ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXXXVI.

An Act to explain, amend, and render more effectual, the ſeveral Acts of the Sixteenth and Seventeenth of King *Charles* the Second, and of the Seventh of His preſent Majeſty, relating to the Navigation of the River *Itchin* in the County of *Southampton*, and for improving the Navigation thereof; and for aſcertaining the Rates of Carriage, Riverage, and Wharfage, payable thereon.

[2d *June* 1795.]

Preamble. Recital of Acts 16 & 17 *Car.* II, and

WHEREAS, by an Act of the Sixteenth and Seventeenth of King *Charles* the Second, intituled, *An Act for making divers Rivers navigable, or otherwiſe paſſable, for Boats, Barges, and other Veſſels*, the River *Itchin*, alias *Itching*, in the County of *Southampton*, was made navigable and paſſable for the Purpoſes in the ſaid Act mentioned, from a certain Place called *Blackbridge* near the City of *Wincheſter*, in the ſaid County of *Southampton*, to a certain Place called *Woodmill* in the ſaid County, to which Place the Sea flows up; and by an Act of the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and render more effectual, an Act made in the Sixteenth and Seventeenth Years of King* Charles *the Second, intituled, 'An Act for making divers Rivers navigable, or otherwiſe paſſable, for Boats, Barges, and other Veſſels,' ſo far as the ſame relates to the River* Itching, *running from* Alresford *through* Wincheſter *to the Sea near* Southampton, *and for better regulating the ſaid Navigation*, it was enacted, that certain Commiſſioners therein named, being Juſtices of the Peace for the ſaid County of *Southampton*, at their General Quarter Seſſions of the Peace to be held in and for the ſaid County, ſhould and might, from Time to Time and at all Times thereafter, as Occaſion ſhould require, ſettle, and aſcertain reaſonable Rates and Prices to be taken by the Proprietors, Occupiers, and Owners, of all Boats, Barges, and other Veſſels, for the Carriage, Riverage, and Wharfage, of all Corn, Wood, Salt, Iron, Timber, Coal,

7 *Geo.* III.

or any other Goods, Wares, Merchandizes, or Commodities whatſoever, which ſhould be navigated, carried, or conveyed, up or down the ſaid River, or to any Place or Places in or upon the ſame; and the ſaid Commiſſioners, at *Eaſter* Seſſions One thouſand ſeven hundred and ſixty-nine, ſettled and aſcertained the following Rates and Duties for Carriage and Riverage which have been found by Experience not only to be very moderate, but highly ſatisfactory to the Publick; (that is to ſay),

Preſent Rates. For every Chaldron of Coals brought from *Northam* to the Wharf near *Wincheſter*, or carried from thence to *Northam*, the Sum of Three Shillings: For every Ton Weight of Culm, Stone, Coal, *Scotch* Coal, and all other weighable Goods and Corn, except Oats, the Sum of Three Shillings and Nine-pence: And for every Ton Weight of Oats brought or carried the Diſtance before-mentioned, the Sum of Three Shillings and Sixpence: And whereas the navigating the ſaid River from the ſaid Place called *Woodmill* to the ſaid Place called *Northam*, depends entirely upon the Tide which ſo flows up to *Woodmill* as aforeſaid, and it would be a Matter of great publick Convenience that the ſaid River ſhould be made navigable and paſſable at all Times between the ſaid Place called *Woodmill* and the ſaid Place called *Northam*, for the Boats and Barges employed for the Uſe of the Trade and Commerce thereon, but the ſame cannot be effected without conſiderable Expence, nor without the

Navigation veſted in Mr. *D'Arcy*. Aid of Parliament: And whereas the Right and Property of and in the ſaid Navigation, and the Premiſes thereunto belonging, ſtand veſted in *James D' Arcy* Eſquire, his Heirs and Aſſigns, charged and chargeable with One Annuity or yearly Sum of Two hundred Pounds, payable Quarterly, with Remedy of Diſtreſs for the Recovery thereof, unto *Martha* the Widow of *Edward Pyott* Merchant, deceaſed, now the Wife of *Joſeph Barker* Doctor of Phyſick, during her Life, and alſo charged and

The Navigation charged with certain Incumbrances by the Will of *Edward Pyott*. chargeable with the ſeveral Sums following, to the Three ſeveral Daughters of the ſaid *Edward Pyott*, that is to ſay, to *Martha* the Wife of *Chriſtopher Baldwin* Eſquire, or in her Right, the Sum of One thouſand one hundred and ſixty-ſix Pounds Six Shillings and Eight-pence; to *Hannah Pyott* Spinſter, or in her Right, One thouſand one hundred and ſixty-ſix Pounds Six Shillings and Eight-pence; to *Arabella Land*, the Wife of the Reverend *Thomas Land*, or in her Right, the ſeveral Sums of Two thouſand three hundred and thirty-three Pounds Thirteen Shillings and Four-pence, and One thouſand one hundred and ſixty-ſix Pounds Six Shillings and Eight-pence; the ſaid Sum of Two thouſand three hundred and thirty-three Pounds Thirteen Shillings and Four-pence, bearing Intereſt ſince the Intermarriage of the ſaid *Thomas* and *Arabella Land*, when the ſame became payable, at the Rate of Four Pounds *per Centum per Annum*, and the ſaid Three ſeveral Sums of One thouſand one hundred and ſixty-ſix Pounds Six Shillings and Eight-pence, which are payable within a Year after the Death of the ſaid *Martha Barker*, and not before, bearing Intereſt at the Rate of Three Pounds Ten Shillings *per Centum per Annum*; and the ſaid *James D'Arcy* is willing and deſirous, at his own Expence, to make ſuch Improvement in the ſaid Navigation as is herein-before mentioned, provided that the Rates of Carriage and Riverage herein-before ſet forth ſhall ſtand and remain fixed and perpetual, free from any future Riſe, Alteration, or Reduction whatſoever, other than and except that the Carriage and Riverage of Oats ſhall be at the Rate of Sixpence *per* Quarter, and not at the Rate of Three Shillings and Nine-pence *per* Ton, as by the ſaid Commiſſioners hath been ſettled in Manner

Mr. D'Arcy willing to repair, *etc* the ſame at his own Expence; provided Rates now payable be fixed and perpetual.

herein-before mentioned: And whereas ſince the Plan for improving the ſaid Navigation in Manner propoſed by the ſaid *James D'Arcy* hath been lodged with the Clerk of the Peace for the ſaid County of *Southampton*, *George Waring* Eſquire, Tenant to the Honourable and Right Reverend the Lord Biſhop of *Wincheſter*, of and for the Lands of *Bittern Farm*, in the ſaid County of *Southampton*, hath applied to the ſaid *James D'Arcy* in Preference to the intended Inprovement delineated on the ſaid Plan, to deviate from the ancient Courſe of the ſaid Navigation, by introducing a ſufficient Supply of Water from the ſaid River into and through a certain Place at *Bittern Farm* aforeſaid, called the *Roman Ditch*, thereby to extend and make the ſaid Ditch navigable and paſſable at all Times for Boats, Barges, and other Veſſels to Low Water Mark at *Bittern Farm* aforeſaid, nearly oppoſite to *Northam Quay*: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and immediately after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid *James D'Arcy*, his Heirs and Aſſigns, and he and they are hereby authorized and empowered, then and from thenceforth, by himſelf and themſelves, his and their Deputies, Agents, Officers, Workmen, Servants, and Aſſiſtants, to ſcour, cleanſe, and deepen, the ſaid River, or to widen the Bed thereof, between *Woodmill* aforeſaid, and the ſaid Place called or known by the Name of the *Roman Ditch*, at *Bittern Farm* aforeſaid, and to do all or any other Act or Acts to improve and amend the Navigation thereof; and alſo to cut, dig, ſcour, cleanſe, deepen, or widen, the ſaid Ditch, called or known by the Name of the *Roman Ditch*, and to divert, turn, and introduce, the ſaid River, or a ſufficient Supply thereof, from the ancient Courſe of the ſaid Navigation into the ſaid Ditch called or known by the Name of the *Roman Ditch*, thereby to fill the ſaid Ditch, when cleanſed, ſcoured, deepened, and widened, with Water, and to extend and make the ſame navigable and paſſable at all Times for Boats, Barges, and other Veſſels, as Part and Parcel of the ſaid Navigation, to the Limits thereof at Low Water Mark at *Bittern Farm* aforeſaid; and to ſupply the ſaid Ditch whilſt the ſame ſhall be making, and when made navigable with Water from all Springs that ſhall be found in cleanſing, deepening, ſcouring, and making, the ſaid Ditch navigable and paſſable, and alſo from ſuch Rivers, Brooks, Streams, Watercourſes, and Springs as ſhall be found within One hundred Yards of the ſame; and alſo to make ſuch Reſervoirs as ſhall be neceſſary for the ſaid Navigation, within the Diſtance above-mentioned, for the more conveniently ſupplying the ſame with Water, and alſo ſuch and ſo many Feeders and Aqueducts as he and they ſhall think fit, for the ſupplying the ſaid Navigation and Reſervoirs with Water; and for thoſe ſeveral Purpoſes, in, upon, and through, the Land and Ground of and belonging to the King's moſt Excellent Majeſty, or of any other Perſon or Perſons, Bodies Politick, Corporate or Collegiate whatſoever, to enter, and to bore, dig, cut, trench, ſough, remove, and lay, Earth, Stone, Rubbiſh, Trees, Roots of Trees, Beds of Gravel, Sand, or any other Matters and Things which may be dug or got in ſcouring, cleanſing, and deepening, the ſaid River, or widening the Bed thereof, between *Woodmill* aforeſaid, and the ſaid Ditch called or known by the Name of the *Roman Ditch*, and in cutting digging, ſcouring, cleanſing, deepening, widening, or making navigable

The River to be widened from *Woodmill* to the *Roman Ditch*, and to be turned or diverted ſo as to introduce the ſame into the ſaid Ditch;

and to ſupply the ſame with Water from all Springs, &c.;

and to make Reſervoirs;

ble the ſaid Ditch, called or known by the Name of the *Roman Ditch*, which may hinder, prevent, or obſtruct, the improving, uſing, completing, extending, and maintaining, the ſaid Navigation, and for making, uſing, completing, extending, and maintaining, ſuch Trenches, Paſſages, Gutters, and Watercourſes, as ſhall be proper and neceſſary to convey Water to and from the ſaid Navigation, according to the true Intent and Meaning of this Act; and alſo to make, build, ſet up, and erect, upon the ſaid Navigation, or upon the Lands adjoining, at or near *Bittern Farm* aforeſaid, and upon that Side of the ſaid Navigation, ſuch and ſo many neceſſary Bridges, Tunnels, Aqueducts, Sluices, Locks, Flood and other neceſſary Gates, Weirs, Pens for Water, Reſervoirs, Drains, Landing Places, Weigh Beams, Cranes, and other Works, Ways, Houſes, Warehouſes, Watch-houſes, and other Conveniencies, as and when he the ſaid *James D'Arcy*, his Heirs or Aſſigns, ſhall think requiſite and convenient for the Purpoſes of the ſaid Navigation; and alſo from Time to Time to alter, repair, and amend the ſame, and to make, widen, and enlarge, any Bridges, Ways, Roads, Paſſages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, and other Works of Conveniencies, as well for the carrying and conveying of Goods, Commodities, and other Things to and from the ſaid Navigation, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, amending, widening, or enlarging, the ſaid Works of and belonging to the ſaid Navigation; and alſo to place, lay, work, and manufacture, any Materials on the Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall and are intended to be made, erected, repaired, or done; and to build and conſtruct the ſeveral Locks, Bridges, Works, and Erections belonging thereto; and alſo to make, maintain, repair, and alter or turn, any Roads, Fences or Paſſages, over, under, through, or along the Side of the ſaid Navigation, or the Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Gutters, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith; and alſo to make, ſet up, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, convenient for towing, hauling, or drawing, of Boats, Barges, and other Veſſels, paſſing in, through, or upon, the ſaid Navigation, with Men, Horſes, or otherwiſe, as the ſaid *James D'Arcy*, his Heirs or Aſſigns, ſhall think fit and convenient; and alſo to dig, take, and carry away, any Soil, Clay, Gravel, or Stone, proper, requiſite, or convenient, for carrying on and continuing the ſaid Works and Undertakings, in or from any Ground or Grounds adjoining or lying contiguous thereto, and to conſtruct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and acroſs, any Rivers or Brooks, for the making, uſing, maintaining, and repairing, the ſaid Navigation and Towing Paths on the Sides thereof from *Woodmill* aforeſaid; and alſo to conſtruct, erect, make, and do all other Matters and Things which they ſhall think neceſſary and convenient for the making, effecting, extending, preſerving, improving, completing, and uſing, the ſaid Navigation, in purſuance of and according to the true Intent and Meaning of this Act; the ſaid *James D'Arcy*, his Heirs and Aſſigns, doing as little Damage as may be in the Premiſes, and making Satisfaction, in Manner herein-after mentioned, to the Owners and Proprietors of ſuch Lands, Tenements and Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, as ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained

and to make Aqueducts, Sluices, and Locks, and build Warehouſes, &c.;

and to make Towing Paths, Roads, &c.;

and to dig and carry away any Soil, Clay, Gravel, or Stone, for carrying on ſuch Works;

making Satisfaction to the Owners.

ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid *James D'Arcy*, his Heirs and Aſſigns, his or their Agents, Officers, Workmen, and Servants, and all other Perſons whatſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted.

The Width of Cutting regulated.

II. Provided always, and be it enacted, That the Lands or Grounds to be taken or uſed for the ſaid Towing Path ſo intended to be made from *Woodmill* aforeſaid, and the Ditches, Drains, and Fences to ſeparate ſuch Towing Paths from the adjoining Lands and Grounds, ſhall not exceed Twelve Yards in Breadth.

Ditches, Drains, and Fences, to be made and repaired by Mr. *D'Arcy*.

III. Provided alſo, and be it further enacted, That the Ditches, Drains, and Fences laſt mentioned, ſhall be made, repaired, and maintained, by the ſaid *James D'Arcy*, his Heirs or Aſſigns, at his and their own proper Coſts and Charges.

Bodies Politick, Corporate, &c. empowered to ſell or exchange Lands for the Purpoſes of this Act.

IV. And whereas there may be ſome Perſons or Bodies who may be incapable by Law to treat and contract for the Sale of ſuch Lands and Premiſes as may be wanted for the Purpoſes of this Act, and to treat and contract for a Satisfaction for the Injuries and Damages which may be done to ſuch Lands and Premiſes by virtue of the Powers in this Act contained; be it therefore further enacted, That it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees in Truſt, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted, in any Lands, Grounds, and Premiſes, which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract for, ſell, and convey, unto the ſaid *James D'Arcy*, his Heirs or Aſſigns, or to ſuch Perſon or Perſons as he or they ſhall nominate, for the Uſe of the ſaid Navigation, all or any Part of ſuch Lands, Grounds, or Premiſes, which ſhall from Time to Time be ſo ſet out and aſcertained, either in Conſideration of a Sum of Money to be paid in groſs, or of an annual Rent or Payment to be charged and ſecured as herein-after mentioned; and alſo to treat and contract for a Satisfaction for the Injuries and Damages aforeſaid, and to receive ſuch Sum and Sums of Money as, by virtue of the Powers in this Act contained, ſhall be ſettled and adjuſted by the Commiſſioners herein-after appointed, or any Seven or more of them, or be aſſeſſed by a Jury or Juries in Manner herein directed; and where, by improving the ſaid River, or bringing or diverting the ſame, or a ſufficient Supply thereof, in any Manner whatſoever, for the Uſe and Purpoſes of the ſaid Navigation, the Property of any Land Owner ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for ſuch Bodies Politick, Corporate and Collegiate, and other ſuch Land Owners, under ſuch Diſability aforeſaid, by and with the Conſent of the Commiſſioners herein-after appointed, or any Seven or more of them, to be teſtified by any Writing or Writings

to

to be by them ſealed and delivered in the Preſence of and atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey in Exchange, in lieu of other Lands, all or any Part of ſuch Lands, Grounds, or Premiſes, through which the ſaid River ſhall be turned, altered, carried, conveyed, extended, and made navigable, to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or other Equivalent, as to the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem reaſonable; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politick, Corporate or Collegiate, and all Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for what he, ſhe, or they, or any of them, ſhall reſpectively do by virtue of and in purſuance of this Act; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances (other than thoſe which concern any Purchaſe or Exchange between ſuch reſpective Land Owners) ſo to be made as aforeſaid, ſhall at the Expence of the ſaid *James D'Arcy*, his Heirs or Aſſigns, be enrolled by the ſaid Clerk of the Peace for the ſaid County of *Southampton*, and true Copies thereof ſhall be allowed to be good Evidence in all Courts whatſoever, for which Enrollment ſhall be paid to the ſaid Clerk of the Peace, the Sum of Sixpence for every One hundred Words, and ſo in Proportion for any greater or leſs Number of Words, and no more.

Contracts for Sale or Exchange to be enrolled.

Copyholds to be ſurrendered, and to be ſubject to Cuſtomary Fines, &c.

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

Commiſſioners appointed as in former Acts.

VI. And whereas Differences may ariſe between the ſaid *James D'Arcy*, his Heirs and Aſſigns, and the ſeveral Owners of and Perſons intereſted in any Mills, Lands, Grounds, Tenements, Hereditaments, or Waters, which ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchaſe Money to be paid or Recompence to be made to them reſpectively; be it further enacted, That the Juſtices of the Peace for the Time being of the ſaid County of *Southampton*, the Mayor, Recorder, and Aldermen of the ſaid City of *Wincheſter* for the Time being, the Reverend the Dean of *Wincheſter* for the Time being, and the Reverend the Warden of the College near *Wincheſter* for the Time being, ſhall be and are hereby appointed Commiſſioners of all and ſingular the Powers in this Act and of the recited Acts contained; and that all and every Perſon and Perſons conſtituted and appointed a Commiſſioner or Commiſſioners by virtue or in purſuance of this Act, before he and they reſpectively take upon himſelf or themſelves to act as a Commiſſioner or Commiſſioners under this Act or the ſaid recited Acts, (other than the adminiſtering the Oath following to one another, which they,

or any Two of them, are required to do), do and ſhall take and ſubſcribe the following Oath:

to take this Oath.

'I *A. B.* do ſwear, That I will, without Favour or Affection, truly, faithfully, and impartially, execute, perform, and diſcharge, the Office and Duty of a Commiſſioner, according to the Powers, Authorities, and Directions, given and eſtabliſhed by an Act made in the Sixteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for making divers Rivers navigable, or otherwiſe paſſable, for Boats, Barges, and other Veſſels*; and alſo One other Act, made in the Seventh Year of the Reign of His Majeſty King *George* the Third, *to explain and make more effectual the ſaid recited Act of the Sixteenth Year of the Reign of King* Charles *the Second*; and alſo One other Act, *to explain, amend, and render more effectual, the ſeveral Acts of the Sixteenth and Seventeenth of King* Charles *the Second, and of the Seventh of His preſent Majeſty, relating to the Navigation of the River* Itchin *in the County of* Southampton, *and for improving the Navigation thereof, and for aſcertaining the Rates of Carriage, Riverage, and Wharfage payable thereon.*

'So help me GOD.'

Which Oath, ſo taken and ſubſcribed as aforeſaid, ſhall be kept by the Clerk of the Peace among the Records of the Seſſions of the Peace in and for the County of *Southampton*.

Commiſſioners, who are Juſtices may act as ſuch.

VII. And be it further enacted by the Authority aforeſaid, That each of the ſaid Commiſſioners who ſhall be Juſtices of the Peace for the ſaid County of *Southampton*, or City of *Wincheſter*, ſhall and may, and is hereby empowered to act as a Juſtice of the Peace in the Execution of this Act and the ſaid recited Acts, notwithſtanding his being a Commiſſioner; and that they the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, and they are hereby authorized and empowered to ſettle, determine, and adjuſt, all Queſtions, Matters, and Things, which ſhall or may ariſe between the ſaid *James D'Arcy*, his Heirs and Aſſigns, and the ſeveral Proprietors thereof, and Perſons intereſted in any Mills, Lands, Grounds, Tenements, Hereditaments, or Waters, that ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the ſaid Commiſſioners, or any Seven or more of them, are hereby empowered, by Writing under their Hands and Seals, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid *James D'Arcy*, his Heirs or Aſſigns, either by an Annual Rent or Payment, or by a Sum of Money in groſs, to and at the Election of ſuch Bodies Politick, Corporate, or Collegiate, Perſon or Perſons reſpectively, who ſhall be entitled or intereſted as aforeſaid, for the abſolute Purchaſe of the Lands or Grounds which ſhall be ſet out or aſcertained as aforeſaid, for making the ſaid Towing Path from *Woodmill* aforeſaid, or for the Purpoſe of turning, altering, carrying, continuing, or directing, the ſaid River, or a ſufficient Supply thereof, from the ancient Courſe of the ſaid Navigation into the ſaid Ditch called or known by the Name of the *Roman Ditch*, for the Purpoſes aforeſaid, and other the Purpoſes herein mentioned; and alſo to determine and adjuſt the Recompence to be made for any Damages which ſhall or may be at any Time or Times ſuſtained by ſuch Bodies Politick, Corporate, or Collegiate, or any Perſon or Perſons reſpectively, being Owners of

Seven Commiſſioners may adjuſt Differences

and aſcertain the Value of Premiſes,

and aſſeſs Damages.

or interested in any Lands, Grounds, Tenements, or Hereditaments, or Waters, for or by reason of the making, repairing, or maintaining, the said Towing Path from *Woodmill* aforesaid, or for or by reason of the turning, altering, carrying, conveying, or directing, the said River for any of the Purposes herein mentioned, or the making the said Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same or any of them with Water as aforesaid, or by flowing, leaking, or oozing, of the Water over or through the Banks of any Passages, Gutters, or Watercourses, which shall be made, pursuant to the Powers hereby given, for conveying and communicating Water to or from the said Navigation, by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same, or by reason or means of the Execution of any of the Powers herein contained by the said *James D'Arcy*, his Heirs or Assigns, his or their Agents, Workmen, or Servants, in case such Price or Value, Damage or Recompence respectively cannot be settled, adjusted, and agreed, by and between the said *James D'Arcy*, his Heirs or Assigns, or his or their Agent or Agents for the Time being, and such Proprietors of and Persons interested in such Lands, Grounds, Tenements, Hereditaments, or Waters as aforesaid; and if the said *James D'Arcy*, his Heirs or Assigns, or any such Body Politick, Corporate, or Collegiate, or other Persons or Person so interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or any Seven or more of them, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or Annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Mills, Lands, Tenements, Hereditaments, and Premises, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said *James D'Arcy*, his Heirs or Assigns, or by reason of Absence shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for making and completing the said Navigation, and other Works aforesaid, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein; then and in every such Case the said Commissioners, or any Seven or more of them, shall, and they are hereby empowered and required, from Time to Time, to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County in which such Lands and Grounds, Tenements, Hereditaments, or Waters, shall be, for the Time being, or in case such Sheriff, or his Under-Sheriff, shall be interested in the Matter or Matters in question, then to the Coroner or Coroners of the said County, not interested as aforesaid, requiring such Sheriff or Coroner respectively to impannel, summon, and return, a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined in His Majesty's

In case the Parties cannot agree,

or if they refuse to submit to the Determination of Commissioners,

after Twenty Days Notice that Premises are wanted to be purchased for the Purposes of the Navigation,

the Commissioners, shall issue their Warrant to the Sheriff of the County, *etc.* to return a Jury.

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

Commiſſioners may order the Jury to take a View.

Commiſſioners to give Judgement, which ſhall be concluſive.

Notice of Inquiry by Jury to be left at Place of Abode of Owner or Occupier.

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

Penalty on Sheriff, Jurors, and Witneſſes making Default.

IX. And

By whom the Expences of Jury to be paid.

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

Party requiring a Jury, to give Security to proſecute Complaint, *etc.*

X. Provided always, That all and every Perſon or Perſons making Complaints, and requeſting ſuch Jury, ſhall, before the ſaid Commiſſioners ſhall iſſue out their Warrant ot Warrants for the ſummoning ſuch Jury, enter into a Bond with Two ſufficient Sureties, to the ſaid Clerk of the Peace for the Time being, in the Penalty of Fifty Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Inqueſt, in caſe a Verdict ſhall be given for no greater or for a leſs Sum than had been offered by or on Behalf of the ſaid *James D'Arcy*, his Heirs or Aſſigns, or than had been aſſeſſed by the ſaid Commiſſioners, or any Seven or more of them, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any Lands, Tenements, Hereditaments, Premiſes, or Damages, as aforeſaid.

No Complaint to be received by Commiſſioners, unleſs Application ſhall have been made to the Proprietors within Six Months after Damage ſuſtained.

XI. And be it further enacted, That the ſaid Commiſſioners, ſhall not be obliged to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue of this Act, unleſs Application hath been or ſhall be made in relation thereto, by or on the Behalf of ſuch Perſon or Perſons, to the ſaid *James D'Arcy*, his Heirs or Aſſigns, or to his or their known Agent or Agents, or to ſome Collector or Collectors of the Rates and Duties ariſing from the ſaid Navigation, within the Space of Six Calendar Months next after the Time that ſuch Injury or Damage, or ſuppoſed

Injury or Damage, ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Perſons giving falſe Evidence, how puniſhed.

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

Upon Payment or Tender of Money agreed for or aſſeſſed, Land may be taken Poſſeſſion of for the Purpoſes of the Navigation.

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

Satisfaction to be made by a Sum in groſs, and not an Annual Rent, unleſs with previous Conſent of Perſons damnified.

XIV. Provided always, and be it enacted, That in no Caſe of Damage done or to be done in carrying this Act into Execution, ſhall the Perſon or Perſons damnified be compelled or compellable, by any Determination of the ſaid Commiſſioners, or by any Aſſeſſments or Verdict of any Jury, to accept any Annual Payment or Rent in lieu of or in Preference to a groſs Sum; but that the ſaid Commiſſioners or Jury ſhall in all Caſes determine or aſſeſs a groſs Sum, and not an Annual Payment or Rent, unleſs

unleſs the Perſon or Perſons or Bodies injured, and to be compenſated by ſuch Determination or Aſſeſſment, of who, by virtue of the Powers in this Act contained, may be entitled to receive ſuch Sum, ſhall previouſly ſignify their Conſent in Writing, under their Hands and Seals, that ſuch Perſon or Perſons or Bodies is or are willing to take and receive their Satisfaction by way of Annual Rent or Payment; any Thing herein-before contained to the contrary notwithſtanding.

Determination of the Commiſſioners and Jury to be regiſtered by Clerk of the Peace;

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

and a Copy to be deemed Evidence.

Inrollments may be inſpected.

Eſtates ſo purchaſed veſted in Proprietors of River.

Recompence to be made for Tithes of Land, &c. to be taken,

XVI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid *James D'Arcy*, his Heirs or Aſſigns, for all the Tythes, both Great and Small, of the Lands which ſhall be taken or made uſe of by him or them for the Purpoſes of this Act, to the ſeveral Perſons who now are entitled, or at any Time hereafter might

have become entitled, to such Tythes, according to their respective Interests therein, such Tythes to be estimated at the Average Value of the Four Years commencing at *Michaelmas-day* One thousand seven hundred and ninety, and ending at *Michaelmas-day* One thousand seven hundred and ninety-four; such Value to be ascertained, in case of any Difference concerning the same, in the Manner as the Value of any other Lands or Hereditaments are herein-before directed to be ascertained; provided always, that such Recompence and Satisfaction shall be made to all Spiritual Persons by an Annual Rent. by an Annual Rent.

XVII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors or Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Grounds are limited in strict Settlement, for the Purchase of any Lands, Tenements, Hereditaments, or Premises aforesaid, shall, in case the same exceed the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, seised of Lands, Tenements, Hereditaments, and Premises, so limited in strict Settlement, be laid out, as soon as conveniently may be, in the Purchase of Lands or Hereditaments in Fee-Simple, and conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or to or for such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, for or in respect whereof such Purchase Money or Monies shall be so paid as aforesaid, were limited, settled, and assured, at the Times such Purchase Monies were so agreed for, ascertained, or assessed respectively as aforesaid, or as many of such Uses as shall be then existing and capable of taking Effect, such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land Owners as aforesaid, to be made at the Expence of the said *James D'Arcy*, his Heirs or Assigns; and in the mean Time, and until such Purchase or Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the Publick Funds, or in Government or Real Securities, in the Names of Two Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Seven or more of them, and the Interest arising or to be produced from such Fund or Securities shall be paid to such Person or Persons respectively, as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, Hereditaments, and Premises, so to be purchased, in case the same were purchased and settled pursuant to the true Intent and Meaning of this Act.

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

and until so laid out, to be placed in the Funds.

XVIII. And

Commissioners to determine what Share of Purchase Money shall be paid to Tenants or Persons having a particular Estate.

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

How Purchase Money and Damages to be recovered.

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

May be levied by Distress and Sale.

XX. Provided always, That in case the Damages, Interest, and Costs, provided to be satisfied out of the Rates and Duties arising by the said Navigation, shall not be paid and satisfied within the Space of Six Calendar Months next after the same shall have been so determined or assessed as aforesaid, that then, and in such Case, it shall and may be lawful for the said Commissioners, or any Seven or more of them, upon Complaint made to them by or on Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County where the same shall happen, authorizing and empowering such Sheriff to levy and raise the Damages so to be determined and assessed, by Distress and Sale of the Goods and Chattels of the said *James D'Arcy*, his Heirs and Assigns, together with such reasonable Charges as the said Commissioners, or any Seven or more of them, shall in such Warrant direct and appoint.

XXI. Pro-

Land, &c. not to be taken for the Canal until Satisfaction made for them, and for the probable Damage.

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

Within 12 Months after Damage done, for which Recompence ſhall have been made, the ſame may be inquired into and aſcertained a Second Time.

XXII. Provided alſo, and be it further enacted and declared, That if at any Time during the Space of Twelve Calendar Months after any Injury or Damage, for which any ſuch Recompence or Satisfaction as before-mentioned ſhall be made, ſhall have been actually done to the Perſon or Perſons receiving or ſuſtaining ſuch Injury or Damage, or the Bodies, Perſons or Perſon, by this Act enabled to treat and contract for, and receive a Satisfaction for Injuries or Damages to be done in carrying this Act into Execution, ſhall apprehend the Recompence and Satisfaction which ſhall have been made for the ſame as aforeſaid, ſhall not be a full Recompence for the actual Injury or Damage ſuch Perſon or Perſons, or Bodies, ſhall have received or ſuſtained, every ſuch Perſon or Perſons, or Bodies, ſhall be at Liberty to have ſuch actual Injury or Damage again inquired into and aſcertained, in like Manner, and by the ſame Ways and Means, as are hereby directed with reſpect to the Value of any Lands or Grounds to be taken and uſed for the Purpoſes of this Act, and the ſame ſhall be aſcertained and ſettled accordingly; and in caſe it ſhall upon ſuch Inquiry be found that the Recompence or Satisfaction that ſhall have been before paid for ſuch Injury or Damage, was not a complete and full Compenſation for the Injury or Damage actually ſuſtained, then ſuch Perſon or Perſons, or Bodies, ſhall be paid ſuch Sum or Sums of Money as, together with the Money which ſhall have been before paid, will be a complete and full

Compenſation, Recompence, and Satisfaction, for ſuch actual Injury or Damage; and all Coſts and Charges to be incurred by or on Behalf of the Perſons receiving or ſuſtaining ſuch Injury or Damage, on account of the aſcertaining and ſettling the Amount or probable Amount of ſuch Injury or Damage by the ſaid Commiſſioners, and ſuch Jury or Juries as aforeſaid, ſhall be borne, paid, and defrayed, by the ſaid *James D'Arcy*, his Heirs or Aſſigns; and that the Amount of the ſaid Recompence and Satisfaction which ſhall be made by the ſaid Commiſſioners, or aſſeſſed by the ſaid Jury as aforeſaid, ſhall be in One groſs Sum to the reſpective Perſon or Perſons entitled thereto, unleſs ſuch Perſon or Perſons, or Bodies, ſhall ſignify in Writing, under his, her, or their Hand or Hands, that he, ſhe, or they is or are willing to receive the ſame by way of Annual Rent or Payment; but in caſe it ſhall happen that the Recompence or Satisfaction before made to ſuch Perſon or Perſons, or Bodies, ſhall have been a complete and full Satisfaction for Injuries and Damages by him or them ſuſtained, and no further Recompence or Satisfaction ſhall be awarded and given by the ſaid Commiſſioners, or by ſuch laſt-mentioned Jury, then the ſaid Perſon or Perſons ſhall bear and pay all Coſts, Charges, and Expences, of ſummoning ſuch laſt mentioned Jury, and taking ſuch Inqueſt, the Coſts, Charges, and Expences, in either of ſuch laſt-mentioned Caſes, to be ſettled by ſuch Commiſſioners; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Recompence ſhall be by a Sum in groſs, unleſs Proprietors of Lands, &c. ſhall deſire otherwiſe.

By whom Jury to be paid.

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

Sums to be paid for Lands, &c. to be charged on and paid out of Rates;

and to be levied by Diſtreſs and Sale.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall wantonly, careleſsly, or negligently open, or cauſe to be opened, any Lock, Gate, or any Paddle, Valve, or Clough belonging to any Lock now exiſting, or to be erected on the preſent Navigation, or ſuffer any Boat, Barge, or other Veſſel, to ſtrike or run upon any of the Bridges or Locks thereof, or ſhall wilfully fluſh or draw off the Water from any Part of the ſaid Navigation, or ſhall leave any of the ſaid Valves or Cloughs open and running after any Boat, Barge, or other

Inflicting a Penalty on Perſons waſting the Water, or damaging Works.

Veſſel, ſhall have paſſed any ſuch Lock, or ſhall wilfully or maliciouſly do any other Act to the Prejudice of the ſaid Navigation, every Perſon offending in any of the Particulars aforeſaid, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the ſaid County of *Southampton*, or for the Place or Diſtrict wherein ſuch Offence is committed, by the Oath of One or more Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby reſpectively empowered to adminiſter), ſhall forfeit and pay for every ſuch Offence any Sum not exceeding the Sum of Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of ſuch Juſtice or Juſtices.

For making Compenſation for the Damages done to the Fiſhery or Mill at *Woodmill*.

XXV. And be it further enacted, That in all Caſes where, in conſequence of any Thing done by the Proprietor or Proprietors of the ſaid Navigation in the Execution of this preſent Act, or by his or their Agents or Workmen, any Damage or Injury ſhall be done to a certain Fiſhery, or to the Mills at *Woodmill* aforeſaid, or any Loſs whatever ſhall thereby be ſuſtained by the ſaid Biſhop of *Wincheſter*, or his Leſſee or Leſſees, or his or their Under-tenant or Under-tenants, in reſpect to the ſaid Fiſhery or Mills, the ſame ſhall, from Time to Time, as often as the ſame ſhall happen, be made good and paid by the ſaid Proprietor or Proprietors, to the ſaid Biſhop of *Wincheſter*, or his or their Leſſee or Leſſees, his or their Under-tenant or Under-tenants; and the ſaid Proprietor or Proprietors of the ſaid Navigation ſhall, and is and are hereby made anſwerable for all ſuch Damage, Injury, or Loſs; and the ſaid Biſhop of *Wincheſter*, his Leſſee or Leſſees, his or their Under-tenant or Under-tenants, ſhall and may recover the ſame in any Court of Law or Equity.

No Houſe to be built near *Woodmill* Lock without Leave of the Biſhop of *Wincheſter*, or his Leſſee.

XXVI. And be it further enacted, That no Houſe, Stable, Warehouſe, or other Building, ſhall be erected or built near to the intended new Lock at *Woodmill*, without the previous Conſent of the ſaid Biſhop of *Wincheſter*, and his Leſſee or Leſſees, their Under-tenant or Under-tenants of the Fiſhery and Mills at *Woodmill* aforeſaid, being firſt obtained in Writing, under their Hands and Seals; and that in caſe any Houſe, Stable, Warehouſe, or other Building, ſhall be erected without ſuch Conſent as aforeſaid, it ſhall be lawful for the ſaid Biſhop of *Wincheſter*, his Leſſee or Leſſees, their Under-tenant or Under-tenants, to take, pull down, or remove, ſuch Houſe, Stable, Warehouſe, or other Building, without being guilty of any Treſpaſs, or liable to any Action or Proſecution for ſo doing.

Eſtate declared to be veſted in Mr. *D'Arcy*, ſubject to certain ſpecified Incumbrances.

XXVII. And be it further enacted and declared by the Authority aforeſaid, That, from and immediately after the paſſing of this Act, the ſaid Navigation (ſubject and without Prejudice to the Incumbrances and Charges herein-before mentioned, and which are not intended to be hereby prejudiced, invalidated, or in anywiſe affected) ſhall conſiſt and be compoſed of One hundred and ſixty equal Parts or Shares; and that it may and ſhall be lawful to and for the ſaid *James D'Arcy*, his Heirs and Aſſigns, (but ſubject and without Prejudice as aforeſaid), to ſell and diſpoſe of ſuch One hundred and ſixty equal Parts or Shares, and no more, or ſo to grant and diſpoſe of the Profits to ariſe from all and every or any of ſuch Parts or Shares, for any Term or Terms of Years, or from Time to Time to grant One or more Mortgage or Mortgages of all and every or any of ſuch Part or Share, Parts or Shares, and that by One or more Inſtrument and Inſtruments in Writing, the ſame to be ſeverally

verally ingroſſed upon Parchment duly ſtamped, as ſhall from Time to Time be directed, under his or their Hands and Seals, to be, as the Caſe may happen, in the Words or Form, or to the Effect following; (that is to ſay),

In caſe of a Share of the Right and Property.

Form of a Share in the Right and Property.

County of Southampton. Itchin *Navigation.* N° *Preſent*

'I Proprietor of the *Itchin* Navigation, do, in Conſideration of hereby grant, bargain, releaſe, and confirm unto his Heirs and Aſſigns for ever, One One hundred and ſixtieth Part or Share of and in the Right and Property in the ſaid Navigation. Dated and ſealed this Day of

(Counterſigned)

Clerk of the Peace.'

In caſe of a Grant for Years only.

Form of a Grant for Years only.

County of Southampton. Itchin *Navigation.* N° *Preſent*

'I Proprietor of the *Itchin* Navigation, do, in Conſideration of hereby bargain and ſell unto his Executors, Adminiſtrators, and Aſſigns, all that and thoſe the Profits, [*or, as the Caſe may be, a certain Part or Share thereof*], to ariſe of and from One One hundred and ſixtieth Part or Share of and in the Right and Property of and in the ſaid Navigation, for a Term of Years, to be computed from the Date hereof. Dated and ſealed this Day of

(To be counterſigned)

Clerk of the Peace.'

In caſe of a Mortgage.

Form of Mortgage.

County of Southampton. Itchin *Navigation. Mortgage,* N° *Preſent*

'I Proprietor of the *Itchin* Navigation, do, in Conſideration of hereby grant, bargain, ſell, releaſe, and confirm, unto his Heirs and Aſſigns, all that and thoſe Parts or Shares of the Right and Property of and in the ſaid Navigation, marked in the Margin N° until the ſame, with Intereſt for the ſame at the Rate of *per Centum per Annum*, to be paid at the Wharf at *Wincheſter* Half Yearly, ſhall be fully paid off and diſcharged. Dated and ſealed this Day of

(To be counterſigned)

Clerk of the Peace.'

Shares to be numbered and to veſt

XXVIII. And be it further enacted by the Authority aforeſaid, That all and every the Inſtrument and Inſtruments aforeſaid, granting or conveying

veying all and every or any of the Parts or Shares herein-before created, or the Profits thereof, ſhall be numbered according to Priority of Date, and that the ſame ſo made, executed, and numbered, ſhall be good and effectual to all Intents and Purpoſes whatſoever, and entitle the Perſon or Perſons to whom the ſame ſhall be ſo ſeverally made and executed, or to whom the ſame ſhall, from Time to Time, happen to be transferred or aſſigned, to the Right and Property or Intereſt therein ſeverally mentioned and deſcribed, or thereby meant and intended to be ſold or diſpoſed of; and that all and every Transfer and Transfers of all, every, or any Part or Share, Parts or Shares, and the Right and Property or Intereſt thereby ſeverally granted, ſhall and may be made by Indorſement on the Inſtrument by which ſuch Part or Share ſhall be made or granted, in ſuch Manner as if the ſame were a Promiſſory Note or Bill of Exchange; and that all and every the Inſtrument and Inſtruments granting in Mortgage all and every or any ſuch Parts or Shares, which ſhall be made by the ſaid *James D'Arcy*, his Heirs or Aſſigns, in Manner aforeſaid, ſhall alſo be numbered according to Priority of Date, and, being ſo numbered, ſhall be good and effectual to all Intents and Purpoſes whatſoever; and that all and every Transfer and Transfers, Aſſignment and Aſſignments, Reconveyance and Reconveyances, of all and every ſuch Mortgage and Mortgages, ſhall be made by Indorſement thereon, in like Manner as if any ſuch Mortgage were a Promiſſory Note or Bill of Exchange: Provided always nevertheleſs, that all and every ſuch Inſtrument and Inſtruments granting all and every or any ſuch Part or Share, Parts or Shares, and alſo all and every ſuch Transfer or Transfers thereof, and alſo all and every Inſtrument or Inſtruments, as ſhall be ſo made by the ſaid *James D'Arcy*, his Heirs or Aſſigns, and alſo all and every Mortgage and Mortgages of all and every or any ſuch Part or Share, Parts or Shares, as ſhall be made by the ſaid *James D'Arcy*, his Heirs and Aſſigns, under and by virtue of this preſent Act, and alſo all and every Aſſignment and Aſſignments of all and every ſuch Mortgage and Mortgages, ſhall, within Thirty-one Days after the ſame ſhall be ſeverally made, executed, done, or performed, be regiſtered with the Clerk of the Peace for the ſaid County of *Southampton*, who is hereby directed, upon reaſonable Demand, to make Regiſtry, in a Book to be by him kept for that Purpoſe of all and every ſuch Inſtrument and Inſtruments, Transfer and Transfers, Mortgage and Mortgages, Aſſignment and Aſſignments of Mortgages, Reconveyance and Reconveyances, as ſhall be tendered to him for the Purpoſe of ſuch Regiſtry thereof.

the Right and Intereſt therein mentioned in the Perſons to whom granted or transferred.

Transfer may be made by Indorſement.

Shares, Mortgages, and Transfers to be regiſtered with Clerk of the Peace.

XXIX. And be it further enacted by the Authority aforeſaid, That after Payment and Satisfaction of the ſaid Annuity or yearly Rent Charge of Two hundred Pounds, and all Arrears thereof, which is and are hereby directed in the firſt Inſtance, as the ſame ſhall become due, to be paid and ſatisfied, and not before, and alſo of the Intereſt accruing on the ſeveral Sums herein-before mentioned, all and every the Perſon and Perſons, Bodies Politick and Corporate, to whom ſuch Parts or Shares as aforeſaid ſhall happen to be made or transferred, and the ſaid *James D'Arcy*, his Heirs and Aſſigns, for ſuch Part or Share, Parts or Shares, as ſhall happen to remain undiſpoſed of by him or them, if ſuch ſhall be the Caſe, and alſo ſuch Mortgagee or Mortgagees, if any ſuch there ſhall be, of ſuch Part or Share, Parts or Shares, as ſhall happen to be mortgaged by the ſaid *James D'Arcy*, his Heirs or Aſſigns, or the Perſon or Perſons to whom ſuch Mortgage or Mort-

After Satisfaction of Mrs. *Barker's* Annuity, and other Incumbrances under Mr. *Pyott's* Will, River to veſt, diſcharged thereof, in Mr. *D'Arcy* and his Aſſigns, without Preference.

gages ſhall happen to be aſſigned, ſhall be equally entitled to the Profits ariſing from the ſaid Navigation, and the Premiſes thereunto belonging according to his or their reſpective Intereſts in any Part or Share, Parts or Shares thereof, created in Manner herein-before provided, without any Preference by reaſon of the Priority of the Date, or otherwiſe howſoever.

Mortgages made by Mr. *D'Arcy* to pay Incumbrances to be preferred according to the Right and Priority of the Perſons entitled thereto.

XXX. Provided always, and be it further enacted, That all and every Mortgage and Mortgages which ſhall be made by the ſaid *James D'Arcy*, his Heirs or Aſſigns, in order to ſatisfy or pay all or any of the Sums ſo charged and chargeable as aforeſaid, ſhall, upon the Inrollment in Manner herein-after directed of the Receipt or Receipts of the Perſon or Perſons to whom the Sum or Sums raiſed upon any ſuch Mortgages ſhall have been paid, be preferred according to the Right of Priority of Payment which the Perſon or Perſons to whom the Sum or Sums to be raiſed upon any ſuch Mortgage or Mortgages ſhall have been paid, was or were entitled unto at the Time of executing any ſuch Mortgage: And provided alſo, that ſuch Share and Shares, not exceeding Forty Shares, as ſhall be ſold by the ſaid *James D'Arcy*, his Heirs or Aſſigns, in order to pay and ſatisfy the ſaid Sum of Two thouſand three hundred and thirty-three Pounds Thirteen Shillings and Four-pence, and the Intereſt thereof, ſhall, upon the like Inrollment of the Receipt or Receipts of the Perſon or Perſons entitled to, and to whom the ſaid Sum of Two thouſand three hundred and thirty-three Pounds Thirteen Shillings and Four-pence, and the Intereſt thereof, ſhall be paid, be freed, exonerated, and diſcharged, of, from, and againſt, all and every other the Charges and Incumbrances aforeſaid, other than and except the ſaid Annuity of Two hundred Pounds for the Life of the ſaid *Martha Barker*, the Purchaſers and Purchaſer of ſuch Shares, not exceeding Forty Shares, at the Time of the Inrollment of ſuch Receipt or Receipts, procuring an Entry to be made in the ſaid Book of Regiſtry, and to be ſigned by the ſaid Clerk of the Peace, and counterſigned by Two of the ſaid Commiſſioners, ſpecifying the Number of Shares ſo ſold, and the Purpoſes for which the ſame have been ſold, and alſo the proper Number by which every ſuch Share ſhall be deſcribed and known as One of the One hundred and ſixty Shares herein-before created.

Until 100 Shares ſhall be be ſold by Mr. *D'Arcy*, he ſhall carry on and conduct Navigation;

XXXI. And be it further enacted by the Authority aforeſaid, That until the ſaid *James D'Arcy*, his Heirs or Aſſigns, ſhall have made and granted One hundred Parts or Shares in the Whole of the ſaid Number of One hundred and ſixty Parts or Shares, to which the Right and Property of and in the ſaid Navigation, and the Premiſes thereunto belonging, under and by virtue of this preſent Act, are charged and divided, the ſaid Number of One hundred Shares to conſiſt of abſolute Parts or Shares of and in the Right and Property of and in the ſaid Navigation, or of the Grant or Grants of the Profits to ariſe for a Term or Terms of Years not leſs than Ten Years on any of the Parts or Shares aforeſaid, of and in the Right and Property of and in the ſaid Navigation, the Buſineſs, Management, and Improvement, of the ſaid Navigation ſhall be carried on and conducted by the ſaid *James D'Arcy*, his Heirs or Aſſigns, or under his and their Care and Direction, but under and ſubject nevertheleſs to the Proviſoes, Reſtrictions, and Conditions, herein-after appointed and provided; and that when and ſo ſoon as ſuch Number of One hundred Shares ſhall be ſo made and diſpoſed of, the ſaid

and when 100 Shares ſhall be made

James D'Arcy, his Heirs or Aſſigns, ſhall and they are hereby directed, in the *Saliſbury and Wincheſter Journal*, ſo long as the ſame ſhall be in Circulation, or in ſuch other Weekly Newſpaper as ſhall then be in Circulation in the County of *Southampton* as aforeſaid, to give Notice thereof, and alſo that a Meeting of the Proprietors of and in the ſaid ſeveral Parts or Shares is therefore required to be held under the Directions of this Act, in order to take into Conſideration the State, Buſineſs, and Concern of and in the ſaid Navigation, and the Premiſes thereto belonging, and to adopt ſuch Means as ſhall be moſt adviſeable for the future Care and Management thereof; ſuch Meeting to be held in the ſaid City of *Wincheſter* in Twenty-one Days at the leaſt from the Time of firſt publiſhing ſuch Advertiſement.

and diſpoſed of he ſhall adverti ſe a Meeting to conſider of State of Navigation.

XXXII. Provided always nevertheleſs, and be it further enacted, That no Grant of the Profits to ariſe for any Term of Years on any of the Parts or Shares aforeſaid ſhall be deemed or conſtrued a ſufficient Intereſt for the Purpoſes herein-before mentioned, with regard to the ſaid *James D'Arcy*, his Heirs and Aſſigns, unleſs there ſhall be at the Time a ſubſiſting and unexpired Term of Ten Years at the leaſt, of and in the ſame.

Grant of Profits not ſufficient as far as regards Mr. *D'Arcy*.

XXXIII. And, to the End that all Matters and Things touching, concerning, or relating to the carrying on, completing, improving, or other Buſineſs or Concern, of the ſaid Navigation, and the Premiſes thereunto belonging, may be managed and conducted in the moſt beneficial Manner: Be it further enacted, That every Body or Bodies Corporate or Politick, or Perſon or Perſons whatſoever, ſhall be deemed a Proprietor of and in the ſaid Navigation, and be entitled to vote at ſuch and every other Meeting to be held for the Purpoſes of the ſaid Navigation, who ſhall by virtue of this Act be entitled to One abſolute One hundred and ſixtieth Part or Share of and in the Right and Property of and in the ſaid Navigation and Premiſes, or to One One hundred and ſixtieth Part or Share of and in the Right and Property of and in the ſaid Navigation and Premiſes, the Profits whereof ſhall happen to be diſpoſed of for a Term of Years leſs than Ten Years, or whereof a Term leſs than Ten Years ſhall then be ſubſiſting, or to a Grant of the Profits to ariſe from One ſuch One hundred and ſixtieth Part or Share for any Term of Years whereof Ten Years or upwards ſhall be ſubſiſting at the Time of any ſuch Vote to be given; and that ſuch Vote may be given by him, her, or them, or by his, her, or their Proxy or Proxies, ſuch Proxy or Proxies being ſuch a Proprietor or Proprietors, duly conſtituted in Manner herein-after mentioned; and ſuch Vote or Votes by Proxy ſhall be good and ſufficient, to all Intents and Purpoſes, as if ſuch Principal or Principals had voted in Perſon; and any Body or Bodies Politick or Corporate, Perſon or Perſons, who ſhall have more than One ſuch Share, and not exceeding Six ſuch Shares, ſhall have Liberty, by him, her, or themſelves, or by his, her, or their Proxy or Proxies, being ſuch Proprietors, and regularly conſtituted as aforeſaid, to give any Vote for each ſuch Part or Share of Six Parts or Shares, of which he, ſhe, or they ſhall become a Proprietor as aforeſaid; and whatever Queſtion, Election of Officers, Servants, or other Matters or Things, ſhall be propoſed, diſcuſſed, or conſidered at any ſuch Meeting, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One

Who ſhall be entitled to vote at Meetings of Proprietors.

Proprietors may appoint Proxies.

One Vote for every Share, provided that no Perſon ſhall give or deliver more Proxies than for Five Abſent Proprietors; the Appointment of which ſaid Proxies ſhall be in the Words or to the Effect following; to wit:

Form of Appointment of Proxy.

'I *A. B.* One of the Proprietors of the *Itchin* Navigation, do hereby nominate, conſtitute, and appoint to be my Proxy, in my Name and in my Abſence to vote and give my Aſſent or Diſſent to any Buſineſs, Matter, or Thing relating to the ſaid Navigation, that ſhall be mentioned or propoſed at any Meeting of the Proprietors of the ſaid Navigation, or any of them, in ſuch Manner as he the ſaid ſhall think proper, according to his Opinion and Judgement, for the Benefit of the ſaid Navigation and Undertaking. Witneſs my Hand and Seal this Day of

At Firſt Meeting of Proprietors a Committee to be choſen.

XXXIV. And, to the further End that all Matters and Things to be done and carried on by Virtue and Authority of this Act may be the more regularly and methodically carried into Execution, be it further enacted, that at the Firſt Meeting of the ſaid Proprietors, ſo to be held as aforeſaid, the Proprietors aſſembled together with ſuch Proxies as ſhall then be preſent, ſhall chooſe Seven Perſons, who ſhall at the Time be ſuch Proprietors as aforeſaid, to be a Committee to manage the Affairs of the ſaid Navigation as herein-after is mentioned, and to continue in their ſaid Office until another Committee ſhall be choſen as herein-after is directed, unleſs they or any One of them ſhall be removed by the ſaid Proprietors as herein-after mentioned; and that an Annual Meeting of the ſaid Proprietors, to be computed from the Day on which ſuch Firſt Meeting ſhall take place, ſhall from thenceforth be held at *Wincheſter*, of which from Time to Time Publick Notice ſhall be given in the ſaid *Saliſbury and Wincheſter Journal*, or ſome other Newſpaper circulated in the County of *Southampton* aforeſaid, and alſo be publiſhed in ſuch other Manner as the ſaid General Meeting ſhall direct, at leaſt Twenty-one Days before ſuch Meeting, each of which Meetings ſhall have Power and Authority to adjourn themſelves from Time to Time as they ſhall think proper, until the Time of holding the next Annual Meeting; and all and every ſuch Meetings ſhall have Power to appoint a Clerk or Manager, Banker or Bankers, Treaſurer or Treaſurers, and all neceſſary Clerks and Officers, taking ſuch Security for the due Execution of their reſpective Offices as the ſaid Meetings ſhall think fit; and alſo from Time to Time to remove all and every the Perſons ſo appointed, as they ſhall think proper; and to call for, audit, and ſettle all Accounts of Money received, laid out, or diſburſed for or on Account of the ſaid Navigation, and Premiſes thereunto belonging, by ſuch Clerk, Manager, or other Officer or Officers, and by all and every Perſon or Perſons employed by or under them in and about the ſaid Navigation, and to do and tranſact all other Buſineſs reſpecting the ſame.

An Annual Meeting of Proprietors.

Power to adjourn;

and to appoint Clerks, Bankers, and Treaſurers, taking Security;

and to call for and audit Accounts.

Committee to fix their Firſt Meeting,

XXXV. And be it further enacted, That the ſaid Committee ſo to be choſen as aforeſaid, or ſuch of them as ſhall be preſent at ſuch Firſt Meeting of the ſaid Proprietors, ſhall and may fix a Time in the ſaid City of *Wincheſter* for the Firſt Meeting of the ſaid Committee, and that they, or any Three or more of them, may at ſuch Meeting execute all and every the Powers and Authorities in the ſaid Committee veſted by this

this Act, and from Time to Time adjourn themſelves as they ſhall think fit; and if at any Place appointed for ſuch Meeting, Three of ſuch Committee ſhall not appear there within Two Hours of the Time fixed for holding ſuch Meeting, One or Two of the ſaid Committee who may be then preſent ſhall and may, and is and are hereby authorized to adjourn the Meeting of the ſaid Committee, either to the ſame Place, or to ſome other convenient Place within Two Miles of the ſaid River, to meet on ſuch Day and Hour, (between Ten of the Clock in the Forenoon and Two in the Afternoon), as ſuch One or Two of the ſaid Committee ſo preſent ſhall think proper, not exceeding Two Weeks from the Day of ſuch Adjournment; and if no ſuch Adjournment ſhall be made, then and in ſuch Caſe any Three or more of ſuch Committee may, by Advertiſement in the *Saliſbury and Wincheſter Journal*, or any other Newſpaper then in Circulation in the ſaid County of *Southampton*, call another Meeting of the ſaid Committee at any ſuch Place as aforeſaid, at a Time not leſs than Ten nor more than Twenty-one Days after ſuch Notice, and ſo from Time to Time as often as the Caſe may happen.

If Three do not attend an Adjournment to take place.

XXXVI. And be it further enacted, That at the General Meeting of the ſaid Proprietors to be held annually as aforeſaid, or at the Firſt Adjournment thereof, at which a ſufficient Number of the ſaid Proprietors or Proxies ſhall attend to act as herein-after mentioned, ſuch of the Perſons compoſing the ſaid Committee as ſhall be then preſent, ſhall by Ballot nominate and chooſe Three Perſons out of the ſaid Committee to be of the next Year's Committee, and the Proprietors and Proxies then aſſembled ſhall chooſe Four more Proprietors to make up the Number of Seven for the next Year's Committee, ſuch Committee to continue in Office, unleſs removed as herein-after mentioned, until the next Annual General Aſſembly, and the Choice of a new Committee as aforeſaid, ſo that Three of the laſt Annual Committee ſhall remain and compoſe Part of the next Annual Committee, and ſo in Succeſſion Year after Year; all which ſaid ſeveral ſucceſſive Committees ſhall have the like Privileges, Powers, and Authorities, as are in and by this Act granted to and veſted in the ſaid Committee to be choſen in Manner herein-before directed: Provided always, that if there ſhall not be Three of the Committee preſent at ſuch Annual Aſſembly, or ſuch of the Committee preſent ſhall neglect or refuſe to ballot for a Choice of another Committee as aforeſaid, the Appointment of the whole Seven Perſons for a Committee ſhall be in the Majority of the Proprietors and Perſons then preſent.

At Firſt Annual Meeting of Proprietors the Committee for the next Year to be appointed by Ballot.

Three of laſt Annual Committee to remain Part of next Annual Committee.

XXXVII. And be it further enacted, That if at the Firſt General Meeting to be held after the paſſing of this Act, or at any future General Meeting hereby directed to be held as aforeſaid, there ſhall not be preſent, within Two Hours after the Time fixed for holding ſuch General Aſſembly, Perſons either as Proprietors or Proxies, who ſhall together have Sixty Shares at the leaſt, no Election or other Buſineſs ſhall be tranſacted, but the Proprietors and Proxies preſent ſhall adjourn the Aſſembly to ſuch Time within Twenty-one Days as the ſaid Proprietors and Proxies preſent, or the major Part of them in Value, ſhall appoint, at which adjourned Meeting the Choice of the Seven Perſons for a Committee ſhall be made, and all other Matters and Things to be tranſacted, which

If at General Meetings Proprietors or Proxies holding 60 Shares ſhall not be preſent, Aſſembly ſhall be adjourned for 21 Days.

which might or ought to have been done at such Annual General Assemblies to be held as herein-before directed; but if at any such adjourned Assembly there shall not attend Proprietors or Proxies who shall together have Fifty Shares, no other Business shall be done or transacted, except adjourning the same to some other Time within Twenty-one Days, and so, from Time to Time, until Proprietors of or Proxies for Fifty Shares shall be present, when the several Matters, Transactions, and Things, which might have been done, performed, and executed, at the former Assemblies, if a sufficient Number of Proprietors had attended, may be done, performed, and executed, at such Adjourned Assembly; and in case on the First Day appointed for holding such General Meetings, there shall not appear Principals of or Proxies for Sixty Shares together, each and every of the Principals who shall not be present at such Assembly, by himself or his Proxy, before the Adjournment thereof, shall forfeit to the said Company of Proprietors, their Successors or Assigns, for every such Share which he, she, or they, shall have in the said Navigation and Undertaking, the Sum of Ten Shillings, to be deducted out of the next Dividend of the Profits of the said Undertaking.

at which Adjournment Committee shall be appointed by the major Part present.

Penalty of 10 *s.* upon Proprietors not attending First General Meetings.

Proprietors of 20 Shares may call Special Meetings.

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

Books of Account to be kept in Chests, and Keys kept by the Committee.

XXXIX. And be it further enacted, That the Book and Books in which all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Committee of Proprietors for the Time being shall from Time to Time direct, and the Key or Keys thereof the Committee for the Time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to such Book or Books, for his, her, or their Inspection; provided always, that the said Committee, to be assembled as aforesaid, shall from Time to Time be subject to the Examination and Control of the said Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises

Committee to be under the Controul of Meetings.

as they ſhall from Time to Time receive from the ſaid Proprietors at ſuch Meeting, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act contained.

Proprietors of General Meetings may diſplace Committee-men and Officers, and make new Rules.

XL. And be it further enacted, That the ſaid Proprietors ſhall always have Power and Authority, at any General Meeting held as aforeſaid, to remove or diſplace any Perſon or Perſons choſen upon ſuch Committee as aforeſaid, or any Officer or Officers under them, and to revoke, alter, amend, or change, any of the Rules and Directions herein-before deſcribed and laid down with regard to their Proceedings among themſelves, as to the major Part of them ſhall ſeem meet (the Method of calling Meetings, Qualifications, Vote thereat, and their Time and Place of Meeting, the Qualifications of Proprietors, and of voting and appointing Committees, only excepted).

Clerk to keep the Books with an Account of Proceedings;

XLI. And be it further enacted, That the Clerk or Clerks ſo to be appointed as aforeſaid, ſhall, in a proper Book or Books to be provided for that Purpoſe, regularly enter and keep a true and perfect Account from Time to Time of the Names and Places of Abode of all the Proprietors, not only of all Perſons deemed Proprietors and qualified to vote as ſuch, but alſo Perſons who ſhall become intereſted in or entitled to any Part or Parts of the Profits of any Share or Shares of and in the ſaid Navigation, and of all Perſons who ſhall become Mortgagees thereof or advance Money thereon, and of all the Acts, Proceedings, and Tranſactions of the ſaid Proprietors, and of the Committee for the Time being, and alſo make regular Entries of all Orders, Proceedings, Acts, and Tranſactions, of the Commiſſioners hereby appointed; and ſuch Entries, or the Orders, Proceedings, Acts, and Tranſactions, of the Commiſſioners, ſhall be ſigned by ſuch Number of the Commiſſioners acting therein reſpectively, as are in the Caſes which may happen reſpectively empowered by this Act, and ſhall then be deemed Originals, and admitted in Evidence in all Caſes whatſoever; and ſuch Clerk and Clerks ſhall at all Times be obedient to the Proprietors for the Time being, and to the Committee for the Time being, and to the Commiſſioners acting under this Act, whenſoever required; and all and every Proprietor and Proprietors of and in the ſaid Navigation ſhall and may, at all convenient and ſeaſonable Times, have recourſe to and peruſe all or any ſuch Book or Books and Entries *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying Sixpence for every One hundred Words to be copied; and if any ſuch Clerk or Clerks ſhall refuſe or hinder any Proprietors or Perſons, ſo intereſted as aforeſaid, to peruſe or inſpect ſuch Book or Books, or refuſe or neglect to make or furniſh any ſuch Copy or Copies when required, at the Rate aforeſaid, within a reaſonable Time, he ſhall, for every ſuch Offence, pay the Sum of Five Pounds, to be levied, upon Complaint, by the ſaid Commiſſioners, or any Seven of them, as other Penalties are by this Act directed to be levied.

Proceedings to be ſigned by Commiſſioners.

Books may be inſpected and Copies taken.

Penalty upon Clerk refuſing Inſpection of Books or Copies.

Power to Proprietors to raiſe Money to pay off due Incumbrances by Sales.

XLII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Proprietors at any of their ſaid Meetings, and they are hereby authorized and directed, from Time to Time as Occaſion ſhall require, or they in their Diſcretion ſhall think fit, to make One or more Order or Orders for the levying and raiſing all and every ſuch Sum and Sums of Money as ſhall be neceſſary for the Purpoſe of

of ſatisfying and paying all or any of the ſeveral Sums ſo as aforeſaid charged and chargeable upon the ſaid Navigation, by aſſeſſing and aſcertaining a certain rateable Proportion to be contributed on each and every Part or Share of the One hundred and ſixty Parts or Shares hereinbefore created, as well in regard of the Right and Property of and in each and every ſuch Part or Share, as of any Term or Terms of Years granted of the Profits to ariſe on the ſame, or any Part or Share thereof, which ſhall be ſubſiſting at the Time of any ſuch Order made.

In caſe Calls neglected to be complied with, Shares of Defaulters forfeited.

XLIII. And be it further enacted, That in caſe the Perſon and Perſons, Bodies Politick or Corporate, who ſhall be entitled to ſuch Right and Property, or to any ſuch Term or Terms of Years of and in the ſeveral Parts or Shares herein-before mentioned, ſhall not comply with ſuch Order or Orders as from Time to Time, for the Purpoſes aforeſaid, ſhall happen to be made, by paying, within Forty Days next after the Days or Times appointed for that Purpoſe, into the Hands of the Perſon or Perſons to whom, and at the Place or Places at which the ſame by ſuch Order or Orders ſhall be directed to be paid, ſo much as ſhall be aſſeſſed, according to his, her, or their ſeveral and reſpective Intereſts in every ſuch Part or Share, to be paid and contributed, he, ſhe, or they, ſhall forfeit his, her, and their reſpective Share and Shares, Terms of Years and Intereſts in the ſaid Navigation and Premiſes, and all the Benefit and Profit thereof, all which Forfeitures ſhall go to the Reſt of the ſaid Proprietors in Proportion to their reſpective Intereſts in the ſaid Navigation: Provided always, that no Advantage ſhall be taken of ſuch Forfeiture unleſs the ſame ſhall be declared a Forfeiture by the ſaid Commiſſioners, or any Seven of them, at any of their ſaid Meetings within One Month after ſuch Forfeiture ſhall happen; and every ſuch Forfeiture ſhall be an Indemnification to and for every Proprietor or Proprietors ſo forfeiting, againſt all Suits, Actions, or Proſecutions whatſoever, to be commenced or proſecuted for any Breach of Contract or other Agreement betwixt ſuch Proprietor or Proprietors ſo forfeiting, and the Reſt of the ſaid Proprietors, with regard to the ſaid Navigation and the Works and Improvements thereof.

Power to Proprietors to mortgage for like Purpoſes, in preference to Calls.

XLIV. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Proprietors at any of their ſaid Meetings ſhall rather prefer to raiſe ſuch Sum or Sums of Money by taking up and borrowing the ſame at Intereſt, on the Credit of the Right and Property of and in the ſaid Navigation, and the Premiſes thereunto belonging, and the Rates and Duties ariſing or to ariſe by virtue of this Act, or either of the ſaid recited Acts, it ſhall and may be lawful to and for the ſaid Committee, or any Three or more of them, and they are hereby authorized and required, under any Order for that Purpoſe, to be from Time to Time made by the ſaid Proprietors at any of their ſaid Meetings, to aſſign and make over by Way of Mortgage the Right and Property of and in the ſaid Navigation, and the Premiſes thereunto belonging, as Part and Parcel thereof, and the Rates and Duties ariſing and to ariſe by virtue of this Act, or either of the ſaid recited Acts, as a Security for all and every Sum and Sums ſo to be borrowed, with Intereſt for the ſame not exceeding Five Pounds *per Centum per Annum*, to all and every Perſon and Perſons, his, her, or their Truſtee or Truſtees, who ſhall advance the ſame; and that when and ſo ſoon as the Receipt or Diſcharge of the

Receipts of Incum-

Perſon

Perſon or Perſons who ſhall be paid the Amount ſecured by any ſuch Mortgage, and to whom the ſame ſhall have been due or payable, ſhall be duly enrolled in Manner herein-after provided, freed, exonerated, and diſcharged of, from, and againſt all and every Charge and Incumbrance whatſoever, other than and except the Annuity aforeſaid; provided always, that every ſuch Mortgage ſhall be preferred according to ſuch Right of Priority of Payment as the Perſon or Perſons to whom the Money ſecured by any ſuch Mortgage ſhall have been paid and ſatisfied, was or were entitled unto at the Time of the Payment thereof, and that ſuch Mortgage or Mortgages ſhall be engroſſed upon Parchment, and be duly ſtamped, and ſhall alſo be in the Form or to the Effect following; (that is to ſay);

Advances when paid by Mortgage Money muſt be inrolled.

Proviſo as to Mortgages to be preferred.

Within *Navigation.* *Mortgage Preſent*

'WE of the Committee for managing the Affairs of the ſaid Navigation, do hereby, by virtue of an Order of Proprietors, made the Day of in Conſideration of grant, bargain, ſell, releaſe, and confirm, unto his Heirs and Aſſigns, the Right and Property of and in all that and thoſe One hundred and ſixty equal Parts or Shares of and in the ſaid Navigation and the Premiſes thereunto belonging, until the ſaid Sum of with Intereſt for the ſame at the Rate of *per Centum per Annum*, to be paid Half-yearly, at the Wharf at *Wincheſter*, ſhall be fully paid off and diſcharged. Dated and ſealed this Day of

} Committee.

(To be counterſigned)

Clerk of the Peace.'

Form of Mortgage.

XLV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Proprietors at any of their ſaid Meetings, and they are hereby authorized and directed, from Time to Time as Occaſion ſhall require, not only to make One or more Order or Orders for the raiſing and levying ſuch Sum and Sums of Money as ſhall be neceſſary for the making and completing the Improvements and Alterations herein-before mentioned, which they are hereby required to make and complete, but alſo for the raiſing and levying ſuch further Sum and Sums as they ſhall from Time to Time, in their Diſcretion, think fit and profitable to lay out and expend in the further Improvement, or for the Uſe or Advantage of the ſaid Navigation, and the Premiſes thereunto belonging, by aſſeſſing and aſcertaining rateable Proportions of all and every ſuch Sum and Sums to be from Time to Time paid and contributed as Occaſion ſhall require, upon all and every the ſeveral Parts and Shares herein-before created, by the Perſon and Perſons, Bodies Politick or Corporate, who ſhall be entitled to or intereſted in the ſame according to his, her, or their ſeveral and reſpective Rights therein, and that under and ſubject to ſuch Forfeiture and Proviſoes with regard to the ſame as are herein-before enacted with regard to the Contributions herein-before mentioned and provided for: And further, that it ſhall and may be lawful to and for the ſaid Proprietors, at any of their ſaid Meetings, and they are hereby

Proprietors empowered to raiſe Money by Calls for the Purpoſe of intended Improvements or other neceſſary Works, &c.

Power to Proprietors to mortgage in preference

of Calls, in order to raiſe Money for ſuch Improvements.

hereby authorized and empowered, to make One or more Order or Orders, authorizing and directing their Committee, or any Three or more of them, who are hereby authorized and required, under and by virtue of any ſuch Order for that Purpoſe from Time to Time to be made, to take up and borrow all and every ſuch Sum and Sums as aforeſaid, at an Intereſt not exceeding Five Pounds *per Centum per Annum*, and to ſecure the ſame by aſſigning and making over by way of Mortgage, the Right and Property of and in the ſaid Number of One hundred and ſixty Parts or Shares of and in the ſaid Navigation and Premiſes, and the Rates and Duties ariſing and to ariſe by virtue of this Act, or either of the ſaid recited Acts, unto ſuch Perſon or Perſons, his, her, or their Truſtee or Truſtees, who ſhall from Time to Time advance the ſame; but ſubject nevertheleſs to, and charged and chargeable with, the ſaid Annuity of Two hundred Pounds during the Life of the ſaid *Martha Barker*, and ſuch of the Sums herein-before ſet forth as charged and chargeable upon the ſaid Navigation and Premiſes as ſhall remain due and outſtanding, and alſo all ſuch Mortgage and Mortgages as ſhall be entitled to be preferred in Manner aforeſaid; which ſaid Mortgage and Mortgages ſhall be engroſſed upon Parchment duly ſtamped, and be in the Form or to the Effect following; (that is to ſay),

Subject to certain Incumbrances.

Form of Mortgage.

Itchin Navigation. *Mortgage Preſent*

'WE of the Committee for managing the Affairs of the ſaid Navigation, do hereby, by virtue of an Order of Proprietors, made the Day of in Conſideration of grant, bargain, ſell, releaſe, and confirm unto his Heirs and Aſſigns, the Right and Property of and in all that and thoſe One hundred and ſixty equal Parts and Shares of and in the ſaid Navigation, and the Premiſes thereunto belonging, until the ſaid Sum of with Intereſt for the ſame at the Rate of *per Centum per Annum*, to be paid Half-yearly at the Wharf at *Wincheſter*, ſhall be fully paid off and diſcharged. Dated and ſealed the Day of

} Committee.

(To be counterſigned)

Clerk of the Peace.'

Mortgages to be regiſtered and may be transferred.

XLVI. And be it further enacted, That every Mortgage which ſhall be ſo made by the ſaid Committee under the Direction of this Act, ſhall be regiſtered in Manner aforeſaid, and being ſo regiſtered ſhall be good and effectual to all Intents and Purpoſes whatſoever, and the Right and Property or Intereſt thereby granted and conveyed, ſhall and may be transferred, aſſigned, and re-conveyed, in ſuch Manner and by ſuch Ways and Means as are herein-before directed with regard to the Shares and Mortgages herein-before made, created, or provided for.

After Payment of Annuity of 200*l.* and

XLVII. And be it further enacted and declared, That after Payment of the ſaid Annuity of Two hundred Pounds as the ſame ſhall fall due, and the Intereſt accruing on the ſeveral Sums herein-before mentioned,

or ſuch Part thereof as ſhall remain unpaid and outſtanding, and alſo on ſuch Mortgage or Mortgages as are herein-before directed to be preferred, and no Arrear of the ſaid Annuity or Intereſt due, and not before, the Intereſt of ſuch Money as ſhall be ſo borrowed or taken up by the ſaid Proprietors for the Purpoſes herein laſt before-mentioned ſhall from Time to Time be paid at the ſaid Wharf at *Wincheſter* Half-yearly, to the ſeveral Perſons entitled to the ſame, and that before any Half-yearly or other Dividend to the ſaid Proprietors on Account of the ſaid Navigation, and Premiſes thereunto belonging, may accrue, or ſhall be made or demanded.

Intereſt on Incumbrances, Intereſt to be paid Half-yearly at the Wharf at *Wincheſter* on Mortgages.

XLVIII. And be it further enacted, That the Perſon or Perſons, Bodies Politick or Corporate, who ſhall be entitled to any Part or Share of the One hundred and ſixty Parts or Shares herein-before created, of and in the Right and Property of and in the ſaid Navigation and Premiſes, but charged and chargeable with any Term or Terms of Years of the Profits thereof granted, or who ſhall be entitled to the Profits thereof for ſuch Term or Terms only, ſhall be, and he, ſhe, or they, are hereby declared liable, and charged and chargeable, under the Penalty herein-after mentioned, but not further or otherwiſe, to contribute towards the Payment of ſuch Intereſt as is laſt mentioned, and that in ſuch rateable Proportion and Proportions, on Account of their ſeveral Rights and Intereſts in the ſeveral Parts or Shares aforeſaid, as the ſaid Proprietors at any of their ſaid Meetings, which they are hereby authorized and empowered to do, ſhall aſſeſs and aſcertain; and further, that in Default or Neglect of Payment, in ſuch Manner, at ſuch Time and Times, and to ſuch Perſon and Perſons, as by the ſaid Proprietors ſhall for that Purpoſe be appointed, ſuch Forfeiture ſhall incur as in the Caſes herein-before mentioned; but under and ſubject to ſuch Proviſo nevertheleſs, as is herein-before enacted with regard to the Forfeitures herein-before directed.

Perſons entitled to any Share in the Right or Property, or to Term of Years of any Share, to contribute towards Intereſt,

on Penalty of Forfeiture of Share.

XLIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Committee, or any Three or more of them, and they are hereby authorized and empowered, from Time to Time, and at all Times hereafter as Occaſion ſhall require, upon Application to them for that Purpoſe made, touching or concerning the total or temporary Loſs of any of the Inſtrument or Inſtruments aforeſaid, to make and execute One or more Duplicate or Duplicates thereof, which Duplicate or Duplicates ſhall alſo be counterſigned by the ſaid Clerk of the Peace, and is and are hereby required to be regiſtered, and being ſo regiſtered ſhall be good and effectual to all Intents and Purpoſes whatſoever, as if the ſame were the original Inſtrument or Inſtruments of which the ſame ſhall be intended as a Duplicate or Duplicates: Provided always, that the ſaid Clerk of the Peace, for every ſuch Regiſtry as is herein directed, and for every Search in the Regiſter Book to be by him kept, ſhall be entitled to a Fee of Two Shillings, and for every ſuch Counterſigning as is herein directed, to a further Fee of One Shilling.

Committee empowered to grant Duplicates of Inſtruments loſt or deſtroyed.

L. And be it further enacted by the Authority aforeſaid, That the ſaid *James D'Arcy*, his Heirs or Aſſigns, ſhall, and they are hereby authorized and required, for the Purpoſes aforeſaid, to ſcour, cleanſe, and deepen, the ſaid River, and to widen the Bed thereof as the ſame ſhall be found neceſſary, from Time to Time, and to remove the Obſtructions in

Power to cleanſe, deepen, and widen the River.

in the Navigation thereof, as far as the ſame may be done, in ſuch Courſe or Direction as the ſame is delineated and ſet forth in the ſaid Map or Plan, ſo far as the ſaid Place called or known by the Name of the *Roman Ditch*, and to extend and make the ſaid Ditch navigable and paſſable at all Times for Boats, Barges, and other Veſſels, to Low-water Mark nearly oppoſite *Northam Quay*, at *Northam* aforeſaid.

Saving the Rights of navigating between *Woodmill* and *Northam*.

LI. Provided always, and be it further enacted, That nothing herein contained ſhall be deemed, conſtrued, or adjudged, to abridge or defeat the excluſive Right to navigate the ſaid River between *Woodmill* aforeſaid and the Place called *Northam*, as the ſame has heretofore been exerciſed by the former Proprietors and Tenants of the ſaid Navigation, and now is uſed and enjoyed by the ſaid *James D'Arcy*, and his Tenant Mr. *Edward Knapp*.

Rates fixed and made perpetual;

LII. And be it further enacted, That, from and immediately after the paſſing of this Act, the Rates and Duties following; (*videlicet*),

For every Chaldron of Coals brought from *Northam* to the Wharf near *Wincheſter*, or carried from thence to *Northam*, and ſo rateably to any other Place or Places, in and upon the ſaid Navigation, Three Shillings:

For every Ton Weight of Culm, Stone, Coal, *Scotch* Coal, and all other weighable Goods, and Corn, except Oats, and ſo rateably, Three Shillings and Nine-pence:

And for every Quarter of Oats, brought the ſame Diſtance, and ſo rateably, the Sum of Sixpence:

ſhall and may be taken for Carriage and Riverage in and upon the ſaid Navigation, and no higher Rates and Duties, under and ſubject to the Penalties and Forfeitures in the ſaid recited Act of the Seventh of His preſent Majeſty, for that Purpoſe made and inflicted, and the ſame are hereby ordered and declared to be fixed and perpetual, free from any future Alteration, Riſe, Reduction, or Diminution whatſoever, under or by virtue of the ſaid recited Acts or this Act, or either of them; and further, that the ſaid Rates and Duties ſhall, from Time to Time, and all Times hereafter, be paid to ſuch Perſon or Perſons, at ſuch Place or Places near to the ſaid River, in ſuch Manner as the ſaid *James D'Arcy*, his Heirs and Aſſigns, or the Committee herein-before mentioned, as the Caſe may happen to be, ſhall from Time to Time direct and appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rate, or any Part thereof, on Demand, and to any ſuch Perſon or Perſons as ſhall be duly authorized to receive the ſame, the ſame ſhall and may be recovered by Action of Debt or upon the Caſe in any Court of Record, in the Name of the ſaid *James D'Arcy*, his Heirs or Aſſigns, or, as the Caſe may happen to be, in the Name of the Clerk or Manager of the ſaid Navigation for the Time being; or it ſhall be lawful for the ſaid *James D'Arcy*, his Heirs or Aſſigns, or his or their Clerk or Clerks, or, as the Caſe may be, the Clerk or Manager of the ſaid Navigation for the Time being, to ſtop, detain, and make Stay of any Goods, Wares, or Merchandizes, Commodities or Things, for which the ſaid Rates and Duties are become payable, until the ſame ſhall be ſatisfied and paid, together with the Charges of ſuch Seizure, and if ſuch Goods, Wares, and Merchandizes, ſhall not be redeemed in Ten Days, then to ſell the ſame, as in the Caſes of Diſtreſs for Rent.

and to be paid as Mr. *D'Arcy*, &c. ſhall direct.

Powers for Recovery of Rates.

LIII. And

Commiſſioners to aſcertain Rates of Wharfage and Storehouſe Room to be taken by Mr. *D'Arcy*.

LIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall, and they are hereby authorized and required, at their Firſt General Meeting to be holden after the paſſing of this Act, to ſettle and aſcertain reaſonable Rates of Wharfage and Storehouſe Room to be taken by the ſaid *James D'Arcy*, his Heirs and Aſſigns, in and upon any Wharf or Store to him or them belonging as Part and Parcel of the ſaid Navigation, which ſaid Rates being ſo aſcertained ſhall become from thenceforth fixed and perpetual, and ſhall and may be paid and recovered in ſuch Manner as is herein-before laſt provided with regard to the Rates and Duties for the Carriage and Riverage aforeſaid.

Securing a Right to land Goods at *Northam Quay* for Mr. *D'Arcy*'s Term, and after that the Erection of another Wharf on *Bittern Farm*.

LIV. Provided always, and be it further enacted, That for and during ſuch Term as the ſaid *James D'Arcy* now enjoys of and in the Wharf and Quay called *Northam Quay*, the ſaid *James D'Arcy*, his Heirs and Aſſigns, ſhall, and they are hereby directed and required to ſecure and procure for all and every Perſon and Perſons trading in and upon the ſaid Navigation, a Right of landing any Goods, Wares, and Merchandizes thereon, paying the accuſtomed Rates of Wharfage, Storehouſe Room, and all other Rates and Duties now payable for the ſame; and in caſe, upon Application made to the ſaid Commiſſioners, or any Seven or more of them, for that Purpoſe, it ſhall ſeem expedient to the ſaid Commiſſioners, or any Seven or more of them, at any Time within the laſt Eighteen Months of the Term which the ſaid *James D'Arcy* now as aforeſaid enjoys of and in the ſaid Wharf and Quay called *Northam Quay*, that a Wharf or Quay be made and erected upon any Part of the ſaid Lands at *Bittern Farm* aforeſaid; and the ſaid *George Waring*, his Heirs and Aſſigns, ſhall not, upon due Notice for that Purpoſe in Writing under the Hands of the ſaid Commiſſioners, or any Seven or more of them, make and erect a ſufficient Wharf or Quay for the Purpoſes of the ſaid Navigation at *Bittern Farm* aforeſaid, within Twelve Calendar Months from the Date of ſuch Notice; it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby required, firſt aſcertaining and ſettling the Rates of Wharfage and Storehouſe Room to be taken thereon, to authorize and empower the ſaid *James D'Arcy*, his Heirs and Aſſigns, or any other Perſon or Perſons, to make and erect any ſuch Wharf or Quay, but under and ſubject nevertheleſs to ſuch Proviſoes, Reſtrictions, Regulations, and Conditions, as are herein-before made and provided in the Caſe of the ſaid *James D'Arcy*, his Heirs or Aſſigns, making and completing the Works and Improvements aforeſaid, and ſo as the ſaid Wharf or Quay that may be ſo made and erected on *Bittern Farm* as aforeſaid, ſhall not be uſed for the Purpoſes of the ſaid Navigation, during the Continuance of the Term of the ſaid *James D'Arcy* of and in the ſaid Wharf and Quay called *Northam Quay*, without the Conſent of the ſaid *James D'Arcy*, his Executors, Adminiſtrators, or Aſſigns, in Writing firſt had and obtained.

A ſufficient Number of Barges, *&c.* to be kept by Mr. *D'Arcy*, *&c.*;

LV. And be it further enacted by the Authority aforeſaid, That the ſaid *James D'Arcy*, his Heirs or Aſſigns, ſo long as he or they ſhall have the Care and Management of the ſaid Navigation, or ſuch Committee or Committees as ſhall from Time to Time happen to be elected, choſen, or appointed, under the Direction or Authority of this Act, ſhall and do,

and they are hereby required and directed, from Time to Time and at all Times hereafter, to find, ſupply, maintain, and keep, neceſſary Boats, Barges, and other Veſſels, with neceſſary Tackle and Horſes for the ſame, for the Uſe and Accommodation of the Trade and Commerce of and upon the ſaid Navigation; and further, that it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Eleven or more of them, at any of their ſaid General Meetings, from Time to Time and at all Times hereafter, and they are hereby authorized and empowered in caſe the ſame ſhall to them appear neceſſary, by any Order in Writing under their Hands and Seals, to be by them for that Purpoſe made, and to be ſerved upon the ſaid *James D'Arcy*, his Heirs or Aſſigns, or his or their Clerk or Clerks, or, as the Caſe may happen to be, upon the Clerk or Manager of the ſaid Navigation for the Time being, to be elected and appointed under the Directions of this Act, to direct and require the ſaid *James D'Arcy*, his Heirs and Aſſigns, or ſuch Committee as aforeſaid, to find and ſupply within Six Months, to be computed from the Date of ſuch Order, ſuch further or other Boat or Boats, Barge or Barges, Veſſel or Veſſels, with neceſſary Tackle and Horſes for the ſame, as to them the ſaid Commiſſioners ſhall appear to be wanting for the Uſe and Purpoſe of the ſaid Navigation, and that under and ſubject to ſuch Forfeiture or Penalty, not exceeding Two hundred Pounds, for Default or Neglect in complying with ſuch Order, as in the ſaid Notice ſhall for that Purpoſe be ſet forth and mentioned.

and upon Order of Commiſſioners, ſhall build more, if they ſhall deem it neceſſary, within Six Months after Notice.

LVI. And be it further enacted by the Authority aforeſaid, That although the ſaid *James D'Arcy*, his Heirs or Aſſigns, ſhall not have made or granted ſuch ſeveral Parts or Shares as aforeſaid to the Amount of One hundred Parts or Shares, and ſhall therefore continue in or undertake the Care and Management of the ſaid Navigation, and the Improvement and Concerns thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Eleven or more of them, at any of their ſeveral Meetings to be held under and by virtue of any or either of the ſaid former Acts or this Act, upon Complaint to them made of or concerning any Default in the regular Half-yearly Payments of the Profits ariſing on ſuch Parts or Shares, or Mortgage or Mortgages of ſuch Parts or Shares, as by him or them ſhall happen to have been made or granted under and by virtue of this Act, or touching or concerning the Improvement, Well-being, Proſperity, good Management, or Accounts and Expences of and attending the ſaid Navigation, or the aſcertaining the Profits thereof, and they are hereby authorized and empowered, from Time to Time, as Occaſion ſhall require, upon reaſonable Notice to be given to the Clerk or Clerks of the ſaid *James D'Arcy*, his Heirs and Aſſigns, for the Time being, not only to hear, examine, and determine, in a ſummary Way the Matter of ſuch Complaint, but to make ſuch Order thereupon as to them ſhall ſeem juſt and proper, and to grant ſuch Warrant and Authority under their Hands and Seals, to be directed to ſuch proper Officer or Officers as are herein-after mentioned, to carry ſuch Order into Execution, as to them ſhall appear fit and effectual; which ſaid Order ſhall and may, and is hereby declared, at the Diſcretion of the ſaid Commiſſioners, to extend to the Removal of the ſaid *James D'Arcy*, his Heirs and Aſſigns, from the Care and Management aforeſaid, and to the Appointment of a Committee, under ſuch Regulations as to the ſaid Commiſſioners ſhall ſeem prudent, of ſuch Seven Perſons as ſhall

In what Caſes Mr. *D'Arcy* may be removed by the Commiſſioners from the Management of the Navigation, and a Committee appointed;

ſhall at the Time be Proprietors of and in any ſuch Parts, Shares, or Intereſts as aforeſaid, to undertake the Management of the ſaid Navigation, until a Meeting of Proprietors ſhall be held, in order to provide for the Care and Security thereof; which ſaid Committee, being ſo appointed, ſhall thereupon, and they are hereby authorized and directed, by ſuch publick Advertiſements as is herein-before provided, to call a Meeting of the ſaid Proprietors to be held at *Wincheſter* aforeſaid, within Twenty-one Days from the Day of ſuch Appointment, and in the mean Time to chooſe a Clerk or Manager of or for the ſaid Navigation, and to do all ſuch other Acts and Things for the Safety and Well-being thereof as they ſhall think moſt proper for that Purpoſe: Provided always, that ſuch Meeting ſo to be held ſhall exerciſe, uſe, have, and enjoy, all ſuch Powers and Authorities as to the Proprietors herein-before mentioned, at their ſaid Firſt and other Annual Meetings, are by this Act granted and given.

which Committee ſhall call a Meeting of Proprietors.

LVII. Provided alſo, and be it further enacted, That ſo long as the ſaid *James D'Arcy*, his Heirs or Aſſigns, ſhall continue in the Care and Management of the ſaid Navigation, and ſhall not have granted ſuch Number of One hundred Shares, the Holder and Holders of all and every the Shares not amounting in the whole to One hundred Shares as ſhall be made and granted by the ſaid *James D'Arcy*, his Heirs and Aſſigns, ſhall, and they are hereby required to pay and contribute, under any Order or Orders to be for that Purpoſe made by the ſaid *James D'Arcy*, his Heirs and Aſſigns, and to be confirmed by the ſaid Commiſſioners, or any Seven or more of them, under their Hands and Seals, ſuch rateable Proportion and Proportions as ſhall, by ſuch Order or Orders, from Time to Time be aſſeſſed and aſcertained to be paid upon all and every the Shares into which the ſaid Navigation is hereby declared to be divided, towards paying and ſatisfying the ſeveral Incumbrances aforeſaid; and alſo ſuch further and other Sum and Sums as ſhall from Time to Time be required for any other of the Purpoſes herein-before mentioned; and that under and ſubject to ſuch Notices, Regulations, Forfeitures, and Proviſoes, with regard to the ſame as are herein-before mentioned touching the Contributions herein-before particularly directed.

To compel Purchaſers of Shares to pay rateable Proportions of Incumbrances.

LVIII. And whereas a Survey has been taken to aſcertain the Practicability of improving the ſaid Navigation, and a Map or Plan, with proper References thereto, has been made in conſequence thereof, in order to ſhew the Line or Courſe of the ſaid Navigation: Be it therefore further enacted, That there ſhall be Two Parts made of the ſaid Map or Plan and Reference, and ſeverally depoſited with the Clerk of the Peace for the ſaid County of *Southampton*, and with the Clerk to the ſaid *James D'Arcy*, his Heirs and Aſſigns, to which all Perſons ſhall have Liberty to reſort, and to examine and make Extracts or Copies thereof, as Occaſion ſhall require; and the ſaid Maps or Plans and References, or true Copies thereof, ſhall be, and are hereby declared to be, good Evidence in all Courts of Law or elſewhere; and the Clerk for the Time being to the ſaid *James D'Arcy*, his Heirs or Aſſigns, upon Twenty-one-Days Notice to him given for that Purpoſe, ſhall, and is hereby required, from Time to Time, to produce the ſaid Map or Plan before the ſaid Commiſſioners, or any Jury or Juries to be impannelled by virtue

Plan ſhall be lodged with the Clerk of the Peace, and with the Clerk to Mr. *D'Arcy*.

virtue of this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may be then and there given in Evidence.

Commiſſioners at their Meetings to exerciſe all Powers given them by former Acts, and to determine all Complaints in a ſummary Way.

LIX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, at any of their General Meetings, which ſaid General Meetings are from Time to Time, and at all Times hereafter, required and directed to be held and appointed, under the Authority and by Virtue of the ſaid recited Acts of the Sixteenth and Seventeenth of King *Charles* the Second, the Seventh Year of the Reign of His preſent Majeſty, and in Manner as thereby is directed, ſhall not only have, uſe, and exerciſe, all ſuch Powers and Authorities as to them by the ſaid laſt recited Acts were given, as well over the preſent Courſe of the ſaid Navigation as the ſaid Ditch called the *Roman Ditch*, where the ſame ſhall be made navigable and paſſable for the Purpoſes aforeſaid, other and except as is herein otherwiſe provided; and alſo ſhall and may, and they are hereby authorized and directed not only to examine, hear, and determine in a ſummary Way, upon Examination of the Parties, and all Witneſſes to be produced by them, upon Oath, in ſuch Manner as by the ſaid laſt-recited Act is directed, all ſuch Complaints and Informations as ſhall be made or laid againſt all and every Perſon or Perſons whatſoever, under and by virtue of the ſaid recited Acts, or this preſent Act; and upon Conviction of the Offender or Offenders, to levy all ſuch Fines, Penalties, or Forfeitures, as are by the ſaid recited Acts and this preſent Act made payable or inflicted, by Diſtreſs and Sale of the Offenders Goods and Chattels, (rendering the Overplus to the Offender or Offenders), by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any Three or more of them, to be directed to the Conſtables, Tithingmen, or other Peace Officers of the ſeveral Liberties or Places wherein or near whereto any ſuch Goods or Chattels ſhall be; and all Conſtables and other Officers are hereby commanded to obey and execute ſuch Warrants accordingly; provided that every Perſon againſt whom any Complaint or Information ſhall be made and laid, at any or either of the ſaid Meetings, ſhall have at leaſt Ten Days Notice of ſuch Complaint or Information, under the Hands of Three or more of the ſaid Commiſſioners; and further, the ſaid Commiſſioners are hereby authorized and empowered, in all Caſes of Complaint or Information whatſoever, which ſhall come before them under and by virtue of this preſent Act, or the ſaid recited Acts, or either of them, to give and adjudge ſuch Coſts to the Parties as to them the ſaid Commiſſioners ſhall ſeem fit and reaſonable, the ſame to be recovered and levied in ſuch Manner and by ſuch Warrant as the ſaid Juſtices ſhall appoint and direct: Provided nevertheleſs, That an Appeal, ſubject to and to be governed by the Proviſions touching Appeals in the ſaid recited Act of the Seventh Year of the Reign of His preſent Majeſty made and eſtabliſhed, ſhall and may be made from every ſuch Determination to the Juſtices of the Peace at their General Quarter Seſſions; and that the Order or Determination to be made by the ſaid Juſtices thereon ſhall be carried into Execution in ſuch Manner and by ſuch Ways and Means as to the Juſtices ſhall ſeem moſt proper and effectual; which ſaid Order and Determination ſhall be final and concluſive to all Parties whomſoever, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; any Thing contained

Commiſſioners empowered to award Coſts.

Appeal to Quarter Seſſions.

Order of Seſſions to be final.

contained in this or either of the ſaid recited Acts to the contrary notwithſtanding.

Mr. *D'Arcy* not to be liable to Penalties of Act 7 *Geo.* III, for refuſing to carry Goods, unleſs Payment of Toll ſhall be tendered on Delivery.

LX. Provided alſo, and be it further enacted, That the ſaid *James D'Arcy*, his Heirs or Aſſigns, ſhall not be held, deemed, or adjudged, to incur the Penalties in the ſaid recited Act of the Seventh Year of His preſent Majeſty, made and inflicted in caſe of refuſing to carry up or down, upon the ſaid Navigation, any Goods, Wares, and Merchandizes, to any intermediate Place or Places in or upon the ſaid Navigation between *Northam Quay* and *Wincheſter* aforeſaid, unleſs Payment ſhall be made or tendered at the Time of the Tender or Delivery of ſuch Goods, Wares, and Merchandizes, of the Rates and Duties payable for the Carriage, Riverage, and Wharfage thereof.

Application of Fines.

LXI. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, from Time to Time, apply and diſpoſe of the ſeveral and reſpective Fines and Forfeitures by this Act impoſed and inflicted, in ſuch Manner, and to and for ſuch publick Uſes and Purpoſes within the ſaid County of *Southampton*, as the ſaid Commiſſioners, or any Eleven or more of them, ſhall in their Diſcretion order, direct, and appoint.

Service on Clerks or Managers to be a good Service on Proprietors.

LXII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That the Service of any Warrant or Summons from the Commiſſioners, or any Three or more of them, by and under the Authority of this Act, or the ſaid recited Act, upon the Clerk or Clerks, Agent or Agents, of the ſaid *James D'Arcy*, his Heirs or Aſſigns, or, as the Caſe ſhall happen to be, upon the Clerk or Manager of the ſaid Navigation for the Time being, to appear before them, ſhall be deemed and taken to be as good Service upon the ſaid *James D'Arcy*, his Heirs and Aſſigns, or the Proprietors aforeſaid, as if he or they themſelves were actually and perſonally ſerved therewith: And provided, that upon all Complaints which ſhall be made to the ſaid Commiſſioners under and by virtue of this preſent Act, and which are not provided for by the ſaid recited Acts, or either of them, the ſaid Clerk of the Peace ſhall, as Clerk to the ſaid Commiſſioners, be entitled to a Sum of Ten Shillings and Sixpence for his Attendance on every ſuch Meeting, the ſame to be paid and levied as Part of the Coſts herein-before allowed to be given by the ſaid Commiſſioners at their Diſcretion, and to be paid by the Perſon or Perſons Parties to ſuch Complaint, as the ſaid Commiſſioners ſhall appoint and direct.

Fee to Clerk of Peace for attending hearing Complaints.

Diſcharges from Incumbrances under *E. Pyott*'s Will to be enrolled at Quarter Seſſions.

LXIII. And be it further enacted, That when and ſo ſoon, and according as the ſaid ſeveral Sums of Two thouſand three hundred and thirty-three Pounds Thirteen Shillings and Four-pence, and Three ſeveral Sums of One thouſand one hundred and ſixty-ſix Pounds Six Shillings and Eight-pence, ſhall be paid, or otherwiſe ſufficiently ſatisfied, extinguiſhed, or diſcharged, by the ſaid *James D'Arcy*, his Heirs or Aſſigns, the Inſtrument or Inſtruments whereby the ſame ſhall be releaſed and diſcharged, ſhall, and they are hereby directed to be inrolled with the ſaid Clerk of the Peace, at the Expence of the ſaid *James D'Arcy*, his Heirs or Aſſigns, under ſuch Direction from the ſaid General Quarter Seſſions, on ſatisfactory Proof thereof, as they ſhall hold proper; and

that the Certificate or Certificates of such Inrolment or Inrolments, to be granted and signed by the said Clerk of the Peace, being so signed, shall be held and deemed, and the same are hereby declared to be conclusive Evidence in all Courts of Law and Equity of the actual Payment of the Sum or Sums to be mentioned in the Certificate or Certificates so hereby ordained and directed to be made and granted.

When Mr. *D'Arcy* shall cease to be sole Manager, Complaints shall be made and Suits commenced against the Clerk or Manager of the *Itchin* Navigation,

LXIV. And be it further enacted by the Authority aforesaid, That when and so soon as the said *James D'Arcy*, his Heirs or Assigns, shall, in Manner herein-before directed or provided, cease to continue in the sole and exclusive Care and Management of and in the said Navigation, all such Complaints or Informations as aforesaid, and all Suits and Actions touching or any Thing concerning the Rights and Duties of the Proprietors and Managers of the said Navigation, and the Profits arising therefrom, and the carrying on the Business thereof, or any Debts contracted in the Course thereof, shall be brought and defended in the Name of the Clerk or Manager of the said Navigation for the Time being, by the Style and Addition of Clerk or Manager of the *Itchin* Navigation for the Time being; and that such Complaint or Complaints, Information or Informations, Suit or Suits, Action or Actions, shall neither abate nor be interrupted by the Death or Removal of the Person or Persons from Time to Time to be employed in the Superintendance and Management of the said Navigation, nor by any other Ways or Means to be devised or intended to defeat the Provisions of this Act; but on the contrary, that every Order, Judgement, and other Proceeding to be had therein, shall be as good and effectual, and have the same Operation in Law, to all Intents and Purposes whatsoever, as if the same had been brought, prosecuted, or defended, in the Name and Names of the Person exercising and enjoying the Rights, Duties, Privileges, Profits, Properties, and Commodities aforesaid: Provided always, that such Order or Judgements as may happen to be made or obtained against such Clerk or Manager, on any of the Accounts aforesaid, shall only attach upon the Right and Property of and in the said Navigation, and the Profits arising therefrom, and the Stock and other Materials employed therein, and not upon any other the Property or Effects of the several Persons who shall happen in Manner aforesaid to become interested in the Right and Property of and in the said Navigation, or the Profits arising therefrom.

Orders made on such Clerk or Manager, to attach only on the Right and Property of Navigation.

Inflicting a Penalty on Persons having Guns, Engines, or Nets, for killing Fish or Game, on board.

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

any

any Fiſhing Net, Gun, Engine, or other Inſtrument, for taking or deſtroying Fiſh or Game, and being thereof convicted as aforeſaid, before One or more Juſtice or Juſtices of the Peace for the County or Place where the Fact ſhall happen, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Publick Act. LXVI. And it is hereby further enacted, That this Act ſhall be taken and allowed in all Courts as a Publick Act, and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame: And if any Action ſhall be brought, or Suit commenced, againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after ſuch Cauſe of Action ſhall accrue, and ſhall be laid and brought in the ſaid County of *Southampton*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, and give this Act, and the ſaid recited 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 happen to have been ſo done, or if any Action, Suit, or Information, ſhall be brought after the ſame Time ſo limited for commencing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then, and in ſuch Caſe, the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Actions after the Defendant ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

Limitation of Actions.

General Iſſue.

Treble Coſts.

General Saving. LXVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and alſo to all Bodies Corporate and Politick, the Rights, Privileges, Profits, and Advantages, of all Tolls, Duties, Petty Cuſtoms, or other Dues, which they of Right have or ought to have enjoyed if this Act never had been made, except ſo far as the Rates and Prices of Carriage, Riverage, and Wharfage, in and upon the ſaid Navigation are hereby altered; and ſaving alſo to all and every other Perſon and Perſons whomſoever, (except as before excepted), all and every the Rights, Titles, Intereſts, Claims, and Demands, which are now held and enjoyed, or are or may be lawfully claimed, in, to, or out of the ſaid Navigation, and the ſeveral Profits, Duties, and Emoluments thereof, and alſo all ſuch Right of ſhipping and landing of Goods at the Quay or Wharf called *Northam Quay*, as hath hitherto been and now is uſed, exerciſed, and enjoyed.

FINIS.