



ANNO QUINQUAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 120.

An Act for explaining and amending an Act of His present Majesty, for making a Navigable Canal from the River *Thames* or *Isis*, near *Abingdon* in the County of *Berks*, to join the *Kennet* and *Avon* Canal, near *Trowbridge* in the County of *Wilts*; and certain Navigable Cuts. [3d June 1813.]

WHEREAS by an Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a navigable Canal from the River Thames or Isis, at or near the Town of Abingdon in the County of Berks, to join or communicate with the Kennet or Avon Canal, at or near the Town of Trowbridge in the County of Wilts, and also certain navigable Cuts therein described,* certain Persons in the said Act named were incorporated, for the Purposes in the said Act mentioned, by the Name of the "Company of Proprietors of the *Wilts* and *Berks* Canal Navigation;" and it was thereby, amongst other Things, enacted, "That nothing in the said Act contained should extend or be construed to extend to authorize or empower the said Company of Proprietors, or their Successors, to alter, divert, or make use of any Springs, Watercourses, Brooks, or Streams of Water arising in or flowing through any of the Estates belonging to the Honourable *Daines Barrington*, the Honourable *Samuel Barrington*, and the Honourable and Right Reverend *Shute* Lord Bishop of *Durham*, or any of them, situate in the Tything of *Beckett*, in the Parish of *Shrivenham* in the said County

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County of *Berks*, at any Time or Times whatsoever, when the same should be wanted for supplying the Fishponds and Waterworks on the said Estates with Water, or for any other Purpose, so as to prevent the same Springs, Watercourses, Brooks, or Streams of Water respectively, or any of them, when wanted as aforesaid, from running or flowing in their usual Course and Direction, in as full, ample, useful, and beneficial a Manner as theretofore accustomed, without the Consent of the said *Daines Barrington*, *Samuel Barrington*, and *Shute* Lord Bishop of *Durham*, or the Owners of the said Estates for the Time being, in Writing for that Purpose first had and obtained :” And whereas such Provisions have been found ineffectual to protect, preserve, and secure to and for the said Estates, and the Owners and Proprietors thereof, the Use, Enjoyment, and Advantage of the said Springs, Watercourses, Brooks, or Streams of Water running and flowing to and through the said Estates, in as full, ample, useful, and beneficial a Manner as the same were possessed, had and enjoyed, before the passing of the said Act : And whereas great Detriment and Injury hath been occasioned, and will continue to be occasioned to the Estates, by reason of the said Provisions in the said Act being ineffectual 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 the said recited Clause in the said Act of the Thirty-fifth Year of His present Majesty’s Reign, shall be and the same is hereby repealed.

Clause in the Act repealed.

Company of Proprietors not to divert Water from the Beckett Estate.

II. And be it further enacted, That nothing in the said recited Act contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors, or their Successors, or their Agents, Servants, or others, at any Time or Times whatsoever, or under any Pretence whatsoever, to alter, divert, or make use of any Water from the Brook or Stream of Water running from *Ashbury* and *Knighton*, to or through any of the said Estates in the said recited Provision referred to, and thereby mentioned then to belong to the said Honourable *Daines Barrington*, the Honourable *Samuel Barrington*, and the Right Reverend *Shute* Lord Bishop of *Durham*, in the Tything of *Beckett* in the said Parish of *Shrivenham*, or of any Springs or Streams flowing into the said Brook or Stream of Water (except a Brook or Stream called the *Idston* Brook, and the Springs or Streams running into the same before its Junction with the said *Ashbury* Brook), or to diminish in any respect whatever the said Brook or Stream of Water so running from *Ashbury* and *Knighton*, or to prevent the same from running or flowing in the usual Course and Direction to and through the said Estates, in as full, ample, useful, and beneficial a Manner, as the same was accustomed to run and flow before the passing of the said Act.

The Company to fill up and discontinue a Cut or Feeder into *Ashbury* Brook.

III. And it is hereby further enacted, That the said Company of Proprietors shall be, within Three Calendar Months from the passing hereof, bound and they are hereby ordered and directed, at their own Costs and Expenses, effectually and completely to fill up with Earth at least One Hundred Yards of a certain Cut or Feeder which was lately made or cut by the said Company of Proprietors from the said Stream or Brook so running from *Ashbury* and *Knighton* to the said Stream or Brook called the *Idston* Stream or Brook, for the Purpose of drawing off or diverting the

the Water of the said *Asbury* Stream or Brook to the said *Idston* Stream or Brook, beginning at the Point where the said Cut enters the said *Asbury* Stream, so as that no Water or Waters whatsoever shall hereafter, either by Means of that Cut, or in any other Manner whatever, be taken, drawn, or diverted from the said *Asbury* Stream or Brook, or the Springs or Streams running into the same as aforesaid, except as aforesaid.

IV. And it is hereby further enacted, That the said Company of Proprietors shall within Three Calendar Months after the passing hereof be bound and they are hereby ordered and directed, at their own Costs and Expenses, to lay down a Pipe of One Inch Bore or Diameter in and through the Dam or Dams which confine the Waters of the *Idston* Stream or Brook, so as that the Water shall constantly be kept flowing through such Pipe for the Supply of a certain Farm and Lands in the Parish of *Shrivenham*, now occupied by *Edward Warren*; and the said Company shall also at their own Costs and Expenses from Time to Time keep such Pipe constantly in repair, and shall not by any Ways or Means whatsoever prevent or interrupt or diminish the constant Passage of the Water through the same for the Purpose of such Supply as aforesaid.

Company to lay a Pipe to supply Water from *Idston* Stream to *Warren's* Farm.

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

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