Anno ſeptimo

Georgii III. Regis.

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.

WHEREAS by an Act of Parliament made in the Sixteenth and Seventeenth Years of the Reign of the late King Charles the Second, intituled, An Act for making divers Rivers navigable, or otherwiſe paſſable, for Boats, Barges, and other Veſſels, Sir Humphrey Bennet Knight, and certain other Undertakers therein named, their Heirs or Aſſigns, were thereby authorized and impowered to make the River Itchin, alias Itching, running from Alresford, through

Preamble, reciting Act 16 & 17 *Car.* II.

through Wincheſter, in the County of Southampton, together with ſeveral other Streams and Waters therein mentioned, navigable for Boats, Barges, Lighters, and other Veſſels, by ſuch Ways and Means, and with, under, and ſubject to, ſuch Powers, Privileges, Rules, and Directions, as are therein mentioned, provided, and contained; and it was thereby enacted and declared, That the ſaid Undertakers, their Heirs, and Aſſigns, and no other, ſhould have, uſe, and employ, Boats, Barges, and other Veſſels, and receive and take all the Profits, Commodities, Benefits, and Advantages, which might ariſe or be made by, or become payable for, the carrying of Corn, Wood, Salt, Iron, Timber, Coals, or other Commodities, by or upon the ſaid intended Navigation, in Recompence for their Coſts and Charges in making, repairing, and maintaining the ſame, ſo as the Charges or Expence of Carriage of Goods by Water ſhould not exceed One Moiety of the Charge of the Carriage by Land, in the Year One thouſand ſix hundred and ſixty three; and the Juſtices of the Peace of the ſaid County were appointed Commiſſioners, and were thereby authorized and impowered to hear, examine, and determine, all Controverſies and Diſputes between the Perſons concerned in, and affected by, the ſaid Navigation, in ſuch Manner as is therein mentioned, appointed, and directed: And it was thereby provided, enacted, and declared, That if the Perſons therein named and authorized ſhould not compleat the ſaid Navigation before the Firſt Day of November, One thouſand ſix hundred and ſeventy one, then the ſaid Commiſſioners might appoint and impower any other Perſon or Perſons to be Undertakers thereof, upon the Terms therein mentioned, and who, after the Inrolment of ſuch Appointment, ſhould have the intire Benefit of the ſaid Act, and receive all the Profits and Emoluments ariſing from the ſaid River, by virtue of the ſaid Act: And whereas the Right and Property veſted in the ſaid Undertakers, or Perſons ſo nominated and appointed as aforeſaid, at the Time of the ſaid recited Act, hath by Purchaſes, Transfers, or Aſſignments, and other Ways and Means, chiefly devolved upon and centered in One ſingle Perſon, who carries on a conſiderable Trade and Commerce in Goods, Wares, and Merchandize, carried and conveyed by Water in and upon the ſaid River, and who, acting and appearing as the ſole Owner and Proprietor of the ſaid Navigation, and for the Carriage

and Freight of Goods, Wares, and Merchandize, carried and conveyed in any Boat, Barge, or Veſſel, in and upon the ſame, doth not only demand and impoſe exorbitant Rates and Duties for the Carriage and Freight thereof upon the ſaid River, but frequently refuſes to carry and convey by Water, Coals, and ſuch other Goods, Wares, and Merchandize, as interfere with his own Trade, Dealing, and Commerce; whereby he has, in a great Meaſure, obtained and acquired the Monopoly of ſeveral of the Neceſſaries of Life to his own Uſe and Benefit, to the great Damage and Oppreſſion of ſeveral poor and indigent Perſons, and to the great Loſs and Prejudice of the Inhabitants of the City of Winchester, and ſeveral other Places in the County of Southampton, who are within the Limits and Influence of the ſaid Navigation: Wherefore, for remedying the Inconveniencies and Miſchiefs herein before mentioned, and for preventing the ſame for the future, and for explaining and amending the ſaid former Act, and rendering the ſame more effectual and beneficial for the Purpoſes thereby intended; May it pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Juſtices of the Peace for the time being of the County of Southampton; the Mayor, Recorder, and Aldermen of the 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 made and appointed, Commiſſioners of all and ſingular the Powers in this Act, and of the recited Act contained (except as is herein after excepted) 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 recited Act (other than the adminiſtring 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. Commiſſioners appointed.

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, Their Oath.

miſſioner, 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*; 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.

Oath to be regiſtered.

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 may act as Juſtices.

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 impowered to act as a Juſtice of the Peace in the Execution of this Act, and the ſaid recited Act, notwithſtanding his being a Commiſſioner.

Clerk of the Peace to be their Clerk.

And be it further enacted by the Authority aforeſaid, That the Clerk of the Peace for the ſaid County of Southampton ſhall be, and is hereby appointed Clerk to the ſaid Commiſſioners; and ſuch Clerk of the Peace, or his Deputy, ſhall, and is hereby required to attend and act as Clerk to the ſaid Commiſſioners; and ſuch Clerk of the Peace ſhall be paid out of the County Stock ſuch Sums for his Attendance at ſuch Meetings reſpectively as ſhall, at ſuch Meetings at which he ſhall ſo attend, be allowed him by any Five or more of the ſaid Commiſſioners, by Writing or Certificate under their Hands and Seals, not exceeding the Sum of Twenty Shillings a Day; and the Treaſurer of the ſaid County of Southampton is hereby required to pay the ſame, the Clerk of the Peace producing ſuch Certificate as aforeſaid.

Times and Places appointed for the Meeting of the Commiſſioners.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, for the further, better, and more orderly, putting in Execution the Powers hereby to them given and appointed, ſhall, for the Firſt Time, meet on the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty ſeven, at the Town Hall in the City of Wincheſter; and from thence, by Adjournment, meet at the ſame Place on the Firſt Day of Auguſt following; and for the like Purpoſes ſhall, for the

Time

Time to come, hold a General Meeting upon the Firſt Tueſday in July in every Year, and another on the Firſt Tueſday in September yearly, at the Town Hall aforeſaid; and at any of the ſaid Meetings ſhall and may adjourn themſelves to ſuch Time and Place as they ſhall think proper; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered and authorized afterwards, at any Time or Times, when it ſhall happen that no General Meeting is appointed to be held by Adjournment, to appoint General Meetings of the ſaid Commiſſioners for putting in Execution all or any of the Powers hereby in them veſted, at ſuch Times and Places as they ſhall think proper, within the ſaid County of Southampton, upon giving Ten Days Notice in Writing, to be affixed upon the Market Croſs in the City of Wincheſter, of the Time and Place which ſhall be, from time to time, appointed for ſuch General Meetings; and the Commiſſioners preſent at any ſuch General Meeting may and ſhall, and they are hereby impowered to adjourn themſelves to ſuch Times and Places within the ſaid County as they ſhall think proper; and the ſaid Commiſſioners, or any Five or more of them, or the major Part of them, aſſembled at any ſuch General Meeting, ſhall and may, at any or either of ſuch General Meetings held as aforeſaid, in purſuance of ſuch Notice as aforeſaid, make due Examination of any Perſon or Perſons touching any Matters or Things which concern the better carrying on and regulating the Navigation of the ſaid River, or touching any Matters in Controverſy between Party and Party relating thereto, upon Oath (which Oath they are hereby impowered at ſuch General Meetings to adminiſter in theſe Words:)

Power of appointing General Meetings,

on 10 Days Notice.

Commiſſioners may examine on Oath, at General Meetings.

I *A. B.* do ſwear, That ſuch Information or Evidence as I ſhall give, ſhall be the Truth, the whole Truth, and nothing but the Truth. The Oath.

So help me GOD.

And be it further enacted, That ſuch of the ſaid Commiſſioners (being Juſtices of the Peace for the County of Southampton) at their General Quarter Seſſions of the Peace to be held in and for the ſaid County, ſhall and may, from time to time, and at all Times hereafter, as Occaſion ſhall require, ſettle and aſcertain ſuch reaſonable Rates and Prices to be taken by Rates for Carriage of Goods.

by the Proprietors, Occupiers, and Owners, of all Barges, Boats, and Vessels, for the Carriage, Riverage, and Wharfage, for all Corn, Wood, Salt, Iron, Timber, Coal, or any other Goods, Wares, Merchandizes, or Commodities whatsoever, which shall be navigated, carried, or conveyed, up or down the said River, or to any Place or Places upon the said River; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said River, in such Manner as the said Proprietors, their Heirs and Assigns, Occupier or Tenant of the said River, or the licensed Owner or Navigator of any Barge, Boat, or Vessel, shall respectively direct or appoint; and in case of Denial or Neglect of Payment of any such Rate and Duty, or any Part thereof, on Demand, to any such Person or Persons as aforesaid, the said Proprietors, Occupiers, and Owners, of all Barges, Boats, and Vessels, for the time being, shall and may sue for the same by Action of Debt, or upon the Case, in any Court of Record, or it shall be lawful for the Proprietors, Occupiers, and Owners, of all Barges, Boats, and Vessels, to stop, detain, or make Stay, of any Goods, Wares, or Merchandizes, for which the said Rates and Prices ought to be paid, until he or they shall be satisfied and paid the same, together with the Charges of such Seizure; and if such Goods, Wares, and Merchandizes, shall not be redeemed in Five Days, to sell the same as the Law directs in Cases of Distress for Rent; and if any Owner or Proprietor of any such Boat, Barge, or other Vessel, shall take for the Carriage, Riverage, or Wharfage, of any Goods, Wares, or Merchandize, above the Rates and Prices so set as aforesaid, every Person or Persons so offending shall forfeit the Sum of Five Pounds.

Further Allowance for Goods remaining upon a Wharf above 10 Days.

Provided always, and be it enacted by the Authority, aforesaid, That if any Corn, Wood, Salt, Iron, Timber, Coal, or any other Goods, Wares, Merchandizes, or Commodities whatsoever, which shall be navigated, carried, or conveyed, upon the said River Itchin, shall continue and remain upon any Wharf or Wharfs belonging to the said Proprietors or Occupiers of the said Navigation for above the Space of Ten Days; then, and in such Case, the said Proprietors or Occupiers shall be entitled to receive such Allowance, over and above the Freight and Tonnage Rates herein before limited, as shall be agreed upon between

between the ſaid Proprietors or Occupiers, or their Agent or Agents, and the Owner or Owners of ſuch Goods, or, in caſe of Difference concerning the ſame, as ſhall be aſcertained by the ſaid Commiſſioners, or any Five or more of them.

And whereas the Proprietors, Tenants, or Occupiers, of the ſaid Navigation, and the Owners of Boats, Barges, and other Veſſels, navigating on the ſaid River, together with their Agents and Clerks, have neglected and refuſed to take into, or put on Board, their Boats, Barges, or other Veſſels, or to carry and convey by Water the Goods, Wares, and Merchandizes, of particular Perſons who traded and dealt in the ſame Sort of Goods, Wares, and Merchandize, which were bought, ſold, or traded, or dealt in, by ſome of the Owners, Tenants, or Occupiers, of the ſaid Navigation for the time being, to the great Loſs, Damage, and Diſappointment, of ſuch Perſons reſpectively; it is therefore enacted by the Authority aforeſaid, That ſuch Occupier and Occupiers of the ſaid Navigation, his and their Clerk and Clerks, and ſuch Owners and Perſons working, or having Charge of, ſuch Boats, Barges, and Veſſels, ſhall from time to time, at all Times hereafter, within Three Days after Requeſt to him or them for that Purpoſe to be made, accept and take into or on Board his or their Boats, Barges, and other Veſſels, and carry and re-carry upon the ſaid River all ſuch Goods, Wares, and Merchandizes, of all and every or any Perſon and Perſons in manner before mentioned, having at the Time of ſuch Demand any Boats, Barges, or other Veſſels, unemployed upon the ſaid River, and the Locks or other Works of the ſaid River not being under Repair at ſuch Time, or not having ſuch other Excuſe as to the ſaid Commiſſioners ſhall appear reaſonable for ſuch Neglect, Delay, or Refuſal, he or they ſhall forfeit and pay to the Owner or Owners of ſuch Goods, the Sum of Ten Shillings for every Ton of Goods which ſhall be brought and tendered to the Occupier or Occupiers, his or their Clerk or Clerks, in, upon, or unto, the Wharfs, Boats, or Veſſels, reſpectively belonging to the Proprietor or Proprietors, Occupier or Occupiers as aforeſaid: And in caſe of Refuſal of Payment on Demand of ſuch Forfeitures, or any Part thereof, had and to be made on the Occupier or Occupiers of the ſaid River; that then, and in ſuch Caſe, the ſame ſhall be le-

Occupiers to carry Goods of all Perſons without undue Preference.

Penalty of Refuſal.

vied and recovered upon ſuch Occupier or Occupiers in ſuch Manner, and by ſuch Methods, as all other Fines and Forfeitures inflicted by this Act are herein after directed to be recovered and levied.

And whereas the Proprietors, Tenants, or Occupiers, of the ſaid Navigation, may not always keep and provide a ſufficient Number of Boats, Barges, and other Veſſels, to carry on the Commerce and Navigation of the ſaid River; be it enacted by the Authority aforeſaid, That if upon Complaint being made thereof to the Commiſſioners, or any Five of them, at any of their Meetings, if they ſhall judge that there is not a ſufficient Number of Boats, Barges, and other Veſſels, to carry on the Commerce and Navigation of the ſaid River, in ſuch Caſe the ſaid Commiſſioners ſhall give Notice to the Proprietors, Occupier, or Tenants, of the ſaid River, to provide (within Six Months Notice) ſuch additional Number of Boats, Barges, and other Veſſels, as they, or any Five of them, ſhall judge neceſſary for the Purpoſe aforeſaid; and on the Neglect or Refuſal of the Proprietors, Tenants, or Occupiers, of the ſaid River, or any or either of them as aforeſaid, it ſhall and may be lawful for the Commiſſioners, or any Five or more of them, at any of their General Meetings, to be held as herein before directed, to licenſe, authorize, and impower, any Perſon or Perſons whatſoever, to have, uſe, and lawfully enjoy, free Paſſage along, in, through, or upon, the ſaid River, with and for Boats, Barges, and other Veſſels, not exceeding the Burthen of Thirty Ton, or leſs than Twenty Ton; and alſo to have and uſe the Towing or Haling Paths, Wharfs, Quays, and all other neceſſary and convenient Liberties for navigating the ſame, and carrying on the Commerce of the ſaid River for the Benefit of the Publick, without any Let, Hindrance, or Obſtruction, from any Perſon or Perſons whatſoever; ſubject nevertheleſs to ſuch Rates and Duties payable to the Proprietors, Tenants, or Occupiers, of the ſaid Navigation, their Heirs and Aſſigns, and alſo to ſuch Rates and Prices for Riverage and Wharfage, as ſhall be ſettled and aſcertained reſpectively by the Juſtices of the Peace at their General Quarter Seſſions, in manner herein after directed.

In caſe of Deficiency of Boats,

others to be licenſed.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Eleven or more of them, at any of their General Meetings (of which

Power to make Bye-Laws.

Meetings Ten Days Notice in Writing ſhall be affixed at the Market Croſs in the City of Wincheſter) ſhall, from time to time, have full Power and Authority, by any Writing or Writings under their Hands and Seals, to make ſuch Bye-Laws, Orders, Conſtitutions, Rules, and Regulations, for the good and orderly uſing of the ſaid Navigation, Wharfs, Quays, Towing Paths, and Locks, and for the better regulating the Sizes and Draughts of all Barges and Veſſels navigating the ſaid River, and for regulating the unloading of Ships at Northam, and near Southampton, and the loading and unloading of Barges and other Veſſels at the Quays at Northam and Wincheſter, and ſuch other Orders and Rules as they ſhall judge neceſſary for the Management, Benefit, and Safety, of the ſaid Navigation, and for the well governing of the Occupiers, Clerks, Barge-Maſters, Barge-Men, and Boat-Men, who ſhall convey Goods up and down the ſaid River; and in ſuch Bye-Laws, Orders, and Conſtitutions, may impoſe upon all Perſons offending againſt the ſame ſuch Fines and Forfeitures as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; ſo as no ſuch Fine or Forfeitures ſhall exceed the Sum of Five Pounds on any One Perſon for any One Offence: Which Bye-Laws, Orders, and Conſtitutions, ſhall be binding to, and obſerved by, all Parties, and ſhall be ſufficient to juſtify all Perſons who ſhall act in purſuance thereof; and ſuch Fines and Forfeitures ſhall be recovered in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered.

5 *l.* Penalty on wilful Obſtructions.

And be it further enacted, That if any Perſon or Perſons ſhall overload any Boat, Barge, or other Veſſel, to be conveyed upon the ſaid River, ſo as to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not immediately, upon Notice given to the Owner or Perſon having the Care of ſuch Boat, Barge, or Veſſel, ſo obſtructing the Paſſage as aforeſaid, hale ſuch Boat, Barge, or other Veſſel, back into ſuch Place or Places as ſhall be proper or made for ſuch Boats, Barges, or other Veſſels, to paſs each other; every ſuch Owner, or Perſon having the Care of ſuch Boat or Veſſel, ſhall forfeit and pay, for every ſuch Offence, the Sum of Five Pounds, to the ſaid Proprietors, their Heirs and Aſſigns; to be laid out and employed towards maintaining the Works of the ſaid Navigation, and to no other Uſe or Purpoſe whatſoever.

And

Owners anſwerable for Damage done by Boat or Crew.

And be it further enacted, That the Owner or Maſter of every Boat, Barge, Lighter, or Veſſel, ſhall be and is hereby made anſwerable for any Damage or Miſchief that ſhall be done by ſuch Barge, Lighter, or Veſſel, or by any of the Crew, Boat-men, Lighter or Watermen, belonging to any ſuch Boat, Lighter, Barge, or Veſſel, to any of the Wears, Locks, Dams, Bridges, or other Works, which are already made by virtue of the ſaid recited Act, or ſhall hereafter be made or maintained by virtue of this preſent Act, or for any Treſpaſs done to the Owner or Occupier of any Lands, Grounds, or Tenements, adjoining to the River as aforeſaid, or by drawing, or leaving running, any Clough or Cloughs, Sluice or Sluices, in any of the ſaid Locks or Cuts, when ſuch Boat, Barge, Lighter, or Veſſel, ſhall have paſſed through the ſame; and ſuch Owner or Maſter of any ſuch Boat, Barge, Lighter, or Veſſel, ſhall and may be ſued for the ſame, as if ſuch Treſpaſs had been done or committed by himſelf: And if ſuch Owner or Maſter, or Perſon having the Charge of, or belonging to, any ſuch Boat, Barge, Lighter, or Veſſel, ſhall be found guilty, or Judgement ſhall be given againſt him, upon Demurrer or by Default, the Plaintiff or Plaintiffs ſhall not only recover his or their Damages thereby ſuſtained, but alſo his, her, or their Full Coſts of Suit.

Names of Owners, Tonnage, &c. to be fixed on Boats, &c.

Provided always, and be it enacted by the Authority aforeſaid, That the Proprietors, Occupiers, and Owners of all Boats, Barges, or other Veſſels, navigating the ſaid River, ſhall cauſe his, her, or their Name or Names and Place of Abode, together with the Number, Dimenſions, and Tonnage, for his, her, or their Boat, Barge, or Veſſel, to be ſet in ſome conſpicuous Place of their reſpective Boats, Barges, or Veſſels, higher than the ſame ſhall ſink when full laden: And every Proprietor, Occupier, or Owner, neglecting ſo to do, or ſuffering his, her, or their Boat, Barge, or other Veſſel, to navigate in or upon the ſaid River without the reſpective Names, Place of Abode, Number, Dimenſion, and Tonnage thereon, in Manner aforeſaid, ſhall forfeit and pay the Sum of Forty Shillings for every ſuch Offence, to any Perſon or Perſons who will make Information or Complaint thereof to the ſaid Commiſſioners, at any or either of their Meetings to be held as herein before directed; the ſame, after Conviction of ſuch Offence, to be levied as other Fines and Forfeitures are herein before directed to be levied.

Provided

Boats, &c. not to be unreaſonably detained.

Provided alſo, That all Boats, Barges, or other Veſſels, employed by the ſaid Proprietors or Occupiers of the ſaid Navigation, ſhall be unladen as ſoon as conveniently may be, and ſhall not be detained on Pretence of ſelling Coals, or any other Goods, Commodities, or Merchandizes therein, before unladen; and if upon Complaint it ſhall appear to the ſaid Commiſſioners that any Boat, Barge, or other Veſſel, ſhall be ſo unreaſonably detained, the Perſon or Perſons ſo detaining the ſame ſhall forfeit to the ſaid Proprietors or Occupiers the Sum of Five Pounds; to be levied as other Forfeitures are by this Act directed to be levied.

Extent of the Navigation, *viz.*

And whereas the ſaid River hath, by virtue of the ſaid recited Act, been made navigable for Boats and Barges, from a Place called Wood Mill (to which Place the Sea flows up) to a Place called Black Bridge, near the City of Wincheſter; but the ſaid River cannot, by reaſon of the ſaid Bridge, be made navigable quite up to the Walls of the ſaid City; be it therefore enacted, That the ſaid River ſhall be deemed and taken to be a navigable River from Northam near the Town of Southampton, to Black Bridge near the ſaid City of Wincheſter, and no farther; and that all Perſons claiming any Intereſt under the before recited Act, from the Navigation of the ſaid River, ſhall enjoy all the Benefits and Advantages ariſing or to ariſe therefrom, as fully and effectually as if the ſaid River had been made navigable quite up to the Walls of the ſaid City; any thing herein to the contrary notwithſtanding.

From *Black Bridge* to *Northam*.

And be it further enacted, That the Limits of the Navigation on the ſaid River, ſhall be deemed, conſtrued, and adjudged, to extend from a certain Bridge called Black Bridge, near the ſaid City of Wincheſter, to a certain Place called Northam, in the Pariſh of Saint Mary's, near the Town of Southampton.

Locks, Wears, &c. may be erected.

And be it further enacted, That it ſhall and may be lawful for the Proprietors of the ſaid Navigation, their Heirs and Aſſigns (or for any Perſons who ſhall be licenſed to navigate thereon, on Default of the ſaid Proprietors in the Caſe above-mentioned) and they are hereby reſpectively impowered by the Direction of the ſaid Commiſſioners, or any Seven or more of them, in Writing under their Hands and Seals, to make, build, erect, and ſet up, in or upon the ſaid Navigation, or upon the Lands adjoining to or near the ſame,

on either Side thereof, between the ſaid Bridge called Black Bridge, and the ſaid Place called Northam (not being the Ground whereon any Houſe ſtands, or an Orchard, Paddock, planted Walk, or Avenue to a Houſe) ſuch and ſo many Locks, Wears, Pens for Water, Drains, Quays, Wharfs, Winches, and other Engines, Landing Places, Weighing Beams, Cranes, Warehouſes, and other Works and Conveniencies, as by the ſaid Commiſſioners, or any Seven or more of them, ſhall be judged fit and requiſite for the Purpoſes of the ſaid Navigation; and alſo from time to time, to repair, alter, and amend the ſame, and alſo to make, widen, or enlarge any Ways, Paſſages, or other Conveniencies, for the carrying and conveying Goods, Commodities, and other Things, to or from the ſaid Navigation; the ſaid Proprietors, their Heirs or Aſſigns, or other Perſon or Perſons as aforeſaid, doing as little Damage as may be in the Premiſſes, and making ſuch Satisfaction to the Owners and Occupiers thereof, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct and adjudge.

Exception as to the Wharf at *Northam*.

Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any of them, to regulate the loading or unloading of any Coals at or on the ſaid Wharf at Northam.

Commiſſioners to determine Complaints.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, preſent at any of their General Meetings, ſhall have Power, and are hereby authorized in a ſummary Way, upon Examination of the Parties, and all Witneſſes to be produced by them, upon Oath, to hear and determine all ſuch Complaints and Informations as ſhall be made or laid againſt all and every Perſon and Perſons accuſed of offending againſt, or not complying with, the ſaid recited Act, 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 Act, or this Act made payable or inflicted for ſuch Offences reſpectively, by Diſtreſs and Sale of the Offenders Goods and Chattles (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, Tythingmen, or other Peace Officers of the ſeveral Liberties or Places wherein or near whereto any ſuch Goods or

Chattles 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 or laid at any or either of the ſaid Meetings, ſhall have at leaſt Six Days Notice of ſuch Complaint or Information, under the Hands of Three or more of the ſaid Commiſſioners.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided alſo, That it ſhall and may be lawful for any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved, by any Bye-Law, Order, or Judgement, made or given by the ſaid Commiſſioners, or whoſe Fine, Penalty, Forfeiture, or Damage, adjudged againſt him, at any or either of the ſaid Meetings, ſhall exceed the Sum of Five Pounds, may, within Ten Days after ſuch Order or Adjudication reſpectively, appeal to the next General Quarter Seſſions, upon giving Six Days Notice in Writing of ſuch Appeal to the Party or Parties appealed againſt, or leaving ſuch Notice at his or their laſt Place of Abode; and likewiſe giving Security to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be aſcertained by the ſaid General Quarter Seſſions, in caſe ſuch Order or Judgement ſhall be affirmed; and the Court of ſuch Quarter Seſſions ſhall hear and determine ſuch Appeal, and give ſuch Coſts to either Party as they ſhall think reaſonable; whoſe Determination therein ſhall be final.

Application of Forfeitures.

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 Seven or more of them, ſhall, in their Diſcretion, order, direct, and appoint.

What ſhall be deemed good Service of Warrant or Summons.

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 Five or more of them, by and under the Authority of this Act, or the ſaid recited Act, upon the Occupier or Occupiers of the ſaid River, or upon his or their Clerk or Clerks, Agent or Agents, to appear before them, ſhall be deemed and taken to be as good Service upon the ſaid Proprietors, Undertakers, or Occupiers, as if they themſelves were actually and perſonally ſerved therewith.

Saving

Reſervation of Rights.

Saving always, and reſerving to the King's moſt Excellent Majeſty, his Heirs, and Succeſſors, and to the Biſhop of Wincheſter and his Succeſſors, the Rights, Privileges, Profits, and Advantages, of all Tolls and Duties which they of Right ought to have enjoyed if this Act, or the ſaid recited Act, had never been made: Saving alſo, and reſerving to the Mayor, Bailiff, and Burgeſſes, of the Town of Southampton, and their Succeſſors, the Rights, Privileges, Profits, and Advantages, of all ſuch Petty Cuſtoms, and other Dues, which they of Right ought to have enjoyed if this Act, or the ſaid recited Act, had never been made: And alſo ſaving to George Griffits of Epſom, in the County of Surrey, Gentleman, and Elizabeth his Wife, their Executors, Adminiſtrators, and Aſſigns, all ſuch Right, Title, and Intereſt, as they, or either of them, now have, or lawfully claim, in, to, or out of the ſaid Navigation, and the Tolls, Duties, and Profits thereof: Saving alſo, and reſerving to Thomas Dummer Eſquire, of Cranbury, in the County of Southampton, his Heirs, and Aſſigns, and his and their Servants and Tenants, all ſuch Right of ſhipping and landing Goods at a certain Quay or Wharf called Northam Quay, as he or they ought to have enjoyed if this Act, or the ſaid recited Act, had never been made.

And whereas a certain Piece or Parcel of Meadow Ground, adjoining to the upper Part of the ſaid navigable River, and to a Bridge called Black Bridge, near the ſaid City of Wincheſter; and alſo to the Road or Way herein after-mentioned, containing about One Acre, has been for many Years paſt, and ſtill is held and uſed as a Wharf by the Proprietors of the ſaid Navigation, and is very commodious for that Purpoſe; and the ſaid Proprietors have erected convenient Storehouſes, Stables, and other Buildings thereon: And whereas the ſaid Piece of Meadow Ground was formerly Part of the Demeſne Lands of the Biſhops of Wincheſter, in Right of their See; and was appropriated, or intended to be appropriated, to the Uſe of the then Proprietor of the ſaid Navigation, his Heirs, and Aſſigns, for a Wharf, or otherwiſe, in and by an Order of the Commiſſioners appointed by the ſaid recited Act, bearing Date the Sixteenth Day of January, which was in the Year of our Lord One thouſand ſeven hundred and eleven; ſubject to the yearly Rent of Three Pounds, and on the other Terms and Conditions therein expreſſed: And whereas

as the ſaid Wharf adjoins to a certain Road or Way, leading and extending from a Place called Bar End, in or near the Pariſh of Saint Peter's, Cheeſehill, in the Suburbs of the ſaid City, to a Bridge called College Bridge, near the ſaid Biſhop's Epiſcopal Houſe, called Wolveſey, of the Length of Half a Mile or thereabouts; which Road or Way has, for Time immemorial, been amended and kept in Repair at the private Expence of the Biſhops of Wincheſter for the time being: And whereas all Carriages going to, or returning from, the ſaid Wharf, do conſtantly paſs along the ſaid Road, or a conſiderable Part thereof; and by the Increaſe of the Buſineſs of the ſaid Navigation of late Years, the Reſort of Carriages upon the ſaid Road is become ſo great and frequent, and the Loads carried thereon ſo heavy, as has created, and is like to create, a very great additional Expence to the Biſhops of Wincheſter, in repairing the ſaid Road: For Remedy whereof, any for that the Right Reverend John Lord Biſhop of Wincheſter, hath agreed to pay to the Occupiers of the ſaid Wharf and navigable River, the Sum of Fifty Pounds for and towards the immediate Repair of the ſaid Road, and hath alſo conſented for himſelf, and his Succeſſors, to remit for ever the ſaid Rent of Three Pounds for the ſaid Wharf, and to pay the Occupiers thereof, and of the ſaid navigable River, the further annual Sum of Seven Pounds, in Conſideration that the ſaid Occupiers ſhall for the future maintain and repair the ſaid Road; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June next enſuing, the Occupier or Occupiers of the ſaid navigable River ſhall and may for ever poſſeſs, uſe, occupy, and enjoy, the ſaid Wharf, and all Buildings erected and to be erected thereon, clear and diſcharged of the ſaid Rent of Three Pounds, and of all other Claims and Demands of the ſaid John Lord Biſhop of Wincheſter, and his Succeſſors, in, to, or out of the ſame; and that the ſaid Biſhop, and his Succeſſors, ſhall pay or cauſe to be paid unto the ſaid Occupier or Occupiers, for the time being, yearly and every Year for ever, at the Feaſt of Saint John the Baptiſt, the Sum of Seven Pounds of lawful Money of Great Britain, the Firſt Payment thereof to be made on the Feaſt of Saint John the Baptiſt, in the Year of our Lord One thouſand ſeven hundred and ſixty eight; and that as often as the ſaid yearly Sum of

Biſhop of *Wincheſter* diſcharged from the Repairs of a certain Road.

Seven Pounds ſhall be in Arrear and unpaid; the ſame ſhall be recoverable by Action of Debt grounded on this Act, in any Court of Record, to be brought by the ſaid Occupier or Occupiers againſt the ſaid Biſhop, or his Succeſſors, from whom the ſame ſhall become due, or their reſpective Executors or Adminiſtrators, or againſt the Treaſurer of the ſaid Biſhop, commonly called the Treaſurer of Wolveſey, for the time being, at the Election of the ſaid Occupier or Occupiers; in which Action no Eſſoin, Protection, Wager of Law, or more than One Imparlance ſhall be allowed.

Which is be repaired by the Occupiers of the Navigation.

And be it further enacted, That from and after the ſaid Twenty fourth Day of June next enſuing, the Occupier or Occupiers of the ſaid Wharf and navigable River for the time being ſhall, by and with the ſaid yearly Rent and Payment of Three Pounds and Seven Pounds, and out of the Profits ariſing from the ſaid Wharf and Navigation, keep and maintain, and are hereby made for ever liable to keep and maintain, the ſaid Road or Way from Bar End to College Bridge aforeſaid, in good and ſufficient Repair; and that the ſaid annual Rent and Payment of Three Pounds and Seven Pounds ſhall be deemed the full Proportion which the ſaid Biſhop and his Succeſſors ought to contribute to the repairing the ſaid Road or Way; and that he and they, in Conſideration thereof, ſhall be, and they are hereby, for ever diſcharged and exonerated from the Duty of repairing the ſame, or any Part thereof.

£ol. to be paid to them towards the immediate Repair thereof.

And be it further enacted, That the ſaid John Lord Biſhop of Wincheſter, his Executors or Adminiſtrators, do and ſhall, on or before the ſaid Twenty fourth Day of June next enſuing, pay, or cauſe to be paid, to the Occupier or Occupiers of the ſaid Wharf and navigable River for the time being, the Sum of Fifty Pounds; to be laid out and applied by the ſaid Occupier or Occupiers for and towards the immediate Repair of the ſaid Road or Way.

Publick Act.

Provided always, and it is hereby 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.

Limitation of Actions.

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

lendar 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 appear to have been ſo done, or if any Action, Suit, or Information, ſhall be brought after the 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.

General Iſſue.

Treble Coſts.

FINIS.