietors of Five or more Shares

Proprietors to be divided into Two Claſſes.

General Meeting of the *Berkſhire* Diſtrict,

at which 10 Proprietors to be elected Members of the Committee.

in the ſaid Undertaking, to be Members of the ſaid Committee, to manage the Affairs and Buſineſs of the ſaid Company in the Manner herein-after directed, for the Space of One Year then next enſuing, and until Five other Perſons qualified in like Manner ſhall be elected in their Stead, purſuant to the Directions of this Act; and that there ſhall alſo be a General Meeting of the Proprietors of the *Wiltſhire* Diſtrict, at the Town Hall in *Wootton Baſſett* in the ſaid County of *Wilts*, on the ſaid Third *Thurſday* after the paſſing of this Act at Eleven of the Clock in the Forenoon, and a like General Meeting of the Proprietors of the *Wiltſhire* Diſtrict ſhall be held Once in every ſubſequent Year for the future, on the Firſt *Thurſday* in the Month of *July*, at Eleven of the Clock in the Forenoon, at *Wootton Baſſett* aforeſaid, or at ſuch other Place in the ſaid County of *Wilts* as ſhall have been fixed upon for that Purpoſe at the preceding General Meeting; and that at ſuch Firſt General Meeting, and alſo at every ſubſequent General Meeting to be held on the ſaid Firſt *Thurſday* in *July* yearly, the ſaid Proprietors of the *Wiltſhire* Diſtrict, or ſuch of them as ſhall be preſent, together with ſuch Proxies as ſhall be preſent, ſhall elect and make Choice of Five Perſons out of the ſaid Proprietors of the *Wiltſhire* Diſtrict, who ſhall be reſpectively Proprietors of Five or more Shares in the ſaid Undertaking, to be Members of the ſaid Committee, to manage the Affairs and Buſineſs of the ſaid Company in the Manner herein-after directed, for the Space of One Year then next enſuing, and until Five other Perſons, qualified in like Manner, ſhall be elected in their Stead, purſuant to the Directions of this Act; which ſaid Ten Perſons ſo to be elected Members of the ſaid Committee from Time to Time as aforeſaid, or ſuch of them as ſhall not be preſent at ſuch Election, ſhall be forthwith informed thereof by the Preſident or Chairman of the Meeting at which they ſhall be reſpectively elected, or by the principal Clerk of the ſaid Company of Proprietors for the Time being; and that in order to make up the Number of Fifteen Perſons for the Firſt Committee of Management, there ſhall be a General Meeting of the Ten Perſons ſo to be elected Members of the ſaid Committee as aforeſaid, at the *Crown Inn* in *Swindon*, in the ſaid County of *Wilts*, on the Second *Thurſday* after the Day of their Election, at Eleven of the Clock in the Forenoon, and then and there the ſaid Ten Perſons, or ſuch of them as ſhall be preſent, ſhall elect and make Choice of Five other Perſons out of the Proprietors at large, to be Members of ſuch Committee, and in order to make up the Number of Fifteen Perſons for every ſubſequent Committee of Management, the Members of the Committee of Management for the Time being, who ſhall be preſent at the laſt General Quarterly Meeting of ſuch Committee, to be held as herein-after is directed, ſhall elect and make Choice of Five Perſons out of the Proprietors at large to be Members of the Committee of Management for the ſucceeding Year, together with the Ten Perſons to be elected by the aforeſaid Two Claſſes of Proprietors at their reſpective Meetings in the enſuing Month of *July* as aforeſaid; which ſaid Five Perſons to be elected to make up the Firſt Committee of Management, as well as the Five Perſons to be elected from Time to Time to make up every ſubſequent Committee of Management as aforeſaid, ſhall be elected by Ballot in Manner following, *videlicet*, every Member preſent at the Meeting at which ſuch Election is to be made, ſhall give in a Liſt of Five Perſons, and in caſe there ſhall be more than Five Perſons named in ſuch Liſts, the Five Perſons who ſhall be found to have the greateſt Number of Votes upon caſting up the Liſts ſhall be declared duly elected; and in caſe

General Meeting of the *Wiltſhire* Diſtrict,

at which Five Proprietors to be elected Members of the Committee.

Mode of Election of the other Five Members of the ſaid Committee.

caſe it ſhall happen that there ſhall not be a clear Majority in favour of any Five Perſons, but that ſome Two or more Perſons ſhall have an equal Number of Votes, then the Names of ſuch Two or more Perſons ſhall be written on ſeparate Slips of Paper, which ſhall be put into a Hat or Bag, and ſo many of the ſaid Slips of Paper as there ſhall be wanted Perſons to make up the Five Members to be elected at ſuch Meeting, ſhall be drawn out of the ſaid Hat or Bag, and the Perſons whoſe Names ſhall be ſo drawn out ſhall be declared duly elected; and that the Fifteen Perſons ſo to be elected from Time to Time in the Manner aforeſaid ſhall be the ſaid Committee of Management, and ſhall reſpectively continue in Office until the Expiration of One Year, to be computed from the Day of Election of the Members elected by the aforeſaid Two Claſſes of Proprietors, and alſo from thenceforth until the ſaid Two Claſſes of Proprietors, or either of them, ſhall elect ſome Perſons to be Members of the Committee of Management for the ſucceeding Year, purſuant to the Directions of this Act.

Any Member may be re-elected.

LXXXI. Provided always, That nothing herein contained ſhall extend to prevent any Perſon from being re-elected a Member of the ſaid Committee; and provided alſo, that no Perſon holding any Office or Place of Profit under the ſaid Company of Proprietors ſhall be elected a Member of the ſaid Committee; and that if any Perſon who ſhall be elected a Member of ſuch Committee ſhall afterwards accept any Office or Place of Profit under the ſaid Company of Proprietors, he ſhall be no longer capable of acting as a Member of ſuch Committee, but ſome other Perſon ſhall be appointed in his Stead in the Manner herein-after mentioned.

General Meetings of the Committee of Management when and where to be held.

LXXXII. And be it further enacted, That a General Meeting of the Firſt Committee of Management ſhall be held for putting this Act into Execution, at the *Crown Inn* in *Swindon*, in the ſaid County of *Wilts*, on the Second *Thurſday* after the Election of the laſt Five Members of ſuch Committee as aforeſaid, and a General Meeting of every ſubſequent Committee of Management ſhall be held for putting this Act into Execution at the ſame Place, on the Second *Thurſday* after the Election of the Members of ſuch Committee which ſhall be elected by the aforeſaid Two Claſſes of Proprietors, or either of them, and a General Quarterly Meeting of the Committee of Management for the Time being, ſhall be held in the Months of *September*, *December*, *March*, and *June* reſpectively, at Eleven of the Clock in the Forenoon, at the *Crown Inn*, in *Swindon* aforeſaid, or at ſuch other Place and on ſuch Days as the ſaid Committee of Management ſhall at their preceding General Meeting appoint; of all which General Quarterly Meetings, publick Notice ſhall be given in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Wilts* and *Berks*, Ten Days at leaſt before the Time appointed for ſuch Meeting; and it ſhall be lawful for the Committee of Management for the Time being, at any General Meeting to be held in purſuance of this Act, to adjourn themſelves from Time to Time, and from Place to Place, as they ſhall think proper and expedient.

Committee of Management at their Firſt Meeting to elect a Chairman.

LXXXIII. And be it further enacted, That every Committee of Management ſhall, at their Firſt General Meeting to be held in purſuance of this Act, elect a Chairman out of the Members of ſuch Committee then preſent to preſide at ſuch Meeting, and at all other Meetings of the ſame Com-

mittee whilſt he ſhall continue to be a Member thereof; and in caſe the Office of Chairman ſhall at any Time become vacant by Death, Reſignation, or otherwiſe, the ſaid Committee of Management ſhall, at their next Meeting after ſuch Vacancy, elect ſome other Perſon out of the Members of ſuch Committee then preſent to be their Chairman at ſuch Meeting, and at all other Meetings of the ſame Committee to be held whilſt he ſhall continue a Member thereof; and that any Eight or more Members of the Committee of Management for the Time being, but not leſs, ſhall be a ſufficient Number to conſtitute a Meeting for the Purpoſe of electing a Chairman of ſuch Committee; and that after a Chairman ſhall be elected, any Five or more Members of ſuch Committee, (whereof the Chairman, or in his Abſence ſuch other Member of the ſaid Committee as he ſhall from Time to Time, by any Writing under his Hand appoint to ſupply his Place, ſhall be One), but not leſs, ſhall be a ſufficient Number to conſtitute a Meeting for the Purpoſe of doing all other Acts, Matters, and Things, and exerciſing all other Powers and Authorities hereby directed to be done by and veſted in ſuch Committee; and that all Queſtions, Matters, and Things, which ſhall be propoſed, diſcuſſed, or conſidered by the ſaid Committee of Management, at their Meetings to be held in Manner aforeſaid, ſhall be decided and determined by the Majority of Members then preſent, but no Member ſhall have more than One Vote at any ſuch Meeting, ſave and except that in the Caſe of an equal Diviſion, the Chairman or the Perſon appointed to ſupply his Place as aforeſaid, ſhall always have the Caſting Vote; and if at any Meeting to be held for the Election of a Chairman as aforeſaid, Two or more Perſons ſhall be propoſed to fill that Office, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſame: Provided always, that if on the Day appointed for any ſuch Meeting of the Committee of Management as aforeſaid, there ſhall not attend ſo many Members of ſuch Committee as are hereby required to conſtitute a Meeting for exerciſing the Power hereby veſted in ſuch Committee, then and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, the Meeting ſhall be adjourned to that Day Fortnight by the Member or Members then preſent, or if no Member ſhall be preſent, by the principal Clerk to the ſaid Company of Proprietors, or ſuch other Perſon as ſhall attend in his Place.

Committee of Management at the Firſt Meeting to appoint a General Meeting for electing a Treaſurer.

LXXXIV. And be it further enacted, That the ſaid Committee of Management ſhall at their Firſt General Meeting after the paſſing of this Act, and alſo at their Firſt General Meeting which ſhall be held in the Month of *June* in every ſubſequent Year, and alſo at their Firſt General Meeting after any Vacancy ſhall happen by Death or otherwiſe in the Office of Treaſurer to the ſaid Company of Proprietors, appoint a General Meeting of the Proprietors at large, to be held at ſuch Time and Place as they ſhall think proper, within Twenty-one Days next after ſuch General Meeting of the ſaid Committee, for the Purpoſe of electing a Treaſurer or Treaſurers to the ſaid Company of Proprietors, and ſhall cauſe publick Notice of the Time and Place appointed for ſuch Meeting of the Proprietors at large to be given by Advertiſement in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Wilts* and *Berks*, and alſo in ſome *London* Newſpaper or Newſpapers, Seven Days at leaſt before the Time appointed for ſuch Meeting, and the Proprietors who ſhall be aſſembled at ſuch Meeting are hereby

hereby accordingly authorized and required to elect and make Choice of ſome Perſon or Perſons to be a Treaſurer or Treaſurers to the ſaid Company; and in caſe ſo many of the ſaid Company of Proprietors as ſhall be poſſeſſed of Three hundred Shares in the ſaid intended Navigation and Undertaking ſhall at any Time be diſſatisfied with the Conduct of the Treaſurer or Treaſurers to the ſaid Company, and ſhall ſignify ſuch their Diſapprobation in Writing, ſigned by them, to the Committee of Management, at any General Meeting to be held as aforeſaid, then ſuch Committee ſhall thereupon call and appoint a General Meeting of the Proprietors at large, to be held within Twenty-one Days from that Time, for the Purpoſe of taking into Conſideration the Cauſe of Complaint againſt ſuch Treaſurer or Treaſurers, and ſhall give publick Notice of ſuch Meeting in the Manner aforeſaid, Seven Days at leaſt before the Time appointed for holding the ſame, and the Proprietors to be aſſembled at ſuch Meeting ſhall and may, after taking the Matter into Conſideration, either continue ſuch Treaſurer or Treaſurers in his or their Office, or remove or diſmiſs him or them from the ſame, and elect and appoint ſome other Perſon or Perſons in his or their Stead, according as they ſhall judge proper and expedient.

If Proprietors of 300 Shares ſhall be diſſatisfied with the Treaſurer, a General Meeting may be called.

Security to be taken from the Treaſurer.

LXXXV. Provided always, and be it further enacted, That the Proprietors from Time to Time electing any ſuch Treaſurer or Treaſurers as aforeſaid, ſhall direct ſuch Security to be taken from him or them, for the faithful Execution of his or their Office, as they in their Diſcretion ſhall deem ſufficient, and ſuch Security ſhall be required and taken accordingly before ſuch Treaſurer or Treaſurers ſhall be permitted to receive any Monies for or on Account of the ſaid Company.

Committee of Management may appoint Clerks, Engineers, Collectors, &c.

LXXXVI. And be it further enacted, That it ſhall and may be lawful for the Committee of Management, at any ſuch General Meeting as aforeſaid, and they are hereby authorized and required from Time to Time to nominate and appoint a principal Clerk, on whom the Service of all Writs, Notices, and other legal Proceedings againſt the ſaid Company of Proprietors ſhall be deemed good Service on the ſaid Company, and ſuch One or more other Clerk or Clerks, and ſuch Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, and other Officers, (except the Treaſurer or Treaſurers), as the ſaid Committee of Management ſhall think proper and expedient for the better carrying the Purpoſes of this Act into Execution, the ſaid Committee always taking good and ſufficient Security from all Collectors and other Officers who ſhall have the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act for the faithful Diſcharge of the Truſt repoſed in them, and alſo from Time to Time to diſcharge and diſmiſs any ſuch Clerks, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there ſhall be Occaſion; and that all ſuch Clerks, Engineers, Surveyors, Collectors, and other Officers of the ſaid Company of Proprietors, who ſhall at any Time quit or be diſmiſſed from the Service of the ſaid Company, and the reſpective Executors or Adminiſtrators of thoſe who may happen to die, ſhall immediately thereupon produce and deliver up to the ſaid Committee of Management, or to ſuch Perſon or Perſons as they ſhall direct, all Books, Accounts, Papers and Writings whatſoever, which ſhall be in the Cuſtody or Power of ſuch Engineers, Surveyors, Clerks, Collectors, or other Officers, Executors or Adminiſtrators reſpectively,

taking Security from thoſe who are to have the Cuſtody of Money.

respectively, in any wise relating to the said intended Navigation; and the said Committee of Management shall also have full Power and Authority, and they are hereby required at the General Meeting to be held in the Month of *June* as aforesaid, to call for, audit, and settle, all Accounts of Money received, paid, laid out, and disbursed, up to that Time, for or on Account of the said Company of Proprietors, by the Treasurer or Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on Behalf of the said Company, in or about the said intended Navigation: Provided always, that it shall be lawful for the said Committee to call for, audit, and settle, such Accounts, or any of them, oftener than Once a Year if they shall deem it proper or expedient so to do.

Accounts of Officers to be audited at a General Meeting in *June*, &c.

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

Committee of Management may make Calls for Money;

and purchase Lands, &c.

Committee of Management may appoint Sub-committees, with Power to make Contracts, &c.

LXXXVIII. And be it further enacted, That it ſhall be lawful for the Committee of Management, at any ſuch General Meeting as aforeſaid, to nominate and appoint, out of their own Body, One or more Sub-committee or Sub-committees (every ſuch Sub-committee to conſiſt of Three or more Perſons) who ſhall have full Power and Authority to enter into and make any ſuch Contracts or Agreements on Behalf of the ſaid Company of Proprietors as aforeſaid, and to hire and employ any Agents, Workmen, and Servants, in and about the ſaid Undertaking, and to do, execute, and perform, all other Matters and Things whatſoever in and about the ſaid Navigation and Undertaking, which the ſaid Committee of Management are themſelves herein-before authorized to do, or ſuch of them as the ſaid Committee of Management ſhall think proper to entruſt to the Care and Management of any ſuch Sub-committee or Sub-committees, ſave and except nevertheleſs the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and ſettling of the Accounts of the Treaſurer or Treaſurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the ſaid Undertaking, all which ſhall be done by the ſaid Committee of Management only, as herein-before is directed; and it ſhall alſo be lawful for the ſaid Committee of Management, by an Order or Reſolution for that Purpoſe, at any General Meeting, to break up and diſſolve any ſuch Sub-committee or Sub-committees, or to remove and diſplace any Member or Members thereof, and appoint ſome other or others in his or their Place or Stead, when and as often as ſuch Committee of Management ſhall think proper and expedient; and ſuch Sub-committees ſhall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they ſhall think proper, and as Occaſion ſhall require, for effectuating the Purpoſes aforeſaid; and all Powers and Authorities hereby veſted, or which ſhall by the ſaid Committee of Management be veſted in any ſuch Sub-committee, within the Intent and Meaning of this Act, ſhall and may be exerciſed by the major Part of the Members preſent at their reſpective Meetings, the whole Number of Members preſent not being leſs than Three; and at all Meetings of ſuch Sub-committees reſpectively, One of the Members preſent ſhall be appointed Preſident or Chairman, and all Queſtions ſhall be decided by the Majority of Votes, and the Preſident or Chairman ſhall have the caſting Vote in caſe of an equal Diviſion, but no other Member ſhall have more than One Vote.

Sub-committee may adjourn;

and the Majority may act, Three being preſent:

A Chairman to be appointed who ſhall have the caſting Vote.

Committee of Management and Sub-committees to keep Account of Receipts and Diſburſements;

LXXXIX. And be it further enacted, That the Committee of Management, and alſo every ſuch Sub-committee as aforeſaid, ſhall enter or cauſe to be entered into Books to be provided for that Purpoſe, at the Expence of the ſaid Company of Proprietors, a full and true Account of all Money diſburſed and Payments made by ſuch Committee and Sub-committees reſpectively, and by all and every Perſon and Perſons employed by or under them, and of all Monies which ſhall be paid to or received by them reſpectively, for or on Account of the ſaid Company of Proprietors, and alſo a full and true Account, or proper Notes and Minutes, of every Contract, Bargain, and Agreement, which ſhall be entered into by them reſpectively, for or on Behalf of the ſaid Company of Proprietors, and of all and ſingular their reſpective Orders, Tranſactions, and Proceed-

and Minutes of all their Proceedings;

ings whatſoever, in and about the Affairs and Buſineſs of the ſaid Company; and all reaſonable Expences to be incurred at or by the reſpective Meetings of the ſaid Committee of Management, and of Sub-committees reſpectively as aforeſaid, ſhall be paid and defrayed out of the Caſh or Stock of the ſaid Company of Proprietors, and ſuch Committee of Management and Sub-committees reſpectively ſhall and may from Time to Time draw for the Amount of ſuch Expences reſpectively upon the Treaſurer or Treaſurers to the ſaid Company, but no other Money ſhall be iſſued or paid by the Treaſurer or Treaſurers, for or on Account of the ſaid Company of Proprietors, without an Order being made for that Purpoſe by the Committee of Management at any ſuch General Meeting as aforeſaid; and every ſuch Book, and all other Books, Papers, and Writings, belonging to the ſaid Company of Proprietors, ſhall at all ſeaſonable Times be open to the Inſpection of all the ſaid Proprietors who may take Copies thereof, or Extracts therefrom, without Fee or Reward.

Their Expences to be defrayed by the Company, &c.

XC. And be it further enacted, That every ſuch Sub-committee ſo to be appointed as aforeſaid ſhall from Time to Time make Reports of their Proceedings to the Committee of Management, and ſhall at all Times be ſubject to the Examination and Controul of ſuch Committee of Management, and ſhall pay due Obedience to all their Orders and Directions in and about the Affairs and Buſineſs of the ſaid Company, ſo that ſuch Orders and Directions be not contrary to the expreſs Directions, Regulations, or Proviſions, contained in this Act.

Sub-committees to make Reports of their Proceedings to the Committee of Management.

XCI. And be it further enacted, That the Committee of Management ſhall alſo have full Power and Authority from Time to Time, at any ſuch General Meeting as aforeſaid, to make ſuch Rules, Orders, and Bye Laws, as to them ſhall ſeem meet and proper for the good Government of the ſaid Company of Proprietors, and for regulating the Proceedings of the ſaid Committee of Management and Sub-committees reſpectively, and for the regulating of all Officers, Workmen, and Servants, to be employed in or about the Affairs or Buſineſs of the ſaid Company of Proprietors, and for the well and orderly uſing of the ſaid intended Navigation, and the Locks and Aqueducts thereto belonging, and for regulating the paſſing and repaſſing of all Veſſels, Boats, and Barges, and the conveying of all Goods, Wares, and Merchandizes, which ſhallbe navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others, who ſhall be employed in carrying or conveying any ſuch Goods, Wares, or Merchandizes, and for the Superintendance and Management of the ſaid Navigation and Undertaking in all other Reſpects whatſoever, and from Time to Time to alter or repeal ſuch Rules, Orders, and Bye Laws, or any of them, and to make others, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt ſuch Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the ſaid Committee of Management ſhall ſeem meet and expedient; and all Rules, Orders, and Bye Laws, ſo to be made as aforeſaid, being reduced into Writing, and the Common Seal of the ſaid Company thereto affixed by the ſaid Committee of Management, ſhall be binding upon, and be obſerved by all Perſons uſing or in anywiſe concerned in the ſaid Navigation, and ſhall be ſufficient in any Court of Law

Committee of Management may make Bye Laws.

Law or Equity to juſtify all Perſons who ſhall act under the ſame, provided that ſuch Rules, Orders, and Bye Laws, be not repugnant to the Laws of this Realm, or any of the expreſs Directions or Proviſions of this Act; and provided that Copies of ſuch Rules, Orders, and Bye Laws, or of ſuch of them as ſhall concern or relate to the uſing of the ſaid intended Navigation, and the Locks and Aqueducts belonging thereto, or to the Conduct and Behaviour of any Bargemen, Boatmen, Watermen, and others, conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Perſons employed in or about the ſaid Navigation, or of the Perſons reſorting to or making uſe of the ſame, ſhall be written or printed in large Characters, and be affixed and continued in ſome conſpicuous Place or Places upon all the Wharfs on the ſaid Navigation which ſhall belong to the ſaid Company of Proprietors.

Committee of Management may call Special Meetings of Proprietors.

XCII. And be it further enacted, That if it ſhall at any Time appear to the Committee of Management to be neceſſary or expedient to call a Special Meeting of the Proprietors at large, for the more effectual putting this Act in Execution, or in order to take their Opinion reſpecting any Matter or Thing to be done in or about the ſaid Navigation and Undertaking, it ſhall be lawful for the ſaid Committee of Management, purſuant to an Order or Reſolution for that Purpoſe to be made at any General Meeting of the ſame Committee, to call a Special Meeting of the Proprietors at large, by publick Advertiſement in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid Counties of *Wilts* and *Berks*, and alſo in ſome *London* Newſpaper or Newſpapers, ſpecifying in ſuch Advertiſement the Cauſe of calling ſuch Special Meeting, and the Time and Place when and where the ſame ſhall be held, the Time not being leſs than Fourteen Days after ſuch Notice ſhall be given, and the Place being ſomewhere in the County of *Berks* or in the County of *Wilts*, and within Ten Miles of the Line of the ſaid intended Navigation, and the ſaid Company of Proprietors are hereby authorized and required to meet purſuant to ſuch Notice, and to take into Conſideration the Matters to be ſubmitted to them by the ſaid Committee of Management, and ſpecified in ſuch Notice, and the Deciſion and Determination of the Proprietors preſent at ſuch Meetings, or the major Part of them, according to the Number of Votes they ſhall have a Right to give either as Principals or Proxies, reſpecting ſuch Matters, ſhall be binding and concluſive upon the Reſt of the Proprietors to all Intents and Purpoſes, and ſhall be obſerved and acted upon accordingly.

The Chairman of the Meeting for electing Committee to tranſmit a Liſt of the Members elected, to the Clerk.

XCIII. And be it further enacted, That the reſpective Preſidents or Chairmen of the General Meetings of the aforeſaid Two Claſſes of Proprietors reſpectively to be held for the Purpoſe of electing Members of the Committee of Management, as herein-before is directed, ſhall immediately after ſuch Meetings reſpectively tranſmit or return to the principal Clerk to the ſaid Company of Proprietors a Liſt of the Perſons who ſhall be elected at ſuch Meetings reſpectively, to be Members of ſuch Committee, which Liſt ſhall from Time to Time be produced by ſuch principal Clerk, at the Firſt General Meeting of ſuch Committee to be held in purſuance of this Act; and if there ſhall at any Time happen to be a Deficiency of Names in any ſuch Liſt, either by Reaſon

Deficiency of ſuch Liſts how to be ſupplied.

of there not being a ſufficient Number of Proprietors in the Claſs from which ſuch Liſt ſhall have been tranſmitted and returned, duly qualified to be elected on ſuch Committee, or by or through any other Means, Accident, or Caſualty whatſoever, then and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, ſuch of the Members named in ſuch deficient Liſt as ſhall be preſent at the Firſt General Meeting of ſuch Committee to be held in purſuance of this Act, or the major Part of them, ſhall have full Power and Authority to elect, either out of the Proprietors of the ſame Claſs from which ſuch deficient Liſt ſhall have come, or out of the Proprietors at large, a ſufficient Number of Perſons duly qualified as aforeſaid to be Members of the ſaid Committee to ſupply the Deficiency in ſuch Liſt; and in caſe the Members named in any ſuch deficient Liſt, or ſuch of them as ſhall be preſent at ſuch Firſt General Meeting of the ſaid Committee, ſhall decline or refuſe to fill up the Deficiency in ſuch Liſt, or if none of the Members named in ſuch Liſt ſhall be preſent at ſuch Meeting, then the other Members of the ſaid Committee of Management preſent at ſuch Meeting, or the major Part of them, ſhall have full Power and Authority to ſupply ſuch Deficiency in the Manner aforeſaid; and if at any Time hereafter the Preſident or Chairman of either of the aforeſaid Claſſes of Proprietors ſhall not tranſmit or return any Liſt whatever of Perſons elected Members of ſuch Committee of Management by the Claſs of Proprietors whereof he ſhall be Preſident or Chairman, as herein-before is directed, and if ſuch Liſt ſhall not afterwards be brought to the Firſt General Meeting of the Committee of Management, to be held in purſuance of this Act, by ſome Member of ſuch Committee, elected by the Claſs of Proprietors from which no ſuch Liſt ſhall have been tranſmitted or returned as aforeſaid, then and in ſuch Caſe the ſaid Claſs of Proprietors from whom no ſuch Liſt ſhall have come, ſhall be deemed and conſidered as not having elected any Member or Members of ſuch Committee, and the Members of ſuch Committee, preſent at ſuch General Meeting, or the major Part of them, ſhall thereupon elect, either out of the Proprietors of the Claſs from whom no ſuch Liſt ſhall have come, or out of the Proprietors at large, as they ſhall think proper, ſuch Number of Perſons duly qualified as aforeſaid to be Members of the ſaid Committee as the ſaid Claſs from whom no ſuch Liſt ſhall have come is herein-before authorized and required to elect for that Purpoſe; and if any Perſon, being a Member of the Committee of Management, ſhall at any Time accept any Office or Place of Profit under the ſaid Company of Proprietors, or ſhall neglect to attend at Three ſucceſſive Meetings of the ſaid Committee, without ſending what ſhall be thought a ſufficient Excuſe, in the Opinion of the Members preſent at the laſt of ſuch Three Meetings, or the major Part of them, or attending any Meeting ſhall refuſe to act in the Buſineſs there brought forward, every ſuch Perſon ſhall thenceforth ceaſe to be a Member of ſuch Committee, and all his Power and Authority as ſuch ſhall be at an End; and when and ſo often as any Member of the ſaid Committee of Management ſhall become incapacitated in the Manner aforeſaid, or ſhall die, or give in his Reſignation, ſuch of the remaining Members of ſuch Committee as ſhall be preſent at the Meeting at which ſuch Incapacity, Death, or Reſignation, ſhall be declared or announced, ſhall thereupon elect ſome other Perſon, to be a Member

Members of Committee of Management how diſqualified.

Vacancies in Committee of Management to be filled up by the remaining Members for the Current Year.

a Member of the ſaid Committee in his Place, until a new Committee ſhall be choſen purſuant to the Directions of this Act, and if the Member ſo becoming incapacitated, or dying, or reſigning, ſhall have been One of thoſe elected by either of the aforeſaid Two Claſſes of Proprietors, then the Perſon to be elected in his Place ſhall be a Proprietor of Five or more Shares in the ſaid Navigation, and of the ſame Claſs of Proprietors as the Member ſo becoming incapacitated, or dying, or reſigning; and every Perſon who ſhall be elected a Member of the ſaid Committee of Management by virtue and in purſuance of this preſent Clauſe, ſhall have full Power and Authority to act in all Matters and Things relating to the ſaid Navigation and Undertaking in the ſame Manner as if he had been originally elected a Member thereof by either of the ſaid Two Claſſes of Proprietors, in purſuance of the Directions herein-before mentioned.

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

XCIV. And be it further enacted, That every Proprietor of any Share or Shares in the ſaid Navigation and Undertaking, ſhall from Time to Time pay his or her Proportion of the Money ſo to be called for, as herein-before is mentioned, into the Hands of the Treaſurer or Treaſurers to the ſaid Company, at ſuch Time and Place as ſhall be appointed for that Purpoſe by the Committee of Management making ſuch Call, and of which ſuch Notice ſhall be given as herein-before is directed; and that if any ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their proportionable Part of the Money ſo to be called for as aforeſaid, at the Time and Place which ſhall be appointed for that Purpoſe in Manner aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, in caſe they ſhall ſo think fit, to ſue for and recover the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe; or the Perſon or Perſons ſo refuſing or neglecting to pay ſuch his, her, or their proportionable Part of ſuch Money as aforeſaid, ſhall forfeit to the ſaid Company of Proprietors the Sum of Five Pounds for every Share, which he, ſhe, or they ſhall have or poſſeſs in the ſaid Undertaking; and in caſe any ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their proportionable Part of the Money ſo to be called for as aforeſaid, for the Space of Three Calendar Months after the Time to be appointed for Payment thereof as aforeſaid, and the ſame ſhall not have been ſued for by the ſaid Company of Proprietors as aforeſaid, or if ſued for ſhall not have been recovered by them, then and in ſuch Caſe the Perſon or Perſons ſo neglecting or refuſing ſhall abſolutely forfeit all his, her, or their Share, Part, and Intereſt whatſoever in the ſaid Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them, on Account thereof, to and for the Uſe and Benefit of the other Proprietors of the ſaid Undertaking; and all Shares that ſhall or may be ſo forfeited ſhall be ſold by the ſaid other Proprietors by publick Auction for the moſt Money that can be gotten for the ſame, and the Produce thereof ſhall be divided amongſt them, in Proportion to their reſpective Shares and Intereſts in the ſaid Navigation and Undertaking; Provided always nevertheleſs, that no Advantage ſhall be taken of ſuch Forfeiture of any Share or Shares in the ſaid Navigation and Undertaking as aforeſaid, until after perſonal Notice ſhall be given by the Treaſurer or principal Clerk of the ſaid Company of Proprietors to the Owner or Owners thereof, or until Notice in Writing, ſigned by ſuch Treaſurer or

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

and if Calls be not anſwered in Three Months Shares to be forfeited;

but Shares not to be forfeited without Notice.

or Clerk, shall be left at his, her, or their usual or last Place or Places of Abode, nor unless the same shall be declared to be forfeited at some General Meeting of the Committee of Management, within Six Calendar Months next after such Forfeiture shall have been incurred: Provided also that every such Forfeiture, after the same shall be taken Advantage of by the Rest of the said Company of Proprietors as aforesaid, shall be an absolute Indemnification and Discharge, to and for the Proprietor or Proprietors so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the Rest of the said Company, with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

Forfeiture of Shares to be an Indemnity of Persons forfeiting.

XCV. And be it further enacted, That if the Proprietor of any Share or Shares in the said Navigation and Undertaking shall die before Payment shall have been made by him or her of the full Sum to be called for and advanced as aforesaid, in respect of each Share which he or she shall have been possessed of or entitled to, without having made Provision by Will or otherwise how such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered, then and in such Case the Executors or Administrators of such Proprietor, and the Trustee or Trustees, Guardian or Guardians of any Infant or other Person entitled to the Estate and Effects of such Proprietor, shall be indemnified against such Infant, and all other Persons whomsoever, for paying any Money when called for as aforesaid, to complete the Sum to be advanced in respect of every such Share; and if such deceased Proprietor shall not have left Assets sufficient, or in case any such Executor, or Administrator, Trustee, or Guardian, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be, and they are hereby authorized and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such deceased Proprietor, on Condition that such Person or Persons so to be admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Proprietor, or to the Trustee or Trustees, Guardian or Guardians of any Infants or others entitled to his or her Effects, the full Sum or Sums of Money which shall have been paid by such deceased Proprietor in his or her Life Time, in consequence of any Call or Calls or otherwise, upon or in respect of such Share or Shares, or so much Money as the same can be sold for.

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

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

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

Shares may be sold, and how.

'I *A. B.* in Consideration of paid to
'me by *C. D.* of do hereby bargain, sell,
'assign, and transfer, to the said *C. D.*, his Executors, Administrators,
'and Assigns, Share [*or*, Shares] in the *Wilts* and
'*Berks*

Form of Conveyance of Shares on a Sale.

'*Berks* Canal Navigation, being Number of the Shares
'in the ſaid Navigation, to hold to the ſaid *C. D.* his Executors,
'Adminiſtrators, and Aſſigns, ſubject to the ſame Rules, Orders, and
'Reſtrictions, and on the ſame Conditions, that I hold the ſame im-
'mediately before the Execution hereof; and I the ſaid *C. D.* do
'hereby agree to accept the ſaid Share [*or* Shares] ſub-
'ject to the ſame Rules, Orders, Reſtrictions, and Conditions. Wit-
'neſs our Hands and Seals, the Day of in the
'Year of our Lord

Memorial of all ſuch Sales and Conveyances to be regiſtered.

And on every ſuch Sale, the Deed of Conveyance being executed by the Vender or Venders, and Purchaſer or Purchaſers, ſhall be kept by the Purchaſer or Purchaſers, for his, her, or their Security, after having been firſt produced to the principal Clerk to the ſaid Company of Proprietors, in order that he may enter in the Book or Books to be kept for that Purpoſe a Memorial of ſuch Sale and Conveyance for the Uſe of the ſaid Company of Proprietors, and certify the Entry of ſuch Memorial by an Indorſement on ſuch Conveyance, for which Entry and Certificate no more than One Shilling ſhall be paid, and the ſaid principal Clerk is hereby required to make ſuch Entry, and indorſe ſuch Certificate accordingly; and until ſuch Memorial ſhall have been entered as above directed, the Purchaſer or Purchaſers ſhall not have any Part or Share of the Profits of the ſaid Navigation, or any Intereſt paid to him, her, or them, for or in reſpect of ſuch Share or Shares ſo to be purchaſed, nor be entitled to any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Navigation.

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

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

Proofs to be given of Title to Shares acquired by Marriage, or by Will, or Letters of Adminiſtration.

XCVIII. And whereas much Inconvenience may ariſe by the frequent Transfer of the Right and Title to Shares in the ſaid Navigation and Undertaking, by the Marriage and Death of Proprietors, and it may be difficult in ſuch Caſes to aſcertain who is entitled to the Dividends ariſing or becoming due upon ſuch Shares, unleſs ſome Proof be given of the Right and Title thereto; be it therefore further enacted, That before any Perſon who ſhall claim any Share of the Profits of the ſaid Navigation and Undertaking, in Right or by virtue of his Marriage, ſhall be entitled to receive the ſame, an Affidavit containing a Copy of the Regiſter of ſuch Marriage, or the Purport of ſuch Regiſter, ſhall be made and ſworn to by ſome credible Perſon before a Judge of One of His Majeſty's Courts of Record at *Weſtminſter*, or before a Maſter or Maſter Extraordinary in Chancery;

Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the principal Clerk to the ſaid Company of Proprietors for the Time being, who ſhall file the ſame, and make an Entry thereof in the Book or Books which ſhall be kept for entering Memorials of Sales and Transfers of Shares in the ſaid Navigation; and that before any Perſon who ſhall claim any Share of the Profits of the ſaid Navigation, under or by virtue of any Bequeſt or Will, or of any Letters of Adminiſtration, ſhall be entitled to receive the ſame, ſuch Will, or the Probate Copy thereof, or ſuch Letters of Adminiſtration, ſhall be produced and ſhewn to the principal Clerk to the ſaid Company for the Time being, or an Affidavit containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator or Teſtatrix in the ſaid Navigation, or a Copy of the ſaid Letters of Adminiſtration, in caſe the Proprietor ſhall have died Inteſtate, ſhall be made and ſworn to by an Executor or Executors of ſuch Will, or by an Adminiſtrator or Adminiſtrators of the Eſtate and Effects of the Proprietor dying Inteſtate, (as the Caſe may happen to be), before a Judge of One of His Majeſty's Courts of Record at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the ſaid principal Clerk to the ſaid Company, who ſhall file and enter the ſame in Manner aforeſaid.

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

XCIX. And be it further enacted, That in Conſideration of the Charges and Expences which the ſaid Company of Proprietors will be at in making and maintaining the ſaid Canal, Cuts, and other Works hereby authorized to be made, erected, and maintained as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors from Time to Time, and at all Times for ever hereafter, to aſk, demand, take, and receive, to and for their own Uſe and Benefit, for the Tonnage and Wharfage of all Goods, Wares, Merchandizes, and Commodities whatſoever, which ſhall be carried or conveyed upon the ſaid Canal and Cuts, or any Part thereof reſpectively, ſuch Rates, Tolls, and Duties, as ſhall be ſettled and fixed by their Committee of Management at any General Meeting to be held in purſuance of this Act as aforeſaid, not exceeding the reſpective Rates, Tolls, and Duties, herein-after mentioned; that is to ſay,

Rates.

For all Hay, Straw, Dung, Peat, and Peat Aſhes, and for all other Aſhes, intended to be uſed for Manure, and for all Chalk, Marle, Clay, and Sand, and for all Lime intended to be uſed for Manure, and for all other Articles intended to be uſed for Manure, and for all Materials for the Repair of Roads, any Sum not exceeding One Halfpenny *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile:

For all Coals, Culm, Coke, Cinders, Charcoal, Iron Stone, Pig Iron, Iron Ore, Copper Ore, Lead Ore, Lime, (except what ſhall be intended to be uſed for Manure), Lime Stone and other Stone, Bricks and Tiles, any Sum not exceeding One Penny Halfpenny *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile:

For all Corn and other Grain, Flour, Malt, Meal, Timber, Bar Iron, and Lead, any Sum not exceeding Two-pence *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile: And,

For all other Goods, Wares, Merchandizes, and Commodities whatſoever, not before ſpecified, any Sum not exceeding Two-pence Halfpenny *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile.

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

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

Boats laden with Hay, Straw, &c. paſſing Locks where the Water does not run over Waſte Weir, to pay an additional Toll.

CI. Provided always, and be it further enacted, That if any Boat, Barge, or other Veſſel, laden with Hay, Straw, or Corn in the Straw, or with any Materials for the Repair of Roads, or with any Kind of Manure, ſhall paſs through any Lock to be made by virtue of this Act, at any other Time than when the Water ſhall flow over the Waſte Weir next above ſuch Lock, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors to demand, receive, and take, in reſpect of the Cargo or Lading on Board every ſuch Boat, Barge, or other Veſſel, a further or additional Rate, Toll, or Duty, of One Penny *per* Ton *per* Mile, and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile, over and above the Rate, Toll, or Duty, of One Halfpenny *per* Ton *per* Mile, herein-before authorized to be taken for the ſame.

Penalty on Perſons evading Payment of the higher Tolls when not exempted therefrom.

CII. Provided alſo, and be it further enacted, That if any Perſon or Perſons ſhall claim a Right to carry or convey any Articles on the ſaid Canal and Cuts, or either of them, on Payment of the lower Rates, Tolls, or Duties before mentioned, who ſhall not be entitled ſo to do, or ſhall uſe or diſpoſe of any of the Articles hereby made liable only to the Payment of ſuch lower Rates, Tolls, or Duties, for any other Purpoſes than thoſe in reſpect of which ſuch Articles are ſo made liable only to ſuch lower Rates, Tolls, or Duties, and ſhall be thereof convicted before any Juſtice of the Peace, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay to the ſaid Company of Proprietors the Sum of Five Pounds, to be levied by Diſtreſs and Sale of his and their Goods and Chattels.

For aſcertaining the Weight of Timber and light Goods.

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

CIV. And

CIV. And be it further enacted, That if any Goods, Wares, Merchandizes, or Commodities whatſoever, which ſhall be ſo carried or conveyed upon the ſaid Canal and Cuts reſpectively as aforeſaid, ſhall remain upon any Wharf or Quay belonging to the ſaid Company of Proprietors for above the Space of Forty-eight Hours, then and in ſuch Caſe the ſaid Company of Proprietors ſhall be entitled to have and receive ſuch reaſonable Tolls or Allowance for the Wharfage thereof, over and above the Rates, Tolls, and Duties, herein-before authorized to be taken, as ſhall be agreed upon between the ſaid Company of Proprietors, or their Agent or Agents, and the Owner or Owners of ſuch Goods, Wares, Merchandizes, or Commodities; and in caſe any Difference or Diſpute ſhall ariſe concerning ſuch Allowance, the ſame ſhall be aſcertained and adjuſted by the Commiſſioners herein-before appointed. Further Allowance for Goods remaining upon Wharfs above Forty-eight Hours.

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

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

CVII. Provided always, and be it further enacted, That the ſaid Rates, Tolls, and Duties, by this Act granted and authorized to be taken by the ſaid Company of Proprietors, ſhall not at any Time be charged with, or ſubject or liable to the Payment of any Taxes or Aſſeſſments whatſoever, except at ſuch Time or Times as the Nett Produce of the ſaid Rates, Tolls, and Duties, ſhall (excluſive of ſuch Taxes or Aſſeſſments) be ſufficient to enable the ſaid Company of Proprietors to divide the The Rates not taxable but when the Company make a Dividend of 5*l.* *per Cent.*

the Sum of Five Pounds *per Centum per Annum* on the full Sum expended and laid out in or preparatory to the obtaining and paſſing this Act, and the making the ſaid Canal and Cuts, and in carrying the Powers of this Act into Execution, until the ſaid Canal, Cuts, and other Works, ſhall be completed.

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

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

Penalty for Neglect.

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

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

be levied and recovered; but if such Goods, Wares, and Merchandizes, shall appear to be of the same Weight or Quantity as, or of a less Weight or Quantity than, the said Master, Owner, or other Person, declared the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandizes, or Commodities, such Damages as shall appear to the aforesaid Commissioners, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by such Collector, the same shall be recovered from the said Company of Proprietors by Distress and Sale of their Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners, or otherwise by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Navigation to be free on Payment of the Tolls.

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

The Company may from Time to Time vary the Tolls.

CXI. And be it further enacted, That it shall be lawful for the Committee of Management from Time to Time, at any General Meeting of the said Committee to be held pursuant to the Directions of this Act, to lower or reduce such of the said Rates, Tolls, and Duties, to be fixed as aforesaid as the said Committee shall think proper, and afterwards from Time to Time, at any such General Meeting, again to advance and raise all or any of the said Rates, Tolls, and Duties, which shall have been so lowered or reduced: Provided always, that the Rates, Tolls, and Duties, so to be advanced and raised as aforesaid, shall not in any case exceed the respective Sums herein-before authorized to be taken.

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

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

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

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

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

Navigation not to be ſubject to Commiſſioners of Sewers.

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

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

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

Boats, *etc.* to be gauged when required by the Company;

Perſons as ſhall be appointed for that Purpoſe by the ſaid Company of Proprietors, or their Committee of Management, ſo that no ſuch Boat, Barge, or other Veſſel, ſhall be gauged or meaſured more than Four Times in any One Year; and that the Perſon or Perſons ſo to be appointed to gauge and meaſure any ſuch Boat, Barge, or other Veſſel, ſhall from Time to Time regiſter or enter in a Book to be provided and kept for that Purpoſe, a Memorandum of the Meaſurement thereof, and all Particulars relating thereto, and ſhall alſo thereupon deliver to the Owner, Maſter, or Perſon, having the Charge or Command of ſuch Boat, Barge, or other Veſſel, a Certificate in Writing, ſpecifying the Meaſure thereof, and what Quantity of Water the ſame will draw with different Burthens or Ladings, which Certificate ſhall always go with ſuch Boat, Barge, or other Veſſel, and ſhall from Time to Time be produced and ſhewn by the Owner, Maſter, or other Perſon having the Charge or Command thereof, to the ſeveral Collectors of the Tolls, Rates, and Duties, granted by this Act, who ſhall require or demand to ſee the ſame, in order that the true Weight of the Lading on Board every ſuch Boat, Barge, or other Veſſel, may be the more eaſily known and aſcertained by ſuch Collectors; and that every Owner, Maſter, or other Perſon having the Charge or Command of any Boat, Barge, or other Veſſel, who ſhall navigate ſuch Boat, Barge, or other Veſſel, upon the ſaid Canal or Cuts, without having ſuch Names, Marks, and Figures thereon as herein-before directed, or ſhall alter, eraſe, deface, or deſtroy, the ſame, or any Part thereof, or ſhall put any falſe Names, Marks, or Figures, on ſuch Boat, Barge, or other Veſſel, or who ſhall refuſe to permit ſuch Boat, Barge, or other Veſſel, to be gauged or meaſured as aforeſaid, or who ſhall not produce ſuch Certificate as aforeſaid, when thereunto required by any ſuch Collector or Collectors as aforeſaid, or who ſhall cauſe or permit ſuch Boat, Barge, or other Veſſel, to be at any Time loaded or unloaded without a Stage being laid from the Side of ſuch Boat, Barge, or other Veſſel, to the Bank of the ſaid Canal or Cuts reſpectively, in order to prevent any Dirt or Rubbiſh falling into the ſame, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Company of Proprietors the Sum of Forty Shillings.

and a Certificate of ſuch Meaſure, *etc.* always to go therewith.

Penalty on Neglect or Refuſal, *&c.*

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

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

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

other Vessel navigating or passing on the said Canal and Cuts respectively, shall be compelled to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default, of his or their Servant or Servants, Boatmen or Watermen, then, and in such Case, every such Servant, Boatman, and Waterman, shall be liable to repay such Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners, and in case of Non-payment thereof upon Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

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

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

Regulations for Boats in passing the Locks.

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

ſame), ſuch Veſſels ſhall go up and come down through ſuch Lock by Turns as aforeſaid, until all the Veſſels going up and coming down ſhall have paſſed the ſame, in order that One Lock full of Water may ſerve Two Veſſels; and that every Perſon who ſhall offend in any of theſe Particulars ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Pounds, nor leſs than Forty Shillings, for the Uſe of the Poor of the Pariſh in which the Offence ſhall be committed.

To prevent Lock Keepers giving any Preference to Boats.

CXIX. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company of Proprietors, ſhall give any undue Preference, or ſhew any Partiality to any Boat, Barge, or other Veſſel, in paſſing through any Lock or Locks upon the ſaid Canal or Cuts, or in loading or unloading any Goods, Wares, or Merchandizes, at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines belonging to the ſaid Company of Proprietors, he ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, for the Uſe of the Poor of the Pariſh in which the Offence ſhall be committed.

Boats under 20 Tons not to paſs Locks but on certain Conditions.

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

But Two Boats capable of carrying 20 Tons, and of paſſing together, may paſs Locks.

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

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

CXXII. And be it further enacted, That if any Boat, Barge, or Veſſel, ſhall be placed in any Part of the ſaid Canal or Cuts, or of the Trenches, Sluices, or Paſſages belonging thereto, ſo as to obſtruct the Navigation or Paſſage thereon, and the Perſon having the Care of ſuch Boat, Barge, or Veſſel, ſhall not immediately remove the ſame, or alter the Poſition thereof, upon Requeſt made for that Purpoſe, he ſhall, for every ſuch Offence, forfeit a Sum not exceeding Ten Shillings, and ſhall moreover forfeit a Sum not exceeding Five Shillings for every Hour during which ſuch Obſtruction ſhall continue, after ſuch Requeſt for Removal thereof ſhall be made as aforeſaid; and that it ſhall be lawful for any of the Collectors, Agents, or Servants, of the ſaid Company of Proprietors to cauſe any ſuch Boat, Barge, or other Veſſel, to be unladen, if neceſſary, and to be removed in ſuch Manner as ſhall be requiſite for preventing any further Obſtructions therefrom, and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Lading thereof, or

any Part of ſuch Lading, until the ſaid Penalty or Penalties, and the Charges of ſuch Unlading and Removal, ſhall be paid; and that if any Boat, Barge, or other Veſſel, ſhall be ſunk in any Part of the ſaid Canal or Cuts, and the Owner or Owners, or Perſon having the Care of ſuch Boat, Barge, or Veſſel, ſhall not, without Loſs of Time, weigh or draw up the ſame, it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, or any of them, to cauſe ſuch Boat, Barge, or Veſſel, to be weighed or drawn up, and to detain and keep the ſame, until Payment ſhall be made of all the Expences thereby neceſſarily incurred or occaſioned.

Boats ſunk to be weighed up.

Penalty on Perſons taking in or unloading Goods unleſs at publick or private Wharfs.

CXXIII. And be it further enacted, That if any Perſon or Perſons navigating, or having the Care of any Boat, Barge, or other Veſſel, upon the ſaid Canal or Cuts, or any Part thereof reſpectively, ſhall, with Intent to avoid the Payment of any of the ſaid Tolls, Rates, or Duties, load, unload, or take into, any ſuch Boat, Barge, or other Veſſel, any Goods, Wares, Merchandizes, or Commodities whatſoever, liable to pay any of the Tolls, Rates, or Duties, herein-before mentioned, at any other Place or Places than at the publick or private Wharfs or Quays upon or belonging to the ſaid Canal or Cuts, without having firſt obtained a Conſent in Writing for that Purpoſe from the Committee of Management, or ſome One of the Agents or Collectors of the Tolls to the ſaid Company of Proprietors, or if any Perſon ſhall do any other Act, with Intent to evade the Payment of any of the ſaid Tolls, Rates, or Duties, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

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

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

Penalties on Perſons floating Timber on Canal, or otherwiſe ob-

CXXV. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Canal or Cuts, without the Conſent of the Committee of Management, or of ſome Collector or Agent to the ſaid Company of Proprietors, or ſhall navigate on the ſaid Canal or

Cuts any Boat or Veſſel laden with Timber, which ſhall lie over the Sides of ſuch Boat or Veſſel in ſuch a Way as to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not, immediately upon Notice given of ſuch Obſtruction, haul or draw back ſuch Boat or Veſſel into ſuch Place or Places as ſhall be made or be proper for Boats or Veſſels to paſs each other, or ſhall not otherwiſe remove the ſame ſo as to make a free Paſſage for other Boats or Veſſels, or if any Perſon or Perſons ſhall wilfully throw any Ballaſt, Gravel, Stones, Rubbiſh, or other Matter or Thing into any Part of the ſaid Canal or Cuts, or into any Trenches, Sluices, or Paſſages for Water to be made in purſuance of this Act, or if any Perſon or Perſons ſhall wantonly or unneceſſarily open or draw, or cauſe to be opened or drawn, any Lock, Paddle, Valve, or Sluice, belonging to the ſaid intended Navigation, or ſhall wilfully fluſh or draw off, or cauſe to be fluſhed or drawn off, the Water from any Part of the ſaid Navigation, or ſhall leave any of the Gates or Sluices of any Lock open after any Boat or other Veſſel ſhall have paſſed through the ſame, (except in ſuch Caſes as are herein-before otherwiſe ordered), or ſhall wilfully obſtruct, hinder, or prevent, any Perſon in the Execution of this Act, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds.

ſtructing the Navigation;

and Perſons throwing Ballaſt or Rubbiſh into Canal.

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

Penalty on Perſons wilfully damaging the Canal.

CXXVII. And be it further enacted, That it ſhall be lawful for the Lord or Lords, or Owner or Owners of any Manor, Lands, or Grounds, through which the ſaid intended Canal and Cuts ſhall be made, to make, erect, and ſet up, either for his, her, or their own private Uſe, or for the Uſe of the Publick, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective Waſtes, Lands, or Grounds, adjoining or near to the ſaid Canal or Cuts reſpectively, and to make and lay out proper Ways and Roads to the ſame acroſs any Lands belonging to the ſaid Company of Proprietors, and to land any Goods or other Things upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal or Cuts reſpectively, and alſo to make and uſe proper and convenient Places for Boats, Barges, and other Veſſels, to lie in, turn, and paſs each other, ſo that the making or uſing thereof reſpectively do not obſtruct or prejudice the Navigation of the ſaid Canal and Cuts reſpectively, or the Paſſage on the Towing Paths on the Sides thereof; and that all Rates or Tolls which ſhall be demanded and paid for the Uſe of ſuch of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, as ſhall be erected for the Uſe of the Publick, ſhall be and the ſame are hereby accordingly veſted in the Lord or Lords, or Owner or Owners, of ſuch Manors, Lands, or Grounds, who ſhall make and erect ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and

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

and Warehouſes as aforeſaid, and his, her, or their reſpective Heirs and Aſſigns, ſo that the Rates, Tolls, and Duties, hereby granted to the ſaid Company of Proprietors for Tonnage, be not thereby reduced or altered.

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

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

Regulations reſpecting private Wharfs.

CXXIX. Provided always, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, which ſhall be made, erected, or ſet up, by the Lord or Lords, Owner or Owners, of any Manor, Lands, or Grounds, adjoining or near to the ſaid Canal and Cuts reſpectively, for his, her, or their own private Uſe only, or to erect or ſet up any Cranes or Weighing Machines in or upon any ſuch private Wharfs, Quays, or Landing Places, without the Conſent of ſuch Lord or Lords, Owner or Owners; and that no more than the Sum of Three-pence *per* Ton ſhall be demanded or taken by any ſuch Lord or Lords, Owner or Owners, who ſhall make, erect, or build, any ſuch Wharfs, Quays, or Landing Places, and make or lay out any ſuch Roads for the Uſe of the Publick as aforeſaid, for the Wharfage of any Coals, Culm, Limeſtone, Clay, Iron, Ironſtone, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, or Manure whatſoever, which ſhall be placed upon any ſuch Wharfs or Quays, and continue thereupon for any Time not exceeding One Calendar Month, nor more than Two-pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandizes, or Commodities whatſoever, which ſhall be placed upon any ſuch Wharfs or Quays, and continue thereon for any Time not exceeding Six Days; but if any of the Articles before ſpecified, or any other Goods, Wares, Merchandizes

or Commodities, ſhall be left and remain upon any ſuch Wharfs or Quays for any Time over and above the Time before limited for the ſame reſpectively, then the Owner or Owners thereof ſhall pay to the Proprietors of ſuch Wharfs, Quays, or Landing Places, reſpectively, the further Sum of One Penny *per* Ton for every Day which the ſame ſhall remain upon ſuch Wharfs or Quays after the Expiration of the Times before limited for the ſame reſpectively.

Rights of Fiſhery reſerved to Lords of Manors, *etc.*

CXXX. And be it further enacted, That the Lord or Lords, or Owner or Owners of all and every the Manor and Manors through which the ſaid Canal and Cuts ſhall be made, ſhall have and be entitled to the ſeveral and excluſive Right of Fiſhery of and in ſo much of the ſaid Canal and Cuts reſpectively, as ſhall be made through the Common or Waſte Lands within his, her, or their Manor or Manors reſpectively, or through any other Lands or Grounds lying within ſuch Manor or Manors, wherein ſuch Lord or Lords, or Owner or Owners, now have or hath, or are or is entitled to the Right of Fiſhery in the Pits, Ponds, and Waters, now being in ſuch laſt-mentioned Lands or Grounds reſpectively, and that the Owner or Owners of all other Lands or Grounds through which the ſaid Canal and Cuts reſpectively ſhall be made, ſhall alſo have and be entitled to the like Right of Fiſhery of and in ſo much of the ſaid Canal and Cuts reſpectively as ſhall be made through his, her, or their Lands or Grounds, ſo as in the Uſe and Exerciſe of any ſuch Right of Fiſhery as aforeſaid, the ſaid Canal and Cuts reſpectively, or the Towing Paths, Banks, or other Works and 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 or Cuts, and ſo as the ſaid Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, ſhall not be liable to any Penalty, Action, or Proſecution, for or by reaſon of the taking or deſtroying of any Fiſh in the ſaid Canal or Cuts, which ſhall be taken, killed, or deſtroyed, through or by Means of the neceſſary letting off the Water out of the ſame reſpectively for or on Account of any Repairs or Works to be done in or about the ſame.

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

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

Remedy for Damages not before provided for.

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

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

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

miſſioners or Jury reſpectively, to be recovered in ſuch Manner as any other Damages are to be recovered by virtue of this Act.

Clauſe to compel the Payment of Subſcriptions.

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

Power for Majority at a Special Meeting of Proprietors to apply to Parliament for Powers to raiſe more Money if wanted.

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

otherwiſe to raiſe Money for that Purpoſe by Mortgage of any ſuch Shares, which Mortgages they are hereby accordingly authorized and empowered to make by Deed in Writing under their Hands and Seals, and the ſame ſhall be valid and effectual to all Intents and Purpoſes.

Company of Proprietors to complete the Branches to *Calne* and *Chippenham*, &c. in Seven Years.

CXXXVI. And whereas, by an Act of Parliament, paſſed in the Thirty-fourth Year of His preſent Majeſty's Reign, intituled, *An Act for making a Navigable Canal from the River* Kennet, *at or near the Town of* Newbury, *in the County of* Berks, *to the River* Avon, *at or near the City of* Bath; *and alſo certain Navigable Cuts therein deſcribed*; certain Perſons thereby incorporated, by the Name of *The Company of Proprietors of the Kennet and Avon Canal Navigation*, were authorized and empowered to make a Canal from the preſent navigable Part of the River *Kennet*, at or near the ſaid Town of *Newbury*, to the preſent navigable Part of the River *Avon*, at or near the ſaid City of *Bath*, and a navigable Cut from the ſame, at or near a Place called *Foxhanger* (near *Marſh Barn*), in the Pariſh of *Rowd*, in the County of *Wilts*, to the Town of *Calne*, in the ſame County; and alſo a Navigable Cut from ſuch laſt mentioned Cut, to the Town of *Chippenham*, in the ſame County; and in the ſaid Act there is contained a Clauſe, whereby, after reciting that it was in Contemplation by ſeveral Perſons reſiding in the Counties of *Wilts* and *Berks*, to make Application to Parliament for Power to make a Canal from the Canal intended to be made by virtue of that Act, at ſome Place near the Town of *Trowbridge*, in the ſaid County of *Wilts*, to join the River *Thames*, at or near *Abingdon* or *Wallingford*, in the ſaid County of *Berks*, with Branches from the ſame, to the Towns of *Calne* and *Chippenham* aforeſaid, it was enacted, that the Execution of the ſeveral Powers granted by the ſaid Act, ſo far as reſpected the ſaid Cuts to *Calne* and *Chippenham*, ſhould be ſuſpended for the Term of Two Years and Six Months from the paſſing of the ſaid Act; and that in caſe an Act of Parliament ſhould be obtained before the Expiration of that Term, for making a Canal from any Place near *Trowbridge* aforeſaid, to the River *Thames*, at or near *Abingdon* or *Wallingford* aforeſaid, and if the Line or Courſe of ſuch Canal, or any Branch from the ſame, ſhould be through or to the ſaid Towns of *Chippenham* and *Calne*, or within the Diſtance of One hundred Yards from the ſame reſpectively; and if ſuch Canal or Branches ſhould be made and completed in purſuance of ſuch Act within the Space of Seven Years from the paſſing thereof, then the Powers and Authorities given and granted by the ſaid Act of the Thirty-fourth Year of His preſent Majeſty's Reign, ſo far as reſpected the making and maintaining of the ſaid Cuts to *Calne* and *Chippenham* ſhould be void; but that if ſuch Act of Parliament ſhould not be obtained within the ſaid Term of Two Years and Six Months, or if obtained, the Line or Courſe of the Canal thereby authorized to be made, or any Branch from the ſame, ſhould not be made through or to, or within the ſaid Diſtance from the ſaid Towns of *Chippenham* and *Calne* reſpectively, or if ſuch Canal or Branches ſhould not be made and completed within the Space of Seven Years from the paſſing of ſuch Act, then the ſaid Powers and Authorities ſhould be in full force, and ſhould accordingly be put into Execution with all convenient Speed; and it was further enacted, that if Application ſhould be made to Parliament for an Act to authorize the making of ſuch Navigable Canal to the River *Thames* as aforeſaid, ſuch Act containing ſufficient Clauſes obliging the Subſcribers to ſuch Under-

taking to carry the ſame, or a Branch or Branches from the ſame, through or to the ſaid Towns of *Calne* and *Chippenham*, or within the Diſtance of One hundred Yards from the ſame reſpectively, and to execute the ſame within the Space of Seven Years from the paſſing of ſuch Act, the ſaid Company of Proprietors of the ſaid *Kennet* and *Avon* Canal ſhould, without Application made to them for that Purpoſe, be deemed and taken to be conſenting thereto; and whereas the ſaid Company of Proprietors of the *Wilts* and *Berks* Canal, hereby authorized to be made, have undertaken to complete the ſaid Navigable Cuts or Branches to the Towns of *Calne* and *Chippenham*, propoſed to be made in purſuance of this Act, and alſo ſo much of the ſaid Canal as will open a Water Communication from thoſe Towns reſpectively, to the *Kennet* and *Avon* Canal near *Trowbridge*, within the Term of Seven Years from the paſſing of this Act; be it therefore further enacted, That the ſaid Company of Proprietors of the *Wilts* and *Berks* Canal ſhall be obliged, and they are hereby accordingly obliged and required to carry and make the ſaid Navigable Cuts or Branches, herein-before authorized to be made, from the ſaid Canal to or to ſome Place within the Diſtance of One hundred Yards from the Towns of *Calne* and *Chippenham* aforeſaid reſpectively, and ſhall finiſh and complete ſuch Cuts or Branches reſpectively, and alſo ſo much of the ſaid Canal as ſhall open a Communication by Water from ſuch Cuts or Branches, to the *Kennet* and *Avon* Canal near *Trowbridge*, within the Term of Seven Years from the paſſing of this Act; and that if the ſaid Company of Proprietors of the *Wilts* and *Berks* Canal, ſhall refuſe or neglect to make and complete the ſaid Cuts or Branches in the Manner aforeſaid, and alſo ſo much of the ſaid Canal as aforeſaid, within the ſaid Term of Seven Years, then and in ſuch Caſe no Rates, Tolls, or Duties, ſhall be paid or payable after the Expiration of that Term by virtue of this Act, for any Goods, Wares, or Merchandizes, which ſhall be conveyed on any Part of the ſaid *Wilts* and *Berks* Canal, until the ſaid Cuts or Branches, and ſo much of the ſaid Canal as aforeſaid, ſhall be completed and opened for the Navigation of Boats, Barges, and other Veſſels.

If the *Kennet* and *Avon* Canal Company obtain an Act to enable them to bring the ſame into the *Wilts* and *Berks* Canal at *Semington*, then the *Wilts* and *Berks* Canal from *Semington* to *Lady Down Farm* to be transferred to them.

CXXXVII. And whereas the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal Navigation find, ſince the paſſing of the ſaid Act of the Thirty-fourth Year of His preſent Majeſty's Reign, that it would be attended with much leſs Expence to themſelves, and be equally or more convenient and uſeful to the Publick, if inſtead of the Line directed to be purſued by that Act, they would adopt a ſhorter and more direct Line for the ſaid Canal, from a Place between *Upper* and *Lower Foxhanger*, in the Pariſh of *Rowd*, in the ſaid County of *Wilts*, to that Part of *Lady Down Farm*, near *Trowbridge*, in the ſame County, where the ſaid *Wilts* and *Berks* Canal, hereby authorized to be made, is intended to join the ſaid *Kennet* and *Avon* Canal, and carry the ſame from the ſaid Place, between *Upper* and *Lower Foxhanger* into a Cloſe of Meadow Ground near *Semington*, belonging to his Grace the Duke of *Somerſet*, through which the ſaid *Wilts* and *Berks* Canal will paſs, and from thence along the ſame Line to *Lady Down Farm* aforeſaid, as is herein-before directed to be purſued in making the ſaid *Wilts* and *Berks* Canal; and the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal, would have applied to Parliament for an Act to enable them to deviate from the Line ſo directed to be purſued by them as aforeſaid, and to adopt the ſaid other Line from the ſaid Place between *Upper* and *Lower Foxhanger* to *Lady Down Farm*, by the

the Way of *Semington*, in caſe the ſaid Company of Proprietors of the *Wilts* and *Berks* Canal had not been empowered to carry their ſaid Canal along ſo much of the ſaid laſt mentioned Line as lies between the ſaid Cloſe of Meadow Ground near *Semington* and *Lady Down Farm*: And whereas it would be advantageous to the Proprietors of the ſaid *Wilts* and *Berks* Canal, if the *Kennet* and *Avon* Canal could be brought from the ſaid Place between *Upper* and *Lower Foxhanger*, into the ſaid *Wilts* and *Berks* Canal in the ſaid Cloſe of Meadow Ground near *Semington*, inſtead of being carried round by the Way of *Bulkington Kevel* and *Trowbridge*, as directed by the ſaid Act of the Thirty-fourth Year of His preſent Majeſty's Reign, by affording to Veſſels coming down the ſaid *Wilts* and *Berks* Canal from *Chippenham*, *Calne*, *Melkſham*, and other Places, a ſhorter and more direct Paſſage to *Devizes* and other Places Eaſtward thereof; and the ſaid Company of Proprietors of the ſaid *Wilts* and *Berks* Canal are therefore willing, in caſe the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal ſhall apply for and obtain an Act of Parliament to enable them to deviate from the Line originally laid down for their ſaid Canal, and to bring the ſame into the ſaid *Wilts* and *Berks* Canal in the ſaid Cloſe of Meadow Ground near *Semington*, to give up to them that Part of the ſaid *Wilts* and *Berks* Canal, which will extend from the Junction with the *Kennet* and *Avon* Canal, in the ſaid Cloſe of Meadow Ground, to the Junction with the other Part of the ſame Canal at *Lady Down Farm* aforeſaid, in order that the whole Line of Canal or Communication by Water from *Newbury* to *Bath* may be one Concern only, upon being repaid all Expences which they the ſaid Company of Proprietors of the *Wilts* and *Berks* Canal ſhall have been at reſpecting the Part ſo to be given up; be it therefore further enacted, That if the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal ſhall, within the Space of Three Years from the paſſing of this Act, apply for and obtain an Act of Parliament, enabling them to deviate from the Line originally laid down for their ſaid Canal, from the ſaid Place between *Upper* and *Lower Foxhanger*, to that Part of *Lady Down Farm* aforeſaid, where it is met by the Line of the ſaid *Wilts* and *Berks* Canal, and inſtead thereof to carry their ſaid Canal from the ſaid Place between *Upper* and *Lower Foxhanger* into the ſaid *Wilts* and *Berks* Canal, ſo as to form a Junction therewith in the ſaid Cloſe of Meadow Ground near *Semington* aforeſaid, (and to which Junction the ſaid Company of Proprietors of the ſaid *Wilts* and *Berks* Canal ſhall be deemed and taken to be conſenting, without any further Application to them for that Purpoſe); and if the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal ſhall make and execute their ſaid Canal accordingly, and complete and open the ſaid new Line for the Navigation of Boats, Barges, and other Veſſels, from the ſaid Place between *Upper* and *Lower Foxhanger*, to the Junction with the ſaid *Wilts* and *Berks* Canal, in the ſaid Cloſe of Meadow Ground near *Semington*, within Seven Years after obtaining ſuch Act of Parliament, then and in ſuch Caſe the ſaid Company of Proprietors of the ſaid *Wilts* and *Berks* Canal ſhall, immediately upon and after the Opening of ſuch new Line, at the Coſts and Charges of the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal, well and effectually convey, transfer, and make over ſo much and ſuch Part of the ſaid *Wilts* and *Berks* Canal, as ſhall extend from the ſaid Junction of the Two Canals near *Semington*, to the Junction thereof at *Lady Down Farm* aforeſaid, and all the Land or Ground which ſhall have been taken and purchaſed for making the ſame, or in purſuance of the Directions of this

Act,

Act, between the ſaid Junction of the Two Canals near *Semington*, and the Junction thereof at *Lady Down Farm*, and alſo all and ſingular the Towing Paths, Banks, Locks, Bridges, Wharfs, Erections, Buildings, and other Works, and all Ways, Roads, and Conveniencies whatſoever, which ſhall have been erected and made along the Line of Canal ſo to be conveyed and transferred, and alſo all Reſervoirs, Feeders, Trenches, and Aqueducts, which ſhall have been made for ſupplying the ſame with Water, and all other Matters and Things whatſoever belonging thereunto; and all and ſingular the Rights, Members, and Appurtenances to the ſaid ſeveral Premiſes, or any Part thereof reſpectively belonging, or in anywiſe appertaining, and all the Eſtate, Right, Title, and Intereſt whatſoever of the ſaid Company of Proprietors of the ſaid *Wilts* and *Berks* Canal, in, to, or out of all and ſingular the ſaid Premiſes, and every Part thereof reſpectively, and all Benefit and Advantage thereof, unto and to the Uſe of the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal, and their Succeſſors, in ſuch Manner, and by ſuch good and ſufficient Conveyances and Aſſurances as they ſhall think neceſſary, or be adviſed to require, to the End and Intent that the whole Line of Canal or Communication by Water from *Newbury* to *Bath*, may from thenceforth be one and the ſame Concern only, and not belong to different Proprietors, and be ſubject to different Regulations; and in Conſideration thereof, the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal ſhall, upon the Execution of ſuch Conveyances and Aſſurances as aforeſaid, repay unto the ſaid Company of Proprietors of the ſaid *Wilts* and *Berks* Canal, all and every the Sum and Sums of Money already paid, laid out, or expended, and which ſhall at any Time hereafter be paid, laid out, or expended by them, or on their Account, for the taking and making of the ſeveral Levels and Surveys which have been taken and made, for aſcertaining the beſt Line of Canal from the Spot propoſed for the Junction of the ſaid Two Canals, in the ſaid Cloſe of Meadow Ground near *Semington* to *Lady Down Farm* aforeſaid, and in and about the making Applications to the Owners and Occupiers of Lands upon that Line, for their Conſents to ſuch Canal being made, and in, and for or about the cutting and making of the ſaid Line of Canal, and the erecting and making of the ſaid Towing Paths, Banks, Locks, Bridges, Wharfs, Erections, Buildings, and other Works, Ways, Roads, and Conveniencies, Reſervoirs, Feeders, Trenches, and Aqueducts, Matters, Things, and Premiſes, ſo to be conveyed and transferred as aforeſaid, and alſo all and every the Sum and Sums of Money which ſhall have been paid for the Purchaſe of the Lands, Grounds, and Hereditaments, purchaſed or taken for the Purpoſes aforeſaid, and ſo to be conveyed and transferred as aforeſaid, and for the Damages which ſhall have been done in carrying the Powers granted by this Act into Execution, ſo far as reſpects the ſaid Line of Canal ſo to be conveyed and transferred; and alſo all and every other the Sum and Sums of Money, which the ſaid Company of Proprietors of the ſaid *Wilts* and *Berks* Canal ſhall have paid, laid out, or expended, in or about, or for any other Matter or Thing whatſoever, in anywiſe relating to or concerning the ſaid Line of Canal ſo to be conveyed and transferred (ſave and except the Expences of obtaining and paſſing this Act,) together with Intereſt, after the Rate of Five Pounds *per Centum per Annum*, for and in reſpect of all and every ſuch Sum and Sums of Money as aforeſaid, from the reſpective Times of advancing and paying the ſame reſpectively: Provided always, that out of the Monies to be paid by the

ſaid Company of Proprietors of the *Kennet* and *Avon* Canal as aforeſaid, there ſhall be deducted the clear and net Balance or Amount of the Rates, Tolls, and Duties, (if any), which ſhall have been collected and received by the ſaid Company of Proprietors of the ſaid *Wilts* and *Berks* Canal, for the Conveyance of Goods, Wares, and Merchandizes, or other Commodities upon the ſaid Line of Canal ſo to be conveyed and transferred as aforeſaid, up to the Time of the Conveyance and Transfer thereof, after paying or allowing for all Expences attending or incidental to the collecting and receiving of ſuch Tolls, Rates, and Duties; and that the ſaid Company of Proprietors of the ſaid *Wilts* and *Berks* Canal, ſhall cauſe a true and juſt Account to be kept of ſuch Rates, Tolls, and Duties, and of the Expences attending or incidental to the collecting and receiving the ſame, as well as of all and every the Sum and Sums of Money paid, laid out, or expended, and to be paid, laid out, or expended by them or on their Account, and which they ſhall claim to be repaid as aforeſaid, and ſhall alſo, from Time to Time, produce and ſhew ſuch Account, and deliver true Copies thereof upon Demand, to the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal, or their Committee of Management for the Time being, or any Perſon or Perſons authorized by ſuch Committee to require the ſame; and that the ſaid Company of Proprietors of the *Wilts* and *Berks* Canal ſhall alſo make and execute that Part of their ſaid Canal, which is agreed and directed to be conveyed and transferred to the ſaid Company of Proprietors of the *Kennet* and *Avon* Canal as aforeſaid, ſo and in ſuch Manner as that the ſame ſhall be Six Feet deep in Water, Forty-four Feet wide at the Water Surface, and Twenty-four Feet wide at the Bottom, and ſhall finiſh and complete the ſame ſo as to be opened for the Navigation of Boats, Barges, and other Veſſels, within the Space of Four Years from the paſſing of this Act.

Coals not to come down the Canal lower than *Reading*.

CXXXVIII. And whereas it is apprehended that the conveying of Coals from the Weſtern Parts of this Kingdom, by Means of the ſaid intended Navigation, down the River *Thames* to the City of *London*, or to any Place between the City of *London* and *Reading* in the County of *Berks*, will be detrimental to the Coaſting Trade of this Kingdom, by diminiſhing the Conſumption of Coals brought to the Port of *London* by Coaſting Veſſels, alſo conſiderably leſſen the Revenue, and materially affect that valuable Nurſery for Seamen; be it therefore enacted, That no Coal or Culm, or Cinders burnt from Coal or Culm, which ſhall have paſſed upon the ſaid intended Navigation, or any Part thereof, ſhall be conveyed down the River *Thames*, between *Reading* in the County of *Berks* aforeſaid, and *London*, by any Barge, Boat, or other Veſſel, on Pain of Forfeiture of every ſuch Barge, Boat, or Veſſel, and of all ſuch Coal, Culm, or Cinders, as ſhall be on Board the ſame, and alſo on Pain of forfeiting the Sum of Fifty Pounds, by the Owner or Owners of every ſuch Barge, Boat, or Veſſel; ſuch reſpective Forfeitures to be recovered by any Perſon who will ſue for the ſame, by Action of Debt or Trover, as the Caſe ſhall require, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Recovery of Penalties.

CXXXIX. And be it further enacted, That all Complaints and Informations of Offences againſt this Act, or any Rule, Order, or Bye Law to be

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

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

Form of Conviction.

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

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

CXLI. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect, or for Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved

aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damages in an Action upon the Caſe.

Proceedings not to be quaſhed for Want of Form.

CXLII. And be it further enacted, That no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Appeal given to the Quarter Seſſions.

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

Limitation of Actions.

CXLIV. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing to be done by him or them in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions, hereinbefore given and granted, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing of ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid or brought in the County where the Matter in Diſpute ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may

General Iſſue.

plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time hereby limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then and in ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and in ſuch Caſe alſo, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or ſuffer a Diſcontinuance of his, her, or their, Action or Suit after the Defendant or Defendants ſhall have appeared thereto, or if any Verdict ſhall paſs upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have

Treble Coſts.

Treble Coſts, and ſhall have ſuch Remedy for the Recovery of the

ſame as any Defendant or Defendants hath or have for Coſts in other Caſes by Law.

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

SCHE-

## SCHEDULE to which the foregoing Act doth refer.

### On the Line from TROWBRIDGE to ABINGDON.

| OWNERS. | OCCUPIERS. | PARISH. | Description of Property. |
|---|---|---|---|
| Robert Fowler | In Hand | Melksham | An Orchard. |
| Sir Edward Bayntun; Mrs. Druce Leſſee | John Lucas | Brimhill | A Garden. |
| John Grant Eſquire | Richard Pinnegar | Cadenham, in Brimhill Pariſh | An Orchard. |
| Richard Wallington | In Hand | West Challow, in Letcomb Regis Pariſh | An Orchard. |
| Meſſrs. Drummonds | Thomas Broad | East Challow, in Letcomb Regis Pariſh | An Orchard. |
| Joſeph Broad | In Hand | Ditto | A Garden. |
| Thomas Church | In Hand | Ditto | A Garden. |
| Mary Wilkins | In Hand | Ditto | A Garden. |
| John Aldworth | In Hand | Ditto | An Orchard. |
| John Hobbs | In Hand | Grove Hamlet, in Wantage Pariſh | An Orchard. |

### On the BRANCH to CALNE.

| | | | |
|---|---|---|---|
| John Lee | In Hand | Studley, in Calne Pariſh | An Orchard. |

FINIS.