



ANNO QUADRAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 127.

An Act for making and maintaining a Navigable Canal from or from near the Town of *Croydon*, in the County of *Surrey*, into the *Grand Surrey Canal*, in the Parish of *Saint Paul, Deptford*, in the County of *Surrey*; and for supplying the Towns of *Croydon*, *Streatham*, and *Dulwich*, and the District called *Norwood*, in the Parish of *Croydon*, in the said County of *Surrey*, and the Town of *Sydenham*, in the County of *Kent*, with Water from the said Canal. [27th June 1801.]

WHEREAS the making and maintaining of a Navigable Canal, Preamble:
for the Passage of Boats and other Vessels, from or from near
the Town of *Croydon*, in the County of *Surrey*, into the
Grand Surrey Canal, in the Parish of *Saint Paul, Deptford*, in the County
of *Surrey*, will open a Communication for the cheap and easy Conveyance
of all Kinds of Commodities from the Counties of *Surrey*, *Kent*, and
Suffex, to the Metropolis, and of Coals, Manure, and other Articles
from thence into the Country, and will improve the Lands and Estates
through and near which it will pass, and will be, in other Respects, of
[Loc. & Per.] 25 Z publick

publick Utility; and the supplying of the Towns of *Croydon, Streatham,* and *Dulwich,* and the District called *Norwood,* in the Parish of *Croydon,* in the County of *Surrey,* and the Town of *Sydenham* in the County of *Kent,* with Water from the said Canal, will be a great Accommodation and Advantage to these several Towns and Places respectively: And whereas the several Persons herein-after named are willing and desirous, at their own Costs and Charges, to make and maintain such Canal, and the Aqueducts and other Works requisite for the Purposes aforesaid; 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 *Joseph Aneels, George Arnull, James Alloway, Sir Francis Baring* Baronet, *Sir Charles William Blunt* Baronet, *Sir John Bridger, Alexander Brodie, John Brickwood, Richard Bush, Robert Boxall,* the Reverend *Gilbert Buchanan, James Bartleman, Henry Daniel Bland, William John Bodkin, James Bourdieu the younger, James Medmore, Brickwood, William Banson, William Brown, Charles Baratty, Nathaniel Brickwood, John Brickwood the younger, John Pool Baratty, Thomas Brown, Robert Thomas Bennett, Barnard, Roberts, James Baratty, Thomas Boon, George Bailey, Josiah Bell, Alexander Bisset, John Brookes, William Brewer, James Bourdieu, John Barfoot, Jonathan Summers Burford, John Battersbie, Lawrence Brickwood, Denham Barons, David Bassett, Samuel Brandram, Richard Carew, John Cator, Robert Chatfield, James Cox, Alexander Thomas Cox, Alexander Caldcleugh, George Coleman, William Chatfield, John Chatfield, Abraham Constable, John Alden Clarke, John Chatfield, James Carter, Edward Colson, George Choumert, George Clark, Mary Costin, William Wilcox Colson, William Child, Allen Chatfield, Thomas Coleman, Robert Cooper, J P Cockson, John Dutton, John Dudman, Beriah Drew, James Daniull the younger, Richard Davis, Richard Dowling, George Dominicus, Isaac De Mattos, the Reverend George Edmonstone, Francis Freeling, Francis Fisher, Thomas Farley the younger, William Forsteen, William Field, George Field, Elizabeth Farley, the Right Honourable Peter Lord Gwydir, John Leveson Gower, Thomas Griffiths, John Gardner, James Ludovick Grant, Daniel Garraway, Thomas Green, William Gee, John Gribble, Charlotte Maria Goldsworthy, Anthony Harman, Robert Harris, John Hill, Sir Benjamin Hammett and Company, James Hardwidge, Henry Hoare, John Hosier, the Reverend John Heathfield, John Hains, William Henry Hoare, Francis Hanson, John Hitchins, Jeremiah Harman, John Hughes, Edward Howis, John Jones, Joseph Johnson, William Keene, John Pooley Kensington, Joseph Kirkman, William Lane, William Lambert, James Ludlam, William Lambert, Richard Lewin the younger, George Lane, John Lloyd, John Leach, William Morland, Daniel Mildred, James Maude, John Mason, George Anne Martir, James Martin, John Morgan, Tristram Maries Maddox, Erasmus Maddox, John Morice, George Martin, R H Marten, William Martin, Charlotte Matthews, Robert Maltby, his Grace the Duke of Norfolk, John Newman, William Newton, Nathaniel Nicholls, William Thomas Nicholls, Robert Osborn, William Henry Phibbs, John Pieters, John Phillipson, James Pigot, Vice Admiral of the Red, Thomas Pinkerton, Henry Peters, George Pindar, John Perigal, John Prince the younger, Joseph Prince, William Pierce, Robert Podmore, Thomas Ridley, James Riley, Peter Richardson, William Roffey, William Richardson, Ralph Royle, John Reeves, Percival Smale, John Smith, John Shadwell Doctor of Physick,*

Proprietors
Names.

Phylick, George Smith, George Stevens, Claude Scott, Hasketh Smith, John Storey, Amos Strettbell, John Staff, William Stacey, Richard Smith, John Staples, Matthew Sharpnose, Thomas Smith, Gerard Scorer, John Streeter, Sir Thomas Turton Baronet, James Trecotbick, James Tatlock, Philip William Thomas, Henry Tickell, William Taylor, Charles Pratt Thomson, Sweney Toone, Thomas Osborne, William Vaughan, Thomas Walker, Augustus Warren, John B Walton, Henry White, William Wood, George Wildgoose, Anastatia Wildgoose, George Wildgoose the younger, Jeremiab Watkins, George Windham, James Warne, the Reverend Thomas Wigsell, John Williams, George Walker, Henry Graves Ward, John Walter, Samuel Wilson, Robert Wiffett, and such other Person or Persons, Bodies Politick and Corporate, as shall at any Time hereafter be possessed of One or more Share or Shares in the said Canal and Undertaking, and the Successors, Executors, Administrators, and Assigns, of such several Persons and Bodies, shall be, and they are hereby accordingly united into a Company Incorporate. for the making, completing, and maintaining the said Navigable Canal, and the Aqueducts and other Works hereby authorized to be made, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Croydon Canal*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall or may sue and be sued, and shall also have full Power to purchase Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it shall be lawful for the said Company of Proprietors, and their Successors, and they are hereby empowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, or Assistants, to make complete, maintain, and keep navigable and passable for Boats and other Vessels, a Canal from or from near the Town of *Croydon* aforesaid, into and through the Parishes of *Croydon*, *Battersea*, *Camberwell*, *Deptford*, and *Rotherhithe*, in the County of *Surrey*, and of *Beckenham* and *Lewisham*, and the Township of *Sydenham*, in the County of *Kent*; to and into the *Grand Surrey Canal* in the Parish of *Saint Paul*, *Deptford*, in the County of *Surrey*; and also to make and lay Aqueducts, Pipes, and other Conveniencies, above or under Ground, from the said Canal, to and within the said several Townships and Places of *Croydon*, *Streatham*, *Dulwich*, *Sydenham*, and *Norwood*; in the Lines and Directions expressed in the Map or Plan herein-after mentioned; for supplying such Places with Water from the said Canal; and the said Company of Proprietors are hereby fully empowered by themselves, their Deputies, Agents, Workmen, or Servants, to supply the said intended Canal, and the said Aqueducts, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from the *Grand Surrey Canal*, in the Manner herein-after mentioned; and to make such and so many Feeders, Tunnels, and Shafts, and to make, erect, and set up such and so many Stop Gates, Weirs, Engines, Steam Engines, and other Machines for supplying the said Canal and the said Aqueducts with Water, and for any other Purposes, for the making, maintaining, and using of such Canal and Aqueducts as they the said Company of Proprietors, or their Successors, shall from Time to Time think proper and expedient; and for the better effectuating the Purposes aforesaid, the said Company of Proprietors, their Agents, Officers, Their Style.
The Company of Proprietors empowered to make the Canal and the Aqueducts, &c.
Workmen,

Workmen, and Servants, are hereby empowered to go, enter, and pass in, upon, over, under, or through the Lands and Grounds, Brooks, Streams, Waters, Highways, Roads, Passages, Streets, Commons, and all other Lands and Places of or belonging to the King's most Excellent Majesty, His Heirs or Successors, or any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to set out and ascertain such Part or Parts thereof as they the said Company of Proprietors shall think necessary and proper for making, completing, maintaining, improving, and using the said Canal and Aqueducts, and all such other Works, Matters, and Conveniencies, as they shall think necessary for effecting the Purposes aforesaid, and to bore, dig, cut, trench, and fough, and to remove and lay Earth, Clay, Stone, Rubbish, Trees, Roots of Trees, Gravel or Sand, or any other Matters and Things which may be dug or gotten in the making of the said Canal and Aqueducts, or the Tunnels, Shafts, Trenches, Passages, Sluices, Pens of Water, Gutters, Soughs, Ditches, Drains, or Watercourses, and other the Works of the said Canal and Aqueducts, or which may prevent or obstruct the making, completing, maintaining, and using the same or any of them respectively, according to the true Intent and Purport of this Act; and also to make, build, construct, and set up, in or upon the said Canal and Aqueducts, or upon the Lands adjoining to or near the same, such and so many Banks, Bridges, Fords, Tunnels, Shafts, Aqueducts, Pipes, Sluices, Locks, Weirs, Pens for Water, Drains, Inclined Planes, Rollers, Railways, Lifts, Balances, Steam Engines, or other Mechanical Contrivances, for raising and returning Water for the Use of the said Canal and Aqueducts, and for the conveying of Vessels or Boats from One Level to another, and for all other Purposes of the said Undertaking (all which said Inclined Planes, Rollers, and other Works, shall be considered as Part of the said Canal, as though such Parts of the Line were navigable) and also to make all such Wharfs, Warehouses, Toll-Houses, Quays, Landing Places, Weigh Beams, Cranes, Engines, Watch Houses, Docks, and other Works, Towing Paths, Railways, Roads, Ways, and Conveniencies, and all such Cisterns, Ponds, Basons, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead, and other Metal, Cocks, Chamber Cocks, Cocks in Common, Stock Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Bores, Mains, Ferries, Feeders, Fanpiers, Drains, Plumps, Sluices, and all such other Works and Devices, as and wherever the said Company of Proprietors shall think requisite for the several Purposes of this Act; and also from Time to Time to divert, alter, repair, widen, enlarge, and amend, or discontinue the same, and to make and maintain any other Works or Conveniencies of or belonging to the said Canal and Aqueducts respectively, as shall seem necessary or proper for the making, erecting, finishing, altering, repairing, amending, maintaining, and using the said Canal and Aqueducts respectively, and the Works thereof, and for carrying Goods and other Articles and Things to and from the said Canal; and also to place, lay, work, and manufacture any Materials on the Grounds where found, or near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages, over, under, or through the said Canal and Aqueducts, and the Works and Conveniencies which shall at any Time or Times hereafter belong thereto or communicate therewith; and also to make, set out, and

and appoint such Towing Paths, Banks, and Ways convenient for towing, hauling, or drawing of Boats and other Vessels passing in, through, or upon the said Canal, or for any such other Purposes as they the said Company of Proprietors shall think convenient, and to make such Places for Boats and other Vessels navigated upon the said Canal, to turn, lie, and pass each other, as the said Company shall judge necessary; and also to dig, take, and carry away, for the Use of the said Company of Proprietors, any Soil, Clay, Gravel, or Stone, which may be proper or convenient for making the said Canal, Aqueducts, Reservoir, Steam Engines, and other Works; and also for repairing, supporting, maintaining, and using the same, in or from any Grounds of any Person or Persons adjoining or lying contiguous or convenient thereto, and to construct, erect, alter, keep in Repair, and use any Piers, Arches, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing the said Canal and Aqueducts, and the Towing Paths on the Sides of the said Canal, so as to render such Canal passable throughout by all Boats and other Vessels hereby authorized to navigate thereon, without Impediment; and also to construct and erect, do and perform all other Matters and Things which shall be deemed necessary, and convenient for the making, completing, using, preserving, and improving the said Canal and Aqueducts, and the Works connected therewith, in pursuance and within the true Intent and Meaning of this Act, they the said Company of Proprietors, their Agents, Deputies, Officers, Workmen, and Servants doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, for all such Damages as shall be sustained by the Owners and Occupiers of and other Persons interested in the Lands and Hereditaments which shall be taken or used by or on the Behalf of the said Company of Proprietors, or which shall be prejudiced or damaged by being overflowed, or otherwise, in surveying, setting out, making, maintaining, altering, repairing, and using the said Canal, Aqueducts, and other Works, or in or by the Execution of any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Deputies, Servants, Workmen, and all other Persons, for what they or any of them shall do by virtue of the Powers hereby granted.

II. Provided always, and be it further enacted, That the said Company of Proprietors shall, and they are hereby required to make that Part of the said Canal which will extend from the Field in the Parish of *Deptford*, marked Number Sixteen on the Plan herein-after mentioned, to the Four Fields in the said Parish of *Deptford*, marked respectively Number Eight on the said Plan, in the following Lines (*videlicet*), from the said Field Number Sixteen, through Land belonging to *Christ's Hospital*, and in the Occupation of *James Hawkins*, a Paddock, Lawn, or Field belonging to the *Haberdashers Company*, and in the Occupation of *Timothy Stansfield Esquire*, and a House and Garden in the Occupation of *Francis Callis*; then crossing the Turnpike Road, and passing through Land, Buildings, and Gardens belonging to the *Haberdashers Company*, and in the Occupation of *William Green*, *Jeremiab Jackman*, *Moses Stainbrook*, *William Pamplaton*, *Rebecca Faulkner*, and *Ralph Say*, certain Garden Grounds belonging to the said Company, and in the Occupation of *Robert Edmonds*, a certain Field belonging to the said

Deviation
near New
Cross.

Company, and in the Occupation of *Thomas Hambley*, certain Fields belonging to *Elizabeth Vane*, and in the Occupation of the said *Thomas Hambley*, and certain Fields belonging to the Bridge House, and to the Trustees of *Croydon Parish Estates*, and in the Occupation of *John Holcombe*, and the said Four Fields marked respectively Number Eight on the said Plan, and passing on the East Side of the same Four Fields.

Where Roads are injured others are to be made.

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

Protecting the Water of the River Wandle.

IV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors, under any Pretence whatever, to divert, take, or use, or suffer to be diverted, taken, or used for the said Canal or Aqueducts, or other Works hereby authorized, any Part of the Water of a certain Watercourse or Stream which rises in certain Grounds in the Parish of *Croydon* aforesaid, belonging to *Charles John Clarke Esquire*, and in the Occupation of the Right Honourable the Earl of *Liverpool*, and which, running from thence in nearly a Northern Direction, crosses the High Road leading from *Croydon* to *London*, at a Place called *Hermitage Bridge*, and afterwards joins the *River Wandle* at a Place called *Bigrove Mead* near *Merton Mills*; but that the said Watercourse or Stream where the same shall or may be crossed by the said Canal or Aqueducts, or other Works appertaining thereto, shall be well and effectually tunnelled and conducted under such Canal, Aqueducts, or other Works, by the said Company of Proprietors, immediately into the former and ancient Course thereof, in such Manner as that the Whole of the said Watercourse or Stream may continue to flow to the said *River Wandle* as usual.

For protecting the Waters of certain Springs which now assist in supplying the River Wandle.

V. And whereas, Apprehensions are entertained by the Owners and Occupiers of Mills on the said *River Wandle*, that by the making of the said Canal and other Works, certain other Springs or Feeders which now assist in supplying the Water of the said River, may be intercepted and diverted from flowing to the Supply of the said *River Wandle*; be it further enacted, That in making the said Canal from the proposed Commencement thereof, at or near *Croydon* to *Selhurst Wood*, the same shall not be cut more than Three Feet below the Mesne Level of the highest Part of *Croydon Common*, on the Line of the Canal, and that the Surface of the Water in the said Canal shall be and for ever maintained to be Two Feet above the said Mesne Level (making the entire

Depth

Depth of Five Feet) subject to such Regulations respecting the same as are herein-after contained.

VI. Provided also, and be it further enacted, That a Pipe or Bore of sufficient Dimensions to be capable of conveying away from the Canal into the River *Wandle*, Half the Quantity of Water which the Steam Engine or other Machine which may be used in lieu thereof may raise into the Summit Level during the Time that the Water therein shall be more than Sixteen Inches and a Half lower than the full Height, shall be fixed at or near the Bottom of the said Canal, so as to open by the lowering of the Water, and let out the Water therefrom whenever its Surface shall be more than Sixteen Inches and a Half below the High Water Mark, which is to be fixed and maintained at the Height of Two Feet above the Mesne Level of *Croydon Common*, as before mentioned; the said Pipe or Bore is to be constructed under the Inspection and Directions of Two Engineers (One to be chosen by the Proprietors of the Canal, and the other by any Three or more Owners of Mills on the River *Wandle*) or by a Third Engineer, to be appointed by such Two Engineers, in case they shall not agree respecting the same; and the Agent of the said Mill Owners (who shall be paid by the said Company of Proprietors at the Rate of Ten Shillings and Sixpence per Day, not exceeding Twelve Days in each Year) shall have Liberty at all Times to view and examine the State of Repair of the said Pipe or Bore, and if the same shall at any Time be out of Repair, he shall give Notice thereof to the Clerk of the said Company of Proprietors, and the said Company shall forthwith sufficiently alter or repair the said Pipe or Bore so that it may effectually deliver the due Quantity of Water to the River *Wandle*, or in case the said Company of Proprietors shall not immediately proceed to alter or repair and to complete the same as soon as possible, then the Agent of the said Mill Owners may cause the same to be done, and the Expence thereof shall be recoverable from the said Company of Proprietors, by an Action to be brought against them in the Names of any Three or more of the said Mill Owners, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Requests for the Town of *Croydon*, where the Sum so expended in and about such Alterations and Repairs shall not amount to Forty Shillings; and in case the said Canal shall at any Time hereafter be supplied with Water without the Use of Steam Engines or other Machines as aforesaid, that then the Dimensions of such Pipe or Bore shall be ascertained by such Engineers as aforesaid, proportionate to the Capacity or Power that such Engine ought to have in case the said Canal were to be supplied by Means of such Engine; and that in this Case also the said Pipe or Bore shall for ever after remain and be used in the same Manner that has before been described in the Case of using such Engine or other Machine.

A Pipe to be fixed on the Canal so as to let out the Water to the *Wandle*, when the Surface of the Water in the Canal shall be more than 16 $\frac{1}{2}$ Inches below the High Water Mark.

to be constructed under the Inspection and Directions of Two Engineers

to be appointed by such Two Engineers

The Proprietors prohibited boring within a certain Space.

VII. Provided also, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to bore lower than Three Feet below the Mesne Level of the highest Part of *Croydon Common*, in any Part of the Line of the said Canal, from the proposed Commencement thereof, at or near *Croydon* aforesaid, for the Length of Two thousand five hundred Yards (nor shall they bore, cut, dig, trench, or fough, on any Part of *Croydon Common*, so as to divert the Springs that rise on the same

same) but that whatever Excavation may be made on *Croydon Common*, or in the Lands adjoining within the Two thousand five hundred Yards above mentioned, for the Purpose of obtaining Earth for the said Embankment, the Bottom of such Excavation shall decline towards the River *Wandle*, and be made at least One Foot deeper than the Bottom of the said Canal so that any Water arising therein shall run into the said River.

For protecting
the Waters of
the River Ra-
vensbourne.

VIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors to take any Water for the Use of the said Canal, or other Works hereby authorized, to be made, out of or from the River *Ravensbourne*, or any Stream, Watercourse, or Rivulet running into the said River.

Houses or
Gardens not
to be taken or
injured, ex-
cept those
here specified.

IX. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to take, use, injure, or damage any House or other Building, which was erected and built on or before the First Day of *January* in the Year of our Lord One thousand eight hundred and one, or any Land or Ground which on the said First Day of *January* was set apart and used as and for a Garden, Yard, Park, Paddock, Orchard, planted Walk, or Avenue to a House, without the Consent of the respective Owners thereof, other than and except those particularly mentioned and described in the Schedule hereunto annexed, which are meant and intended to be taken for the Purposes of this Act.

For making a
certain Road
to the Canal.

X. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make and maintain a publick Carriage Road from the High Road leading from *Croydon* to *London*, and opposite to a Field in the Parish of *Croydon* aforesaid, belonging to *Robert Harris* Esquire, and marked Number One, in the Plan herein-after mentioned, across a Piece of Commonable Land called *Parsons Mead*, then across a Field called *Handcross Field*, belonging to *Ann Maclean*, and in the Occupation of *Patrick Drummond*, or his Undertenant, and then through a Piece of Orchard or Garden Ground, now or late belonging to *Robert Reynolds*, and in the Occupation of *John Eling*, and there entering the Lower End of *Church Street*, in the Town of *Croydon* aforesaid.

Plan and
Book of Refer-
ence to be
authenticated
by the Speak-
er of the
House of
Commons.

XI. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal and Aqueducts, and a Plan with a proper Book of Reference thereto, have been made in consequence thereof, in order to shew the Line or Course and Situation of the same Canal, Inclined Planes, and Aqueducts; be it therefore further enacted, That there shall be Three Parts made of the said Plan and Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, One with the Clerk of the Peace for the said County of *Surrey*, another with the Clerk of the Peace for the said County of *Kent*, and the other with the Clerk to the said Company of Proprietors, to any of which Plans and Books of Reference all Persons shall have Liberty to resort, and to examine or make Extracts from or Copies of the same, as Occasion shall require,

require, paying to the said respective Clerks, for Copies of or Extracts from the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Plans and Books of Reference so certified, or true Copies thereof, signed by any of the Clerks aforesaid, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Eight Days Notice to him given for that Purpose, shall and is hereby required from Time to Time to produce the said Plan and Book of Reference to be so deposited with him as aforesaid, before the Commissioners to be appointed in Manner herein-after mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

XII. And be it further enacted, That the said Company of Proprietors in making the said Canal and Aqueducts, shall not deviate from the Course or Direction delineated in the said Plans, and set forth in the said Books of Reference except as herein-after is excepted, without the Consent in Writing of the Person or Persons to whom any Lands, Grounds, or Hereditaments shall respectively belong, into, through, or over which any Deviation is desired to be made, but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any such Deviation from the said Course or Direction of the said Canal, in case all the Persons to whom the Lands, Grounds, or Hereditaments to be cut through or made Use of for the Purposes of such Deviation shall belong, shall consent thereto, by Writing under their Hands.

Not to deviate from the Line laid down in the Plan.

XIII. And whereas in consequence of the Provision herein-before contained, for preventing the said Company of Proprietors from cutting the said Canal more than Three Feet below the Mesne Level of the highest Part of *Croydon* Common on the Line of the said Canal, it will be necessary to raise proportionally the Level of the said Canal from *Selhurst* Wood to the first inclined Plane, and for that Purpose it may be found necessary to deviate from the original Line of the said Canal on the North Side thereof, between *Selhurst* Wood and the said first inclined Plane; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, in making the said Canal, to deviate from the Course or Direction delineated in the said Plans, and set forth in the said Books of Reference, within any Distance not exceeding Two hundred Yards on the North Side of the said Canal, between *Selhurst* Wood and the said first inclined Plane; any Thing herein-before contained to the contrary notwithstanding.

Power to deviate the Line of the Canal between *Selhurst* Wood and the first inclined Plane.

XIV. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors may make the said intended Canal, Aqueducts, and Works, in, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds such Deviations as aforesaid shall extend, although their Names are not mentioned in the said Book of Reference, or into

For remedying Omissions of or Mistakes in the Names of Proprietors and Occupiers.

[*Loc. & Per.*]

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the

the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear to the Satisfaction of the said Commissioners, and be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, and Grounds do not belong, have or hath been by Mistake inserted therein; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Width of
Canal and
Towing
Paths.

XV. And be it further enacted, That the Lands or Grounds to be taken or used for the making of the said Canal, and for the Towing Paths thereto, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Lands, shall not exceed Thirty Yards in Breadth (except in such Places where any Docks, Basons, or Pens of Water shall be made, or where the said Canal, or any Part thereof, shall be raised higher or cut more than Six Feet below the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels, to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weigh Beams, may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception or Delivery of Goods, Wares, or Merchandize, which shall be conveyed on the said Navigation) and not above One hundred Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Canal.

Limitation as
to Extent of
Canal.

XVI. Whereas an Act hath passed in this present Session of Parliament for making and maintaining a Navigable Canal from the River *Thames*, at or near a Place called *Wilkinson's Gun Wharf*, in the Parish of *Saint Mary at Rotherhithe*, in the County of *Surrey*, (with divers Collateral Cuts or Branches therefrom) to several Places therein particularly mentioned, and which is called *The Grand Surrey Canal*: And whereas the Lines of the said *Grand Surrey Canal* and the Canal hereby authorized to be made will cross each other, at or near a certain Field marked Number Seventeen on the Plan herein-before mentioned, and Number Seventy-two on the Plan of the *Grand Surrey Canal*, which is deposited in the Parliament Office, and which Field is in the Occupation of *John Holcombe*, and is situate in the Parish of *Saint Paul, Deptford*; now be it further enacted, That in case that Part of the Line of the said *Grand Surrey Canal*, which extends from the said Field Number Seventeen and Number Seventy-two as aforesaid to the *Thames* at *Rotherhithe*, shall be completed so as to answer the Purposes intended by this present Act, within the Space of Three Years from the Twenty-fourth Day of *June* Instant, then that the Canal hereby authorized to be made shall terminate at the Field Number Seventeen and Number Seventy-two herein-before mentioned, and shall there communicate with the said *Grand Surrey Canal*.

Regulation as
to a Supply of
Water from
the *Grand Surrey*
Canal to
the *Croydon*.

XVII. And be it further enacted, That the Water of the River *Thames* shall be permitted at all Times to flow by Means of the said *Grand Surrey Canal* into the said *Croydon Canal*, so as not only to answer the Purpose of Navigation thereon, but also all other Purposes to which the Water of the River *Thames* may be used or applied by the Proprietors of the said *Croydon Canal* by virtue of this Act: Provided always, That it shall

shall not be lawful for the Proprietors of the said *Croydon Canal* to pump or draw Water out of the said *Grand Surrey Canal*, when the Water therein shall be Six Inches below the Waste Weir, which is to be placed on the said *Grand Surrey Canal*, and which Weir is to be Three Feet Six Inches under the Height of an ordinary Spring Tide, and that such Height shall be ascertained by *John Rennie* and *Ralph Dodd*, Engineers, or in case of their Disagreement by an Umpire to be named by them, and which said Umpire the said *John Rennie* and *Ralph Dodd* are required to appoint within Three Calendar Months after the passing of this Act.

XVIII. Provided always, and be it further enacted, That in case the said *John Rennie* shall die or decline to act before such Height of Tide shall be settled as aforesaid, then the said *Croydon Canal Company* shall, within Three Calendar Months after his Death or declining to act, appoint another Engineer in his Stead; and that if the said *Ralph Dodd* shall die or decline to act before such Height of Tide shall be settled as aforesaid, then the said *Grand Surrey Canal Company* shall, within Three Calendar Months after his Death or declining to act, appoint another Engineer in his Stead; and that in case any such future Engineers or Umpire shall die or decline to act before the Matter aforesaid shall be settled, then so often as the Case shall happen the Place or Places of such Engineers or Umpire shall, within One Calendar Month next after any such Death or Refusal, be supplied in the same Manner in which his or their Appointment was originally made.

Appointment
of Engineers.

XIX. And be it further enacted, That the Basin, Wharfs, Warehouses, and other Conveniencies which shall be made by the Proprietors of the said *Croydon Canal* for the Use of the Trade of the same Canal, shall be made and erected on the East Side of the said *Grand Surrey Canal*, and on the South Side of the Basin intended to be made and already staked out for the said *Grand Surrey Canal*, and not within One hundred Yards of the said last-mentioned Basin; and that such Basin, Wharfs, Warehouses, and other Conveniencies so to be erected by the Proprietors of the said *Croydon Canal*, shall be used exclusively for the Trade of the said *Croydon Canal*.

Situation of
Basin and
Wharfs for
the Trade of
the *Croydon*
Canal.

XX. And be it further enacted, That in case that Part of the said *Grand Surrey Canal* which extends from the Field Number Seventeen and Number Seventy-two before mentioned to a certain Place called *Wilkinson's Gun Wharf*, shall not be open and completed for the Purpose of Navigation and the other Purposes of the *Croydon Canal* before the Twenty-fourth Day of *June* One thousand eight hundred and four, then that it shall be lawful for the Proprietors of the said *Croydon Canal* to cause the same to be done and to recover the Expence attending the same, of and from the Proprietors of the said *Grand Surrey Canal*, by an Action to be brought against them by the Proprietors of the said *Croydon Canal* in any of His Majesty's Courts of Record at *Westminster*: Provided always, That the Proprietors of the said *Croydon Canal* shall not be at Liberty to cause such Part of the Line of the said *Grand Surrey Canal* to be made as aforesaid, until the said *Croydon Canal* shall be made so as that the Proprietors thereof shall be prepared to use such Part of the said *Grand Surrey Canal* as aforesaid.

Croydon Canal
Company may
finish a certain
Part of the
Surrey Canal
after a limited
Time.

XXI. And

XXI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent the Execution of the said *Grand Surrey Canal* in as complete and ample Manner as they are authorized to execute the same by the said Act, subject always to the Regulations herein-before enacted respecting the Junction of the said *Croydon Canal* and the said *Grand Surrey Canal*.

Bodies Politick and Corporate, Tenants for Life, and other incapacitated Persons empowered to sell and convey Lands for the Purposes aforesaid:

XXII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Canal, Aqueducts, and Works, or any Part or Parts thereof, or any of them, it shall be lawful for the King's most Excellent Majesty, His Heirs and Successors, and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees, in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, 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, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company of Proprietors; and if it shall happen, that by making the said Canal or Aqueducts, or by the Conveyance of Water thereto or therefrom, or by making or constructing of any other of the Works hereby authorized to be made, the Property of any Land Owner, or Land Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate, or Collegiate, and all such other Person and Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to be testified by Writing under their Hands and Seals, although they may not be assembled at any Meeting of the said Commissioners to be held by virtue of this Act, to contract for, sell, and dispose of, or to convey in Exchange for other Lands, all or any Part of such small Parcels of Land so separated to any Person or Persons whomsoever, for such Price or Consideration in Money, or other Equivalent, as to the said Commissioners shall seem reasonable; and all such Bodies Politick, Corporate, or Collegiate, and other Persons so conveying or exchanging as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale or Exchange which he, she, they, or any of them shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances (except those which concern any Purchase or Exchange between any such respective Land Owners) shall be made at the Expence of the said Company of Proprietors, and such of them as shall be made of any Lands or other Hereditaments, to the said Company of Proprietors, shall be made according to the following Form; (*videlicet*)

and, with the Consent of the Commissioners, to sell or exchange any Lands which may be so separated as to render the Occupation thereof inconvenient.

Form of Conveyance to the Company.

I, A. B. of _____ in Consideration of the
 Sum of _____ to me paid [or, in Consideration
 of the annual Rent of _____ to me
 £ to

to be hereafter yielded and paid by yearly or half-yearly Payments, as may be agreed upon] by the Company of Proprietors of the Croydon Canal, do hereby grant and release to the said Company all [describing the Premises to be conveyed] and all my Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Company and their Successors for ever, by virtue and according to the true Intent and Meaning of the Act passed for making and maintaining the said Croydon Canal. In Witness whereof I have hereunto set my Hand and Seal the _____ Day of _____ in the Year of our Lord

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; which said Conveyances shall be kept by the Clerk to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said Company of Proprietors, shall be according to the following Form; (videlicet),

I, A. B. of _____ do hereby, by virtue of a certain Act passed in the Forty-first Year of the Reign of His Majesty King George the Third, intituled, *Ani. Act.* [Insert the Title of this Act] and by and with the Consent and Approbation of _____ or more of the Commissioners appointed under or by virtue of the said Act, testified by their Signature hereof, and in Consideration of the Sum of _____ to me in Hand paid by C. D. of _____ at or before the Sealing and Delivery of these Presents, the Receipt whereof I do hereby acknowledge [or, in Exchange for certain Lands situate _____ conveyed to me by the said C. D. by Writing under his Hand and Seal, bearing even Date therewith] grant and release to the said C. D. all [describe the Premises] to hold to the said C. D. his Heirs and Assigns for ever. As Witness my Hand and Seal this _____ Day of _____

Form of Conveyance to any other Persons than the Company.

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; and every such Conveyance and Assurance to be made by virtue of this Act, in the Form and Manner aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding.

XXIII. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of or concerning any Lands, Tenements, or Hereditaments, which shall be Copyhold or of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the Court of the Manor of which the same are holden, according to the Custom of such Manor; and such Lands, Tenements, or Hereditaments, shall continue subject to the same Fines, Rents, and Services, as are due and payable, and of Right accustomed, in the same Manner as if this Act had not been made, unless the Lord or Lords of the [Loc. & Per.] _____ 26 C _____ Manor

Respecting Copyholds.

Manor for the Time being shall be desirous of enfranchising the same, in which Case such Lord, or Lords is and are hereby empowered so to do, notwithstanding he or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold Premises in the said Company as a Body Corporate, would prevent such Lord or Lords from receiving such Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he or they would have done in case such Copyhold Premises had continued to be the Property of Persons in their natural Capacities; and in case the said Lord or Lords of the said Manor shall decline to enfranchise the respective Parcels of Copyhold Land held of the said Manor, which shall be purchased by or vested in the said Company for the Purposes aforesaid; he or they shall be entitled to, and shall be paid by the said Company, a reasonable Recompence and Satisfaction for the Loss that will arise to him or them in respect of such Fines, Heriots, and other Services, the Enjoyment of which will be diminished or lost by the vesting and continuing of such Copyhold Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment of the certain Copyhold Rents issuing out of such Copyhold Tenements, of which a Part only shall be taken for the Use of the said Canal, if not settled by Agreement between the Parties, shall be ascertained and settled by the Commissioners hereby appointed, in such Manner and subject to such Verdict of a Jury, if required; as is herein-after directed.

The Company
compellable to
purchase small
Slips of Land
left by the Side
of the Canal.

XXIV. And be it further enacted, That if, in making the said Canal or any of the said Aqueducts, any Pieces or Parcels of Ground shall be cut through or divided, so that what shall be left on each or either Side of the said Canal shall be less than Half an Acre in Quantity, or less than Twenty Yards in Average Breadth, throughout the whole Length thereof, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Canal, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Ground so to be left on each or either Side of the said Canal, being less than Half an Acre in Quantity, or less than Twenty Yards in Average Breadth, throughout the whole Length thereof as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Canal, Aqueducts, and other Works, provided the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

Company emp-
powered to
re-sell Lands
which may
not be wanted.

XXV. And whereas in order to carry into Effect the Purposes of this Act, and to avoid Disputes with the Owners of Lands, Grounds, or Hereditaments, which may be affected by making the said Canal, Aqueducts, and Works, the said Company of Proprietors may purchase Lands, Buildings, or Hereditaments, not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and

and by Indenture under their Common Seal absolutely to grant and convey, such Part or Parts of the Lands or Hereditaments which shall be so purchased by and conveyed to the said Company of Proprietors as aforesaid, and as shall not be wanted for the Purposes of this Act, and also to lay out and appropriate any Part of the said Lands and Premises as and for a Way or Ways, Avenue or Avenues, Passage or Passages; and that all such Conveyances from the said Company of Proprietors shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Rents, or Premises, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Rents, or Premises shall be sold, or for so much thereof as in such Receipts shall be expressed to be received; and such Person or Persons shall not be answerable for any Losses, Misapplication, or Non-application of such Purchase-Money, or any Part thereof: Provided always, That the said Company of Proprietors, before they shall sell and dispose of such Lands or Hereditaments, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased the same; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Hereditaments shall lie, by some Person or Persons noway interested in the said Lands or Hereditaments, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and was not then and thereupon agreed to, or was refused, by the Person or Persons to whom the same was so made, shall be in all Courts whatsoever sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

XXVI. And be it further enacted, That in all Conveyances to be made by the said Company of Proprietors, under or by virtue and in pursuance of the several Powers and Authorities to them hereby given, the Words *Grant, Bargain, and Sell*, shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, or Assigns, from the said Company of Proprietors, for themselves, and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were, at the Time of the Execution of such Conveyance, seised of the Hereditaments and Premises thereby granted, bargained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances for quiet Enjoyment thereof, against the said Company of Proprietors, their Successors and Assigns, and all claiming under them, indemnified and saved harmless by the said Company of Proprietors and their Successors, from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments, and Premises thereby bargained and sold, to be made by the said Company of Proprietors, their Successors, and Assigns, and all claiming under them, unless the same shall be restrained and limited by

The Words
*Grant, Bar-
gain, and Sell,*
to operate as
Covenants
for the Title.

by express particular Words contained in such Conveyances, or any of them; and that such Purchasers, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances respectively.

Application of
Rent and Pur-
chase Money.

XXVII. And be it further enacted, That all and every Sum and Sums of Money, which shall be had, received, and taken by the said Company of Proprietors as the Consideration of any such Sale as aforesaid, shall be paid, applied, and disposed of in such and the like Manner as the Rates, Tolls, and Duties, arising or to arise from the said Canal and Aqueducts, are hereby directed to be paid, applied, and disposed of.

Satisfaction to
be made;

XXVIII. Provided always, and be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated, to sell and convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Canal and Towing Paths, and the said Aqueducts, or other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Value of such Lands, Grounds, and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before directed, either in Gross Sums or by annual Rents (except in Cases of Spiritual Persons, to whom all such Compensations for Glebe and Tythes are herein-after directed to be made by annual Rent, or by a Conveyance of Land, as herein-after mentioned) as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company of Proprietors; and in case the said Company of Proprietors and the Parties interested in such Lands, Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury (if required) as is herein-after directed; and all such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors and the said Parties interested in such Lands, Grounds, or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors either yearly or half-yearly, as the same shall be agreed to become due and payable; and in case the same shall not be paid within Thirty Days next after the same shall so become due and payable, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at any Meeting to be held by virtue of this Act, and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and 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, the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office as they shall judge proper and sufficient; and every Person so appointed shall be deemed a Collector of the said Rates; and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector

either by gross
Sums or by
annual Rents.

The yearly
Rents to be
charged on
the Rates.

tot of the said Rates by the said Company of Proprietors, until such yearly Rents or Sums, with all Coſts and Damages occaſioned by the Non-payment thereof, ſhall be fully ſatiſfied and paid, or it ſhall be lawful for ſuch Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſon or Perſons to whom ſuch yearly Rents or Sums ſhall be due and owing as aforeſaid, to ſue for and recover the ſame with Coſts of Suit, by Action of Debt in any of His Maſtey's Courts of Record, or otherwiſe to ſeize and diſtrain any Boats, Veſſels, or other Goods or Effects of the ſaid Company of Proprietors which ſhall be found upon the ſaid Canal, or in or upon the Wharfs, Quays, Warehouſes, or other Works thereto belonging, (Information of ſuch Diſtreſs being immediately given to the ſaid Company of Proprietors by Notice in Writing, delivered to their Clerk or any of the Collectors of the Rates, or affixed to ſome of their Wharfs or Quays near to the Place where ſuch Diſtreſs was made) and to detain the ſame until Payment of ſuch yearly Rents or Sums then due and owing, together with the reaſonable Charges attending ſuch Diſtreſs, and if ſuch Diſtreſs ſhall not be redeemed within Seven Days next after making the ſame, and Notice thereof given in Writing as aforeſaid, then ſuch Boats, Veſſels, or other Goods or Effects ſo diſtrained, ſhall and may be ſold or diſpoſed of in ſuch Manner as the Law directs in caſe of a Diſtreſs for Rent.

XXIX. And whereas upon a Division and Allotment which has lately been made of the Open and Common Fields, Commons, Waſtes, and other Lands and Grounds within the ſaid Pariſh of Croydon, certain Parts of the Commons or Waſte Lands there have been ſet out and allotted for the Uſe of the Inhabitants of the ſaid Pariſh in common; be it therefore enacted, That as a Conſideration for the Purchaſe of ſuch Part or Parts of the ſaid Commons or Waſte Lands ſo ſet out and allotted for the Uſe of the ſaid Inhabitants, as ſhall be taken and uſed in the making of the ſaid Canal and Towing Path, and the ſaid Aqueducts, the ſaid Commiſſioners ſhall aſcertain the Amount of an annual Rent, to be paid by the ſaid Company of Proprietors, and which ſaid annual Rent ſhall be paid by them to the Overſeers of the ſaid Pariſh of Croydon for the Time being, and ſhall be by them applied for the Benefit of the Poor of the ſaid Pariſh, in ſuch Manner as the Pariſh Veſtry ſhall from Time to Time direct or appoint; and in caſe the ſaid Company of Proprietors ſhall be deſirous of acquiring any further Part or Parts of the ſaid Lands ſet out and allotted as laſt aforeſaid, for the making of any Wharfs, Quays, Baſons, or other Conveniencies, for any of the Purpoſes intended by this Act, they the ſaid Company ſhall cauſe an Application, for the Purchaſe of any ſuch Parcel or Parcels of Land, to be made to the Vicar, or any of the Churchwardens or Overſeers of the Poor of the ſaid Pariſh, who ſhall forthwith cauſe a Veſtry to be called for taking the ſame into Conſideration, and if ſuch Veſtry ſhall approve of the ſaid Parcels of Land being ſold to the ſaid Company, then the Commiſſioners appointed by this Act ſhall fix the Amount of an annual Rent to be paid by the ſaid Company, as the Conſideration for the Purchaſe thereof, and which ſaid annual Rent ſhall be paid in the ſame Manner, and for the ſame Purpoſes, as the annual Rent to be paid for the Land taken for the ſaid Canal and Towing Path, and the ſaid Aqueducts, is herein-before directed to be paid; and it is hereby enacted and declared, that the Receipt of the Overſeers of the Poor of the ſaid Pariſh of Croydon for the Time being,

For purchaſing Waſte Lands in the Pariſh of Croydon (Part of the Inhabitants Common).

for the successive Payments of the said annual Sum or Sums, shall be sufficient Discharges to the said Company for the same; and that a Grant or Releale of the said several Parcels of Land, under the Hands and Seals of the Vicar, Churchwardens, and Overseers of the Poor of the said Parish of *Croydon*, for the Time being, shall be a valid and effectual Conveyance thereof: Provided always, That in case the said Company of Proprietors shall at any Time be desirous of redeeming or extinguishing the said annual Rent or Rents, by conveying Land, of adequate Value, in lieu thereof, then it shall be lawful for them so to do, with the Consent of the Commissioners hereby appointed, and in such Case the said annual Rent or Rents shall thenceforth cease, and a Conveyance of such Lands made by the said Company, or by any other Person or Persons in whom the same may be vested, to the Churchwardens of the said Parish for the Time being, and their Successors, shall be a valid and effectual Conveyance thereof, and the Rents and Profits of such Lands shall be thereafter applied in the same Manner as the before-mentioned annual Rent or Rents.

In all other Cases the Common or Waste Lands are to be conveyed by the Lords of the Manors.

XXX. And be it further enacted, That in all Cases where, in making the said Canal, Aqueducts, or other Works hereby authorized, or any Road or Roads thereto respectively, there shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, (except in the said Parish of *Croydon*) the Conveyance of such Parts of such Commons or Wastes, by the Lord or Lords, Lady or Ladies of the Manor or Manors in which the same are situate, to the said Company of Proprietors, shall be a good and sufficient Conveyance thereof (without the Commoners or other Persons interested therein joining in such Conveyance) and the said Commissioners shall ascertain what Proportion of the Purchase Money shall be due to the said Lord or Lords, Lady or Ladies, for his, her, or their Interest in such Lands, and such Proportion shall be thereupon paid to him, her, or them, for his, her, or their own Use and the Remainder of the said Purchase Money shall be paid to the Overseers of the Poor of the Parish in which such Lands shall lie, and be applied by them in Aid of the Pours Rates, and the Receipts of the said Lord or Lords, Lady or Ladies, and of such Overseers respectively, shall be sufficient Discharges to the said Company of Proprietors for the same.

Commissioners.

XXXI. And be it further enacted, That *Robert Allen, Robert Bridges, William Budgen, Thomas Blake, George Bailey, the Reverend Gilbert Buchanan, John Bristow, William Blake, William Borrodaile, the Reverend Bullock Doctor in Divinity, Edward Brown, William Broadbent, William Boulbee, Sir William Clayton Baronet, John Claxton, William Clutton the Younger, Benjamin Cole, Samuel Chollet, Joseph Cator, George Charrington, William Charrington, John Corbett, Thomas Cole, Abraham Driver, William Driver, John Hodson Durand, Charles Everingham, William Elliot, John Fly, John Farley, the Reverend John Bromfield Ferrers, Samuel Farmer, Sir John Farnaby Baronet, John Fuller, George Field, George Grote, William Parker Hamond, James Hawkins, Robert Hoggart, Michael Cope Hopton, John Hames, William Homer, the Reverend John Ireland, William Jolffe, Thomas Leverton, Robert Lucas, Robert Lloyd, John Lee, Thomas Meager, Francis Meager the Younger, George Matthew, Thomas Meager the Younger, Robert Meager, Thomas Miller, William Nash, William Pollard, John Pollard, the Right Honourable*

able *William Russell* commonly called *Lord William Russell*, the Reverend *William Rose*, *John Rodley*, *Christopher Taddy*, *Thomas Turner*, *Daniel Richard Warrington*, *William Wilkinson*, *John Wills*, and their Successors, to be elected in Manner herein-after mentioned; shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may arise between the said Company and the several Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments, which shall or may be taken, affected, or prejudiced, by the Execution of any of the Powers hereby granted.

XXXII. And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it further enacted, That when any of the Commissioners hereby appointed, or to be elected in Manner herein mentioned, shall die or refuse to act, or shall cease to reside in either of the said Counties of *Surrey* and *Kent*, the surviving or remaining Commissioners shall, and they are hereby empowered from Time to Time, at some Meeting to be held for that Purpose, by Writing under their Hands, to elect and appoint another Person in the Place of every Commissioner so dying or refusing to act, or ceasing to reside in *Surrey* or *Kent*; and all such Commissioners so to be appointed shall, from the Time of their respective Appointments, have the like Authority, in all Things relating to the Execution of this Act, as if they had been expressly named Commissioners in and by this Act.

For supplying new Commissioners in the Stead of those dying, &c.

XXXIII. And be it further enacted, That in case it shall happen that the surviving or remaining Commissioners shall at any Time neglect or refuse, upon any Vacancy, to nominate or appoint a new Commissioner, or that for Want of a proper Number of Commissioners in the Neighbourhood, it shall become difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in case the Commissioners nominated in this Act, or hereafter to be elected under and by virtue thereof shall be reduced to a less Number than Twenty, then and in any of the said Cases it shall be lawful for the said Company from Time to Time to make Complaint thereof to the Justices of the Peace for the said County of *Surrey*, assembled at any Quarter Sessions of the Peace holden for the said County, who are hereby authorized to receive and hear the said Complaint, and upon due Proof thereof being made to them, to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit to be Commissioners, for the Purposes of this Act; and the said Commissioners, so nominated and appointed, shall from thenceforth have the like Powers and Authorities as if they had been named in this Act.

The Quarter Sessions to appoint Commissioners in certain Cases.

XXXIV. And be it further enacted, That any of the said Commissioners who shall be Justices of the Peace for the said Counties of *Surrey* and *Kent*, or either of them, may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act.

Commissioners being Justices of the Peace, may still act as Justices.

XXXV. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor

Qualification of Commissioners.

Proprietor of the said Undertaking, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be in anywise interested or concerned in the Matter in question, nor unless he shall reside in the County of *Surrey* or of *Kent*, and shall be seized in his own Right, or in the Right of his Wife, and not as a Mortgagee, at the Time of such his acting, of an Estate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or unless he shall be possessed of a Personal Estate, or a Real and Personal Estate together, of the clear Value of Five thousand Pounds, nor shall any Person act as a Commissioner in the Execution of this Act, otherwise than giving Notice of the First Meeting of the Commissioners, and administering an Oath or Affirmation, in the Words following to the other Commissioners, until he shall have taken such Oath or Affirmation before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say),

Their Oath

I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemnly affirm] That I am truly and *bonâ fide* in the actual Possession or Enjoyment of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above all Reprizes [*or*, possessed of or entitled to a Personal Estate, or a Real and Personal Estate together, to the Amount or Value of Five thousand Pounds]; and that I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by an Act made in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled, [*insert the Title of this Act*]. So help me GOD

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

Commissioners Meetings.

XXXVI. And be it further enacted, That upon Application to be made in Writing, by or on the Behalf of the said Company of Proprietors, or by any Owner or Occupier of any Lands, Tenements, or Hereditaments, to be affected by the said Canal, Aqueducts, or other Works, unto

unto any Three or more Persons qualified to act as Commissioners for the Purposes of this Act, requesting them to appoint a General Meeting of the said Commissioners, the Commissioners so applied to shall, and they are hereby required, within Seven Days after such Request, to give Notice of a General Meeting to be held at such Time and Place as shall be expressed in such Notice; such Time not being less than Fourteen nor more than Twentyone Days from the Day on which such Request shall be made; and the said Commissioners shall and they are hereby required, at such their First Meeting, to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One of them as the said Commissioners shall think proper to be their Clerk; and the said Commissioners may, if they shall think proper, from Time to Time, at any of their subsequent Meetings, remove any such Clerk, and appoint another in his Stead, out of Three Persons to be nominated by the said Company of Proprietors; and every such Clerk shall be paid for his Time, Care, and Trouble in the Execution of his Office, by the said Company of Proprietors; and all the Orders and Proceedings of the said Commissioners, as well at their first as at every subsequent Meeting, shall be regularly entered by their Clerk in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company of Proprietors, and such Entries being signed by such Number of Commissioners respectively as are empowered by this Act to make such Orders or carry on such Proceedings, or by their Clerk, by the Orders and Directions of such Number of Commissioners as aforesaid, who shall be assembled at any such Meeting or Meetings, shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity; but no such First or other Meeting whatsoever of the said Commissioners, except such adjourned Meetings as herein-after mentioned, shall at any Time be had for putting into Execution any of the Powers or Authorities vested in the said Commissioners by this Act, unless Fourteen Days previous Notice, at least, of every such intended Meeting shall be given in some Newspaper usually circulating in the County in which such Meeting shall be proposed to be held; and every Meeting of the said Commissioners, by virtue of this Act, shall be held publicly, and no Order, Direction, or Determination of the said Commissioners, or any of them, touching any of the Matters and Things herein contained (except in such Cases as are hereby otherwise directed) shall be valid and effectual, unless the same shall be made or done at some Meeting to be held in pursuance of this Act; and all the Powers and Authorities by this Act given to or vested in the said Commissioners (except such as may be executed without their being assembled at any Meeting or Meetings) shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at any such Meeting not being less than Five, and at every such Meeting One of the Commissioners present shall be appointed Chairman, who in case of an equal Division of Voices shall have the casting Vote.

Clerk to be appointed.

Proceedings to be entered and signed.

Notice of Meetings.

XXXVII. And be it further enacted, That from Time to Time, upon any Application to be made in Writing by or on the Behalf of the said Company of Proprietors, or by any Three or more Owners or Occupiers of any Lands or Hereditaments to be affected by the making of the said Canal, Aqueducts, or Works, to the Clerk of the said Commissioners, requesting him to appoint a Special Meeting of the said Commissioners,

To appoint Special Meetings, when required.

[Loc. & Per.]

Commissioners may adjourn all Meetings.

the said Clerk shall and he is hereby authorized and required, within Fourteen Days next after such Request or Application made, to give publick Notice in Manner aforesaid of such Meeting, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request or Application shall be made to him as aforesaid; and the said Commissioners are hereby empowered and required, notwithstanding any previous or intervening Adjournment of their Meetings, to assemble at the Time and Place so to be appointed, in order to put into Execution the Powers and Authorities hereby given to and vested in them, respecting any Matter for which such Special Meeting shall be required; and in case the Business to be transacted at any General or Special Meeting of the said Commissioners to be held in pursuance of this Act, shall not be finished on or within the Day appointed for such Meeting or if a sufficient Number of Commissioners shall not attend for that Purpose, then and in such Case any One or more of the Commissioners who may be then present, shall adjourn such Meeting to such Time and Place or Times and Places as such One Commissioner, or the major Part of such Commissioners, if there shall be more than One present at any such Meeting or Meetings, shall think proper and convenient, but no such Adjournment shall be made for a longer Time than Two Calendar Months; and if it shall happen that there shall not appear, at any Meeting to be held under the Powers of this Act, any Commissioner or Commissioners to adjourn, or if they shall omit to make an Adjournment, then and in such Case, and as often as the same shall so happen, the Clerk to the said Commissioners shall and may, by publick Notice, to be given in Manner aforesaid, appoint the Commissioners to meet at the House or Place where the last Meeting of the said Commissioners was appointed to be held or was holden, within Twenty-one Days next after the Day on which such former Meeting was to have been held or was holden, or any Three or more of the said Commissioners may at any Time or Times revive or continue the Meetings of the said Commissioners, by calling another Meeting to be holden at such Time or Times as any such Three Commissioners shall appoint, and at any Place within Two Miles of the said Canal or other Works, publick Notice being given in Manner aforesaid, by the same Commissioners, of all such Revivals and Continuations of the said Meetings: Provided always, That every Special Meeting of the Commissioners to be held upon such Request or Application as aforesaid, for hearing or determining any particular Complaint, Controversy, Dispute or Difference, between the said Company of Proprietors and any other Person or Persons, shall be held at some Place within Two Miles of the Place where such Complaint or Dispute shall arise.

Their Power of fixing the Price of Lands taken for the Canal, and to settle Compensation

XXXVIII. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and required at any of their Meetings to examine Witnesses on Oath, to be administered by them, touching any Matter which may in pursuance of this Act be submitted to the Consideration of the said Commissioners, and they 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 Company of Proprietors (either in Gross or by an annual Rent or Payment) for the absolute Purchase of or as a Recompence for the Use of the Lands, Grounds, or Hereditaments, which shall be so set out and ascertained as aforesaid, for making the said Canal and Aqueducts,

ducts, or for any other the Purposes of this Act, and also to adjust and determine the Compensation to be made by the said Company of Proprietors for any Damages which may or shall be at any Time or Times hereafter sustained by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners of or interested in any Lands, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same, or by reason of the making, using, repairing, or maintaining the said Canal and Towing Paths, and the said Aqueducts, and all the Works and Conveniencies belonging thereto, or by the flowing or breaking of Water over or through the Banks of the said Canal, or from the said Aqueducts, or any other Works which shall be made pursuant to the Powers hereby given, or by not cleansing the same, or by reason or means of the Execution of any other of the Powers hereby given to the said Company of Proprietors.

XXXIX. Provided always, and be it further enacted, That if the said Company of Proprietors, or their Committee for the Time being, or any such Body Politick, Corporate, or Collegiate, or any Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, shall be dissatisfied with any such Judgement or Determination, and shall give Notice thereof in Writing to the Clerk to the said Commissioners, within Twenty-one Days next after the same shall have been made, or shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners, or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, shall refuse to receive, upon due Tender thereof made, such Purchase Money, or the First Payment of such annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer of any such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, for the Space of Twenty-one Days next after such Notice, Neglect, or Refusal to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not, within the before-mentioned Space of Twenty-one Days, produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein, then and in every such Case the said Commissioners shall and they are hereby empowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the County, in which the Matter in question shall arise; and in case any such Sheriff or his Under Sheriff shall be One of the said Company of Proprietors, or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of such County who shall not be so interested as aforesaid; and in case all the said Coroners of such County shall be so interested, then to the last Person who filled the Office of Sheriff of such County, and who shall not be interested as aforesaid, commanding such Sheriff, Coroner, or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person, is hereby required accordingly

If Parties are dissatisfied with the Commissioners Determination, they may cause a Jury to be impanelled to decide the Matter.

accordingly to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials or Issues in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Eight nor more than Fourteen Days after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff, Coroner, or other Person, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve, and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; 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 are hereby empowered and required, by a Summons or Notice to be signed by any Three or more of the said Commissioners, either previous to or at the Time of any such Meeting or Meetings; to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question; and to hear and examine such Witness or Witnesses upon Oath; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in question, which Jury, upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer) shall enquire of, assess and ascertain the Sum of Money or annual Rent to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgement for such Purchase Monies, Rent, or Recompence, so to be assessed by such Jury; which said Verdict and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politick, Corporate, or Collegiate, and all other Persons, and shall not be removed by *Certiorari*, or other Process, into any of His Majesty's Courts of Record at *Westminster*, or any other Court; any Law or Statute to the contrary notwithstanding.

Compelling
the Sheriff to
summon the
Jury.

XL. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit any Sum not exceeding Fifty Pounds nor less than Twenty Pounds, and if any Person so summoned and returned as aforesaid, upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner willfully 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, having no reasonable

able Excuse, to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant, under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person so offending; rendering to him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted, and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Commissioners to be injured by the Default of such Person, and all other Penalties as aforesaid, shall be applied in such Manner as the said Commissioners shall direct and appoint.

XLI. And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners, or before any such Jury, or before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof, shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing
Persons guilty
of Perjury.

XLII. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses is, are, or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, as herein-before directed, the said Commissioners shall and they are hereby required, according to their Discretion, to give and award to each of the said Jurors and Witnesses, in every such Case, such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Case where a Verdict shall be given for more Money or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands or Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property, than had been previously offered by or on Behalf of the said Company of Proprietors, before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by or on Behalf of the said Company of Proprietors, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to and receive Compensations from the said Company of Proprietors, as herein-before mentioned, then and in all such Cases all the Expences of calling such Commissioners, summoning such Jury, and taking such Verdict, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent that had been previously offered by or on Behalf of the said Company of Proprietors, or had been so determined or assessed by the said Commissioners

Respecting the
Costs of the
Application to
the Commis-
sioners and to
the Jury;

and for paying
the same.

ers, or for a less Sum than had been so previously offered, determined, or assessed, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey, or receive such Compensations as aforesaid, then and in all such Cases (except when by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have had such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money, shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, in case such Costs and Expences shall not exceed the Amount of the Sum or Sums so assessed and adjudged, but if it shall happen to exceed the same, then the Balance may be recovered by the said Company of Proprietors, against the Person or Persons with whom they shall have had such Concern, Controversy, or Dispute, by an Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Persons requiring a Jury to be summoned, shall first give Security to prosecute, and for Payment of the Costs.

XLIII. And be it further enacted, That all and every Person or Persons making Complaint, and requesting a Jury to be summoned, shall (before the said Commissioners shall issue out their Warrant for that Purpose) enter into a Bond, with Two sufficient Sureties, to the Treasurer to the said Company of Proprietors, in a Penalty of One hundred Pounds, with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Cost and Expences of summoning such Jury, and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by or on Behalf of the said Company of Proprietors, or than had been assessed by the Commissioners, before the summoning and returning the said Jury or Juries, for the Purchase of or as a Recompence for any Lands or Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages, where the whole Dispute was, whether any Damages was or was not done as aforesaid.

Commissioners not to take Notice of any Complaint, unless it appears that a previous Application upon the Matter has been made to the Company of Proprietors.

XLIV. And be it further enacted, That the said Commissioners shall not, nor shall any of them be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them, sustained or supposed to be sustained by virtue or in consequence of this Act, unless Application shall have been made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their Treasurer or Clerk, or to their known Agent or Agents, or to some Collector or Collectors of the Rates, arising from the

the said Undertaking, residing nearest to the Place where the Cause of Complaint shall arise, Fourteen Days at the least before such Complaint shall be made to the said Commissioners, and within the Space of Three Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

XLV. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes, both Great and Small, of the Lands which shall or may be taken or made use of by the said Company, for the Purposes and in pursuance of the Powers of this Act, to the respective Persons entitled or who would have been entitled to such Tythes in case such Lands had not been so taken or made use of according to their respective Interests therein, such Tythes to be estimated at the Average Value of Four Years, commencing at Michaelmas Day One thousand seven hundred and ninety-six, such Average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, That the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tythes belonging to Spiritual Persons shall be made to such Persons by an annual Rent.

For making Satisfaction for Tythes.

XLVI. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgements, and Verdicts, which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Determinations by the Commissioners or Jury, concerning the Value of Lands, to be distinct from those relating to Compensations for Damages.

XLVII. And, in order that the said Company of Proprietors may not be impeded in the Prosecution of their said Undertaking, by Means of any such Proceeding before the said Commissioners or Jury, be it further enacted, That either upon Payment or legal Tender of such Sum or Sums of Money, or giving such Security as the said Commissioners shall approve for Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Tythes, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon the said Company's previously giving such Security as the said Commissioners shall approve for the future Payment of such Sum of Money, or duly securing such annual Rent, when the Amount thereof shall be fixed by the said Commissioners or Jury aforesaid, or if the Person or

The Lands are to vest absolutely in the Company, upon their either paying or giving Security for Payment of the Value of the Land, or Compensation for Damage.

Persons

Persons interested in the said Lands or Hereditaments, shall not be able to make a good Title thereto to the Satisfaction of the said Company, or shall refuse to receive the Sum or Sums awarded to him, her, or them, by the said Commissioners or Jury, or to execute a Conveyance, or in case such Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then in any of these Cases, upon Payment of the said Sum or Sums of Money into the Bank of *England* (in case the same shall be requisite) as herein-after mentioned, or if not, then on leaving or depositing the Money in the Hands of the Treasurer to the said Company of Proprietors, for the Use of such Person or Persons so interested or entitled as aforesaid, or upon the said Company's giving previously such Security as the said Commissioners shall approve for the future Payment of such Money as shall be fixed by the said Commissioners or Jury as aforesaid; and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively (or before such Payment or Tender, or Security given by leave of the Owners and Occupiers thereof) and then and thereupon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest, of any Person or Persons therein, shall from thenceforth be veiled in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever; and such Tender, Payment, Investment, or Deposit, or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, That before such Payment, Tender, Investment, Deposit, or Security as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Canal, Aqueducts, or Works, without the Consent of such Person or Persons respectively.

The Determinations of the Commissioners, and the Verdicts of the Jury, are to be recorded by the Clerk of the Peace.

XLVIII. And be it further enacted, That all the Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Judgement and Verdicts, shall be transmitted to and be kept by the respective Clerks of the Peace or other Persons having the Custody of the Records of the Quarter Sessions for the said Counties of *Surrey* and *Kent* respectively, wherein the Matter in question shall happen, and shall be deemed to be Records of such 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, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in Proportion for any less Number of Words.

XLIX. And

XLIX. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Peoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or Persons acting as Guardians, Committees, or Trustees, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands, or Estates are limited in strict or other Settlement, for the Purchase or Exchange of, or the Damage to be done to any Lands, Tenements, or Hereditaments, by virtue of the Powers herein contained, shall be paid and applied in Manner following; (that is to say) in case the same shall amount to or exceed the Sum of Two hundred Pounds, it shall, with all convenient Speed, be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Croydon Canal Company, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing this Act shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase and Settlement were made; and in case the Money so payable to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in re-

Purchase Money or Compensation due to Corporate Bodies, Minors, &c. to be laid out to the same Uses

spect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three of the said Commissioners) (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Appointment of the Court of Chancery; and in case the Money payable to such Corporation, or to any Person under Disability or Incapacity as aforesaid, shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, in respect whereof the same shall be paid, in such Manner as the said Commissioners shall think fit, or to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Commissioners shall direct the same to be paid, shall be sufficient Discharges for the same.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. shall be deemed entitled thereto, according to such Possession, unless, &c.

L. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person to any Money to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act; and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased, with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Company.

L. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any such Lands, Tenements, or Hereditaments, the Purchase Money whereof shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases

Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

LII. And be it further enacted, That all and every Person and Persons whomsoever, having or claiming any Right, Title, Interest, Use, Property, Claim, or Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, or out of any Lands, Tenements, or Hereditaments, which by virtue and for the Purposes of this Act shall be purchased by and conveyed to the said Company of Proprietors as aforesaid, shall within the Space of Five Years, to be computed from the Date of such Conveyance, enter a Memorial of such their Right, Title, Interest, Use, Property, Claim, and Demand, in a Book to be for that Purpose prepared and kept by the Clerk of the Peace for the Time being for the County in which such Premises shall be situate, which Book the said Clerk of the Peace is hereby required to prepare and keep accordingly, and for which Entry he shall be entitled to the Sum of Five Shillings; and all and every Person and Persons whomsoever, not entering such Right, Claim, and Demand, within such Time, and in such Manner as aforesaid, or having so entered the same, and not prosecuting such their Right, Claim, or Demand, with Effect, within the Space of Five Years, to be computed from the Time of such Entry, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, and Demand, whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in to, upon, or out of the said Premises, and every Part thereof, and the said Company of Proprietors, and those claiming by, from, or under them, shall be quieted in the Possession of all such Lands, Tenements, and Hereditaments; any Law, Statute, Usage, Matter, or Thing whatsoever, to the contrary notwithstanding.

Persons having any Right &c. to enter their Claims within a limited Time, or be barred.

LIII. Provided nevertheless, and be it further enacted, That any Person or Persons, barred of any Right, Title, Estate, Interest, Claim, or Demand whatsoever, in, to, or out of the said Lands, Tenements, or Hereditaments, by virtue of this Act, shall be at Liberty to bring any Action or Actions of Debt or for Money had and received, to his, her, or their Use, or when necessary, to file any Bill in Equity against any Person or Persons, or the legal Representatives of any Person or Persons who shall have received all or any Part of the Purchase Money arising from such Sale of the Lands, Tenements, or Hereditaments aforesaid; and that in every such Case the respective Plaintiffs, on such Proof of such Title as would have enabled them to recover such Lands, Tenements, or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase Money, or so much thereof as shall be equivalent to their Interest in the said Premises, together with such Interest as shall be equivalent to the mesne Profits of the Premises which they would have been entitled to recover in case this Act had not been made.

But may recover the Purchase Money, &c. from Persons receiving the same.

LIV. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any such Lands, Tenements, and Hereditaments, or any Part thereof which shall be taken or used for the Purposes of this Act, and who shall have no greater

Tenants at Will, &c. to deliver Possession on Six Months Notice.

greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the said Company, or from the Person or Persons so authorized by them; and such Person or Persons in Possession shall, at the End of the said Six Calendar Months, whether such Notice be given with Reference to the Time or Times of such Tenants holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company, or the Person or Persons authorized by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Mortgagees to convey.

LV. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal, by the said Company, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, that then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, That in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises to be ascertained as directed by this Act, then the said Company of Proprietors shall not be liable to pay to the Mortgagee or Mortgagees more than such real Value of such Premises so ascertained as aforesaid: Provided also, That in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid, into the Bank of England, at the End of Six Calendar Months from the Day of giving

giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him; her, or them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

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

Commissioners to allow to Tenants, etc. a just Proportion of the Purchase Monies, etc.

LVII. And be it further enacted, That such of the Inhabitants of the said Towns of *Croydon*, *Sydenham*, *Dulwich*, and *Streatham*, and the said District of *Norwood*, and all such other Persons inhabiting within the Distance of Two Miles of any Part of the Aqueducts or Pipes made by the said Company as aforesaid, as shall be desirous of having Water from the said Canal laid into their Houses or Offices, may and are hereby authorized and empowered, at their own Expence (having first obtained the Consent in Writing under the Hand of such Person, as shall be authorized by the said Company of Proprietors, under their Common Seal, to give such Consent) to open the Ground between the Company's Aqueducts or main Pipes and the respective Houses or Buildings of such Inhabitants, and to lay Leaden Pipes (the bore thereof to be ascertained by the said Company) from such respective Houses or Buildings to communicate with the said Aqueducts or Main Pipes, such respective Inhabitants paying to the said Company of Proprietors yearly, quarterly, or monthly, such Rate or Rates, or Sum or Sums of Money, for such Water, as shall be mutually agreed upon between them; and in case of Default in Payment of any such Rate or Rates, Sum or Sums of Money, so to be paid as aforesaid, it shall be lawful for the said Company to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with the Aqueducts and Main Pipes belonging to the said Company, to be separated from the same Aqueducts or Main Pipes, and to cause the Water to be stopped from issuing or running into the House or other Building of every Person making such Default; and that the Rate or Rates, Sum or Sums of Money, which shall be due and in Arrear from such Person or Persons, to the said Company of Proprietors, shall and may be recovered by the said Company, by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, in the same Manner as Rents reserved on common Demises may by Law be recovered; and if any Person shall lay, or cause to be laid, any leaden or other Pipe, to communicate with any such Aqueduct or Main Pipe belonging to the said Company of Proprietors, without such Consent being obtained as aforesaid, every such Person shall forfeit and pay to the said Company of Proprietors, their Successors, Executors, Administrators,

Respecting the Supply of Water.

Persons, upon agreeing with the Company, may open Ground, and lay Pipes to the Mains laid by the Company.

or Assigns, any Sum not exceeding Twenty Shillings nor less than Ten Shillings for every Day such Pipe shall so remain: Provided always, That any such Person as shall have laid leaden Pipes as aforesaid, shall be at Liberty to remove and take away the same Pipes, and the Cocks to the same Pipes belonging.

When Ground broken for laying Pipes, it is to be filled in again as soon as possible, and fenced in the mean Time, to prevent Accident.

LVIII. Provided always, and be it further enacted, That any Ground which shall or may be opened or broken up, either by the said Company of Proprietors, or by any other Person or Persons, for laying, taking up, or repairing any Aqueduct or Pipe by virtue of this Act, shall, by the said Company or other Persons respectively, be filled in, and the Rubbish occasioned thereby carried away as soon as conveniently may be, and in the mean Time shall be fenced or guarded so as that the same may not be dangerous to Passengers or Cattle, and that if there shall be any wilful or negligent Delay in any of the Agents of the said Company, or any such other Person or Persons, in taking up or repairing any of the said Aqueducts or Main Pipes, or any of the said Communication Pipes, or in filling in or removing the Rubbish thereby occasioned; that then and in every such Case the said Company's Agents, or such other Persons respectively, shall forfeit any Sum not exceeding Five Pounds nor less than Five Shillings.

For preserving the Water clean and wholesome.

LIX. And, in order to preserve the Water clean and wholesome; be it further enacted, That no Person shall bathe in any Part of the said Canal or Aqueducts, or in the Reservoir, or any Ponds thereto belonging, or wash any Dogs or other Animals therein, or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Thing, or wash or cleanse any Cloth, or any Wool or Leather, or the Skins of Sheep, Lambs, or other Animals, or any noisome or offensive Thing, in the said Canal and Aqueducts, Reservoir or Ponds, or cause or suffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into the same, or cause any other Annoyance to be done to the said Water thereof, upon Pain of forfeiting to the said Company of Proprietors, for every such Offence, any Sum not exceeding Five Pounds nor less than Five Shillings.

For hindering Persons supplied from supplying others, and for punishing Persons for wilfully letting off the Water.

LX. Provided always, and be it further enacted, That if any Person or Persons whomsoever shall take or use, or cause or permit to be taken or used, any Water from or out of any Aqueduct or Pipe, which shall be made or laid by virtue of this Act, without the previous Consent of the said Company of Proprietors, or if any Person or Persons whomsoever, supplied with Water by virtue of this Act, shall supply any other Person whomsoever with any Part of such Water, or if any Person or Persons whomsoever shall wilfully let off, or cause to run to waste any Water from any such Aqueduct or Pipe, then and in every such Case every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds nor less than Five Shillings; and it shall also be lawful for the said Company of Proprietors, if they shall so think fit, also to take off the Water from the House or Building of any Person so supplied and offending, for every such Offence.

Except in certain Cases,

LXI. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to subject any Person or Persons whomsoever, supplied

supplied with Water by virtue of this Act; to any Penalty or Forfeiture, for supplying any other Person or Persons also supplied with Water by, virtue of this Act, with any Quantity of such Water in case of Fire, or during such Time that the Pipes or Cocks of such last-mentioned Person, shall or may happen to be out of Repair, such Pipes or Cocks nevertheless being repaired as soon as possible after any Damage shall happen thereto.

LXII. Provided also, and be it enacted, That nothing in this Act contained shall extend to enable the said Company of Proprietors to convey Water by Pipes or otherwise from the said Canal, for the Purpose of supplying all or any of the Inhabitants residing within the Royal Manors of *East Greenwich* and *Sayes Court*, in the Counties of *Kent* and *Surrey*, or One of them, with Water, or in any other Manner to prejudice or injure the Proprietors of a certain Patent granted by his Majesty King *William* the Third, in the Thirteenth Year of his Reign, to *William Karnold*, and *Robert Watson*, enabling them, their Executors, Administrators, and Assigns, for the Term of Five hundred Years thence next ensuing, to convey Water by Pipes from the River *Ravensbourne*, to the Houses and Premises of the Inhabitants of the said Manors of *East Greenwich* and *Sayes Court*.

Not to injure the Proprietors of a Patent for conveying Water to East Greenwich, etc.

LXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as they shall think proper, a Sum of Money not exceeding in the Whole the Sum of Fifty thousand Pounds (except as herein-after mentioned) which said Sum of Money shall be laid out and applied, in the First Place, in discharging the Expences of obtaining and passing this Act, and of the Surveys, Plans, and Estimates, and other incidental Expences relating thereto, and then for and towards the making, completing, and maintaining the said Canal and Aqueducts, and other requisite Works and Conveniencies, and otherwise for putting this Act in Execution; and that the said Sum of Fifty thousand Pounds shall be divided into Shares of One hundred Pounds each, and that no Body Politick, Corporate, or Collegiate, or Persons subscribing thereto, or becoming a Proprietor in the said Undertaking, do become a Proprietor of less than One Share, or of more than Five Shares, either in his own Name or in the Name or Names of any other Person or Persons in Trust for him or her (unless the same shall come to him, her, or them by Will, Bequest, Descent, Right of Administration, or Marriage) upon Pain of forfeiting to the said Company of Proprietors all such Shares exceeding Five Shares; and that the said Shares shall be and are hereby vested in the several Persons, and Bodies Politick, Corporate, or Collegiate, so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politick, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, shall be entitled to and receive, after the said Canal, Aqueducts, and Works shall be completed, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue

The Company may raise amongst themselves a Sum not exceeding 50,000*l*.

by

By the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act; and every Body Politick, Corporate, and Collegiate, and Person having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same; in Manner herein directed and appointed.

Share to be
personal Es-
tates.

LXIV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politick, Corporate, and Collegiate, and all other Person and Persons of and in the said Undertaking, or the joint Stock or Fund of the said Company of Proprietors, shall be deemed personal Estate, and transmissible as such, and not of the Nature of real Property.

Subscribers to
have a Vote
for every
Share;

but not ex-
ceeding Five
Votes in the
Whole.

Votes may be
given by
Proxy.

LXV. And be it further enacted, That every Body Politick, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for every such Share, but not exceeding Five Votes in the Whole, although possessed of more than Five Shares, in the stated and Special General Assemblies, to be held as herein appointed for carrying on the Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politick, Corporate, or Collegiate, or the Hand of such other Person, every such Proxy being a Proprietor in the said Undertaking, and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, or Thing, which shall be proposed, discussed, or considered in any stated or Special General Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share: Provided nevertheless, That no Person shall vote for more than Five Shares as aforesaid, or shall act as Proxy for more than Five absent Proprietors, such Votes by Proxy or Proxies in the Whole not to exceed Five Votes or Shares, the Appointment of which Proxies may be made according to the Form following; (that is to say),

Form of
Proxy.

“ I *A. B.* of One of the Proprietors of
“ the *Croydon Canal*, do hereby nominate, constitute, and appoint
“ *C. D.* of to be my Proxy, in my Name,
“ and in my Absence to vote or give my Assent or Dissent to any Business,
“ Matter, or Thing relating to the said Canal, that shall be mentioned or
“ proposed at any Assembly of the Company of Proprietors of the said
“ Canal, in such Manner as he the said *C. D.* shall think proper, accord-
“ ing to his Opinion and Judgement, for the Benefit of the said Canal;
“ or any Thing appertaining thereto. In Witness whereof I have here-
“ unto set my Hand [*or, Seal*] the Day of

And at every General Assembly of the Company of Proprietors, One of the Proprietors present shall be appointed Chairman, and shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes, shall have the decisive or casting Vote.

LXVI. And

LXVI. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Canal and Aqueducts; and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or to raise, by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Thirty thousand Pounds; and every Body Politick, Corporate, or Collegiate, or other Person, being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote by themselves, himself, or herself, or their, his, or her Proxies or Proxy, in respect of every One hundred Pounds of the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Undertaking, in Proportion to the Sum they, he, or she shall or may subscribe, thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Fifty thousand Pounds.

Power to raise among themselves a further Sum, if necessary, not exceeding 30,000l.

LXVII. Provided always, That in case the said Company of Proprietors, or the Committee to be appointed by virtue of this Act, shall be desirous of raising the said Sum of Thirty thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, or their Committee, to borrow and take up at Interest all or any Part of the said Sum of Thirty thousand Pounds on the Credit of the said Undertaking, and to assign the Property of the same Undertaking, and the Rates arising or to arise, to the said Company of Proprietors by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same, to be paid out of such Rates) as a Security, for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following:—(that is to say),

Or to raise the said 30,000l. by Mortgage.

BY virtue of an Act made in the Forty-first Year of the Reign of King George the Third, intituled; *An Act* [insert the Title of this Act] We the Company of Proprietors of the said Canal, incorporated by and under the said Act; in Consideration of the Sum of _____ to us in Hand paid by *A. B.* of _____ do hereby bargain, sell, and assign, unto the said *A. B.* his Executors, Administrators, and Assigns, the said Canal, and all the Works thereto belonging, and all and singular the Rates arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, and to the same, to hold under the said *A. B.* his Executors, Administrators, and Assigns, until the said Sum of _____ with Interest for the same, after the Rate of _____ per Centum per Annum, shall be fully paid and satisfied. Given under our Common Seal this _____ Day of _____

Form of Mortgage

[Loc. & Per.]

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And

And all Persons to whom such Assignment shall be made, shall be equally entitled, One with the other, to their Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of the Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall, within Thirty Days from the Date of every such Assignment, be entered in One or more Book or Books to be kept by the Clerk to the said Company of Proprietors, which Book or Books shall and may be perused, at all reasonable Times, by any of the Proprietors or Creditors of the said Undertaking, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may, from Time to Time, transfer his, her, or their Right or Interest therein, to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following; (that is to say),

Which Mortgages may be assigned.

Form of Assignment.

I *A. B.* of _____ in Consideration of the
 Sum of _____ paid by *C. D.* of _____
 do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Croydon Canal*, to
 bearing Date the _____ Day of _____
 for securing the Sum of _____ and all Interest now
 due and to become due thereon, and all my Right and Property therein,
 to the said *C. D.* Executors, Administrators, and Assigns.
 Dated this _____ Day of _____

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk to the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and every such Entry made of such Transfer, shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid half-yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Mortgages not to be considered as Proprietors of Shares.

LXVIII. Provided always, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or be capable of acting or voting, by virtue of such Mortgage or Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors, for or on Account of his or her having lent or advanced any Money on the Credit of any such Assignment.

LXIX. Pro.

LXIX. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, shall be paid off and discharged (save and except with the Consent of the Person or Persons so lending and advancing such Sum or Sums of Money) unless Six Calendar Months previous Notice, under the Common Seal of the said Company of Proprietors, shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, or left at his, her, or their last or usual Place or Places of Abode, of such their Intention to pay off and discharge the same.

Notice to be given of paying off Money.

LXX. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution, shall be held at the *Greyhound Inn*, in the Town of *Croydon*, upon the Third *Monday* next after the passing of this Act; and all future General Assemblies of the said Company, except such Special General Assemblies as herein-after mentioned, shall be held on the First *Monday* in the Month of *June* in every Year, at the Hour of Ten in the Forenoon, at such Place or Places as the said Company of Proprietors, at their preceding General Assemblies, shall from Time to Time direct and appoint, of which General Assemblies Ten Days previous Notice at the least shall be given, by publick Advertisement in some Newspaper usually circulating in the Country through which the said Canal shall pass, or in such other Manner as the said Company of Proprietors, at their respective General Assemblies shall direct; and the said Company of Proprietors, at their respective General Assemblies, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed of Three Shares in the said Undertaking, a Committee to manage the Affairs of the said Company of Proprietors as herein directed, the said Committee to consist of Fifteen or more Persons; and the said Company of Proprietors shall have Power and Authority, at any such General Assembly, to remove and displace any Person or Persons who shall have been chosen a Member or Members of such Committee, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling General or Special Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted) and shall have Power to make such new Rules, Bye-laws, and Orders, for the good Government of the said Company and the said Committee, and their Servants, Agents, or Workmen, and for the whole, complete, and total Superintendance and Management of the said Undertaking, and of the Bargemen, Watermen, Boatmen, and others, who shall carry any Goods, Wares, or Merchandize, upon any Part of the said Canal, as to the said General Assemblies shall seem meet, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye-Laws, or Orders, as to such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence; which said Rules, Bye-Laws, and Orders, being reduced into Writing, under the Common Seal of the said Company of Proprietors, shall be printed, and shall then be binding upon and observed by all Parties using or in any Way concerned in the said Canal and the Works connected therewith, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall

First and other General Assemblies.

Their Proceedings and Powers.

A Committee to be elected.

act

act under the same, provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on Account of the said Canal and Works, by the Treasurer, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever, employed by or concerned for or under them, in and about the said Undertaking and the Works thereto belonging; but no Vote or Votes by Proxy shall be given, or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Assemblies be thought proper and convenient.

General Assemblies for choosing Committees, to consist of Fifty Shares.

LXXI. Provided always, and be it further enacted, That if at any such stated General Assembly there shall not be Persons present who shall be possessed of or entitled unto at least Fifty Shares in the said Undertaking, either as Principals or Proxies, no Choice of any Committee, nor any Removal of any Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of any such Committee who shall die or decline to act, shall be made at that Time, but in such Case there shall be another Assembly of the said Company of Proprietors of the said Undertaking at the same Place, upon that Day Four Weeks, and if there shall not then be present Persons possessing Fifty Shares, then another Meeting shall be appointed that Day Four Weeks, and if there shall not still be assembled Persons possessing Fifty Shares, then the existing Committee shall continue to act till the First Monday in the Month of June then next ensuing, (when the next stated Annual Assembly will take place); and the Persons chosen at such of those intermediate Meetings as shall be attended by Persons possessing Fifty Shares to be of any such Committee, shall have the same Powers as they would have had, and shall continue in such Offices until such Time as they would have done had they been chosen by any such stated General Assembly on the Day first appointed for holding the same.

Assemblies of the Proprietors may be specially convened.

LXXII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act in Execution, a Special General Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Five or more of the said Proprietors, who may each of them be possessed of or entitled to Five Shares in the said Undertaking, to cause Twenty-one Days Notice at least to be given thereof in some Newspaper usually circulating in the said Counties of Surrey and Kent, or in such Manner as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be held, which Place shall be within Two Miles of the said Canal; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them met together at every such Special General Assembly (provided such major Part shall be possessed of at least Thirty Shares in the said Navigation

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tion, either as Principals or Proxies) shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at any stated General Assembly.

LXXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Assembly, and they are hereby authorized and required from Time to Time to nominate and appoint, by Writing under their Hands, or the Common Seal of the said Company of Proprietors, a Treasurer or Treasurers, and One or more Collector or Collectors of the said Rates, and also a Clerk or Clerks to the said Company of Proprietors, and also to such Committee, taking such Security from such Treasurer, Clerk, Collector or other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Committee respectively; and each of the said Proprietors of the said Undertaking shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk to the said Commissioners, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying the Sum of Sixpence for every One hundred Words so to be copied, and if any such Clerk or Clerks to the said Company and Committee, or to the Commissioners, shall refuse to permit any Proprietor or Proprietors so interested as aforesaid, to inspect and peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and in case any such Treasurer, Collector, or Clerk, shall die or quit the Service of the said Proprietors, or such Committee or Committees, or by reason of any Negligence, Misconduct, or Inability in such Treasurer, Collector, or Clerk, to execute such Office or Offices, it shall be requisite to displace or remove him or them, then and in every such Case it shall be lawful for the Proprietors assembled at any such stated or Special General Assembly as aforesaid, or for the Committee of the said Proprietors, to remove any such Treasurer, Collector, or Clerk; and in case any such Collector, Treasurer, or Clerk, shall die, be removed from, or quit the Service of the said Company of Proprietors, or of the said Committee, then it shall be lawful for the said Company of Proprietors, at their stated or Special General Assemblies, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of the Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next stated or Special General Assembly of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or

Officers to the
Company to
be appointed.

Offices, as the said Proprietors at such stated or Special General Assembly may think proper; and all such Treasurers, Collectors, and Clerks, and all other Officers of the said Company of Proprietors, who may at any Time resign or be removed, and the respective Executors or Administrators, and each and every of them, of any such Officers who may die, shall, within Twenty Days after Notice given in Writing to him, her, or them, for that Purpose, produce and deliver up to the said Committee for the Time being all Books, Accounts, Papers, or Writings whatsoever, relative to the Execution of such respective Offices which shall be in his, her, or their Custody or Power; and every such Officer and other Person as aforesaid neglecting or refusing to deliver up such Books, Accounts, Papers, or Writings, shall for every such Neglect or Refusal, forfeit and pay to the said Company of Proprietors any Sum not exceeding Fifty Pounds.

**Powers of the
Committee.**

LXXIV. And be it further enacted, That no Resolution shall be taken or Business done (except for the Purpose of Adjournment) at any of the Meetings of the said Committee, unless Five Persons of such Committee shall be present; and that all Orders for Payment of Money by the Treasurer shall be signed by a Majority of the Committee present at such Meeting, and never by fewer than Three of them, and all such Orders shall be entered in the Company's Books; and the Clerk shall be intrusted with Money from Time to Time by an Order in Writing signed by a Majority of the said Committee upon the Treasurer, to enable such Clerk to pay Expences incurred by him in the Course of his Office, and he shall account for the same to the Committee, who shall regularly examine and sign the said Accounts as often as they shall see fit; and the said Treasurer's Accounts shall be examined and compared with the Books of the said Committee every Half Year, and shall be made up, and the Balance settled and signed by the said Committee or any Three or more of them; and further, that no Member of the said Committee (although he may be a Proprietor of many Shares in the said Navigation) shall have more than One Vote in any Committee, except the Chairman) who shall be chosen by and out of the said Committee; and who, in case of an Equality of Votes upon any Question that may be agitated in the said Committee shall have the casting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee, may be done and exercised by the major Part of them present at their respective Meetings; and every such Committee shall from Time to Time make Reports of their Proceedings to the said stated General Assemblies, and, if required, to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit; but no Person holding any Place, Office, or Employment, under the said Company, shall be capable of being chosen to serve upon any Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be directed, adjusted, and settled, at such stated General Assemblies; and the said Committee

(subject nevertheless at all Times to such Orders and Directions as aforesaid) shall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and completing the said Canal, Aqueducts, and Works, and all and every Part or Parts thereof, and shall, by themselves or their Clerk, keep a full and true Account of all Money disbursed, and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf or in respect of the said Undertaking, from any Collector or Collectors of the said Rates, or other Officer or Officers; or from any other Person or Persons whomsoever employed in, or having any Concerns, Dealings, or Transactions, with the said Undertaking, or in or with any Part or Parts thereof; and shall regularly, by themselves or their Clerk as aforesaid, write, insert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee (provided always that every Proprietor upon every reasonable Desire, shall have free Access thereto, as hereinbefore mentioned, for his or her Inspection); and the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds upon each Share; and such Calls shall not be made but at the Distance of Thirty Days at least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper or Newspapers usually circulating in the said Counties of *Surrey* and *Kent*, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct and appoint; and such Committee shall (subject nevertheless to the Orders and Directions of such General Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors as well in contracting for and purchasing Lands, Tenements, and Hereditaments, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains, touching the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Money to be called for as aforesaid, to such Person or Persons, and at such Time and Place as the said Committee shall from Time to Time appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid, at the Time and Place appointed by such Committee, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the

Committee to
make Calls.

These Calls,
if not paid,
may be sued
for.

If unpaid for
Three Months
they become
forfeited.

Space

Space of Three Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall at the Discretion of the said stated or Special General Assemblies, be publickly sold for the Use of the rest of the said Proprietors, whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, That no Advantage shall be taken of any Forfeiture of any Share or Shares, until Notice shall have been given to or left at the usual or last Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, provided such Place or Places of Abode shall be known, and shall be within Ten Miles of the said Canal, or otherwise by Advertisement in some such Newspaper as aforesaid; nor until the same Share or Shares shall likewise have been declared to be forfeited at some stated or General Assembly of the Company of Proprietors within Twelve Calendar Months next after such Forfeiture shall have been incurred.

Directing the
Proceedings in
Actions for
Calls.

LXXV. And be it further enacted, That in Actions brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking to recover any Sum or Sums of Money due and payable to the said Company, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Canal is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the Special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Canal, and that such Call or Calls was or were in Fact made, and that such Notice thereof was given, as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of Thirty Days from the last preceding Call, or without Notice given as aforesaid, and after Judgement shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgement shall be given, in Double the Sum adjudged to the said Company, by such Judgement, to prosecute the said Writ of Error with Effect, and also if the said Judgement be affirmed, or the said Writ of Error be non-prossed, to satisfy and pay the

the Debt, Damages, and Costs adjudged by the said Judgement, and all Costs and Damages to be awarded for Delay of Execution.

LXXVI. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint, out of their own Body, One or more Sub-committee or Sub-committees (every such Sub-committee to consist of Three or more Persons) who shall have full Power and Authority to enter into and make any such Contracts or Agreements on Behalf of the said Company of Proprietors as aforesaid, and to hire and employ any Agents, Workmen, or Servants, in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever, in and about the said Undertaking, which the said Committee are themselves herein-before authorized to do, or such of them as the said Committee shall think proper, to entrust to the Care and Management of any such Sub-committee or Sub-committees, save and except nevertheless the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Undertaking; and that it shall be lawful for the said Committee for the Time being, to order and direct such Compensation or Remuneration to be made to the said Sub-committee or Sub-committees, from Time to Time, as they shall think reasonable; and it shall also be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-committee or Sub-committees, or to remove and displace any Member or Members thereof, and appoint some other or others in his or their Place and Stead, when and as often as such Committee shall think proper and expedient, and such Sub-committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee be vested in any such Sub-committee or Sub-committees, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less than Three; and at all Meetings of such Sub-committees respectively, One of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the Casting Vote in case of an equal Division, although he may have given One Vote before.

Committee may appoint Sub-committees, with Power to make Contracts, etc.

and Committee may dissolve such Sub-committees.

Powers of Sub-committees may be exercised by Majority.

At Meetings of Sub-committees, Chairman to be appointed.

LXXVII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors, for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees, of any Lunatick or Lunaticks, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the

On the Death of Subscribers, their Executors may complete the Payment of Shares.

Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on Account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid, to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners, in his, her, or their Life-time, by virtue of any Call or Calls, or otherwise upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found, who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the rest of the Company of Proprietors of the said Undertaking, in Trust for and for the equal Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

LXXVIII. And be it further enacted That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyance of which Shares shall be in the Form or to the Effect following; (*videlicet*),

Form of Conveyance of Shares.

I *A. B.* of _____ in Consideration of _____ paid to
 me by *C. D.* of _____ do hereby bargain, sell, assign,
 and transfer to the said *C. D.* the Sum of _____ Capital
 Stock, of and in the *Croydon Canal*, being Part [*or*, the Whole, *as the*
Case may be] of my Share [*or*, Shares] in the said Undertaking, to
 hold to the said *C. D.* _____ Executors, Administrators, and
 Assigns, subject to the same Rules, Orders, and Restrictions, and on
 the same Conditions that I held the same immediately before the Execu-
 tion hereof: And I the said *C. D.* do hereby agree to take and accept
 the said Capital Stock or Share _____ subject to the same
 Rules, Orders, Restrictions, and Conditions. As Witness our Hands
 and Seals the _____ Day of _____

And on every such Sale, the said Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that

that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

LXXIX. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on Pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged, to the Treasurer of the said Company of Proprietors, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly, in Manner before directed.

No Shares shall be sold, after a Call, till the Money is paid.

LXXX. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons, who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Persons before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace; and the said Judges, Master or Master Extraordinary in Chancery, and Justices of the Peace, are hereby authorized and empowered to swear any such Person to such Affidavit, and such Affidavit shall be transmitted, at the Expence of the Party or Parties, to the Clerk to the said Company of Proprietors for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietor shall have died intestate, shall be made and sworn to by an Executor or the Executors of such Will; or by an Administrator or the Administrators of the Estate and Effects (as the Case may happen to be) before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted

Directions as to what shall be done respecting Shares in Cases of Marriage and Death.

transmitted at the Expence of the Parties, to the said Clerk, who shall file and enter the same in Manner herein-before mentioned.

For ascer-
taining the
Proprietorship
of Shares in
certain Cases.

LXXXI. And whereas in Cases where the original Subscriber of One or more Share or Shares in the said Undertaking shall die, become Insolvent or Bankrupt, or go out of the Kingdom, or shall transfer his Right and Interest to some other Person, and no Register shall be made of the Transfer thereof with the said Clerk, as directed by this Act, it may not be in the Power of the said Company of Proprietors, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share or Shares, in order to give him, her, or them Notice or Notices of Calls made on such Share or Shares, as is hereby required, and to maintain any Action or Actions against him, her, or them, for the Recovery of the same, or for the Purpose of paying safely to him, her, or them, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it further enacted, That in all the Cases aforesaid, where the Right and Property in One or more Share or Shares in the said Undertaking, shall pass from the original Proprietor thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof, as herein directed, which is hereby required to be produced to the said Clerk, for the Purpose herein expressed, an Affidavit shall be made and sworn to by some credible Person, before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and which Affidavit shall be transmitted to the Clerk to the said Company of Proprietors, to the Intent that he may, and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking, to be kept in the Office of the said Clerk; and that in all or any of the Cases it shall be lawful for the said Company of Proprietors at any General Meetings, after Notice shall be given by the said Treasurer or Clerk, to the Owners or Persons claiming by such Affidavit, to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money become payable by virtue of any Call or Calls as aforesaid, at any General Meeting, to declare the same Share or Shares to be forfeited, and in such Case the same shall be and become forfeited and sold, and disposed of in such Manner as the said Company of Proprietors shall direct, or otherwise become consolidated in the general Fund of the said Company.

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

LXXXII. And, for the better Security of the several Proprietors of the said Undertaking, as to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and are hereby required, at their Second or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry, to cause their Common Seal to be affixed thereto; and shall also cause a Ticket or Instrument, with the Common Seal of the

to the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and in case any such Ticket or Instrument shall become defaced, worn out, or damaged, then upon the same being brought to the Committee, they shall order another to be made out in its Place, and so also in case the same shall have been totally destroyed or lost, and so proved to be, to the Satisfaction of the Committee; and such new Ticket or Instruments shall be thereupon entered by the Clerk in the same Manner and upon the same Terms as the original Ticket or Instrument.

LXXIII. And be it further enacted, That the Bodies Politick and Corporate, and alband every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties, to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given previous to the Forfeitures of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the said Register Book of the said Company, to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, or advertised in such Newspaper, as herein before mentioned, be in all Respects good, sufficient and conclusive; and all Payments of Interest and Dividends due and to grow due in any such Shares, shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and that no Assignment, Transfer, Bargain, or Sale, of any Share or Shares, or other Instrument, giving Title to any such Share or Shares, which shall not have been inrolled or registered as directed by this Act, shall be given or admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company or Proprietors to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Interest or Dividends, to any other Person than such as appear upon the said Book to be Proprietors of the said Shares, but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

For the Purpose of making and recovering Calls: the Persons whose Names are standing in the Company's Books as Proprietors, are to be deemed the actual Proprietors.

LXXIV. Provided nevertheless, and be it enacted, That if any Dispute shall arise touching the Proprietorship of any Share or Shares in the said Undertaking, the same shall be referred to Three indifferent Persons,
[Loc. & Per.] 26 M

And if Disputes happen about the Proprietorship of

Shares, they
are to be set-
tled by Arbi-
tration.

sons, One to be chosen by the Person, in whose Name the said Share or Shares shall stand in the Book of the said Company, for his (or her) Representatives, One by such other Person or Persons as shall claim Title to the same Share or Shares, and One by the said Clerk on the Part of the said Company of Proprietors; and such Three indifferent Persons are hereby empowered to send for Records, and Papers, and to examine Witnesses upon Oath, which Oath any One of such indifferent Persons so to be chosen is authorized, and empowered, to administer; and the Award or Determination of such indifferent Persons, or any Two of them, touching Proprietorship, shall be binding and conclusive on all Parties; and if such Three indifferent Persons, or any Two of them, shall so determine that the Person or Persons claiming to be entitled to such Share or Shares is or are entitled thereto, they shall cause the Clerk of the said Company to enter such Alteration in the Proprietorship of the same Share or Shares in the Books of the said Company: Provided nevertheless, That no such Reference, Award, or Determination, shall affect the Right of the said Company of Proprietors, to recover all such Calls, or claim such Forfeiture as may be incurred, for or in respect of any such Share or Shares, previous to such Determination, in regard thereto.

LXXXV. And, in Consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Canal and other Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, the several Rates herein-after mentioned, for the Tonnage and Wharfage of all Coals, Stone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon any Part of the said Canal; (that is to say)

For all Timber, Stone, Coals, Bricks, Tiles, and all other Goods, and Commodities whatsoever (except Articles of Manure, as herein-after mentioned) Three-pence *per Ton per Mile*:
And for all Dung, Chalk, Marle, Clay, Lime, Compost, and all other Articles, to be actually used for Manure, One Penny Halfpenny *per Ton per Mile*:

And so in Proportion for any Quantity less than a Ton, and for any Distance less than a Mile.

LXXXVI. And, be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time to demand and take the several and respective Tolls following; (that is to say),

For every Horse, Mare, Gelding, Mule, or Ass, passing on any Towing Path belonging to the said Company of Proprietors (except such as shall be hauling or drawing any Boat or other Vessel) before the same shall be permitted to pass through any Bar or Gate, or Bars or Gates (which Bars and Gates the said Company of Proprietors are hereby empowered to erect or cause to be erected) the Sum of Two-pence:

For every Drove of Oxen or Neat Cattle, passing on any such Towing Path (except as aforesaid) the Sum of One Shilling and Eight-pence

Power to take

Tonnage.

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pence *per* Score, and so in Proportion for any greater or less Number :

For every Drove of Swine, Sheep, or Lambs, passing on any such Towing Path, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number.

LXXXVII. Provided always, and be it enacted, That no such Tolls shall be demanded or taken for any such Horse, Beast, or Cattle, more than Once in a Day, to be computed from Twelve of the Clock at Night until Twelve of the Clock in the succeeding Night, or at any more than One Bar or Gate on the same Day, for the same Horse, Beast, or Carriage, on a Ticket or Tickets, denoting the Payment of such Toll or Tolls on that Day, being produced to the Toll Gatherer or Toll Gatherers, which Ticket or Tickets all and every Toll Gatherer and Toll Gatherers shall and he, and they is and are hereby required to deliver, *gratis*, on Payment of such Toll or Tolls : Provided always, That it shall be lawful for the said Company of Proprietors and their Committee, from Time to Time, and when they shall respectively deem it necessary, to hinder and prevent any Horse, Beast, or other Cattle, not hauling or drawing any Boat or other Vessel from passing along any of the said Towing Paths.

Tolls to be taken but Once a Day.

LXXXVIII. And be it further enacted, That the said several and respective Rates shall be equal throughout the whole Length of the said intended Canal; and all such Rates shall be paid to such Person or Persons, at such Place or Places, as or near to the said Canal, in such Manner, and under such Regulations, as the said Company of Proprietors at some General Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates ought to have been paid, may, and he or they is and are hereby empowered to seize the Goods or other Things, or the Horse, or other Beast or Cattle, for or in respect whereof any such Rates ought to have been paid, together with the Bridle, Saddle, or other Accoutrement or Lading, and such Horse or Beast, or any Part thereof respectively, and the Boat or other Vessel laden with such Goods or other Things, and detain the same until such Payment shall be made, and also until Payment of all Arrears of the said Rates which may be due from the Owner or Owners of such Boat or Vessel, Horse or other Beast, to the said Company of Proprietors, together with reasonable Charges for such Seizure and Detention; and if such Goods or other Things, Horse or Beast, shall not be redeemed within Seven Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company of Proprietors shall have full Power from Time to Time, at any General Assembly, to lower or reduce all or any of the said Rates, and again to raise the same as they shall think proper, not exceeding the Rates before mentioned, as often as it shall be deemed necessary for the Interests of the said Navigation.

For Recovery of Rates.

Rates may be reduced and raised again.

LXXXIX. And be it further enacted, That as soon as conveniently may be after the said Canal shall be completed, the said Company of Proprietors

Directing what shall be done in the Case of Prac-

Proprietors

Books of Tons
or Miles.

Proprietors shall cause the same to be measured, and Stones or Posts to be erected, and for ever after maintained on the Side or Sides thereof, at the Distance of One Quarter of a Mile from each other, with proper and legible Marks, denoting the Distance from such Places as shall be thought proper; and that in all Cases where any Boat or other Vessel shall be navigated or pass by any Post or Mark, or Place where such Post or Mark should have stood or have been fixed on the Side of the said Canal, describing and regulating the Length of a Quarter of a Mile, the full Tonnage shall be paid for a Quarter of a Mile, although the said Boat or other Vessel shall not pass the full Quarter of a Mile; and that in all Cases where the Weight of Lading in any Boat or other Vessel so to be navigated on the said Canal, shall not make up an even Quarter of a Ton, yet One full Quarter of a Ton shall be paid for, to the said Company of Proprietors.

Company empowered to
leave the Rates.

XCVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered at any of their stated or Special General Assemblies, by Writing under their Common Seal, at any Time or Times to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding One Year, from the Commencement of any Lease, and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons, as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors, provided publick Notice of the Intention to let the said Rates, or any Part thereof, be given in Writing by the Committee or their Clerk, by Advertisements published in such Newspapers as aforesaid, at least Twenty Days prior to any such General Assembly, at which the said Rates or any Part thereof are proposed to be let as aforesaid.

Masters of Boats to give
an Account in Writing of
Particulars of Lading.

XCVII. And, for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company of Proprietors, be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat or other Vessel navigating upon the said Canal, or upon any Part or Parts thereof, shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Company of Proprietors, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat or other Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things which shall be embarked in or upon each such Boat or other Vessel, from whence brought and where the same is intended to be landed; and if the Goods or other Things contained in any such Boat or other Vessel, shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons, shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give such an Account, or shall refuse to produce his or their Invoice or Bill of Lading to the

the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall forfeit and pay any Sum not exceeding Twenty Shillings nor less than Ten Shillings for every Ton of Goods or other Things, and so in Proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boat or other Vessel respectively of which or of the Lading of which such Account shall be refused, or such false Account given, or the Lading whereof shall be delivered out as aforesaid, as the Case shall happen to be, over and above the aforesaid respective Rates which shall be payable for the same.

XCII. And, for the better ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of such Rates as aforesaid, and the Contents and Burthen of the Boats and other Vessels carrying and conveying such Stone, Timber, and other Goods, Matters, and Things, on the said Canal, be it further enacted and declared, That Forty Cubick Feet of round, and Fifty Cubick Feet of square Oak, Ash, Elm, or Beech Timber, and Forty Cubick Feet of Fir or Deal, Balk, Poplar, Birch, or other Timber or Wood, not cut into Scantlings, shall for the Purposes of this Act be respectively deemed, rated and estimated as and for One Ton Weight, and that One hundred and twelve Pounds Weight Avoirdupois, of Coal, Coak, Lime, Freestone, Limestone, Firestone, and all other Commodities, shall for the Purposes of this Act be deemed, rated, or estimated as and for One hundred Weight, and Twenty hundred Weight of all Commodities whatsoever, shall for the Purposes of this Act be deemed One Ton, any Usage of rating or estimating the same to the contrary hereof notwithstanding, and if any Difference shall arise between any Collector of the said Rates, and the Master, Owner or other Person having the Care or Charge of any Boat or other Vessel, or the Owner of any Goods, Wares, Merchandize or other Things loaded or embarked therein, concerning the Measure of such Timber, or concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Boat or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Boat or other Vessel, and all such Timber, Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Measure, Weight, or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Boat or other Vessel, then the same Master, Owner or other Person giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging, all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandizes, or such other Matters and Things, shall appear to be of the same or of less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master,

Weight of
Tonnage how
to be ascer-
tained.

Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Thing, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witness (which Oath the said Commissioners are hereby empowered and required to administer), to have arisen from such Detention; and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors, by Action of Debt in any of His Majesty's Courts of Record, or in such other Manner as any of the Penalties or Forfeitures hereby imposed may be recovered and levied by virtue of this Act.

For fixing
Sums to be
paid for Par-
cels.

XCIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, at any General Assembly (with the Consent of the major Part of the said Commissioners present at any General Meeting of the said Commissioners) to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Canal, or upon any Part thereof; and the said Company of Proprietors shall from Time to Time cause to be printed and affixed upon every publick Wharf on the said Canal, in some conspicuous Place, a List or Account, ascertaining and particularizing the Price or Sum or Sums of Money, so to be charged or taken for the Carriage of such Parcels as aforesaid, upon the said Canal; and in case any Owner or Master, or other Person having the Care of any Boat or other Vessel navigating or passing upon the said Canal, or upon any Part or Parts thereof, after such List or Account, so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed, shall be so fixed up as aforesaid, shall demand or take for the Carriage of any such Parcel as aforesaid more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Magistrate before whom such Person shall be convicted.

Navigation to
be free upon
Payment of
Rates.

XCIV. And be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages (except the Towing Paths as herein-before expressed) to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things, to or from the said Canal, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages, and also to navigate and pass upon and use the said Canal with any Boats or Vessels, and to employ the said Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things, and also to use the said Towing Paths, with Horses and other Cattle, for hauling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted, provided the said Boats or other Vessels shall not, without the Consent of the said Company of Proprietors, or their General Committee, pass upon the said Canal at any other Times than between the Hours of Seven in the Morning and Five in the Evening during the

Months

Months of *November, December, January, and February*; between the Hours of Five in the Morning and Eight in the Evening during the Months of *March, April, September, and October*; and between the Hours of Four in the Morning and Ten in the Evening during the Months of *May, June, July, and August*, in every Year.

XCV. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, Sewers, or other Passages, over or under, by the Side of or into the said Canal, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal, without obstructing or impounding the same; and likewise to make or cause to be made such Back Drain or Drains as may be necessary and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto, and also to make proper Watering Places for Cattle in all Cases where, by means of the said Canal, or any other of the Works hereby authorized to be made, any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and that all such Arches, Tunnels, Culverts, Drains, and other Passages, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time or Times after Twenty-one Days Notice in Writing shall, by or on the Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal, or any other of the Works hereby authorized to be made, be given to the said Company of Proprietors, or to their Clerk, known Agent, or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing, from any Five or more of the said Commissioners, though not assembled at any Meeting, from Time to Time, as often as there shall be Occasion (and the said Commissioners are hereby authorized and required, at their Discretion, to grant such Order as aforesaid), enabling such Person or Persons to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, as well through the Lands or Grounds of the Person or Persons obtaining such Order as aforesaid, as through any other Lands or Grounds in or through which such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, may, by the said Order of such Five or more Commissioners, be directed to be made, and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Three Calendar Months next after Demand thereof made upon the said Company of Proprietors, or upon their Clerk, or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other

Drains to be made to convey Water from the Lands adjoining;

and Watering Places for Cattle.

other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water, and Watercourses, leading to or from the Drains, Culverts, and Passages of the said Canal, and other Works as aforesaid, and each and every of them, sufficiently cleaned and opened to convey Water into the same: Provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal, which may injure the said Navigation.

For fencing
Towing Paths
and making
Bridges, &c.

Gates, &c. to
be made.

XCVI. And be it further enacted, That the said Company of Proprietors shall, at their own Costs (within Six Calendar Months next after any Part of the said Canal, and Towing Paths thereto belonging, shall be dug out and formed), divide and separate, and keep constantly divided and separated, the Towing Paths on each Side of the said Canal, and the Trenches, Feeders, or Passages hereby authorized to be made, on such Part or Parts thereof respectively, as shall be declared necessary by the said Commissioners, in case there shall be any Doubt or Dispute about the same, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle, the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid; and the said Company of Proprietors shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, so set up and made as aforesaid; and also shall, at their own like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates, Bridges, and Stiles, in, over, and through all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also all such Bridges, Arches, Culverts, and Passages over, under, or by the Side of, or into the said Canal and Aqueducts, and the Feeders and Trenches communicating therewith respectively, and the Towing Paths on the Sides of the said Canal, of such Dimensions, and in such Manner, as the said Commissioners shall, at any of their publick Meetings, from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills or Hereditaments, adjoining to such Canal, Aqueducts, and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal, or any Aqueduct, Trench, or Watercourse belonging to the same, in or across any common Highway, publick Bridleway, or Footpath, until they shall, at their own proper Costs and Charges, have made and perfected such Bridge or Bridges, Passage or Passages, Arch or Arches, over, across, or under the same Highway, publick Bridleway, or Footpath, of such Dimensions, and in such Manner, as the said Commissioners shall, at some publick Meeting, from Time to Time judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences so to be made as aforesaid, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors; and in case the said Company of Proprie-

tors, or their Agents, shall refuse or neglect to divide and separate, and to keep divided and separated the Towing Paths of the said Navigation, in Manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles, in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, over, under, or by the Sides of, or into the said Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle as herein-before directed for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments, adjoining or near to the said Canal or Aqueducts, or to maintain and support such Gates, Stiles, Bridges, Arches, Passages, and Watering Places, when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Three Calendar Months next after the Time to be appointed for those Purposes by the said Commissioners, or after Notice shall be given, by or on the Behalf of the Owners or Occupiers of any such Lands or Hereditaments, who may be aggrieved by any such Refusal or Neglect, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time, as Occasion shall require; so that in making and maintaining such Works as aforesaid the said Canal, or the Banks thereof, or Aqueducts, or the Feeders or Trenches belonging thereto, shall not be stopped, or injured for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof, and all the reasonable Costs, and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company of Proprietors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors, or their Clerk for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, which shall be found in or upon the said Canal, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; or every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company of Proprie-

tors for the Recovery thereof, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

For making
Bridges in Fo-
rest Wood
and other
Places.

XCVII. And be it further enacted, That the said Company of Proprietors shall at their own Expence cause a good and sufficient Bridge to be made over the Canal on *Sydenham* Common, for the Use of all Persons with Horses and Carriages passing from the said Common to the Lane leading to *Brockley*; also a like Bridge in *Forest Wood*, across the Road leading from *Peckham* through *Brockley Farm*, just below the Point where that Road is joined by the Road leading from a Field (Number Seventeen in the Plan) through *Forest Wood* to *Peckham*; and another like Bridge in a Field called the *Six Acres* (being Part of *Brockley Farm*, belonging to the Right Honourable *Edward Eliot* Lord *Eliot*, and in the Possession of *Edward Owen*), and shall also at their own Expence cause to be made a good and sufficient Carriage Road from the North East Side of *Forest Wood*, along the North Side of the Canal, into *Sydenham* Common.

If Bridges,
etc. made by
the Company
not deemed
sufficient by
any Land
Owner, he
may make
others.

XCVIII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments, through which the said Canal or Aqueducts shall be made, do or shall, at any Time or Times hereafter, apprehend that any of the Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, which the said Commissioners shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands, Grounds, Mills, or Hereditaments, on both Sides or on either Side thereof, then and so often, or in any such Case, it shall be lawful for all or any such Owners or Occupiers, with the Consent and Approbation of the said Committee, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Twenty-one Days next after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, or other Conveniences, of the same or the like Construction with those made and erected by the said Company of Proprietors, in, over, or near to the said Canal, or the Towing Paths thereof, or the said Aqueducts respectively, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as that the Navigation of, in, or upon the said Canal, be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences, had been made or erected by the said Company of Proprietors.

Swivel and
Draw Bridges
to be shut and
fastened after
Vessels shall
have passed
through them.

XCIX. And be it further enacted, That if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal, or any Cuts, Trenches, or Passages to be made by virtue of this Act, all and every Person or Persons opening any such Draw Bridge or Swivel Bridge, shall, and he and they is and are hereby required and directed, so soon as any Vessel shall

shall have passed any such Bridge, to shut and fasten the same (except such Bridge as may be erected for the private Use of Occupiers of Land) and every Person neglecting so to do, or wilfully opening any such Swivel Bridge or Draw Bridge, when no Vessel is to pass through the same, shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings, nor less than Twenty Shillings; and in case any such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings nor less than Twenty Shillings; One Moiety of which said respective Penalties shall go to the Informer.

C. And whereas it may happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Reservoirs, Trenches, or other Works of the said Navigation, may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary, that the same should be immediately repaired or rebuilt, to prevent further Damage; be it therefore further enacted, That when and as often as any such Case shall happen, it shall be lawful for the said Company of Proprietors from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal, and other Works, or Conveniences, or any of them, (not being the Ground whereon any House, or other Building stands; or any Orchard, Park, Paddock, planted Walk, or Avenue to a House), and to dig for, work, get, and carry away, and use all such Stones, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier, or Occupiers of, or Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same, to the Owners and Occupiers thereof, or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Thirty Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined, or assessed and recovered, by the Ways and Means hereinbefore prescribed and directed with respect to other Damages to be done in or about the making and completing the said Navigation and other Works.

CI. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the said Canal and other Works, or any of them, shall by reason of their being not sufficiently cleansed or opened hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Canal, and if the same shall not be perfectly cleansed and opened within Two Calendar Months after Notice in Writing shall have been given thereof to such Owner or Occupier, by the Clerk, or any Agent of the said Company of Proprietors, it shall then be lawful for the said Company of Proprietors (an Order in Writing for that Purpose having been first obtained from any Five or more

For repairing Damages by Floods or other Accidents.

The Company enabled to cleanse the adjoining Watercourses, at the Land Owner's Expence.

of

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of the said Commissioners, although not assembled at any Meeting) from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be open and cleansed, the said Ditches and Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Commissioners, shall be repaid to the said Company of Proprietors, by the Owners or Occupiers of such Lands and Grounds to which the said Ditches and Drains so opened and cleansed shall belong, and in case of Refusal, or Neglect to satisfy the same for the Space of Three Calendar Months next after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as Forfeitures and Penalties are herein-after directed to be recovered.

Lords of Manors and Land Owners may erect Wharfs, etc.

CII. And be it further enacted, That the Lord or Lords, Lady or Ladies, of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Canal shall be made, by virtue of this Act, may build, construct, or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon this, her, or their respective own proper Lands, Grounds, or Wastes adjoining or near to the said Canal, with necessary Ways and Roads to the same, and may land any Goods or Merchandize, or other Things, upon such Wharf, Quays, or Landing Places; or upon the Banks lying between the same and the said Canal, and may make and use proper and convenient Places for Boats and other Vessels to lie and turn in, and pass by each other, so that the making, constructing, or using thereof respectively, do not obstruct or prejudice the Navigation of the said Canal, or any Towing Path on the Sides thereof respectively; and all Rates which shall be paid for the Use and Benefit of the said Wharf, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively shall be subject to the Power herein-contained, for the said Commissioners to limit, ascertain, and make Regulations of and concerning such Rates of Wharfage, and are hereby vested in such Lord or Lords, Lady or Ladies, of such Manor or Manors, or in the Owner or Owners of such Lands, Grounds, or Wastes, who shall make, construct, and erect the same respectively as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors shall not be thereby reduced, altered, or infringed.

If not done by Land Owners within a certain Time, the Company may build Wharfs, etc.

CIII. Provided always, and be it further enacted, That if any Lord or Lords of a Manor, or Land Owner, shall not, within the Space of Six Calendar Months, next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Waste is or are necessary or proper to be used for the Purpose of making and erecting Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Canal, lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Warehouses, Buildings, Roads, and other Conveniences as aforesaid, for the Use of the said Navigation, as the said Commissioners shall think necessary, on the

the respective Parts of the Lands, Grounds, or Wastes described in such Notice, then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or an Avenue to any House) for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Canal, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same, in such Manner as is and hath been herein-before directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

CIII. And be it further enacted, That if any Coals, Stone, Timber, or any other Matters or Things whatsoever, which shall be carried and conveyed on the said Canal, shall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the said Company of Proprietors, or to any Person or Persons adjoining to the said Canal, for above the Space of Forty-eight Hours, then and in such Case the said Company of Proprietors, or such other Person or Persons, shall be entitled to received such reasonable Rates or Allowance, over and above the Rates hereinbefore authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, or such other Person or Persons, and the Owner or Owners of such Coals, Stone, Timber, Goods, Wares, Merchandize, or other Things; and in case of any Dispute concerning the same, it shall be ascertained and adjusted by the said Commissioners, who are hereby authorized and empowered to make such Regulations from Time to Time as they may think fit, for limiting and ascertaining the Rates of Wharfage to be taken by the said Company of Proprietors, and all and every such other Person or Persons, being the Owners of any such Wharfs or Quays as aforesaid.

Further Allowance to the Company for Goods remaining upon their Wharfs a certain Time.

CIV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies, of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal, for his, her, or their private exclusive Use only; nor to set up, erect, repair, or use any Crane or Weighing Machine, in or upon any such Wharf, Quay, or Landing Place, without the Consent of the Owners or Occupiers thereof respectively; any Thing herein contained to the contrary notwithstanding.

Company of Proprietors, or others, not to use private Wharfs.

CV. And be it further enacted, That every Owner or Master of any Boat or other Vessel, not being a Pleasure Boat, passing upon the said Canal, shall cause his Name and Place of Abode, and the Number of his or her Boat or other Vessel, to be entered with the Clerk to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large white Capital Letters and Figures on a black Ground, Four Inches high at the least, and of a proportionable Breadth, on the

Masters to put their Names on the Outside of Boats.

Weight of the Lading to be marked.

Vessels may be gauged.

For preventing any Thing falling into the Canal, on being unladed from a Vessel.

Boat Owners to be accountable for Damages done by Boatmen.

Masters to recover from their Servants, any Sums for their Defaults.

Outside of the Head or Stern of every such Boat or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and is hereby required to fix on each Side thereof respectively, correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Heights, and under such Regulations, as the said Company of Proprietors shall from Time to Time direct, or other proper Means shall be used, under the Direction of the said Company of Proprietors, so that the true Weight of the Lading on board may at all Times be ascertained and shewn; and shall permit and suffer every such Boat or other Vessel, to be gauged, weighed, or measured at the Expence of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed for that Purpose; and every Owner, Master, or other Person having the Care or Command of any Boat or other Vessel, or who shall navigate the same upon the said Canal, without having such Name, Figures, and Index thereon as are herein-before directed, or who shall alter, erase, deface, or destroy such Name, Figures, and Index, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer such Boat or other Vessel to be gauged and measured, or shall wilfully suffer or permit any Boat or other Vessel navigating upon or lying in the said Canal, to be loaded or unloaded in any Lock, Basin, or other Part of the said Canal, without a Stage being laid from the Sides of such Boat or other Vessel to the Bank of the said Canal, so as effectually to prevent any Soil or other Matter or Thing intended to be taken on board, or discharged out of such Boat or other Vessel, from falling into the said Canal, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

CVI. And be it further enacted, That the Master or Owner of every Boat or other Vessel navigating upon the said Canal, shall be and is hereby made answerable for any Trespas, Damage, Spoil, or Mischief that shall be done by his Boat or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Inclined Planes, Bridges, Weirs, Locks, Basins, Dams, Engines, or other Works, in, upon, or belonging to the said Canal, or to any of the Trenches, Aqueducts, Sluices, Passages, or other Works or Conveniences to be made by virtue of this Act, either by the loading or unloading of any Boat or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments, adjoining or lying near to the same Canal, by leaving open any Gate or Gates, Locks or Bridges, or by any other Means whatsoever, and the said Master or Owner of such Boat or other Vessel, may be sued and prosecuted for the same in any of His Majesty's Courts of Record, and if a Verdict of Judgement shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit, to be taxed as between Attorney and Client.

CVII. And be it further enacted, That in case the Owner or Owners of any Boat or other Vessel as aforesaid, employed on the said Navigation shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespas, by reason of any wilful Neglect or Default done

or

or committed by his or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damage (with the Costs thereof) to such Owner or Owners; and in case of Non-payment thereof upon Demand, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty, or Satisfaction for Damages, and that the same, and the Costs thereof, have or hath not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded (such Oath to be made before any One Justice of the Peace for the County where such Penalty and Satisfaction shall have been incurred or paid) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

CVIII. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat or other Vessel, which shall pass through any Lock to be made upon the said Canal, shall suffer the Water to remain in such Lock longer than is necessary for his Boat or other Vessel to pass through the same; and that every such Boatman or other Person as aforesaid, in going down the said Canal from the respective Head Levels thereof, shall, previously to his bringing his Boat or other Vessel into any Lock, shut the lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Sluices of the upper Gates thereof, and after he shall have brought his Boat or other Vessel into the said Lock, he shall then shut the upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the lower Gates thereof; and in going up the said Canal towards the respective Head Levels thereof, such Boatman or other Person shall, as soon as he shall have passed with his Boat or other Vessel out of the said Lock, shut the upper Gates thereof, and the Sluices thereto belonging, and afterwards draw the Sluices of the lower Gates thereof, unless there shall be then a Boat, Barge, or other Vessel in Sight of the said Lock, coming down the said Canal, in which Case the lower Gates of the said Lock, and the Sluices thereof, shall be left shut, and the upper Gates shall be left open; and at all Times the Vessels going up the said Canal, if within Sight of any Vessel coming down, and at a Distance not exceeding Three hundred Yards below any Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel above such Lock shall come down; and if there shall be more Vessels than One below and above any Lock at the same Time, within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for ascertaining the same) such Vessels shall go up and come down through such Lock by Turns as aforesaid, until all the Vessels going up and coming down shall have passed the same, in order that One Lock full of Water may serve Two Vessels; and that every Person who shall offend in any of these Particulars, shall, for every such Offence, forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings, for the Use of the Poor of the Parish in which the Offence shall be committed.

Regulations
for Boats in
passing the
Locks.

CIX. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant, belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Boat or other Vessel in passing through any Lock or Inclined Plane, or other Machinery, upon the said Canal, or in loading or unloading any Goods, Wares,

To prevent
Lock Keepers
giving any
Preference to
Boats.

Wares, or Merchandize at any of the Wharfs, Warehouses, Weigh, Beams, Cranes, and other Machines, belonging to the said Company, of Proprietors, he shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Forty Shillings, for the Use of the Poor of the Parish in which the Offence shall be committed.

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

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

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

CXI. And be it further enacted, That the said Company of Proprietors shall and may, in such Parts of the said Canal as shall not be of sufficient Breadth for admitting a Boat or other Vessel to turn about or lie, whilst another Boat or Vessel shall pass by, or to admit Two Boats or other Vessels to pass each other, and they are in such Cases hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal, at convenient Distances from each other, for the turning, lying, or passing of any such Boats and other Vessels; and all such Boats and other Vessels which shall be haled or navigated upon the said Canal shall, upon meeting any other Boat or other Vessel navigating thereon, stop at, or go back to, and lie in the said Spaces or Openings, in such Manner as the said General Committee shall from Time to Time direct and appoint; and if any Boat or other Vessel shall be placed, or shall lie abreast in any Part of the said Canal, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends; or if any Person or Persons navigating and having the Care of any Boat or other Vessel, shall wilfully obstruct the Navigation of the said Canal, by Means of the misplacing or otherwise misconducting such Boat or other Vessel, and shall not immediately, upon Request made, moor the same at both Ends, or alter the Situation of such Boat or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings, and also the Sum of Ten Shillings for every Hour during which such Obstruction shall continue after the making of such Request; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat or other Vessel to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing or removing such Obstruction in the Navigation, and to seize and detain such Boat or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such unloading and Removal shall be paid; and if any Boat or other Vessel shall be sunk in any Part of the said Canal, or in any such Trench or Sluice, as aforesaid, and the Owner or Owners, or other Person or Persons having the Care of such Boat or other Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors,

Vessels obstructing the Navigation to be removed, and Vessels sunk to be weighed up.

or

or any of them, to cause such Boat or other Vessel to be weighed or drawn up, and in case the same shall not be redeemed, and all Expences paid within the Space of Seven Days, to detain, keep, and use the same, or otherwise to sell and dispose thereof, for the Satisfaction of all the Expences necessarily incurred and occasioned in and about the weighing or drawing up the same.

CXII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, or if any Person or Persons shall suffer the Loading of any Boat or other Vessel navigating thereon, to lie over the Sides thereof, or shall overload any Boat or other Vessel navigating thereon, so as by such loading or overloading to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given of such Obstruction, hale such Boat or Vessel into such Place or Places, Opening or Openings, as shall be proper, or be made for the Purpose of enabling Boats and other Vessels to pass each other, or shall not otherwise remove the same Obstruction, so as to make a free Passage for other Boats or Vessels, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat or other Vessel, shall forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal, Trenches, or Watercourses to be made by virtue of this Act; or shall wantonly or unnecessarily open or cause to be opened any Lock Gate, Paddle, Valve, or Clough, belonging to the said Canal, or suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof; or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Canal, or shall leave any of the said Valves or Cloughs open or running, after any Boat or other Vessel shall have passed any Lock belonging to the same, or shall draw or cause to be drawn any Paddle, Valve, or Clough, in any of the Lock Gates on the said Navigation, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid, shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds nor less than Forty Shillings; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Canal, Aqueducts, or other Works, break, throw down, damage, or destroy any Banks, or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged guilty of Felony, and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Petit Larceny, or otherwise every Person so offending, and being thereof lawfully convicted on 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 such Offence shall be committed, shall forfeit any Sum not less than Double the Value or Amount of the Damage proved upon Oath to have been done, at the Discretion of such Justice or Justices, such Penalty, together with

Penalty on Persons overloading and obstructing the Passage of the Canal, or overthrowing Ballast, etc. therein.

Penalty on Persons opening the Locks, or doing other Damage to the Navigation.

Penalty on destroying Works.

reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Four Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall have been convicted.

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

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

Canal not to be under the Power of Commissioners of Sewers, and how to be rated.

CXIV. And be it further enacted, That the said Canal and Aqueducts, or any of the Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers whatsoever; and the said Company of Proprietors shall or may, from Time to Time hereafter, be rated and charged to all Parliamentary and Parochial Taxes, Rates, and Assessments, for or on Account of any Lands or Grounds to be purchased or taken, or of any Warehouses, or other Buildings to be erected by them in pursuance of this Act, in the same Proportion as other Lands, Grounds, and Buildings adjoining to or lying near the same are or shall be rated and charged; but it shall be lawful for the said Company of Proprietors to agree with any Owner or Owners of any Lands or Hereditaments of sufficient yearly Value, adjoining or lying near to the Lands or Hereditaments to be purchased or taken for the Purposes of this Act, for an Exemption from all Rates and Taxes in respect of such last-mentioned Lands and Hereditaments, and for charging the same upon the adjoining Lands or Hereditaments of the Person or Persons from whom any Lands or Hereditaments shall be so purchased or taken for the Purposes of this Act, and in all such Cases, all the Parochial and other Rates, Taxes, Charges and Assessments, which might be thereafter charged upon or payable in respect of the Lands or Hereditaments to be so purchased or taken for the Purposes of this Act, shall be rated and charged upon such adjoining Lands, and upon the Owners and Occupiers thereof, and the Lands and Hereditaments to be purchased for the Purposes of this Act shall be exempted and discharged therefrom.

Power for Land Owners to use Pleasure Boats.

CXV. And be it further enacted, That it shall be lawful for the Owners of any Lands adjoining to the said Canal, to use any Pleasure Boat or Boats upon the said Canal (not passing over any of the Inclined Planes,

Planes, or through any Lock, unless they shall first pay Tonnage and Lock Dues equal to the Tonnage for Four Miles on a Boat or Vessel carrying Four Tons, or obtain the Consent of the said Company of Proprietors) without any Interruption from the said Company of Proprietors, or any of their Officers or Agents, and without paying any Rate for the same; so as the same Pleasure Boat or Boats be not made use of for carrying Passengers for Hire or Reward, or any Goods or other Things; and so as the same shall not obstruct or prejudice the Navigation of the said Canal, or the Towing Paths, Banks, or other Works belonging thereto.

CXVI. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards making and maintaining the said Canal, Aqueducts, and other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company, or the said Committee, in Manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same, at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

To compel
Payment of
Subscriptions.

CXVII. And be it further enacted, That if at any Time or Times hereafter, any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as herein-before directed in respect to any other Recompence or Satisfaction herein-before mentioned.

For making
Recompence
for Damages
not herein-
before parti-
cularly provi-
ded for.

CXVIII. And be it further enacted, That if the said Company of Proprietors shall be in Possession of any Lands, Tenements, or Hereditaments, which shall be purchased or taken by them in pursuance of this Act, for the Space of Ten Years from the Time of purchasing the same respectively, without making the said Canal, Aqueducts, or other Works, hereby authorized to be made, through or upon the same, or any of them, or if the said Canal, Aqueducts, or other Works, or any of them, shall be made and completed, and afterwards discontinued or disused for the Space of Five Years, then and in either of the said Cases the said Company of Proprietors shall immediately after the Expiration of the said Ten Years, without making, or of Five Years after disusing such Canal, Aqueducts, or other Works respectively as afore-said, convey all their Estate, Right, Title, Property, and Interest in and to such Lands, Tenements, or Hereditaments respectively, unto the several and respective Persons, Bodies Politick, Corporate, and Collegiate, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors became seized of the same, or unto the respective Heirs, Successors, or Assigns of such Persons, Bodies Politick, Corporate, or Collegiate, in case they shall respectively think fit to become Purchasers thereof, and to pay such valuable Consideration for such Lands, Tenements, or Hereditaments, to the said Company of Proprietors, as the

Lands taken
and not used
by the Com-
pany to be re-
conveyed to
the original
Owners, in
case they
think proper
to become the
Purchasers
thereof.

the aforesaid Commissioners shall judge reasonable or in case any Difference shall arise in ascertaining the same by the said Commissioners, then as a Jury, to be impannelled in the Manner herein-before directed, shall ascertain or award to be paid for the same, so that such Consideration, to be ascertained by such Commissioners, or to be awarded by such Jury, do not exceed the Sum or Sums first paid by the said Company of Proprietors for the Purchase of such Lands, Tenements, or Hereditaments; and that in case the said Company of Proprietors, upon Payment or Tender to them of such valuable Consideration as aforesaid, for such Lands, Tenements, or Hereditaments, shall refuse or neglect to convey the same as aforesaid, then and in such Case such Lands, Tenements, or Hereditaments, shall thereupon revert to and be from thenceforth vested in the said several and respective Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors, or Assigns, and in Cases where an annual Rent shall have been paid for any such Lands, Tenements, or Hereditaments, by the said Company of Proprietors, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands, Tenements, or Hereditaments, shall be re-conveyed or revert as aforesaid, as the said Commissioners or Jury shall ascertain or award; such Sum or Sums of Money, in Default of Payment at the Time to be fixed by such Commissioners or Jury respectively, to be recovered in such Manner as any other Damages are to be recovered by virtue of this Act.

Saving the Rights of the City of London, as Conservators of the Thames.

CXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend, to prejudice or derogate from the Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Commonalty and Citizens of the City of London, or their Successors, or the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter or diminish any Power, Authority, or Jurisdiction which, at the Time of making this Act, the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River Thames, did or might lawfully claim, use, or exercise, nor to authorize or empower the said Company of Proprietors, their Workmen or Servants, or any of them; to embank, encroach upon, or interfere with any Part of the Soil or Bed of the River, or the Banks or Shores thereof, without the Licence and Consent of the said Mayor and Commonalty and Citizens first had and obtained, in Writing, for that Purpose; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Directing what shall be paid to the City of London for cutting into the Thames.

CXX. And be it further enacted, That the said Company of Proprietors shall pay to the said Mayor and Commonalty and Citizens of the City of London, their Successors, Collectors, or Assigns, for ever, an annual Rent or Sum of Forty Pounds, as a Compensation for the Diminution of the Tolls or Duties created and made payable by an Act passed in the Seventeenth Year of the Reign of His present Majesty, intituled, *An Act for enabling the Mayor, Aldermen, and Commons of the City of London, to purchase the present Tolls and Duties payable for navigating upon the River Thames, Westward of London Bridge, within the Liberties of the City of London, and for laying a small Toll in lieu thereof, for the Purpose of more effectually completing the said Navigation, and for other Purposes, to and for the Improvement of the Navigation of the River Thames, and the other Purposes mentioned in the said recited Act,* the said

said annual Sum to be payable by Half-yearly Payments, at *Lady Day* and *Michaelmas*, and the First Half-yearly Payment to be made on the First of those Days which shall happen next after the opening a Communication between the said Canal and the said Grand *Surrey Canal*, or the *River Thames*, and which said annual Sum is hereby charged upon and made payable out of the Rates and Tolls of the said Undertaking, and may be recovered in the same Manner and with the same Powers as are herein-before prescribed and given for the Recovery of the other annual Rents made payable by virtue of this Act.

CXXI. And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance thereof (the levying and Recovery whereof is or are not particularly herein-before directed) shall, in case of Non-payment thereof, on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed) shall be paid into the Hands of the Treasurer to the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Four Calendar Months, unless such Fine, Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Fines and Forfeitures.

CXXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser, or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Persons aggrieved by Irregularity in Distress, to recover only the Special Damages.

CXXIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace

[*Loc. & Per.*]

26 R

before

before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form ; (*videlicet,*)

Form of
Conviction.

‘ **BE** it remembered, That on the Day of in the
‘ Year of our Lord A. B. is
‘ convicted before me C. D. One of his Majesty’s Justices of the Peace
‘ for the County of [*specifying the Offence, and the Time and*
‘ *Place when and where committed, as the Case may be*] contrary to an
‘ Act of Parliament passed in the Forty-first Year of the Reign of King
‘ George the Third, intituled, [*here set forth the Title of this Act*].
‘ Given under my Hand and Seal, the Day and Year first above men-
‘ tioned.’

For referring
Disputes to
Arbitration.

CXXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to refer to Arbitration any Question, Dispute, or Matter in Difference between them and any Person or Persons whomsoever, in such Manner as shall be agreed upon between them ; and that such Reference on the Part of the said Company, shall and may be made by the Bond, Agreement, or Submission of the said Company, under their Common Seal, to be affixed in pursuance of an Order of a General or Special Assembly, or of the Committee for the Time being, for that Purpose ; and that such Bond, Agreement, or Submission, and the Award or Umpirage to be made in pursuance thereof, shall be binding upon the said Company to all Intents and Purposes.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

CXXV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement, made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by any Order, Judgement, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after such Order, Judgement, or Determination shall have been made or given, first giving Fourteen Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made) complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County, in which the Cause of Appeal shall arise, who shall in a summary Way, either hear and determine the said Complaint at such General Quarter Sessions, or if they think proper, may adjourn the Hearing, thereof to the next General Quarter Sessions of the Peace to be held for such County, and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured, as they shall judge reasonable ; but no Proceedings to be had and taken in pursuance of this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*, or elsewhere ; any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form nor re-
moved by
Certiorari.

Limitation of
Actions

CXXVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done

done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall be brought after the Time so limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Non-Suit, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

CXXVII. And be it further enacted, That this Act shall be allowed **Publick Act.** in all Courts whatsoever as a Publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

SCHEDULE referred to by the above ACT.

No. on the Plan.		OWNERS NAMES.	OCCUPIERS NAMES.	DENOMINATIONS.
Nos.	Parish.			
1. -	Croydon	Robert Harris	Thomas Weatherall	Paddock and Shed.
2. -	D ^o	John Young	Robert Osborn	D ^o .
3. 3. -	D ^o	Elizabeth Panton	In Hand	D ^o , and Plantation.
4. -	D ^o	John Gribble, Esq.	Thomas Baker Esq.	Paddock or Homestead.
1. 1. 1. -	Lewisham	James Bulcock Esq.	In Hand	Paddock and Outbuildings.
2. 2. -	D ^o	William Fenner	Mr. H. Smith	D ^o - D ^o .
3. -	D ^o	Earl of Dartmouth	John Coats	Paddock.
4. -	D ^o	D ^o	Thomas Scudder	Cottage and Garden.
6. 6. -	D ^o	Mayow Wynell Mayow Esq.	Thomas Stollard	Garden and Paddock.
7. -	D ^o	Leather-fellers Company	Thomas Holnefs	Paddock and Garden.
8. -	D ^o	D ^o - D ^o	James Marshall	D ^o - D ^o .
9. 9. -	D ^o	D ^o - D ^o	John Harris	D ^o - D ^o .
10. -	D ^o	D ^o - D ^o	Thomas Littler	D ^o - D ^o .
11. -	D ^o	D ^o - D ^o	James Rogers	Garden.
17. 18. -	Deptford	Haberdashers Company	Timothy Stansfield	Paddock or Lawn.
21. -	D ^o	D ^o - D ^o	Robert Edmonds	Garden Ground.
23. -	D ^o	D ^o - D ^o	Robert Edmonds	D ^o - D.
9. 9. -	D ^o	John Bonner	Edward Butler	Paddock and Garden.
1. -	Rotherhithe	John Hanna	William Howard	Garden.
2. -	D ^o	The Rev. Thomas Hambly	D ^o	D ^o .
3. -	D ^o	D ^o	Thomas Hambly	Paddock.
12. -	D ^o	Messrs. Howard and Co.	In Hand	D ^o .
13. -	D ^o	The R. H. Henry Frederick Lord Carteret ; John Leveson Gower Esq. & The Rev. Thomas Granville, Clerk	William Roberts	D ^o .
14. -	D ^o	D ^o - D ^o - D ^o	The Honourable the Commissioners of His Majesty's Victualling Office	D ^o .
15. -	D ^o	D ^o - D ^o - D ^o	In Hand	Sheds and Yard.
16. -	D ^o	D ^o - D ^o - D ^o	Stephen Bacon	D ^o - D ^o .
17. -	D ^o	William Ardlie	David Matthews	D ^o - D ^o .
18. -	D ^o	John Wilkinson Esq.	In Hand	Buildings and Yard.
19. -	D ^o	William Ardlie	David Matthews	Wharf, Yards, and Buildings.